



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-088

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. In the rule summary’s listing of statutes interpreted, the citation to s. 601.41 (3), Stats., could be removed, as that provision grants general rulemaking authority and does not address the specific program that is implemented in the proposed rule.

b. In the rule summary’s listing of statutory authority, the citation to s. 601.83, Stats., could more precisely cite to sub. (1) (g) of that provision, as noted in the explanation of authority to promulgate the rule. The explanation also includes a reference to s. 601.42 (1g) and (2), Stats., which could be added to the listing of statutory authority.

c. In the rule summary’s listing of federal statutes or regulations, the entry is listed as “none”. However, the text of the proposed rule cites the Affordable Care Act and CMS requirements. Those sources should be identified and described in the rule summary.

d. In the rule summary, if a preliminary hearing and comment period was held on the scope statement for the proposed rule, a heading and entry should be inserted to provide a summary of the public comments received and a description of how the feedback was taken into account in drafting the proposed rule. [s. 227.14 (2) (a) 3m., Stats.]

e. The rule summary’s entry for the deadline to submit comments on the proposed rule should be updated to reflect the hearing and deadline dates that are given in the notice of public hearing.

f. In s. Ins 19.01, the parentheses and the enclosed acronym “WIHSP” should be removed. Because the acronym is used elsewhere in the proposed rule, the acronym should be

added to the definitions in s. Ins 19.02. The same comment applies to the use of the acronym “CMS” in s. Ins 19.02 (4), and “FTP” in s. Ins 19.11 (2) (intro.). [s. 1.01 (6) and (8), Manual.]

g. In s. Ins 19.03, the provision is subdivided unnecessarily, as there is no sub. (2) following sub. (1). When a provision is divided into smaller subunits, at least two subunits must be created. Accordingly, the designation for sub. (1) should be removed and pars. (a) to (d) should be revised to subs. (1) to (4). The same comment applies to s. Ins 19.07. [s. 1.03 (1), Manual.]

h. In s. Ins 19.21 (intro.), introductory language should be inserted to explain the applicability of the subunits, and the introduction should end in a colon. The same comment applies to s. Ins 19.22 (intro.) and (1) (intro.). [s. 1.03 (3), Manual.]

i. In SECTION 2 of the proposed rule, the phrase “in the Wisconsin Administrative Register” should be inserted after the word “publication”. [s. 1.02 (4) (a) (Example), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

In s. Ins 19.10, the provision specifies that information collected under s. Ins 19.04 (1) may be used to satisfy federal and state reporting requirements. However, the rule does not contain s. Ins 19.04. Instead, was this intended as a reference to s. Ins 19.07 or 19.11, or some other provision? The cross-reference should be reviewed and corrected as appropriate.

5. Clarity, Grammar, Punctuation and Use of Plain Language

In s. Ins 19.02 (4), it appears that the reference to guidance from the “office” means guidance from CMS. However, the word “office” is a defined term that means OCI. Consider rephrasing this provision to avoid any confusion.