



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 21-071

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

The rule should cite ss. 450.11 (1b) (a) 1. and 961.38 (2), Stats., as additional sources of statutory authority. Section 450.11 (1b) (a) 1., Stats., authorizes the board to identify additional types of health care facilities for the purposes of identification card requirements under s. Phar 8.06 (1) of the proposed rule, and s. 961.38 (2), Stats., authorizes the board to define “emergency situations” for the purposes of dispensing schedule II controlled substances under s. Phar 8.07 of the proposed rule.

2. Form, Style and Placement in Administrative Code

Section Phar 8.05 appears to contain a number of different requirements relating to recordkeeping and recordkeeping systems. Consider organizing the material into subsections for clarity and readability.

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

A number of provisions, including ss. Phar 8.03 (3), 8.06 (2), and 8.08, appear to be reiterations of statutes without additional interpretation or effect. Consider whether those provisions need to be included in the administrative code.

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

In the “Explanation of Agency Authority” section of the rule analysis, the description of s. 450.02 (3), Stats., should change “[t]” to “[t]he”.