

# Report From Agency

DEPARTMENT OF HEALTH SERVICES  
Office of Legal Counsel  
F-02113 (08/2017)

STATE OF WISCONSIN  
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## RULEMAKING REPORT TO LEGISLATURE

### CLEARINGHOUSE RULE 20-068

Chs. DHS 5, 10, 60, 61, 63, 88, 101, 103, 104, 105, 106, 107, 110, 124, 129, 134, 152

#### Basis and Purpose of Proposed Rule

The objective of this proposed rulemaking order is to comply with 2019 Executive Order 15. The executive order requires each state agency to review its administrative rules and replace any derogatory or offensive terms with current, inclusive terms. Because the Department has been directed by 2019 Executive Order 15 to update the affected rules, there is no reasonable alternative to rulemaking. Many of the affected rule chapters were amended by 2019 Wis. Act 1, and the Department seeks to amend any outdated and non-inclusive terms not addressed by 2019 Wis. Act 1 or the Department's other active rulemaking projects.

#### Department Response to Legislative Council Rules Clearinghouse Recommendations

The Department accepts the recommendations made by the Legislative Council Rules Clearinghouse and has modified the proposed rule where suggested. Additionally, the Department made changes to ss. DHS 61.022 (5) and 63.02 (12)-specifically, updating the definition of "developmental disability" for consistency with s. 51.01 (5) (a). The Legislative Council Rules Clearinghouse brought these provisions to the Department's attention in the report for CR 20-067.

#### Final Regulatory Flexibility Analysis

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The issues raised by each small business during the public hearing(s).

The proposed rules will not have an economic impact on small businesses.

Any changes in the rule as a result of an alternative suggested by a small business and the reasons for rejecting any of those alternatives.

No alternatives were suggested by a small business. The proposed rules will not have an economic impact on small businesses.

The nature of any reports and estimated cost of their preparation by small businesses that must comply with the rule.

The proposed rules will not have an economic impact on small businesses.

The nature and estimated costs of other measures and investments that will be required by small businesses in complying with the rule.

The proposed rules will not have an economic impact on small businesses.

The reason for including or not including in the proposed rule any of the following methods for reducing the rule's impact on small businesses, including additional cost, if any, to the department for administering or enforcing a rule which includes methods for reducing the rule's impact on small businesses and the impact on public health, safety and welfare, if any, caused by including methods in rules

The proposed rules will not have an economic impact on small businesses.

#### Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis

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##### Analysis

The Department made all of the following changes based on the Legislative Council's Rules Clearinghouse report:

- Revising the caption to remove unnecessary rule designations.
- Adding statutory citations in the "statutes interpreted" section of the proposed rule order.
- Adding Titles VI and IX of the Civil Rights Act and the Rehabilitation Act of 1973 to the "related federal statutes and regulations" section of the proposed rule order.
- Grammatical and formatting changes throughout the rule and analysis for consistency with the Administrative Rules Procedures Manual.

##### Fiscal Estimate/Economic Impact Analysis

No changes were made to the fiscal estimate/economic impact analysis.

**Public Hearing Summary**

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The Department began accepting public comments on the proposed rule via the Wisconsin Legislature Administrative Rules website, and through the Department's Administrative Rules Website on February 1, 2021. A public hearing was held on February 12, 2021, in a virtual conference call. Public comments on the proposed rule were accepted until end of business February 12, 2021.

**List of the persons who appeared or registered for or against the Proposed Rule at the Public Hearing.**

| <b>Registrant</b> | <b>Position Taken<br/>(Support or Opposed)</b> |
|-------------------|--|
| Barbara Godsey    | Neither  |
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## Summary of Items Submitted with this Report to the Legislature

Below is a checklist of the items that are attached to or included in this report to the legislature under s. 227.19 (3), Stats.

| Documents/Information   | Included in Report | Attached | Not Applicable |
|---|--------------------|----------|----------------|
| Final proposed rule -- Rule Summary and Rule Text   |                    | x        |                |
| Department response to Rules Clearinghouse recommendations  | x                  |          |                |
| Final Regulatory Flexibility Analysis   | x                  |          |                |
| Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis   |                    |          | x              |
| Public Hearing Summary  | x                  |          |                |
| List of Public Hearing Attendees and Commenters   | x                  |          |                |
| Summary of Public Comments and Department Responses   | x                  |          |                |
| Fiscal Estimate/Economic Impact Analysis  |                    | x        |                |
| Revised Fiscal Estimate/Economic Impact Analysis  |                    |          | x              |
| Small Business Regulatory Review Board (SBRRB) statement, suggested changes, or other material, and reports made under s. 227.14 (2g), Stats. and Department's response |                    |          | x              |
| Department of Administration (DOA) report under s. 227.115 (2), Stats., on rules affecting housing  |                    |          | x              |
| DOA report under s. 227.137 (6), Stats., on rules with economic impact of \$20 MM or more   |                    |          | x              |
| Public Safety Commission (PSC) energy impact report under s. 227.117 (2), Stats. and the Department's response, including a description of changes made to the rule     |                    |          | x              |