



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 15-057

AN ORDER to create ch. DE 14, relating to informed consent.

Submitted by **DENTISTRY EXAMINING BOARD**

08-04-2015 RECEIVED BY LEGISLATIVE COUNCIL.

08-31-2015 REPORT SENT TO AGENCY.

SG:JEO



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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.]

1. Statutory Authority

The agency should consider including a reference to s. 447.40, Stats., in the authority provision in order to complement the reference to s. 447.02 (2) (i), Stats.

2. Form, Style and Placement in Administrative Code

a. The agency should consider placing the exceptions in s. DE 14.03, after the substantive recordkeeping provisions of the rule. [See s. 1.02 (3), Manual.]

b. The agency should consider referring to the statutory language when possible (i.e., the list of exceptions) to avoid repetition of the statute. [s. 1.08 (1), Manual.] Once referenced, statutory material may be reproduced in a note for convenient access.

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

It appears the agency intends to refer to s. 15.08 (5) (b), Stats., in s. DE 14.01 (1), rather than s. 15.085 (5) (b).

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

a. The verb “adopted” in s. DE 14.01 (1) needs a helping verb. (i.e., “are”).

b. In the plain language analysis, the agency refers to obtaining informed consent prior to treatment. Should this requirement be explicitly stated in s. DE 14.02?

c. The placement of the phrase "in keeping with ch. DE 8" in s. DE 14.04 makes its meaning ambiguous. The agency should consider alternative phrasing if the intended meaning is to require documentation in keeping with ch. DE 8, as ch. DE 8 addresses documentation and not the obtaining of informed consent.