



**Scott Walker, Governor**  
**Dave Ross, Secretary**

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**HEARING AND SPEECH EXAMINING BOARD**  
**Room 121A, 1400 E. Washington Avenue, Madison**  
**Contact: Brittany Lewin (608) 266-2112**  
**January 11, 2016**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.*

**AGENDA**

**1:00 P.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Adoption of Agenda (1-2)**

**B. Approval of Minutes of October 12, 2015 (3-5)**

**C. Election of Officers (6-8)**

**D. Appointment of Liaisons and Delegation of Authority – Discussion and Consideration**

**E. Administrative Updates**

- 1) Board and Staff Updates
- 2) Board Member – Term Expiration Date
  - a. Doreen Jensen – 07/01/2016
  - b. Barbara Johnson – 07/01/2017
  - c. Steven Klapperich – 07/01/2015
  - d. Thomas Krier – 07/01/2017
  - e. Scott Larson – 07/01/2017
  - f. Thomas Sather – 07/01/2015
  - g. Patricia Willis – 07/01/2018

**F. 1:00 P.M.: Public Hearing on Clearinghouse Rule 15-096 Relating to Licensure of Speech-language Pathologists, Audiologists, Temporary Licenses and Renewal and Reinstatement of Credentials Granted by the Board (9-25)**

- 1) Review and Respond to Clearinghouse Report and Public Hearing Comments

**G. 1:00 P.M.: Public Hearing on Clearinghouse Rule 15-097 Relating to Designating a Written Examination for Hearing Instrument Specialists (26-33)**

- 1) Review and Respond to Clearinghouse Report and Public Hearing Comments

**H. Legislative and Administrative Rule Matters – Discussion and Consideration (34)**

- 1) Update on Legislation and Pending or Possible Rulemaking Projects

**I. Items Added After Preparation of Agenda**

- 1) Election of Board Officers
- 2) Appointment of Liaisons
- 3) Introductions, Announcements and Recognition
- 4) Presentations of Petition(s) for Summary Suspension
- 5) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 6) Presentation of Final Decisions
- 7) Disciplinary Matters
- 8) Executive Director Matters
- 9) Education and Examination Matters
- 10) Credentialing Matters
- 11) Practice Matters
- 12) Legislation/Administrative Rule Matters
- 13) Liaison Report(s)
- 14) Informational Item(s)
- 15) Speaking Engagement(s), Travel or Public Relation Request(s)

**J. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.)**

**K. Deliberation on Division of Legal Services and Compliance (DLSC) Matters**

**L. Deliberation of Items Received After Preparation of the Agenda**

- 1) Disciplinary Matters
- 2) Education and Examination Matters
- 3) Credentialing Matters
- 4) Application Matters
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petition(s) for Summary Suspensions
- 8) Petition(s) for Extension of Time
- 9) Proposed Stipulations, Final Decisions and Orders
- 10) Administrative Warnings
- 11) Proposed Decisions
- 12) Matters Relating to Costs
- 13) Motions
- 14) Petitions for Rehearing
- 15) Case Closings
- 16) Appearances from Requests Received or Renewed
- 17) License Ratification

**M. Consulting with Legal Counsel**

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

**N. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate**

**ADJOURNMENT**

The Next Scheduled Meeting is April 11, 2016.

**HEARING AND SPEECH EXAMINING BOARD  
MEETING MINUTES  
OCTOBER 12, 2015**

**PRESENT:** Doreen Jensen, Barbara Johnson, Steven Klapperich, Thomas Krier, Scott Larson, Thomas Sather, Patricia Willis

**STAFF:** Brittany Lewin - Executive Director, Sharon Henes - Administrative Rules Coordinator; Nilajah Hardin - Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Thomas Sather, Vice Chair, called the meeting to order at 1:03 p.m. A quorum of seven (7) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *Adding Item: "L. License Ratification"*

**MOTION:** Doreen Jensen moved, seconded by Scott Larson, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES**

**July 13, 2015**

**MOTION:** Doreen Jensen moved, seconded by Patricia Willis, to approve the minutes of July 13, 2015 as published. Motion carried unanimously.

**August 21, 2015**

**MOTION:** Barbara Johnson moved, seconded by Steven Klapperich, to approve the minutes of August 21, 2015 as published. Motion carried unanimously.

**LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS**

**HAS 3 Relating to Examinations**

**MOTION:** Barbara Johnson moved, seconded by Doreen Jensen, to authorize Thomas Sather to approve the preliminary rule draft of HAS 3 relating to Examinations for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

## **HAS 6, 7 Relating to Licensure and Renewal**

**MOTION:** Steven Klapperich moved, seconded by Doreen Jensen, to authorize Thomas Sather to approve the preliminary rule draft of HAS 6, 7 relating to Licensure and Renewal for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Thomas Krier moved, seconded by Scott Larson, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Thomas Sather, Vice Chair; read the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Doreen Jensen-yes; Barbara Johnson-yes; Steven Klapperich-yes; Thomas Krier-yes; Scott Larson-yes; Thomas Sather-yes; Patricia Willis-yes. Motion carried unanimously.

The Board convened to Closed Session at 3:10 p.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Steven Klapperich moved, seconded by Thomas Krier, to reconvene to open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:33 p.m.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Doreen Jensen moved, seconded by Thomas Krier, to affirm all votes made in closed session. Motion carried unanimously.

### **PROPOSED STIPULATION(S), FINAL DECISION(S), AND ORDER(S)**

#### **14 HAD 010 – J.W.J.**

**MOTION:** Doreen Jensen moved, seconded by Barbara Johnson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jerrold W. Jerue, DLSC case number 14 HAD 010. Motion carried.  
Recused: Scott Larson

*(Scott Larson recused himself and left the room for deliberation and voting in the matter of Jerrold W. Jerue, DSLC case number 14 HAD 010.)*

**15 HAD 004 – P.N.H.**

**MOTION:** Steven Klapperich moved, seconded by Thomas Krier, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Phillip N. Heistad, DLSC case number 15 HAD 004. Motion carried unanimously.

**15 HAD 011 – R.V.V.**

**MOTION:** Steven Klapperich moved, seconded by Doreen Jensen, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Richard Ver Voot, DLSC case number 15 HAD 011. Motion carried. Recused: Barbara Johnson

*(Barbara Johnson recused herself and left the room for deliberation and voting in the matter of Richard Ver Voot, DLSC case number 15 HAD 011, DSLC case number 14 HAD 010.)*

**LICENSE RATIFICATION**

**MOTION:** Steven Klapperich moved, seconded by Thomas Sather, that the Board ratify the scores from the October 12, 2015 exams and grant the licenses once requirements are met. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Steven Klapperich moved, seconded by Scott Larson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:34 p.m.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Nilajah Hardin, Bureau Assistant</b>		2) Date When Request Submitted:  <b>12/30/15</b>  <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections:  <b>Hearing and Speech Examining Board</b>			
4) Meeting Date:  <b>01/11/16</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>Election of Officers Appointment of Liaisons and Delegation of Authority</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  <b>N/A</b>	
10) Describe the issue and action that should be addressed:  <b>The Board shall Elect Officers and have the Chair appoint Liaisons. The Board shall also complete delegations of authority as necessary.</b>			
11) Authorization			
<i>Nilajah D. Hardin</i>		<b>12/30/15</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**HEARING AND SPEECH EXAMINING BOARD  
2015 ELECTED BOARD MEMEBERS AND APPOINTMENT OF ASSIGNMENTS  
(1/12/2015)**

**ELECTION OF OFFICERS**

<b>2015 ELECTION RESULTS</b>	
<b>Board Chair</b>	Samuel Gubbels
<b>Vice Chair</b>	Thomas Sather
<b>Secretary</b>	Scott Larson

**APPOINTMENT OF LIAISONS AND DELEGATED AUTHORITIES**

<b>2015 LIAISON APPOINTMENTS</b>	
Credentialing Liaison(s)	Patricia Willis, Thomas Sather, Steven Klapperich, Doreen Jensen, Scott Larson, Barbara Johnson, Samuel Gubbels
DLSC Monitoring Liaison(s)	Doreen Jensen
DLSC PAP Liaison(s)	Samuel Gubbels
Website Liaison(s)	Thomas Krier, Doreen Jensen, Scott Larson, Thomas Sather
Practice Question Liaison(s)	Steven Klapperich, Patricia Willis, Barbara Johnson
Continuing Education (CE) Liaison(s)	Patricia Willis, Thomas Sather, Thomas Krier, Barbara Johnson
Exam Liaison(s)	Steven Klapperich, Doreen Jensen, Barbara Johnson
Legislative Liaison(s)	Samuel Gubbels

2015 SCREENING PANEL APPOINTMENTS	
February 2015-January 2016	Steven Klapperich, Barbara Johnson, Patricia Willis, Thomas Sather, Scott Larson

**MOTION:** Doreen Jensen moved, seconded by Thomas Krier, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

**MOTION:** Doreen Jensen moved, seconded by Thomas Sather, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

**MOTION:** Thomas Krier moved, seconded by Steven Klapperich, to adopt the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document. Motion carried unanimously.

**MOTION:** Doreen Jensen moved, seconded by Scott Larson, to delegate authority to the Credentialing Liaison(s) to address all issues related to credentialing matters except potential denial decisions which should be referred to the full Board for final determination. Motion carried unanimously.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes Administrative Rules Coordinator</b>		2) Date When Request Submitted:  23 December 2015  Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  Hearing and Speech Examining Board			
4) Meeting Date:  11 January 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Public Hearing on Clearinghouse Rule 15-096 relating to licensure of speech-language pathologists, audiologists, temporary licenses and renewal and reinstatement of credentials granted by Board.</b>  <b>Review and respond to Clearinghouse Report and Public Hearing comments</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  <b>Hold Public Hearing at 1:00 p.m.</b>  <b>Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments.</b>			
11) Authorization			
<i>Sharon Henes</i>		<i>23 December 2015</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
HEARING AND SPEECH EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	HEARING AND SPEECH
HEARING AND SPEECH EXAMINING	:	EXAMINING BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Hearing and Speech Examining Board to repeal HAS 6.04 (b) 2, 6.04 (7), 6.05, 6.09 (3), 6.11 and 7.05; to consolidate, renumber and amend HAS 6.04 (6) (b) (intro) and 1; to amend HAS 6.03 (6) (intro) and (a), 6.04 (5), 6.04 (6) (intro) and (a) and 7.04; to repeal and recreate HAS 6.07, 6.08, 6.10 and 7.03; and to create HAS 7.06 relating to licensure of speech-language pathologists, audiologists and temporary licenses and requirements for renewal and reinstatement of credentials granted by the hearing and speech examining board.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** ss. 459.09, 459.24 (2), (3), (5), and (6), 459.28, 459.32 and 459.34 (b), Stats.

**Statutory authority:** ss. 15.08 (5) (b), 459.12 (1), and 459.24 (6) (c), Stats.

**Explanation of agency authority:**

Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession. s. 15.08 (5)(b)

The examining board may make rules not inconsistent with the laws of the this state which are necessary to carry out the intent of this chapter. s. 459.12 (1)

A temporary license granted under this subsection is valid for a period designated in rules promulgated by the examining board. The rules may designate a period that terminates if an applicant fails to take the next available examination under s. 459.26 (2) (a) or (b) for reasons other than inaction by the examining board or hardship. s. 459.24 (6) (c).

**Related statute or rule:**

**Plain language analysis:**

Section 1 repeals definitions no longer used in the rule.

Section 2 amends the definition of “postgraduate clinical fellowship” to not include audiology.

Section 3 clarifies the sentence and references the updated degree requirements.

Section 4 amends the examination required for speech-language pathologist applicants from the National Examination for Speech-language Pathology and Audiology (NESPA) to the Praxis Speech Language Pathology examination.

Section 5 amends the supervised clinical practicum and doctoral degree to align with the statutory change resulting from 2009 Act 356.

Section 6 amends the examination required for audiologist applicants from the National Examination for Speech-language Pathology and Audiology (NESPA) to the Praxis Audiology examination.

Section 7 and 8 changes the examination to the Praxis Audiology examination and eliminates the doctoral options as being equivalent education to the exam. 2009 Act 356 changed the educational requirement from a master’s degree to a doctoral degree, therefore, the higher degree is no longer a replacement for the examination.

Section 9 eliminates the postgraduate clinical fellowship in audiology as that requirement was removed in 2009 Act 356.

Section 10 repeals HAS 6.05 due to redundancy. The previous sections address the required examinations as part of the application process.

Section 11 repeals and recreates the reciprocal license section. A speech-language pathologist holding an active license in good standing in another state is granted a Wisconsin license if the requirements for licensure are substantially equivalent to the Wisconsin requirements. An audiologist holding an active license in good standing in another state is granted a Wisconsin license if the requirements are substantially equivalent to the Wisconsin requirements or the applicant holds a master’s degree and completed a supervised clinical practicum.

Section 12 repeals and recreates the limited permit section to clarify the requirements and align the requirements with the statute. A non-resident applicant meeting the Wisconsin education requirements who does not have an arrest or conviction record related to the practice may obtain a limited permit to practice in association with a licensed speech-language pathologist or licensed audiologist up to 10 days in a calendar year. A non-resident applicant who holds a license as a speech-language pathologist or audiologist in another state which has licensure requirements substantially equal to Wisconsin’s licensure requirements may obtain a limited permit for a period of 45 days in a calendar year.

Section 13 repeals the definition of temporary license as the definition is incorrect and not necessary.

Section 14 repeals and recreates the section on temporary licenses in order to clarify and align with statutes. An applicant for a speech-language pathology temporary license shall file an application, pay the fee, provide evidence of not having an arrest or conviction record related to the practice of speech-language pathology, evidence of having completed a master's degree in speech-language pathology and be registered to take the next available examination. The temporary license is valid for 18 months and may be renewed once by the board. While practicing under a speech-language pathology license, the person shall be supervised and the supervisor shall approve of the services provided in the client files. An applicant for a temporary license to practice audiology shall file an application, fee, provide evidence of not having an arrest or conviction record related to the practice of audiology, evidence of having completed a doctoral degree and has passed the Praxis Audiology examination. The temporary license is valid for 6 months and may be renewed once to allow time for the applicant to take the next available practical examination if the applicant fails the practical exam and signs up for the next exam or can show hardship.

Section 15 repeals the section on supervision as it is now addressed in the new recreated HAS 6.10.

Section 16 repeals and recreates the section on renewal of license. A licensee renewing within 5 years pays the fee, any applicable late renewal fee and certifies completion of continuing education. After 5 years the license may be renewed by paying the fee, the late fee, and if the person is not holding an active license in another state, completes and passes the written examination required for initial licensure.

Section 17 removes the reference to HAS 7.05.

Section 18 repeals the section on late renewal as it now addressed in the new HAS 7.03.

Section 19 creates a section on reinstatement of a license. A person who has not renewed their license within 5 years and has not completed disciplinary requirements or a person whose license was surrendered or revoked may apply to have that license restored by completion of any unmet disciplinary requirements and provide evidence of rehabilitation or change in circumstances warranting a reinstatement of the license. In addition, if the license has not been active within the previous 5 years, the person would have to meet the requirements for renewing a license after 5 years.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Speech-language pathology applicants are required to complete a master's degree, pass the Praxis Speech-Language Pathology examination and complete 9 months of supervised experience. Audiology applicants are required to complete a doctoral degree, pass the Praxis

Audiology examination and complete 9 months of supervised experience. A speech-language pathologist shall obtain a temporary license upon complete of education and exam in order to complete the supervised professional experience. In order to renew a credential, a license holder must pay fee and submit proof of continuing education. Renewal after 5 years requires evidence of holding a license in another state or successful completion of the initial credentialing examination within 1 year of the renewal.

**Iowa:** Speech-language pathology applicants are required to complete a master's degree in speech pathology which includes a supervised clinical training, pass the Praxis Speech-Language Pathology examination and 9 months of supervised clinical experience. American Speech-Language Hearing Association certificate of clinical competence is proof of meeting the requirements. Audiology applications are required to complete a master's or doctoral degree in audiology which includes a supervised clinical training, pass the Praxis Audiology examination and 9 months of supervised clinical experience. American Speech-Language Hearing Association certificate of clinical competence is proof of meeting the requirements. A temporary license is required for speech-language pathology and audiology applicants to complete their supervised clinical training. A non-resident may obtain a temporary permit to practice speech pathology or audiology by demonstrating the applicant meets the same standards as Iowa and documenting the need for a permit. The temporary permit is for a period to not exceed 3 months. In order to renew a credential, a license holder must pay fee and submit proof of continuing education. Renewal after 5 years requires verification of licensure in another state or completion of 60 hours of continuing education and passage of the initial credentialing exam.

**Michigan:** Speech-language pathology applicants are required to complete a master's degree in speech pathology which includes a supervised clinical training, pass the Praxis Speech-Language Pathology examination and 1,260 hours of supervised clinical experience. Audiology applicants are required to complete a master's or doctoral degree in audiology, Praxis Audiology exam and complete 9 months of supervised clinical experience. In order to renew a credential, a license holder must pay fee and submit proof of continuing education. Renewal after 3 years requires proof of licensure in another state or passage of the initial credentialing exam within the last 2 years.

**Minnesota:** Speech-language pathology applicants are required to complete a master's degree in speech pathology which includes a supervised clinical training, and pass the national examination. Audiology applicants are required to complete a master's or doctoral degree in audiology, which includes a supervised clinical training and pass the national examination. Temporary license may be obtained by a person who is credentialed in another state or territory or has a current certificate of clinical competence issued by American Speech-Language Hearing Association and is valid for 90 days. In order to renew a credential, a license holder must pay fee and submit proof of continuing education.

### **Summary of factual data and analytical methodologies:**

The Board reviewed and updated the chapters to bring them into compliance with 09 Act 356, 13 Act 114 and current practices.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before the public hearing to be held on January 11, 2016 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. HAS 6.02 (1m) and (5) are repealed.

SECTION 2. HAS 6.02 (6) is amended to read:

HAS 6.02 (6) "Postgraduate clinical fellowship" means a program approved by the board consisting of a minimum of 9 months of supervised clinical practice in speech-language pathology or audiology provided in the work setting to which an applicant is seeking licensure.

SECTION 3. HAS 6.02 (9) is amended to read:

HAS 6.02 (9) "Supervised clinical practicum" means a program required by a college or university for completion of a master's degree ~~that consists of supervised applications~~ of in speech-language pathology or a doctoral degree in audiology.

SECTION 4. HAS 6.03 (6) (intro) and (a) are amended to read:

~~HAS 6.03 (6) Written verification~~ Verification forwarded directly to the board by the NESPA examination administrator, ASHA, course providers or trainers, as appropriate, stating that the applicant has satisfied one of the following:

(a) ~~Passed the NESPA Praxis Speech-Language Pathologist examination required under s. HAS 6.05.~~

SECTION 5. HAS 6.04 (5) is amended to read:

**HAS 6.04 (5)** Evidence satisfactory to the board that the applicant has completed a supervised clinical practicum and satisfied one of the following:

(a) ~~Completed a supervised clinical practicum and received a master's~~ Possesses a doctoral degree in audiology from a college or university in an accredited academic program. The doctoral degree program shall consist of not less than 3 years of educational course work and not less than 12 months of clinical rotation or externship.

(b) ~~Completed~~ Evidence satisfactory to the examining board that the applicant has completed education or training that the board determines is substantially equivalent to the requirements for licensure requirement under par. (a). ~~that may include evidence that the applicant has been granted an Au.D. degree from a college or university approved by the board.~~

SECTION 6. HAS 6.04 (6) (intro) and (a) is amended to read:

**HAS 6.04 (6)** ~~Written verification~~ Verification forwarded directly to the board by the NESPA examination administrator, ASHA, course providers or trainers, as appropriate, stating that the applicant has satisfied one of the following:

(a) ~~Passed the NESPA Praxis Audiology examination required under s. HAS 6.05.~~

SECTION 7. HAS 6.04 (6) (b) (intro) and 1. are consolidated, renumbered 6.04 (b) and amended to read:

**HAS 6.04 (b)** Completed education or training that the board determines is substantially equivalent to passing the NESPA Praxis Audiology examination. ~~that may include evidence satisfactory to the board that the applicant has received one of the following:~~ A certificate of clinical competence in audiology granted by ASHA is considered equivalent.

SECTION 8. HAS 6.04 (b) 2. is repealed.

SECTION 9. HAS 6.04 (7) is repealed.

SECTION 10. HAS 6.05 is repealed.

SECTION 11. HAS 6.07 is repealed and recreated to read:

**HAS 6.07 Reciprocal license (1) SPEECH-LANGUAGE PATHOLOGY.** The Board shall grant a license to practice speech-language pathology to an applicant who pays the fee required by 440.05 (2), Stats., and provides evidence of all the following:

- (a) The applicant has a current license to practice speech-language pathology in good standing in another state or territory of the United States.
  - (b) The requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24(2).
- (2) **AUDIOLOGY.** The Board shall grant a license to practice audiology to an applicant who pays the fee required by 440.05(2), Stats., and provides evidence of one of the following:
- (a) The applicant has a current license to practice audiology in good standing in another state or territory of the United States and the requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24(3).
  - (b) The applicant has a current license to practice audiology in good standing in another state or territory of the United States and provides evidence of all the following:
    1. The requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24 (3)(c), (e), and (em)
    2. The applicant has completed a supervised clinical practicum and received a master's degree in audiology from a college or university approved by the examining board or has completed education or training that the examining board determines is substantially equivalent to the completion of those requirements.
- (3) **RECIPROCAL AGREEMENTS.** A license to practice speech-language pathology or audiology may be granted to applicants according to the terms of a reciprocal agreement the Board has entered into with another state or territory.

SECTION 12. HAS 6.08 is repealed and recreated to read:

**HAS 6.08 Limited permit (1)** A non-resident applicant for a limited permit to practice in association with a licensed speech-language pathologist or licensed audiologist for a period not to exceed 10 days in any calendar year shall submit the application, pay the fee specified in 440.05(6), Stats., and provide evidence of all of the following:

- (a) The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.
  - (b) Completion of one of the following:
    1. The requirements in HAS 6.03(5) for the practice of speech-language pathology.
    2. The requirements in HAS 6.04(5) for the practice of audiology.
- (2) A non-resident applicant for a limited permit to practice speech-language pathology or audiology, who holds a current speech-language pathologist or audiologist license in another state or territory of the United States which has requirements determined by the board to be substantially equivalent to the requirements under s. 459.024 (2) or (3), shall submit the application, pay the fee specified in 440.05(6) and provide evidence the applicant holds a current license in good standing. The limited permit shall be valid for a period not to exceed 45 days in any calendar year.

SECTION 13. HAS 6.09 (3) is repealed.

SECTION 14. HAS 6.10 is repealed and recreated to read:

**HAS 6.10 Temporary Licenses (1) SPEECH-LANGUAGE PATHOLOGY.** (a) Before commencing a postgraduate clinical fellowship in speech-language pathology an applicant shall obtain a temporary license to practice under the supervision of a licensed speech-language pathologist by submitting all the following:

1. An application and fee specified in s. 440.05(6).
2. Evidence the applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.
3. Evidence the applicant has completed one of the following:
  - a. A supervised clinical practicum and received a master's degree in speech-language pathology from a college or university approved by the board,
  - b. Education or training that the board determines is substantially equivalent to the completion of the supervised clinical practicum and master's degree in speech-language pathology.
4. Evidence of the applicant is registered to take the next available Praxis Speech-Language Pathology examination or has passed the Praxis Speech-Language Pathology examination.

(b) A temporary license to practice speech-language pathology is valid for 18 months. A temporary license may be renewed once by the board.

(c) Notwithstanding par. (b), a temporary license to practice speech-language pathology shall terminate in 90 days if an applicant fails to take the next available examination for reasons other than inaction by the examining board or hardship.

(d) A person holding a temporary license to practice speech-language pathology shall be supervised face-to-face, at least monthly, by a licensed speech-language pathologist. The person holding the temporary license shall have the supervisor, once a month, provide written approval in the client files of the clinical services provided.

**(2) AUDIOLOGY.** (a) A temporary license to practice audiologist may be granted by submitting of all of the following:

1. An application and fee specified in s. 440.05(6).
2. Evidence the applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.
3. Evidence the applicant has completed a supervised clinical practicum and one of the following:
  - a. Possesses a doctoral degree in audiology from an accredited academic institution approved by the board. The doctoral degree program shall consist of not less than 3 years of educational course work and not less than 12 months of clinical rotation or externship.
  - b. Education or training that the board determines is substantially equivalent to the completion of the requirement under subd. 3.a.
4. Evidence the applicant has passed the Praxis Audiologist examination.

(b) A temporary license to practice audiology is valid for 6 months. A temporary license may be renewed once by the board, for a time period to allow the applicant time to take the next available examination and receive the results of the examination, if one of the following occurs:

1. The applicant fails the practical exam required under s. 459.26(2)(b) and applies to take the next available examination.

2. The applicant shows to the satisfaction of the examining board sufficient cause for the renewal.

SECTION 15. HAS 6.11 is repealed.

SECTION 16. HAS 7.03 is repealed and recreated to read:

**HAS 7.03 Renewal of License. (1) EXPIRED LICENSE.** A person who fails to renew a license holds an expired license and may not reapply for the license using the initial application process.

**(2) RENEWAL WITHIN 5 YEARS.** A hearing instrument specialist license, speech-language pathologist or audiologist license shall be renewed by paying the renewal fee determined by the department under s. 440.03(9)(a), Stats., any applicable late renewal fee and certification of the continuing education required under HAS 8.03.

**(3) RENEWAL AFTER 5 YEARS.** This subsection does not apply to license holders who have unmet disciplinary requirements or whose license has been surrendered or revoked. A license may be renewed after 5 years by complying with all of the following:

(a) Payment of the renewal fee determined under s. 440.03(9)(a) and the late renewal fee.

(b) Evidence of one of the following:

1. Holding an active license in good standing in another state.
2. If hearing instrument specialist renewal, passed the examination required under HAS 3.02 within the previous 12 months of application for renewal.
3. If speech-language pathologist renewal, passed the Praxis Speech-Language Pathologist exam within the previous 12 months of application for renewal.
4. If audiologist renewal, passed the Praxis Audiologist exam within the previous 12 months of application for renewal.

SECTION 17. HAS 7.04 is amended to read:

**HAS 7.04 Failure to renew.** A licensee who fails to renew a license by the applicable renewal date shall not practice as a hearing instrument specialist, speech-language pathologist or audiologist ~~until the license is restored under s. HAS 7.05.~~

SECTION 18. HAS 7.05 is repealed.

SECTION 19. HAS 7.06 is created to read:

**HAS 7.06 Reinstatement.** A license holder who has unmet disciplinary requirements and failed to renew the certificate of registration within 5 years or whose license has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:

**(1)** Evidence of completion of the requirements in HAS 7.03 (3) if the license has not been active within 5 years.

**(2)** Evidence of completion of the disciplinary requirements, if applicable.

**(3)** Evidence of rehabilitation or change in circumstances, warranting reinstatement.

SECTION 20. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

HAS 6 and 7

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3. Subject

Licensure of speech-language pathologists, audiologists and temporary licenses and requirements for renewal and reinstatement of credentials granted by the hearing and speech examining board.

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

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9. Policy Problem Addressed by the Rule

The rule updates the rule to reflect changes due to 2009 Act 356 (modified the requirements for licensure of audiologists and removed the requirement to provide certification of calibrations of audiometric equipment in order to renew a license) and 2013 Act 114 (allows the exam to be taken prior to finishing post-secondary education). In addition, the rule updates outdated practices and procedures in the interest of clarifying and streamlining the process.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This rule was posted for economic comments for 14 days and none were received.

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11. Identify the local governmental units that participated in the development of this EIA.

None. It will not impact local governmental units.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule will not have an economic or fiscal impact on these entities.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit of this rule is to correct the inconsistencies between the rules and the statutes, remove obsolete provisions, provide clarity and streamline the process.

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14. Long Range Implications of Implementing the Rule

The long range implication is clarity and rules consistent with statutes.

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15. Compare With Approaches Being Used by Federal Government

None

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

**Illinois:** Speech-language pathology applicants are required to complete a master's degree, pass the Praxis Speech-Language Pathology examination and complete 9 months of supervised experience. Audiology applicants are required to complete a doctoral degree, pass the Praxis Audiology examination and complete 9

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

months of supervised experience. A speech-language pathologist shall obtain a temporary license upon complete of education and exam in order to complete the supervised professional experience. In order to renew a credential, a license holder must pay fee and submit proof of continuing education. Renewal after 5 years requires evidence of holding a license in another state or successful completion of the initial credentialing examination within 1 year of the renewal.

**Iowa:** Speech-language pathology applicants are required to complete a master's degree in speech pathology which includes a supervised clinical training, pass the Praxis Speech-Language Pathology examination and 9 months of supervised clinical experience. American Speech-Language Hearing Association certificate of clinical competence is proof of meeting the requirements. Audiology applications are required to complete a master's or doctoral degree in audiology which includes a supervised clinical training, pass the Praxis Audiology examination and 9 months of supervised clinical experience. American Speech-Language Hearing Association certificate of clinical competence is proof of meeting the requirements. A temporary license is required for speech-language pathology and audiology applicants to complete their supervised clinical training. A non-resident may obtain a temporary permit to practice speech pathology or audiology by demonstrating the applicant meets the same standards as Iowa and documenting the need for a permit. The temporary permit is for a period to not exceed 3 months. In order to renew a credential, a license holder must pay fee and submit proof of continuing education. Renewal after 5 years requires verification of licensure in another state or completion of 60 hours of continuing education and passage of the initial credentialing exam.

**Michigan:** Speech-language pathology applicants are required to complete a master's degree in speech pathology which includes a supervised clinical training, pass the Praxis Speech-Language Pathology examination and 1,260 hours of supervised clinical experience. Audiology applicants are required to complete a master's or doctoral degree in audiology, Praxis Audiology exam and complete 9 months of supervised clinical experience. In order to renew a credential, a license holder must pay fee and submit proof of continuing education. Renewal after 3 years requires proof of licensure in another state or passage of the initial credentialing exam within the last 2 years.

**Minnesota:** Speech-language pathology applicants are required to complete a master's degree in speech pathology which includes a supervised clinical training, and pass the national examination. Audiology applicants are required to complete a master's or doctoral degree in audiology, which includes a supervised clinical training and pass the national examination. Temporary license may be obtained by a person who is credentialed in another state or territory or has a current certificate of clinical competence issued by American Speech-Language Hearing Association and is valid for 90 days. In order to renew a credential, a license holder must pay fee and submit proof of continuing education.

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17. Contact Name

Sharon Henes

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18. Contact Phone Number

(608) 261-2377

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This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

---

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

---

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
- 

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

---

5. Describe the Rule's Enforcement Provisions

---

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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Scott Grosz  
Clearinghouse Director

Terry C. Anderson  
Legislative Council Director

Margit Kelley  
Clearinghouse Assistant Director

Jessica Karls-Ruplinger  
Legislative Council Deputy Director

### CLEARINGHOUSE RULE 15-096

#### 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

a. Section HAS 6.08 (1) (a) requires an applicant to provide evidence that he or she does not have an *arrest or conviction record*, subject to ss. 111.321, 111.322, and 111.335, Stats. This requirement is added because, under s. 459.32 (1), Stats., an applicant for a limited permit must satisfy s. 459.24 (2) (c) and (d) or (3) (c) and (d), Stats. Section 459.24 (2) (c) and (3) (c), Stats., requires an applicant to submit evidence that he or she does not have a *conviction record*. The board should review, and explain if appropriate, its authority to require evidence that the applicant does not have an *arrest record*, as such evidence is not required by statute. A similar comment also applies in s. HAS 6.10 (1) (a) 2. and (2) (a) 2.

b. In s. HAS 6.10 (2) (a) 4., should the subdivision include the “substantially equivalent” option that is provided in s. 459.24 (3) (e), Stats.?

#### 2. Form, Style and Placement in Administrative Code

a. Text should be inserted in the related statute or rule section of the rule summary. The same comment also applies to the section for the analysis and supporting documents used to determine the effect on small business. [s. 1.02 (2) (a) (intro.), Manual.]

b. In the comparison with rules in adjacent states section of the rule summary, the board should cite the appropriate statute, rule, or other guidance when describing the rules in adjacent states.

c. In the deadline for submission section of the rule summary, the “\*” should be replaced with a date.

d. SECTIONS 2 and 3 of the proposed rule could be combined. When two or more subunits of the same rule section are affected by the same treatment, and any intervening subunits are unaffected, they may be included in the same SECTION of the proposed rule. The same comment applies to SECTIONS 5 and 6 and SECTIONS 8 and 9. [s. 1.04 (2) (a) 4., Manual.]

e. In s. HAS 6.03 (6) (intro.), the insertion of the word “Verification” should be shown after the strike-through of the complete phrase ending with “stating that”. [s. 1.06 (1), Manual.] The same comment also applies in s. HAS 6.04 (6) (intro.).

f. In s. HAS 6.04 (5) (intro.), the stricken-through space after the underscored word “and” should be omitted. [s. 1.06, Manual.]

g. In s. HAS 6.04 (5) (a), the phrase “approved by the board” should be inserted and shown with a strike-through after the phrase “college or university” to accurately reflect the text of the existing rule. In addition, the “in” after “college or university” should be underscored. [s. 1.06 (1), Manual.]

h. In s. HAS 6.04 (5) (b), the period after “par. (a)” should be replaced with a stricken-through comma to accurately reflect the text of the existing rule. In addition, the period at the end of the paragraph should not be stricken-through. [s. 1.06, Manual.]

i. In s. HAS 6.04 (6) (b), the underscored period should be placed after the strike-through of the word “following:”. [s. 1.06 (1), Manual.]

j. In s. HAS 6.07 (1) (intro.), (2) (intro.), and (3), the word “Board” should not be capitalized. [s. 1.01 (4), Manual.]

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

a. Throughout the proposed rule, all references to statutes should follow this format: “s. \_\_\_, Stats.”. [s. 1.07 (2) (Table), Manual.]

b. Throughout the proposed rule, all references to administrative rules should follow this format: “s. HAS \_\_\_”. [s. 1.07 (2) (Table), Manual.]

c. In the introductory clause, “6.02 (1m) and (5), 6.04 (6) (b) 2.” should replace “6.04 (b) 2” on the first line and “6.02 (6) and (9),” should be inserted before “6.03 (6) (intro.)” on the third line. [s. 1.02 (1), Manual.]

d. In the statutes interpreted section of the rule summary, a subsection number should be inserted after “459.34”.

e. In SECTION 7, the listing of “6.04 (b)” in the treatment clause should be replaced with “6.04 (6) (b)”.

f. In s. HAS 6.08 (2), the reference to “s. 459.024 (2) or (3)” should be replaced with “s. 459.24 (2) or (3)”.

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

- a. In s. HAS 6.08 (2), the reference to “Unite States” should be replaced with “United States”.
- b. In s. HAS 6.10 (1) (a) 3. a., the subdivision paragraph should end with a period, not a comma.
- c. Should the requirement in s. HAS 6.10 (1) (d) also be included in sub. (2) of that section?
- d. In s. HAS 6.10 (2) (a) (intro.), the word “of” should be omitted.
- e. In s. HAS 7.03 (title), is “Late Renewal of License” a more appropriate title? In sub. (1), does “may not reapply ... using the initial application process” mean that the person must use the renewal process outlined in the section? In sub. (2), it appears that “within 5 years after expiration” should be inserted after “renewed”. In sub. (3), it appears that “after expiration” should be inserted after “5 years”. Lastly, in sub. (3) (b) 2. to 4., replace “previous 12 months of application for renewal” with “12 months prior to applying for renewal”.
- f. In s. HAS 7.06 (intro.), should “after expiration” be inserted after “5 years”?

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  23 December 2015  Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  Hearing and Speech Examining Board			
4) Meeting Date:  11 January 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Public Hearing on Clearinghouse Rule 15-097 relating to designating a written examination for hearing instrument specialists</b>  <b>Review and respond to Clearinghouse Report and Public Hearing comments</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  <b>Hold Public Hearing at 1:00 p.m.</b>  <b>Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments.</b>			
11) Authorization			
<i>Sharon Henes</i>		<i>23 December 2015</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
HEARING AND SPEECH EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	HEARING AND SPEECH
HEARING AND SPEECH EXAMINING	:	EXAMINING BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Hearing and Speech Examining Board to repeal HAS 3.02 and amend HAS 3.01(1) to designate a written examination for hearing instrument specialists.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 459.06 (2) (a), Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 459.12 (1)

**Explanation of agency authority:**

Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession. s. 15.08 (5)(b), Stats.

The examining board may make rules not inconsistent with the laws of this state which are necessary to carry out the intent of this chapter. s. 459.12 (1), Stats.

**Related statute or rule:**

**Plain language analysis:**

This rule designates the International Licensing Examination for Hearing Healthcare Professionals by the International Hearing Society as the written examination for hearing instruments specialists and deletes the provisions specifying the content areas of the written test.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois requires the written and practical International Licensing Examination for Hearing Healthcare Professions or an examination approved, developed or sanctioned by the Department.

**Iowa:** Iowa requires the national standardized licensing examination [International Licensing Examination for Hearing Healthcare Professionals] by the International Hearing Society.

**Michigan:** Michigan requires examination prescribed by the Department.

**Minnesota:** Written examination approved by the commissioner citing topic areas to cover.

**Summary of factual data and analytical methodologies:**

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before the public hearing to be held on January 11, 2015 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. HAS 3.01 is amended to read:

HAS 3.01 Examinations. (1) Written Examination. An applicant for a hearing instrument specialist license shall pass a ~~written examination designed to test the applicant's knowledge in the subject areas described in s. HAS 3.02~~ the International Licensing Examination for Hearing Healthcare Professionals.

SECTION 2. HAS 3.02 is repealed.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	
2. Administrative Rule Chapter, Title and Number HAS 3	
3. Subject Hearing instrument specialist examination	
4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
6. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Indeterminate <input checked="" type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost	
7. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
8. Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. Policy Problem Addressed by the Rule The Board currently uses a test developed by the Board. The policy proposed is to use a national test.	
10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments. This rule was posted for economic comments for 14 days and none were received.	
11. Identify the local governmental units that participated in the development of this EIA. None. It will not impact local governmental units.	
12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule will not have an economic or fiscal impact on these entities.	
13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implement the rule designating the International Licensing Examination for Hearing Healthcare Professionals by the International Hearing Society as the written examination is 38 other states currently use the exam. It is recognized as the national test and will increase mobility.	
14. Long Range Implications of Implementing the Rule The long range implication is being more in line with other states regarding examination requirement.	
15. Compare With Approaches Being Used by Federal Government None	
16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Illinois and Iowa require by rule the International Licensing Examination. Michigan and Minnesota designate the International Licensing Examination as the required written examination.	
17. Contact Name Sharon Henes	18. Contact Phone Number (608) 261-2377

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

---

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

---

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

---

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
- 

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

---

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Jessica Karls-Ruplinger**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 15-097

#### 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. The introductory clause should be revised to follow the form specified in the Manual, including adding a semi-colon between each new treatment of the rule, and clearly identifying the relating clause. [s. 1.02 (1), Manual.]

b. The “related statutes or rules” and “summary of factual data and analytical methodologies” sections of the rule summary should not be left blank.

c. In the “comparison with rules in adjacent states” section of the rule summary, the specific “Department” referenced in the Illinois and Michigan sections should be identified.

d. In the “comparison with rules in adjacent states” section of the rule summary that relates to Minnesota, a complete sentence should be used and the “commissioner” referenced should be identified with specificity.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Sharon Henes Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>23 December 2015</b> <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections:  <b>Hearing and Speech Examining Board</b>			
4) Meeting Date:  <b>11 January 2015</b>	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Legislation and Rule Matters – Discussion and Consideration</b> <b>1. Update on Pending Legislation and Pending or Possible Rulemaking Projects</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled?  <input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> ) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i><b>Sharon Henes</b></i>		<i><b>23 December 2015</b></i>	
<hr/> Signature of person making this request		<hr/> Date	
<hr/> Supervisor (if required)		<hr/> Date	
<hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			