



VIRTUAL/TELECONFERENCE
HEARING AND SPEECH EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
October 5, 2020

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 record of the actions of the Board.

AGENDA

1:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of July 6, 2020 (4-5)**
- C. Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
- D. 1:00 P.M. Public Hearing on Clearinghouse Rule CR 20-036 Relating to Removing Obsolete Provisions (6-13)**
 - 1) Review and Respond to Clearinghouse Report and Public Hearing Comments
- E. Legislative and Policy Matters – Discussion and Consideration**
- F. Administrative Rule Matters – Discussion and Consideration (14-16)**
 - 1) Discussion of Act 108 Report for 2021
 - 2) Pending or Possible Rulemaking Projects
- G. Federal Regulations Regarding Over-the-Counter Hearing Aides – Discussion and Consideration (17)**
- H. COVID-19 – Discussion and Consideration**
- I. Discussion and Consideration of Items Added After Preparation of Agenda:**
 - 1) Introductions, Announcements and Recognition
 - 2) Nominations, Elections, and Appointments
 - 3) Administrative Matters
 - 4) Election of Officers
 - 5) Appointment of Liaisons and Alternates
 - 6) Delegation of Authorities

- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

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 DLSC Matters**

- 1) **Case Closings**
 - a. 19 HAD 001 – J.T.V. **(18-22)**

L. Deliberation of Items Added After Preparation of the Agenda:

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations

- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

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

O. Open Session Items Noticed Above Not Completed in the Initial Open Session

P. License Ratification – Discussion and Consideration

ADJOURNMENT

NEXT SCHEDULED MEETING: TBD

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL
HEARING AND SPEECH EXAMINING BOARD
MEETING MINUTES
JULY 6, 2020**

PRESENT: Robert Broeckert, Michael Harris, Barbara Johnson, Steven Klapperich, Thomas Krier, Kathleen Pazak, Thomas Sather, David Seligman

STAFF: Valerie Payne, Executive Director; Jameson Whitney, Board Legal Counsel; Cassandra Walbrun, Administrative Rules Coordinator; Daniel Betekhtin, Bureau Assistant; Megan Glaeser, Bureau Assistant; and other Department Staff

CALL TO ORDER

Barbara Johnson, Chairperson, called the meeting to order at 1:10 p.m. A quorum of eight (8) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Closed Session: Under item “I. Deliberation on DLSC Matters; Case Closings” correct the DLSC Case Number from 18 HAD 005 to 19 HAD 005

MOTION: Thomas Krier moved, seconded by Steven Klapperich, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 6, 2020

MOTION: Robert Broeckert moved, seconded by Michael Harris, to approve the Minutes of April 6, 2020 as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Scope for HAS 5.02 and 6.18 Relating to Telehealth

MOTION: Michael Harris moved, seconded by Thomas Sather, to approve the Scope Statement revising HAS 5.02 and 6.18, relating to telehealth, for submission to the Department of Administration and Governor’s Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

CLOSED SESSION

MOTION: Robert Broeckert moved, seconded by Thomas Sather, 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 Krier, Chairperson; read the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Robert Broeckert-yes; Michael Harris-yes; Barbara Johnson-yes; Steven Klapperich-yes; Thomas Krier-yes; Kathleen Pazak-yes; Thomas Sather-yes; and David Seligman-yes. Motion carried unanimously.

The Board convened to Closed Session at 1:55 p.m.

DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Case Closings

19 HAD 005 – P.J.D.

MOTION: Steven Klapperich moved, seconded by Barbara Johnson, to close DLSC Case Number 19 HAD 005, against P.J.D., for Prosecutorial Discretion (P2). Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Robert Broeckert moved, seconded by Thomas Krier, to reconvene to open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:16 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Robert Broeckert moved, seconded by Michael Harris, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

ADJOURNMENT

MOTION: Thomas Krier moved, seconded by Steven Klapperich, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:24 p.m.

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

AGENDA REQUEST FORM

| | | | |
|--|---|--|--|
| 1) Name and title of person submitting the request: Kassandra Walbrun Administrative Rules Coordinator | | 2) Date when request submitted: 9/9/2020 <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: Hearing and Speech Examining Board | | | |
| 4) Meeting Date: 10/5/20 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Public Hearing on Clearinghouse Rule CR 20-036 relating to removing obsolete provisions a. Review and Respond to Clearinghouse Report and Public Hearing Comments | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | | 8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: |
| 10) Describe the issue and action that should be addressed: <ul style="list-style-type: none"> • Hold a Public Hearing at 1 PM. • Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments. | | | |
| 11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black; padding-bottom: 2px;"><i>Kassandra Walbrun</i></div> <div style="width: 35%; border-bottom: 1px solid black; padding-bottom: 2px;">9/9/2020</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black; padding-bottom: 2px;">Signature of person making this request</div> <div style="width: 35%; border-bottom: 1px solid black; padding-bottom: 2px;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black; padding-bottom: 2px;">Supervisor (if required)</div> <div style="width: 35%; border-bottom: 1px solid black; padding-bottom: 2px;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black; padding-bottom: 2px;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 35%; border-bottom: 1px solid black; padding-bottom: 2px;">Date</div> </div> | | | |
| 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

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

PROPOSED ORDER

An order of the Hearing and Speech Examining Board to repeal HAS 3.03 (2) (d); and to amend HAS 7.03 (3) (b) 2., and HAS 8.03 (2) and (4), relating to removing obsolete provisions.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 459.12, Stats.

Statutory authority: ss. 15.08 (5) (b), 459.095 (1), 459.12 (1) and (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., states that, “[e]ach 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.”

Section 459.095 (1), Stats., states that the Board shall “[p]romulgate rules establishing the criteria for approval of continuing education programs or courses of study required for renewal of a license under s. 459.09 and for approval of the sponsors and cosponsors of continuing education programs or courses of study.”

Section 459.12 (1), Stats., provides that 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.”

Related statute or rule: HAS 1, 2, and 4

Plain language analysis:

The Board conducted a review of the HAS administrative rules in preparation of the Board’s biennial report in response to 2017 Act 108 and s. 227.29, Stats. It identified references to obsolete requirements or repealed provisions. Specifically, the Board:

- Removed the use of a master hearing instrument from the list of equipment on the potential list for the practical examination because it is no longer used in practice.
- Corrected administrative code cross-references as needed.

Summary of, and comparison with, existing or proposed federal regulation:

The Federal Trade Commission (FTC) is responsible for monitoring the business practices of hearing aid dispensers and vendors. The Food and Drug Administration (FDA) enforces regulations for the manufacture and sale of hearing aids as medical devices. This proposed rule does not apply to business practices, such as the manufacture or sale of hearing aids.

Comparison with rules in adjacent states:

Illinois: The Illinois Board of Speech-Language Pathology and Audiology, under the authority of Illinois Statutes 225 ILCS 110, regulates speech-language pathologists and audiologists under the authority of the Illinois Department of Financial and Professional Regulation (IDFPR). The Illinois Department of Public Health (IDPH) regulates the licensing of hearing instrument dispensers and trainees under Rule (68 Ill. Adm. Code 1465). Illinois requires a practical examination with similar topics as Wisconsin, as prescribed in 225 ILCS 50/9, for licensure requirements for a hearing instrument dispenser. However, it does not identify testing for specific equipment.

Iowa: The Iowa Board of Speech Pathology and Audiology regulates the professions of speech pathology and audiology under Iowa Administrative Code 645, Chapter 300. The Bureau of Professional Licensure in the Iowa Department of Public Health (IDPH) regulates the licensure of these professions. The Board of Hearing Aid Specialists regulates hearing aid specialists and temporary permits. Iowa does not require a practical examination for a license for a hearing instrument specialist.

Michigan: Michigan’s Department of Licensing and Regulatory Affairs (LARA) includes the Board of Audiology, Board of Speech-Language Pathology, and direct licenses hearing aid dealers, salespersons, and trainees. Requirements for Michigan licensure are found in Article 15 of the Public Health Code, 1978 PA 368, MCL 333.16801 to 333.16811 and further outlined in administrative rule R 338.1 to 338.12 and R 338.601 through R 338.649. Specific equipment is not included within the examination for a hearing aid dealer license.

Minnesota: Minnesota’s laws for Speech-Language Pathologists and Audiologists are found under Minnesota Statutes s. 148.511 through s. 148.5198. The Minnesota Department of Health includes the Speech-Language Pathologist and Audiologist Advisory Council which advises the department Commissioner and makes recommendations for speech-language pathologists, audiologists, and hearing aid dispensers. Hearing instrument dispensers must pass a practical examination which does not include a master hearing instrument. [Minnesota Statutes s. 153A.14]

Summary of factual data and analytical methodologies:

On July 9, 2018, the Board appointed liaisons to conduct a thorough review of the HAS administrative rules in preparation of the Board’s biennial report in response to 2017 Act 108 and s. 227.29, Stats. The results of this review were considered by the full Board on October 8, 2018. The Board requested that a Scope Statement was prepared to correct the several places where the rules reference obsolete requirements or repealed provisions.

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

The rule was posted for economic impact comments and none were received.

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Kassandra Walbrun, Administrative Rules Coordinator, Wisconsin Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, PO Box 8366, Madison, WI 53708; telephone: 608-261-4463; email: DSPSAdminRules@wisconsin.gov.

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

Comments must be received on or before Monday, October 5, 2020 to be included in the record of rule-making proceedings.

Written Comments:

Kassandra Walbrun, Administrative Rules Coordinator,
Wisconsin Department of Safety and Professional Services,
4822 Madison Yards Way,
P.O. Box 8366, Madison, WI 53708-8366,

Email: DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. HAS 3.03 (2) (d) is repealed.

SECTION 2. HAS 7.03 (3) (b) 2. is amended to read:

HAS 7.03 (3) (b) 2. If hearing instrument specialist renewal, passed the examination required under s. HAS ~~3.02~~ 3.01 (1) within the previous 12 months of application for renewal.

SECTION 3. HAS 8.03 (2) and (4) are amended to read:

HAS 8.03 (2) Except as provided under s. HAS ~~7.05 (1) (a) 4. and (2) (a) 3.~~ 7.03 (2), continuing education hours may be applied only to the biennial registration period in which the continuing education hours are acquired.

(4) A licensee who fails to meet the continuing education requirements by the renewal date shall not practice as a hearing instrument specialist, audiologist or speech-language pathologist, as appropriate, until his or her license is ~~restored~~ renewed or reinstated under s ch. HAS 7.05 7.

SECTION 4. 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.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

| | |
|---|--|
| <p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p> | <p>2. Date 8/25/20</p> |
| <p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) HAS 3, 7, 8</p> | |
| <p>4. Subject Delete obsolete rule provisions.</p> | |
| <p>5. 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</p> | <p>6. Chapter 20, Stats. Appropriations Affected s. 20.165 (1)(g), Wis. Stats.</p> |
| <p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p> | |
| <p>8. 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)</p> | |
| <p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$</p> | |
| <p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | |
| <p>11. Policy Problem Addressed by the Rule The administrative rule revisions under HAS 3. 7 and 8 removed the use of a master hearing instrument from the list of equipment on the potential list for the practical examination because it is no longer used in practice. The proposed rules also correct administrative code cross-references as needed.</p> | |
| <p>12. 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 impact comments and none were received.</p> | |
| <p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. None. This rule does not impact local governmental units.</p> | |
| <p>14. 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 specific businesses, business sectors, public utility rate payers, local governmental units and the State's Economy as a whole.</p> | |
| <p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing this rule is 1) to update the rule to meet current practice and 2) to comply with state statutes in updating the rules. The alternative is to leave the current rules in place, which will then remain outdated with current practices.</p> | |
| <p>16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is clarity and complying with state statutes.</p> | |
| <p>17. Compare With Approaches Being Used by Federal Government None</p> | |

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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

Illinois: The Illinois Board of Speech-Language Pathology and Audiology, under the authority of Illinois Statutes 225 ILCS 110, regulates speech-language pathologists and audiologists under the authority of the Illinois Department of Financial and Professional Regulation (IDFPR). The Illinois Department of Public Health (IDPH) regulates the licensing of hearing instrument dispensers and trainees under Rule (68 Ill. Adm. Code 1465). Illinois requires a practical examination with similar topics as Wisconsin, as prescribed in 225 ILCS 50/9, for licensure requirements for a hearing instrument dispenser. However, it does not identify testing for specific equipment.

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Michigan: Michigan's Department of Licensing and Regulatory Affairs (LARA) includes the Board of Audiology, Board of Speech-Language Pathology, and direct licenses hearing aid dealers, salespersons, and trainees. Requirements for Michigan licensure are found in Article 15 of the Public Health Code, 1978 PA 368, MCL 333.16801 to 333.16811 and further outlined in administrative rule R 338.1 to 338.12 and R 338.601 through R 338.649. Specific equipment is not included within the examination for a hearing aid dealer license.

Minnesota: Minnesota's laws for Speech-Language Pathologists and Audiologists are found under Minnesota Statutes s. 148.511 through s. 148.5198. The Minnesota Department of Health includes the Speech-Language Pathologist and Audiologist Advisory Council which advises the department Commissioner and makes recommendations for speech-language pathologists, audiologists, and hearing aid dispensers. Hearing instrument dispensers must pass a practical examination which does not include a master hearing instrument. [Minnesota Statutes s. 153A.14]

19. Contact Name

Kassandra Walbrun

20. Contact Phone Number

608-261-4463

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

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

AGENDA REQUEST FORM

| | | | |
|---|---|--|--|
| 1) Name and title of person submitting the request: Kassandra Walbrun Administrative Rules Coordinator | | 2) Date when request submitted: 9/16/2020 <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: Hearing and Speech Examining Board | | | |
| 4) Meeting Date: 10/5/20 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Discussion of Act 108 Report for 2021 2. Updates on Pending Rules | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | | 8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: |
| 10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> 1. Explain and discuss the provisions of Act 108 and review requirements. (attachment includes previous Act 108 report) 2. Provide brief update on HAS 1 and 2 and HAS 5 and 6 | | | |
| 11) Authorization <hr/> <div style="display: flex; justify-content: space-between;"> <i>Kassandra Walbrun</i> 9/16/2020 </div> <hr/> <div style="display: flex; justify-content: space-between;"> Signature of person making this request Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (if required) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </div> | | | |
| Directions for including supporting documents: <ol style="list-style-type: none"> 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. | | | |

Thomas Krier
Chairperson

Robert Broeckert
Vice Chairperson

Barbara J. Johnson
Secretary

WISCONSIN HEARING AND SPEECH
EXAMINING BOARD



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PO Box 8935
Madison WI 53705-8935

Email: dsps@wisconsin.gov
Voice: 608-266-2112
FAX: 608-267-3816

March 20, 2019

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 210 North, State Capitol
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Ballweg:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a), Stats.:

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are unauthorized rules, as defined in s. 227.26 (4) (a), Stats.

II. Rules for which the authority to promulgate has been restricted:

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are rules for which the authority to promulgate has been restricted.

III. Rules that are obsolete or that have been rendered unnecessary:

| Rule | Description of why the rule is obsolete or has been rendered unnecessary. | Action taken to address or reason for not taking an action |
|---|---|---|
| s. HAS 3.03 (2) (d) | The topic listed for the practical examination is obsolete. | Scope Statement, SS 014-19, implemented by the Board on March 1, 2019, expiring August 4, 2021. |
| ss. HAS 6.04 (6) (a) and (b), HAS 6.07 (2) (b) 2. | Need to 1) remove the option of having a certificate of clinical competence, since one cannot qualify for the certificate without taking the Praxis Audiology exam, and 2) update the education requirements for reciprocal licenses. | Scope Statement, SS 014-19, implemented by the Board on March 1, 2019, expiring August 4, 2021. |
| s. HAS 7.03 (3) (b) 2. | References s. HAS 3.02, which has been repealed. | Scope Statement, SS 014-19, implemented by the Board on March 1, 2019, expiring August 4, 2021. |

| | | |
|-------------------------------|---|---|
| s. HAS 8.03 (2) and (4) | References s. HAS 7.05, which has been repealed. | Scope Statement, SS 014-19, implemented by the Board on March 1, 2019, expiring August 4, 2021. |
|-------------------------------|---|---|

IV. Rules that are duplicative or, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

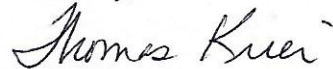
After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are duplicative, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

V. Rules that are economically burdensome:

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are rules that are economically burdensome.

Thank you.

Sincerely,



Thomas Krier
Chairperson
Hearing and Speech Examining Board

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

AGENDA REQUEST FORM

| | | | |
|---|--|---|--|
| 1) Name and title of person submitting the request: Valerie Payne, Executive Director on behalf of Barb Johnson, Chairman | | 2) Date when request submitted: 9/29/2020 <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: Hearing and Speech Examining Board | | | |
| 4) Meeting Date: 6/25/2020 | 5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6) How should the item be titled on the agenda page? Federal Regulations Regarding Over-the-Counter Hearing Aides – Discussion and Consideration | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | 8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: | |
| 10) Describe the issue and action that should be addressed: Over-the-counter (OTC) hearing aids are a new category of hearing aids that consumers can buy directly, without visiting a hearing health professional. These devices are intended to help adults with mild-to-moderate hearing loss and these hearing aids make sounds louder so that some people with difficulty hearing are better able to listen, communicate, and participate fully in daily activities. In addition, OTC hearing aids will be regulated as medical devices by the U.S. Food and Drug Administration (FDA). | | | |
| 11) Authorization | | | |
| <i>Valerie Payne</i> | | 9/29/2020 | |
| 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. | | | |