



Tony Evers, Governor
Dan Hereth, Secretary

**HYBRID (IN-PERSON/VIRTUAL)
HEARING AND SPEECH EXAMINING BOARD
Room N208, 4822 Madison Yards Way, 2nd Floor North, Madison
Contact: Tom Ryan (608) 266-2112
October 10, 2022**

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. Be advised that board members may attend meetings designated as “Hybrid” in-person or virtually.

AGENDA

1:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of July 11, 2022 (5-7)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introduction, Announcements, and Recognition**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Broeckert, Robert R. – 7/1/2024
 - b. Harris, Michael S. – 7/1/2023
 - c. Kanter, Catherine D. – 7/1/2024
 - d. Klapperich, Steven J. – 7/1/2019
 - e. Krier, Thomas J. – 7/1/2021
 - f. Meyer, Jason J. – 7/1/2025
 - g. Pazak, Kathleen A. – 7/1/2023
 - h. Pirrello, Mary – 7/1/2024
 - i. Seligman, David H. – 7/1/2023
 - j. Willemon, Justen J. – 7/1/2025
- F. 1:00 P.M. PUBLIC HEARING: Clearinghouse Rule (CR 22-059) HAS 4 and 6, Relating to Audiometric Testing and Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses**
 - 1) Review and Respond to Preliminary Rule Public Hearing Comments and Respond to Clearinghouse Report **(8-27)**

- G. **1:00 P.M. PUBLIC HEARING: Clearinghouse Rule (CR 22-058) HAS 5 and 6, Relating to Telehealth**
 - 1) Review and Respond to Preliminary Rule Public Hearing Comments and Respond to Clearinghouse Report **(28-39)**
- H. Legislative and Policy Matters – Discussion and Consideration
- I. **Administrative Rule Matters – Discussion and Consideration**
 - 1) Pending or Possible Rulemaking Projects **(40-41)**
- J. **FDA Final Rule – Over the Counter Hearing Aids – Discussion and Consideration (42)**
- K. Education and Examination Matters – Discussion and Consideration
- L. **Quarterly Board Chair Connection Meeting Report and Department Resources– Discussion and Consideration**
- M. COVID-19 – Discussion and Consideration
- N. 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
- O. **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.)

P. Education and Examination Matters

- 1) **Practical Exam Waiver Request**
 - a. L.G. **(43-47)**

Q. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Administrative Warnings**
 - a. 21 HAD 004 – B.M.T. **(48-49)**
- 2) **Case Closings**
 - a. 21 HAD 001 – J.A.L. **(50-73)**
- 3) **Proposed Stipulation and Final Decision and Order**
 - a. 21 HAD 002 – Michael F. Parks **(74-79)**

R. 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

S. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

T. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

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

V. License Ratification – Discussion and Consideration

ADJOURNMENT

NEXT MEETING: JANUARY 2023 (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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. 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 at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
HEARING AND SPEECH EXAMINING BOARD
MEETING MINUTES
JULY 11, 2022**

PRESENT: Robert Broeckert, Catherine Kanter, Steven Klapperich, Thomas Krier, Jason Meyer, Kathleen Pazak, David Seligman, Justen Willemon

EXCUSED: Michael Harris, Mary Pirrello

STAFF: Tom Ryan, Executive Director; Joseph Ricker, Legal Counsel; Dana Denny, Administrative Rule Coordinator; Katlin Schwartz, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department Staff

CALL TO ORDER

Robert Broeckert, Chairperson, called the meeting to order at 1:00 p.m. A quorum was confirmed with eight (8) members present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- OPEN SESSION: Item B. Approval of Minutes to read April 11, 2022

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

APPROVAL OF MINUTES OF APRIL 11, 2022

MOTION: Kathleen Pazak moved, seconded by David Seligman, to approve the Minutes of April 11, 2022 as published. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE CR 22-050 (HAS 4 AND 6), RELATING TO
AUDIOMETRIC TESTING AND RECIPROCAL LICENSURE**

Review and Respond to Public Hearing Comments and Respond to Clearinghouse Report

MOTION: Robert Broeckert moved, seconded by Thomas Krier, that the Board cancel the Public Hearing and requests that DSPS amend the rule draft based on guidance received today. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Suggested Telepractice Language for Speech Pathology-Audiology

MOTION: Thomas Krier moved, seconded by Kathleen Pazak, to authorize the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the preliminary rule draft of HAS 5 and 6, relating to telehealth, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Pending or Possible Rulemaking Projects

MOTION: Thomas Krier moved, seconded by Kathleen Pazak, to authorize the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the preliminary rule draft of Clearinghouse Rule 22-050 (HAS 4 and 6), relating to Audiometric Testing and Reciprocal Licensure, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CLOSED SESSION

MOTION: Catherine Kanter moved, seconded by Steven Klapperich, 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.). Robert Broeckert, Chairperson, read the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Robert Broeckert-yes; Catherine Kanter-yes; Steven Klapperich-yes; Thomas Krier-yes; Jason Meyer-yes; Kathleen Pazak-yes; and David Seligman-yes. Motion carried unanimously.

(Justen Willemon was disconnected from the meeting for this motion.)

The Board convened to Closed Session at 1:39 p.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Administrative Warnings

21 HAD 002 – M.F.P.

MOTION: Thomas Krier moved, seconded by David Seligman, to table the Administrative Warning in the matter of M.F.P., DLSC Case Number 21 HAD 002. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 1:50 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Catherine Kanter moved, seconded by Kathleen Pazak, 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.)

LICENSE RATIFICATION

MOTION: Steven Klapperich moved, seconded by Thomas Krier, to delegate authority to the Chairperson to ratify the scores from examinations that occur prior to the next Hearing and Speech Examining Board meeting and to grant the licenses once requirements are met. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 1:56 p.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny, Administrative Rules Coordinator		2) Date when request submitted: September 28, 2022 <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: 10/10/22	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1:00 PM Public Hearing Clearinghouse Rule (CR 22-059) HAS 4 and 6 relating to Audiometric Testing and Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses 1. Review and respond to Preliminary Rule Public Hearing Comments and Clearinghouse Report	
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 <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Board will hold a Public Hearing on the rule as required by the rulemaking process. Attachments: <ul style="list-style-type: none"> • Proposed permanent rule language – HAS 4 and 6, relating to Audiometric Testing and Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses • HAS 4 and 6 Fiscal Estimate and Economic Impact Analysis • Clearinghouse Report 22-059 • Clearinghouse Rule Comments 22-059 Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
<i>Dana Denny</i>		September 28, 2022	
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

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 **amend** HAS 4.03 (1) and (Note), and 6.04 (6) (b), and to **create** HAS 6.07 (1) (c) and 6.07 (2) (c), relating to reciprocal credentials for service members, former service members and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections s. 440.09, 459.085, 459.26 (2) (am), and 459.28 (2) Stats.

Statutory authority: Sections s. 15.08 (5) (b), 440.09 (5), 459.085, 459.12 (1), 459.26 (2) (am), and 459.28 (2) Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats.: “Each examining board “[s]hall 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. . .”

440.09 (5), Stats.: “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

459.085, Stats.: “Audiometric equipment used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids shall be calibrated periodically, as specified by rule by the examining board.”

459.12 (1), 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.”

459.26 (2) (am), Stats.: “The examining board shall by rule select and approve examinations for audiology.”

459.28 (2), Stats.: “The examining board may enter into reciprocal agreements with officials of other states or territories of the United States for licensing speech-language

pathologists and audiologists and grant licenses to applicants who are licensed in those states or territories according to the terms of the reciprocal agreements.”

Related statute or rule: None.

Plain language analysis: As reflected in the March 2021 Wisconsin Hearing and Speech Examining Board Biennial report to the Legislature in compliance with s. 227.29 (1), Stats., two rule objectives were listed as items to be addressed as scope projects: (1) updating outdated 1998 ANSI 3.6 audiometric standards; and (2) removing the option of a certificate of clinical competence as an educational licensure requirement.

A third rule objective was to implement 2017 Act 143 which entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members, to obtain an audiologist or speech language pathology credential if the person resides in Wisconsin, and is in good standing with the governmental authorities in every jurisdiction outside Wisconsin that have granted the individual a credential that qualifies the individual to perform these authorized services under the appropriate credential. The license, once granted, may be renewed indefinitely.

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

Comparison with rules in adjacent states:

Illinois: The Illinois Department of Financial and Professional Regulation (IDFPR) regulates speech-language pathologists and audiologists under the Board of Speech-Language Pathology and Audiology. Certification is provided to individuals who have demonstrated they possess a masters’ or doctoral degree from a speech pathology or audiology program and pass the Praxis examination or provide a Certificate of Clinical Competence in Speech-Language Pathology or Audiology awarded by the American Speech-Language-Hearing Association's Clinical Certification Board. (225 ILCS 110/8)

Temporary licenses may be renewed one time only for a 12-month period for individuals serving full-time in the Armed Forces; in an incapacitating illness documented by a currently licensed physician; or any other similar extenuating circumstances. (225 ILCS 1465.41)

In 2019, the Illinois Legislature passed legislation expediting professional licensure for service members and spouses who are active-duty members or whose active-duty service concluded within the preceding 2 years before application. In part, this law states that, once an active member of the military (or their spouse) has submitted all required documents and fee as part of a completed license application, it will be reviewed within 60 days. (20 ILCS 5/5-715)

State of Illinois governance citations regarding audiometric standards, equipment or practices could not be located.

Iowa: The Iowa Department of Public Health (IDPH) regulates speech pathologists and audiologists under the Board of Speech Pathology and Audiology. In Iowa, licensure is provided to those demonstrating proof of either a masters' degree in speech pathology or a doctoral degree in audiology, or the equivalent of one of these degrees and the official completion of at least 400 hours of supervised clinical training, and completion of the Praxis examination (645 IAC 645.303(147))

In Iowa, veterans with an unrestricted professional license in another jurisdiction may apply for licensure by passing any required licensure examination provided credit for examinations previously passed. Licenses are granted if the applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or criminal background. If an applicant has not passed the required examination(s) for licensure, the applicant may not be issued a provisional license, but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements. (645 IAC—20.3(272C))

State of Iowa governance citations regarding audiometric standards, equipment or practices could not be located.

Michigan: The Michigan Department of Licensing and Regulatory Affairs (MDLRA) regulates speech pathologists and audiologists under the Board of Speech-Language Pathology and the Board of Audiology, respectively. License credentials are provided to individuals who possess a master's degree in speech pathology or a master's degree or doctoral degree in audiology. Those seeking an initial speech pathology license must have performed at least 1,260 hours of postgraduate clinical experience. All those seeking speech-language and audiologist credentials must pass the Praxis examination. (MCL 338.3)

In Michigan, active-duty service members, veterans, spouses, or their qualifying dependents may obtain an initial health profession, occupational license, or certification of registration in a profession or occupation for which they hold a license or registration in another state or country, including waiving the fee for the initial health profession license or registration fee. (MCL 339.411(11))

State of Michigan governance citations regarding audiometric standards, equipment or practices could not be located.

Minnesota: Minnesota speech pathologists and audiologists are regulated by the Minnesota Department of Health, with input from the Speech-Language Pathologist and Audiologist Advisory Council. License credentials are provided to individuals who possess a master's degree in speech pathology or a master's degree or doctoral degree in audiology, including passing the Praxis examination. (2021 MN Statutes, Section 148.515)

In Minnesota, expedited and temporary professional licenses may be provided for those who are currently active-duty members, spouses of those who are active-duty members, or veterans of the military. (MN Statutes, Section 197.4552)

In November 2020, the Minnesota Department of Health Hearing Dispenser Certification Examination adopted ANSI 3.6 guidelines for hearing screening audiometer use and calibration to allow for pure tone audiometry and threshold screening. (MN Hearing Dispenser Certification Examination Standards, 2021)

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the March 2021 Biennial Report to the Legislature in compliance with s. 227.29 (1), Stats. of the Hearing and Speech Examining Board, technical information provided by the Audiometric Testing and American Speech and Hearing Association (ASHA), and 2019 Wisconsin Act 143, which relates to professional reciprocal licensure.

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

The rule will be posted for 14 days on the Department of Safety and Professional Services website to solicit economic impact comments, including how the proposed rules may affect businesses, local municipalities, and private citizens.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

Effect on small business:

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator, Jennifer Garrett, may be contacted by email at Jennifer.Garrett@wisconsin.gov.

Agency contact person:

Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-287-3748; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov.

Comments must be received on or before the public hearing, held on October 10, 2022, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. HAS 4.03 (1) and (Note) are amended to read:

HAS 4.03 (1) Pure tone audiometry must be conducted with a pure tone audiometer which conforms to the American National Standards Institute, Standard ANSI S3.6 ~~1996~~ 2018 approved January 12, 1996 September 20, 2018. Such audiometer shall be capable of generating a minimum of 9 discrete frequencies, ranging from 250 Hz through 8 KHz (250, 500, 750, 1000, 1500, 2000, 3000, 4000, 6000, 8000 Hz). Output levels over the frequency range shall conform to standard ANSI S3.6 specified above.

Note: A copy of Standard ANSI S3.6 may be obtained from The American National Standards Institute website at www.ANSI.org, ~~11 West 42nd Street New York, NY 10036~~. Copies of the Standard are on file at the office of the Department of Safety and Professional Services and the Legislative Reference Bureau.

Note: A copy of Standard ANSI S3.6 may be obtained ~~by writing to:~~ from The American National Standards Institute, ~~11 West 42nd Street, New York, NY 10036~~ website at www.ANSI.org. Copies of the Standard are on file at the office of the Department of Safety and Professional Services and the Legislative Reference Bureau.

SECTION 2. HAS 6.04 (6) (b) is amended to read:

HAS 6.04 (6) (b) Completed education or training that the board determines is substantially equivalent to passing the Praxis Audiology examination. ~~A certificate of clinical competence in audiology granted by ASHA is considered equivalent.~~

SECTION 3. HAS 6.07 (1) (c) is created to read:

HAS 6.07 (1) (c) A reciprocal speech-language pathology license shall be granted to service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential if the person resides in Wisconsin and are in good standing with the governmental authorities in every jurisdiction outside Wisconsin that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate credential granted by the department or credentialing board. The license may be renewed pursuant to s. 440.09 (3) Stats.

Note: s. 440.09 (3)

(a) A reciprocal credential granted under this section expires on the applicable renewal date specified in s. 440.08 (2) (a), except that if the first renewal date specified in s. 440.08 (2) (a) after the date on which the credential is granted is within 180 days of the date on which the credential is granted,

the credential expires on the 2nd renewal date specified in s. [440.08 \(2\) \(a\)](#) after the date on which the credential is granted.

- (b) The department or credentialing board, as appropriate, shall grant a renewed reciprocal credential to an applicant who pays the renewal fee specified under s. [440.05 \(2\)](#) and satisfies the requirements that apply for renewing that credential.

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

HAS 6.07 Reciprocal license.

(1) RECIPROCAL LICENSES GENERALLY

(a) *Speech-language pathology.* The board shall grant a license to practice speech-language pathology to an applicant who pays the fee required by s. [440.05 \(2\)](#), Stats., and provides evidence of all the following:

- 1. The applicant has a current license to practice speech-language pathology in good standing in another state or territory of the United States.**
- 2. The requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. [459.24 \(2\)](#), Stats.**

(b) *Audiology.* The board shall grant a license to practice audiology to an applicant who pays the fee required by s. [440.05 \(2\)](#), Stats., and provides evidence of one of the following:

- 1. 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 \(3\)](#), Stats.**
- 2. 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:**
 - a. The requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. [459.24 \(3\) \(c\)](#), [\(e\)](#), and [\(em\)](#), Stats.**
 - b. 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.**

(c) 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.

(2) RECIPROCAL LICENSES FOR SERVICE MEMBERS, FORMER SERVICE MEMBERS, AND THEIR SPOUSES.

(a) Notwithstanding the requirements in s. HAS 6.07 (1) (a), The board shall grant a license to practice speech-language pathology to an applicant who is a service member, former service member, or the spouse of a service member or former service member as defined in s. 440.09 (1), Stats. who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all the following:

1. A completed application form with the signature of the applicant and date of signature.

Note: An application form is available from the Department of Safety and Professional Services by calling (608) 266-2112, or online at <https://dsps.wi.gov>.

2. A statement that the applicant resides in this state.

3. Documentation that the applicant is a service member, former service member, or the spouse of a service member or former service member. If an applicant is unable to provide the documentation, the applicant may submit an affidavit to the board stating that the applicant is a service member, former service member, or the spouse of a service member or former service member.

4. Evidence that the applicant is in good standing with the governmental authorities in every jurisdiction outside this state that have granted the applicant a license, certification, registration, or permit that qualifies the individual to perform acts authorized under a speech-language pathology license granted by the board.

(b) Notwithstanding the requirements in s. HAS 6.07 (1) (a), The board shall grant a license to practice audiology to an applicant who is a service member, former service member, or the spouse of a service member or former service member as defined in s. 440.09 (1), Stats. who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all the following:

1. A completed application form with the signature of the applicant and date of signature.

Note: An application form is available from the Department of Safety and Professional Services by calling (608) 266-2112, or online at <https://dsps.wi.gov>.

2. A statement that the applicant resides in this state.

3. Documentation that the applicant is a service member, former service member, or the spouse of a service member or former service member. If an applicant is unable to provide the documentation, the applicant may submit an affidavit to the board stating that the applicant is a service

member, former service member, or the spouse of a service member or former service member.

4. Evidence that the applicant is in good standing with the governmental authorities in every jurisdiction outside this state that have granted the applicant a license, certification, registration, or permit that qualifies the individual to perform acts authorized under an audiology license granted by the board.

(c) A license granted under this section expires on the renewal date specified in s. 440.08 (2) (a), Stats., except that if the first renewal date specified in s. 440.08 (2) (a), Stats., after the date on which the license is granted is within 180 days of the date on which the license is granted, the license expires on the 2nd renewal date specified in s. 440.08 (2) (a), Stats., after the date on which the license is granted.

SECTION 4. ~~HAS 6.07 (2) (c) is created to read:~~

~~**HAS 6.07 (2) (c)** A reciprocal speech language pathology license shall be granted to servicemembers, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential if the person resides in Wisconsin and are in good standing with the governmental authorities in every jurisdiction outside Wisconsin that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate credential granted by the department or credentialing board. The license may be renewed indefinitely.~~

SECTION 5. 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

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 03/28/22
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) HAS 4 and 6	
4. Subject Relating to Audiometric Testing and Reciprocal Licensure	
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	6. Chapter 20, Stats. Appropriations Affected s. 165.20(1)(g)
7. 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"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
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)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
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	
11. Policy Problem Addressed by the Rule The proposed rule updates audiometric requirements and creates a provision to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	
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. The proposed rule will be posted on the Department of Safety and Professional Services' website for 14 days to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A	
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) No economic or fiscal impacts are anticipated for specific businesses, sectors, ratepayers, local governments, or the state's economy as a whole. A total of \$763.16 in one time costs and an ongoing fiscal impact of \$3,4000 are anticipated to be absorbed within the operating budget of the Department of Safety and Professional Services.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is to update audiometric standards and reflect s. 440.09, Stats., as created by 2019 Wisconsin Act 143. If the rule is not implemented, it will not reflect audiometric updates or those requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is reflecting the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

17. Compare With Approaches Being Used by Federal Government
None

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

Illinois: The Illinois Department of Financial and Professional Regulation (IDFPR) regulates speech-language pathologists and audiologists under the Board of Speech-Language Pathology and Audiology. Certification is provided to individuals who have demonstrated they possess a masters' or doctoral degree from a speech pathology or audiology program and pass the Praxis examination or provide a Certificate of Clinical Competence in Speech-Language Pathology or Audiology awarded by the American Speech-Language-Hearing Association's Clinical Certification Board. (225 ILCS 110/8)

Temporary licenses may be renewed one time only for a 12-month period for individuals serving full-time in the Armed Forces; in an incapacitating illness documented by a currently licensed physician; or any other similar extenuating circumstances. (225 ILCS 1465.41)

In 2019, the Illinois Legislature passed legislation expediting professional licensure for service members and spouses who are active-duty members or whose active-duty service concluded within the preceding 2 years before application. In part, this law states that, once an active member of the military (or their spouse) has submitted all required documents and fee as part of a completed license application, it will be reviewed within 60 days. (20 ILCS 5/5-715)

State of Illinois governance citations regarding audiometric standards, equipment or practices could not be located.

Iowa: The Iowa Department of Public Health (IDPH) regulates speech pathologists and audiologists under the Board of Speech Pathology and Audiology. In Iowa, licensure is provided to those demonstrating proof of either a masters' degree in speech pathology or a doctoral degree in audiology, or the equivalent of one of these degrees and the official completion of at least 400 hours of supervised clinical training, and completion of the Praxis examination (645 IAC 645.303(147))

In Iowa, veterans with an unrestricted professional license in another jurisdiction may apply for licensure by passing any required licensure examination provided credit for examinations previously passed. Licenses are granted if the applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or criminal background. If an applicant has not passed the required examination(s) for licensure, the applicant may not be issued a provisional license, but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements. (645 IAC—20.3(272C))

State of Iowa governance citations regarding audiometric standards, equipment or practices could not be located.

Michigan: The Michigan Department of Licensing and Regulatory Affairs (MDLRA) regulates speech pathologists and audiologists under the Board of Speech-Language Pathology and the Board of Audiology, respectively. License credentials are provided to individuals who possess a master's degree in speech pathology or a master's degree or doctoral degree in audiology. Those seeking an initial speech pathology license must have performed at least 1,260 hours of postgraduate clinical experience. All those seeking speech-language and audiologist credentials must pass the Praxis examination. (MCL 338.3)

In Michigan, active-duty service members, veterans, spouses, or their qualifying dependents may obtain an initial health profession, occupational license, or certification of registration in a profession or occupation for which they hold a

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

license or registration in another state or country, including waiving the fee for the initial health profession license or registration fee. (MCL 339.411(11))

State of Michigan governance citations regarding audiometric standards, equipment or practices could not be located.

Minnesota: Minnesota speech pathologists and audiologists are regulated by the Minnesota Department of Health, with input from the Speech-Language Pathologist and Audiologist Advisory Council. License credentials are provided to individuals who possess a master's degree in speech pathology or a master's degree or doctoral degree in audiology, including passing the Praxis examination. (2021 MN Statutes, Section 148.515)

In Minnesota, expedited and temporary professional licenses may be provided for those who are currently active-duty members, spouses of those who are active-duty members, or veterans of the military. (MN Statutes, Section 197.4552)

In November 2020, the Minnesota Department of Health Hearing Dispenser Certification Examination adopted ANSI 3.6 guidelines for hearing screening audiometer use and calibration to allow for pure tone audiometry and threshold screening. (MN Hearing Dispenser Certification Examination Standards, 2021)

19. Contact Name Dana Denny	20. Contact Phone Number (608) 287-3748
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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

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
-



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

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

CLEARINGHOUSE RULE **22-059**

AN ORDER to amend HAS 4.03 (1) and (Note), and 6.04 (6) (b); and to create HAS 6.07 (1) (c) and (2) (c), relating to reciprocal credentials for service members, former service members and their spouses.

Submitted by **HEARING AND SPEECH EXAMINING BOARD**

08-30-2022 RECEIVED BY LEGISLATIVE COUNCIL.

09-22-2022 REPORT SENT TO AGENCY.

SG:BL

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]
Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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Clearinghouse Director

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Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 22-059

Comments

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

2. Form, Style and Placement in Administrative Code

a. In general, the agency should more fully explain its intent for the proposed rule in relation to CHR 22-050, another proposed rule recently submitted to the Clearinghouse for review. Generally, the two rules are similar in content, and it appears possible that CHR 22-059 might be characterized as a “second draft” relative to CHR 22-050. In particular, several substantive provisions of CHR 22-059 appear intended to address Clearinghouse comments to CHR 22-050. If the connection between the two Clearinghouse rules is accurate, it may be useful, as also noted below, to proceed with one rulemaking and formally cease activity on the other, using the withdrawal procedure specified in s. 227.14 (6) (b), Stats.

b. The agency should conform the style of rule treatment to that described in the Manual. In particular, repealed and recreated material need not be underscored, and “SECTION X” should be assigned an Arabic number, referenced in the enumeration of provisions treated, and reconciled in its relationship with SECTIONS 3 and 4, as described below.

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

a. In SECTION 1 of the proposed rule, amending s. HAS 4.03 (1) (Note), the Note should appear only once. Also, the texts of the two Notes differ from one another. The first Note does not accurately reflect the text of the Note in the existing administrative code, and it should be removed. Additionally, the word “the” should not be capitalized, so that the entity identified in the Note is referred to as “the American National Standards Institute”.

b. Further revisions are recommended to s. HAS 6.07 (2) (a), for speech-language pathologists, and s. HAS 6.07 (2) (b), for audiologists (within the section of the proposed rule labeled “SECTION X”) as explained herein. Note that these provisions incorporate statutory requirements under s. 440.09 (2) (a) to (f) and (2m), Stats., into the proposed rule. However, not all of the requirements under s. 440.09 (2) (a) to (f) and (2m), Stats., are included.

Provisions in s. 440.09 (2) (a) to (f) and (2m), Stats.	Included in s. HAS 6.07 (2) (a) and (2) (b), and If So, Where?
Section 440.09 (2) (intro.) – “The department and each credentialing board shall grant a reciprocal credential to an individual who the department or credentialing board determines meets all of the following requirements:”.	Yes. See sub. (2) (a) (intro.) and (b) (intro.)
Section 440.09 (2) (a) – “The individual applies for a reciprocal credential under this section on a form prescribed by the department or credentialing board”.	Yes. See sub. (2) (a) 1. and (b) 1. (and Notes for each)
Section 440.09 (2) (b) – “The individual is a service member, a former service member, or the spouse of a service member or former service member and resides in this state”.	Yes. See sub. (2) (a) (intro.) and 2. to 3. and (b) (intro.) and 2. to 3.
Section 440.09 (2) (c) – “The individual holds a license, certification, registration, or permit that was granted by a governmental authority in a jurisdiction outside this state that qualifies the individual to perform the acts authorized under the appropriate credential granted by the department or credentialing board”.	No.
Section 440.09 (2) (d) – “The individual pays the fee specified under s. 440.05 (2)”.	Yes. See sub. (2) (a) (intro.) and (b) (intro.)
NOTE: there is no s. 440.09 (2) (e), Stats.	n/a
Section 440.09 (2) (f) – “The individual is in good standing with the governmental authorities in every jurisdiction outside this state that have granted the individual a license, certification, registration, or permit that qualifies the individual to perform acts authorized under the appropriate credential granted by the department or credentialing board”.	Yes. See sub. (2) (a) 4. and (b) 4.
Section 440.09 (2m) – “If an individual is unable to provide documentation that the individual is a service member, former service member, or the spouse of a service member or former service member, the individual may submit an affidavit to the department or credentialing board, as appropriate, stating that the individual is a service member, former service member, or the spouse of a service member or former service member”.	Yes. See sub. (2) (a) 3. and (b) 3.

As shown in the chart above, the statutory requirements in s. 440.09 (2) (a), (b), (d), and (f) and (2m), Stats., are all addressed in the proposed rule. Specifically, they are created as s. HAS 6.07 (2) (a) 1. to 4., with regard to speech language pathologists, and as s. HAS 6.07 (2) (b) 1. to 4., with regard to audiologists, in the section labeled “SECTION X”.

However, the proposed rule fails to implement the requirement, under s. 440.09 (2) (c), Stats., that an applicant must hold “a license, certification, registration, or permit that was granted by a governmental authority in a jurisdiction outside this state that qualifies the individual to perform the acts authorized under the appropriate credential granted by the department or credentialing board”. Consistent treatment of each statutory provision recommends in favor of a reference to this requirement for each credential under the rule. For example, references could be created as “s. HAS 6.07 (2) (a) 5.” in relation to speech-language pathology and “s. HAS 6.07 (2) (b) 5.” in relation to audiology.

Note that the statutory requirement under s. 440.09 (2) (c), Stats., is similar to, but distinct from, that under s. 440.09 (2) (f), Stats. Under par. (f), an applicant must be in good standing with “the governmental authorities in every jurisdiction outside this state that have granted the individual” a qualifying credential. However, there may be some cases in which the applicant has been granted no credentials in any other jurisdiction. They would not fail to meet the requirement under par. (f), because there would be no jurisdictions to which it applied. In those cases, the separate requirement under par. (c) would ensure that an individual could not receive a reciprocal credential unless they actually hold a qualifying credential in another jurisdiction.

Because of the fact that the requirements under pars. (c) and (f) are distinct from one another, and they are designed to work together, as explained above, they both should be included in the proposed rule. This will be accomplished if all of the current provisions are retained in s. HAS 6.07 (2) (a) 1. to 4. and (2) (b) 1. to 4., and if provisions reflecting the requirement under s. 440.09 (2) (c), Stats., are also created (as suggested above, as “s. HAS 6.07 (2) (a) 5.” in relation to speech-language pathology and as “s. HAS 6.07 (2) (b) 5.” in relation to audiology).

c. The section of the proposed rule labeled “SECTION X” also repeals s. HAS 6.07 (1) (c) and recreates it to say as follows:

(c) **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.

Notably, there is no s. HAS 6.07 (1) (c) included in the existing administrative code. Instead, this paragraph is created in SECTION 3 of the proposed rule, as follows:

(c) A reciprocal speech-language pathology license shall be granted to service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential if the person resides in Wisconsin and are in good standing with the governmental authorities in every jurisdiction outside Wisconsin that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate

credential granted by the department or credentialing board. The license may be renewed pursuant to s. 440.09 (3) Stats.

The SECTION X version is placed after SECTION 3 within the text of the proposed rule. If this order is correct, the SECTION 3 version would disappear as a result of the SECTION X version. In other words, only the SECTION X version of s. HAS 6.07 (1) (c) would be promulgated as a rule. The language that would be retained is the same as that in s. HAS 6.07 (3) of the existing code regarding reciprocal agreements.

With regard to the SECTION 3 version of s. HAS 6.07 (1) (c), several of the references in the text are subsequently addressed in various places within the section labeled “SECTION X” of the proposed rule. For example, the text of the SECTION 3 version of s. HAS 6.07 (1) (c) refers to several terms (service members, etc.), but these are also included as defined terms in sub. (2) (a) and (b) of the section labeled “SECTION X”. Also, the SECTION 3 version of s. HAS 6.07 (1) (c) includes language implementing the requirement to be in good standing with jurisdictions, under s. 440.09 (2) (f), Stats., but this is also included in sub. (2) (a) 4. and (b) 4. of the section labeled “SECTION X”.

d. However, the proposed rule should be revised to reflect the fact that the license may be renewed pursuant to s. 440.09 (3) Stats. This language is included in the SECTION 3 version of s. HAS 6.07 (1) (c), but it has not been included in the SECTION X version. Therefore, the section labeled “SECTION X” should be revised to refer to the fact that the credentials may be renewed pursuant to the specified statute, so that this will be included in the promulgated rule. If a Note similar to that created in SECTION 3 is retained, it should be revised to properly introduce the text of s. 440.09 (3), Stats. [e.g., “Section 440.09 (3), Stats., states:”]

e. After the section of the proposed rule labeled “SECTION X”, the following text appears in strikethrough:

~~SECTION 4. HAS 6.07 (2) (c) is created to read:~~

~~HAS 6.07 (2) (c) A reciprocal speech language pathology license shall be granted to servicemembers, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential if the person resides in Wisconsin and are in good standing with the governmental authorities in every jurisdiction outside Wisconsin that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate credential granted by the department or credentialing board. The license may be renewed indefinitely.~~

It is not clear what this means. Notably, there is no s. HAS 6.07 (2) (c) included in the existing administrative code. Instead, this paragraph appears to be attempting to abandon a provision referenced in CHR 22-050, which is still an active clearinghouse rule, in favor of the proposed rule’s repeal and recreation of s. HAS 6.07 in its entirety. A more appropriate step would be to modify that proposed rule instead of attempting to address it in this proposed rule.

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

The fiscal estimate/EIA and notice of submittal for the proposed rule state that it relates to “audiometric testing and reciprocal licensure”, which appears accurate in relation to the proposed rule’s treatment of both chs. HAS 4 and 6. The relating clause for the proposed rule should be updated to refer to both topics.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny, Administrative Rules Coordinator		2) Date when request submitted: September 28, 2022 <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: 10/10/22	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1:00 PM Public Hearing Clearinghouse Rule (CR 22-058) HAS 5 and 6 relating to Telehealth 1. Review and respond to Preliminary Rule Public Hearing Comments and Clearinghouse Report	
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: The Board will hold a Public Hearing on the rule as required by the rulemaking process. Attachments: <ul style="list-style-type: none"> • Proposed permanent rule language – HAS 5 and 6, relating to Telehealth • HAS 5 and 6 Fiscal Estimate and Economic Impact Analysis • Clearinghouse Report 22-058 • Clearinghouse Rule Comments 22-058 Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
<i>Dana Denny</i>		September 28, 2022	
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

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 create HAS 5.015, 5.018, 5.02 (1m), 5.02 (2) (g), 6.18 (4) and (5), and 6.18 (2) (y) relating to telehealth.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 459.12, Stats.

Statutory authority: Sections 15.08 (5) (b), 459.12 (1), and 459.34 (2) h, 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), 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.]

The examining board may reprimand a licensee or permittee or deny, limit, suspend or revoke a license or permit under this subchapter if it finds that the applicant, licensee or permittee has been engaged in unprofessional conduct as defined by rule by the examining board. [s. 459.34 (2)(h), Stats.]

Related statute or rule: Chapters HAS 5 and 6

Plain language analysis:

The objective of the rule is to provide greater clarity for hearing instrument specialists, speech-language pathologists, audiologists, and temporary licensees regarding the practice of telehealth.

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

Comparison with rules in adjacent states:

Illinois:

In the Illinois Compiled Statutes Chapter 225, the Telehealth Act provides a definition for “Health care professional” which includes speech-language pathologists, audiologists, and hearing instrument dispensers. This Act also provides a definition of “Telehealth” as “the evaluation, diagnosis, or interpretation of electronically transmitted patient-specific data between a remote location and a licensed health care professional that generates interaction or treatment recommendations. ‘Telehealth’ includes telemedicine and the delivery of health care services provided by way of an interactive telecommunications system, as defined in subsection (a) of Section 356z.22 of the Illinois Insurance Code.” If the patient being treated is in Illinois, then the healthcare professional providing treatment via telehealth must be licensed to practice in Illinois (225 ILCS 150).

Illinois Executive Order 2020-09 expanded the definition of “Telehealth Services” to include provision of healthcare to a patient in any location through electronic or telephonic methods, in response to the COVID-19 pandemic for the duration of the Illinois Gubernatorial Disaster Proclamation. Executive Order 2021-14 re-issued Executive Order 2020-09 and extended it through at least July 24, 2021.

Iowa:

The Iowa Administrative Code Chapter 300, rule 645.300.2 includes that the provision of speech pathology or audiology services in Iowa via telephonic, electronic, or other methods, requires an Iowa license (IAC 645.300.2(147)).

Michigan:

The Michigan Compiled Laws, Chapter 333, Act 368 provides that Telehealth is defined as long-distance health care through telecommunication technologies. Telehealth may include telemedicine, which is defined in MCL 500.3476 (MCL 300.26283). Act 368 includes Michigan laws relating to the practice of speech-language pathology and audiology.

Minnesota:

The practice of speech-language pathology and audiology are provided for in Minnesota Statutes ss.148.511 to 148.5198. Telehealth, telemedicine, or telepractice is not specifically mentioned.

The Minnesota Department of Health provides the following definition related to Telehealth: “The provision of speech-pathology or audiology services in Minnesota through telepractice, electronic, or other means, regardless of the location of the speech-language pathologist or audiologist, shall constitute the practice of speech-language pathology or audiology and shall require Minnesota licensure.” (source: <https://www.health.state.mn.us/facilities/providers/slpa/telepractice.html>)

Summary of factual data and analytical methodologies:

The Board reviewed chs. HAS 5 and HAS 6 to clarify the provision of telehealth services. The Board also referenced Wisconsin Administrative Code s. Med 24.02 when creating a definition of Telehealth specifically for the practice of speech-language pathology and audiology in the state. The Board also reviewed and considered the definition relating to telehealth provided by the American Speech-Language- Hearing Association (ASHA) and the Wisconsin Speech-Language Pathology and Audiology Association (WSHA).

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

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

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.

Agency contact person:

Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; telephone 608-287-3748; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, to be held on October 10, 2022, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. HAS 5.013 is created to read:

HAS 5.013 Scope: The standards of practice and professional conduct in this chapter apply to a licensee all licensees regardless of whether services are provided in person or by telehealth.

Note: Pursuant to ch. 459, Stats. any person engaging in the practice of selling or fitting hearing aids to a patient located in this state shall be licensed under ch. 459, Stats. as a hearing instrument specialist or audiologist.

SECTION 2. HAS 5.015 (1) is created to read:

HAS 5.015 Definition.

(1) Telehealth. In this chapter “Telehealth” has the meaning given in s. 440.01.

Note: Section 440.01 (1) (hm), Stats. reads: ““Telehealth” means a practice of health care delivery, diagnosis, consultation, treatment, or transfer of medically relevant data by means of audio, video, or data communications that are used either during a patient visit or a consultation or are used to transfer medically relevant data about a patient. “Telehealth” includes asynchronous telehealth services, interactive telehealth, and remote patient monitoring.”

SECTION 3. HAS 5.02 (2) (g) and 5.02 (4) are created to read:

(g) Failing to utilize equipment and technology to provide telehealth services which enable the hearing instrument specialist to meet or exceed the standard of minimally competent practice.

(4) Wisconsin license required. A person engaging in the practice of selling or fitting hearing aids to a patient located in this state shall be licensed under ch. 459, Stats., as a hearing instrument specialist or audiologist.

SECTION 4. HAS 6.15 is created to read:

HAS 6.15 Scope: The licensure and conduct rules in this chapter and ch. 459, Stats. apply to all persons providing services to patients located in this state without regard to whether services are provided in person or via telehealth.

SECTION 5. 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

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date August 9, 2022
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) HAS 5 and 6 - Permanent Rule	
4. Subject Telehealth	
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	6. Chapter 20, Stats. Appropriations Affected s.20.165(g)(1)
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	
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)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$	
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 type="checkbox"/> No	
11. Policy Problem Addressed by the Rule These rules clarify the statute changes from 2021 Wisconsin Act 121 on telehealth.	
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. These rules will be posted for 14 days on the Department of Safety and Professional Services' website to solicit comments on the potential economic impact.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None	
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)	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits of implementing this rule are that there will be more detailed practice guidelines for audiologists and speech-language pathologists, and hearing aid specialists regarding telehealth practices. The alternative to implementing this rule is that the statute will leave open interpretations regarding the use of telehealth and licensing, technology, and other practices for audiologists and speech-language pathologists and hearing aid specialists in Wisconsin.	
16. Long Range Implications of Implementing the Rule The long range implications of implementing the rule improved are improved practice for audiologists, speech-language pathologists, and hearing aid specialists as a result of having rules for the profession in place.	
17. Compare With Approaches Being Used by Federal Government None.	
18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Illinois:	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

In the Illinois Compiled Statutes Chapter 225, the Telehealth Act provides a definition for “Health care professional” which includes speech-language pathologists, audiologists, and hearing instrument dispensers. This Act also provides a definition of “Telehealth” as “the evaluation, diagnosis, or interpretation of electronically transmitted patient-specific data between a remote location and a licensed health care professional that generates interaction or treatment recommendations. ‘Telehealth’ includes telemedicine and the delivery of health care services provided by way of an interactive telecommunications system, as defined in subsection (a) of Section 356z.22 of the Illinois Insurance Code.” If the patient being treated is in Illinois, then the healthcare professional providing treatment via telehealth must be licensed to practice in Illinois (225 ILCS 150).

Illinois Executive Order 2020-09 expanded the definition of “Telehealth Services” to include provision of healthcare to a patient in any location through electronic or telephonic methods, in response to the COVID-19 pandemic for the duration of the Illinois Gubernatorial Disaster Proclamation. Executive Order 2021-14 re-issued Executive Order 2020-09 and extended it through at least July 24, 2021.

Iowa:

The Iowa Administrative Code Chapter 300, rule 645.300.2 includes that the provision of speech pathology or audiology services in Iowa via telephonic, electronic, or other methods, requires an Iowa license (IAC 645.300.2(147)).

Michigan:

The Michigan Compiled Laws, Chapter 333, Act 368 provides that Telehealth is defined as long-distance health care through telecommunication technologies. Telehealth may include telemedicine, which is defined in MCL 500.3476 (MCL 300.26283). Act 368 includes Michigan laws relating to the practice of speech-language pathology and audiology.

Minnesota:

The practice of speech-language pathology and audiology are provided for in Minnesota Statutes ss.148.511 to 148.5198. Telehealth, telemedicine, or telepractice is not specifically mentioned.

The Minnesota Department of Health provides the following definition related to Telehealth: “The provision of speech-pathology or audiology services in Minnesota through telepractice, electronic, or other means, regardless of the location of the speech-language pathologist or audiologist, shall constitute the practice of speech-language pathology or audiology and shall require Minnesota licensure.” (source:

<https://www.health.state.mn.us/facilities/providers/slpa/telepractice.html>)

19. Contact Name Dana Denny, Administrative Rules Coordinator	20. Contact Phone Number 608-287-3748
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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

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
-



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

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

CLEARINGHOUSE RULE **22-058**

AN ORDER to create HAS 5.015, 5.018, 5.02 (1m) and (2) (g), and 6.18 (2) (y), (4), and (5), relating to telehealth.

Submitted by **HEARING AND SPEECH EXAMINING BOARD**

08-25-2022 RECEIVED BY LEGISLATIVE COUNCIL.

09-07-2022 REPORT SENT TO AGENCY.

MSK:KAM

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
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Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 22-058

Comments

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

2. Form, Style and Placement in Administrative Code

a. In SECTION 1 of the proposed rule, consider eliminating the duplicative phrase “all licensees”, which appears after the phrase “a licensee”. Generally, it is preferable to use the singular form of a word and use the plural only when specifically referring to multiples of the word used. [s. 1.05 (1) (c), Manual.] This comment also applies to the use of “all persons” in the proposed text of s. HAS 6.15.

b. In SECTION 2 of the proposed rule, the provision should create only s. HAS 5.015, without sub. (1), and the subsection title “Telehealth.” should be removed. Subunits should be used only when there are multiple subunits. [s. 1.07 (2) (b) 2., Manual.]

c. The following comments apply in SECTION 3 of the proposed rule:

- The agency should review and revise the treatment of s. HAS 5.02 (2) (g). The provision states that it is creating sub. (2) (g), but that provision already exists in the text of the current rule. Did the agency intend to repeal and recreate par. (g)? Or should the new text be created as a new paragraph, such as par. (i)?
- The proposed rule skips the numbering of s. HAS 5.02 (3) and creates s. HAS 5.02 (4). Because the current administrative code does not contain a rule numbered sub. (3), and that number does not appear to have previously been used, the agency could consider numbering this proposed rule as s. HAS 5.02 (3).
- In s. HAS 5.02 (4), the subsection title “Wisconsin license required.” should be removed, as the other subsections in s. HAS 5.02 do not use titles. [s. 1.10 (2) (a) 2., Manual.]

d. The rule caption’s listing of provisions treated in the proposed rule should be updated to reflect any changes made in response to these comments. The agency should also review and update the caption, altogether, for accuracy. The caption currently lists the creation of ss. HAS 5.018, 5.02 (1m), and 6.18 (2) (y), (4), and (5), which are not created in the text of the proposed

rule, and does not list the creation of s. HAS 5.013, 5.02 (4), or 6.15, which are created in the text of the proposed rule.

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

a. The agency's listing of statutory authority in the analysis for the proposed rule includes s. 459.34 (2) (h), Stats. However, this citation is not included in the current text of s. HAS 5.01, which provides the current rule's statement of authority. To be more consistent and complete, the agency could consider amending s. HAS 5.01 to add a citation to s. 459.34 (2) (h), Stats.

b. In SECTION 2 of the proposed rule, the proposed text includes a citation to s. 440.01, Stats., but the Note refers more specifically to sub. (1) (hm) of that provision. Consider revising the proposed text to be similarly precise.

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

a. In SECTION 1 of the proposed rule, a comma should be inserted after both instances of the source designation “, Stats.”.

b. The following comments apply in SECTION 2 of the proposed rule:

- A comma should be inserted after “In this chapter”.
- The word “telehealth” that appears inside the quotation marks should not be capitalized.
- The source designation “, Stats.” should be inserted for the reference to s. 440.01, Stats.
- In the Note, a comma should be inserted after the source designation “, Stats.”.

c. In SECTION 4 of the proposed rule, a comma should be inserted after the source designation “, Stats.”.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny, Administrative Rules Coordinator		2) Date when request submitted: September 28, 2022 <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: 10/10/22	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. Pending or Possible Rulemaking Projects									
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 <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:									
10) Describe the issue and action that should be addressed: 1. Review Pending and Possible Rulemaking Projects Attachments: <ul style="list-style-type: none"> • Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-bottom: 1px solid black;"><i>Dana Denny</i></td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;">September 28, 2022</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				<i>Dana Denny</i>	September 28, 2022	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	
<i>Dana Denny</i>	September 28, 2022										
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
Rule Projects (updated 09/29/22)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
22-059	079-21	03/13/2024	HAS 4 and 6	Audiometric Testing and Reciprocal Licensure	Public Hearing at 10/10/22 Meeting	Legislative Report and Final Rule Draft Completed and Submitted to Governor's Office for Approval
22-058	108-20	05/02/2023	HAS 5 and 6	Telehealth	Public Hearing at 10/10/22 Meeting	Legislative Report and Final Rule Draft Completed and Submitted to Governor's Office for Approval

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Robert Broeckert, Board Chair		2) Date when request submitted: 8/23/2022 <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: 10/10/2022	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? FDA Final Rule – Over the Counter Hearing Aids	
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 applicable: N/A	
10) Describe the issue and action that should be addressed: https://www.federalregister.gov/documents/2022/08/17/2022-17230/medical-devices-ear-nose-and-throat-devices-establishing-over-the-counter-hearing-aids			
11) Authorization			
Signature of person making this request			Date
Supervisor (Only required for post agenda deadline items)			Date
Executive Director signature (Indicates approval for post agenda deadline items)			Date
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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.			