



**Tony Evers, Governor**  
**Dawn Crim, Secretary**

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**TELECONFERENCE/VIRTUAL  
HEARING AND SPEECH EXAMINING BOARD  
Room N208, 4822 Madison Yards Way, 2<sup>nd</sup> Floor, Madison  
Contact: Valerie Payne (608) 266-2112  
April 6, 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 January 13, 2020 (4-8)**
- C. Administrative Matters**
  - 1) Department, Staff and Board Updates
  - 2) Board Members – Term Expiration Dates
- D. Legislative and Policy Matters – Discussion and Consideration**
  - 1) Pending or Possible Rulemaking Projects
- E. Administrative Rule Matters – Discussion and Consideration (9)**
  - 1) HAS 3, 6, 7, and 8, Relating to Rule Revisions for Technical Changes in Response to the Board’s Act 108 Report **(10-13)**
  - 2) Review of Draft Scope Statement for HAS 1 and 2, Relating to Direct Supervision of Hearing Instrument Specialists Temporary Trainees **(14-18)**
  - 3) Pending or Possible Rulemaking Projects
- F. Online Speech Pathology/Audiology Services and Board Jurisdiction – Discussion and Consideration**
- G. Telepractice Licensure Requirements – Discussion and Consideration (19)**
- H. Federal Regulations Regarding Over-the-Counter Hearing Aids – Discussion and Consideration**
- I. COVID-19 – Discussion and Consideration**
- J. 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

K. 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.)**

L. **Education and Examination Matters – Discussion and Consideration**

- 1) Review of International Licensing Examination (ILE) Scores

M. **Deliberation on DLSC Matters**

- 1) **Case Closings**
  - a. 18 HAD 004 – R.T.S. **(20-22)**

N. 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

O. Consulting with Legal Counsel

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

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

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

R. License Ratification

**ADJOURNMENT**

**NEXT SCHEDULED MEETING: JULY 6, 2020**

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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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**HEARING AND SPEECH EXAMINING BOARD  
MEETING MINUTES  
JANUARY 13, 2020**

**PRESENT:** Michael Harris, Barbara Johnson, Steven Klapperich, Thomas Krier, Thomas Sather (*via Skype*), David Seligman

**EXCUSED:** Robert Broeckert

**STAFF:** Valerie Payne, Executive Director; Jameson Whitney, Legal Counsel; Kassandra Walbrun, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Adv; and other Department Staff

**CALL TO ORDER**

Thomas Krier, Chairperson, called the meeting to order at 1:10 p.m. A quorum of six (6) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Barbara Johnson moved, seconded by Thomas Sather, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 7, 2019**

**MOTION:** Steven Klapperich moved, seconded by Michael Harris, to approve the Minutes of October 7, 2019 as published. Motion carried unanimously.

**Election of Officers**

*Chairperson*

**NOMINATION:** Steven Klapperich nominated Barbara Johnson for the Office of Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Barbara Johnson was elected as Chairperson by unanimous voice vote.

*Vice Chairperson*

**NOMINATION:** Thomas Krier nominated Michael Harris for the Office of Vice Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Michael Harris was elected as Vice Chairperson by unanimous voice vote.

### *Secretary*

**NOMINATION:** Steven Klapperich nominated David Seligman for the Office of Secretary.

Valerie Payne, Executive Director, called for nominations three (3) times.

David Seligman was elected as Secretary by unanimous voice vote.

<b>ELECTION RESULTS</b>	
<b>Chairperson</b>	Barbara Johnson
<b>Vice Chairperson</b>	Michael Harris
<b>Secretary</b>	David Seligman

### Appointments of Liaisons and Alternates

<b>LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison(s)</b>	Robert Broeckert, Barbara Johnson, Steven Klapperich, Thomas Krier, Thomas Sather
<b>Exam Liaison(s)</b>	Robert Broeckert, Steven Klapperich, Barbara Johnson
<b>Continuing Education (CE) Liaison(s)</b>	Thomas Sather, Thomas Krier, Barbara Johnson
<b>Professional Assistance Program (PAP) and Monitoring Liaison(s)</b>	Robert Broeckert
<b>Legislative Liaison(s)</b>	Thomas Sather
<b>Travel Liaison(s)</b>	Barbara Johnson
<b>Website Liaison(s)</b>	Thomas Krier, Robert Broeckert, Thomas Sather
<b>Practice Question Liaison(s)</b>	Steven Klapperich, Barbara Johnson, Thomas Sather
<b>Screening Panel</b>	<b>Team A:</b> Michael Harris, Steven Klapperich, David Seligman <b>Team B:</b> Robert Broeckert, Thomas Sather, David Seligman <i>Alternates:</i> Barbara Johnson, Thomas Krier

## **Delegation of Authorities**

### ***Document Signature Delegations***

**MOTION:** Thomas Krier moved, seconded by Steven Klapperich, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** Thomas Krier moved, seconded by Michael Harris, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

### ***Delegated Authority for Urgent Matters***

**MOTION:** Michael Harris moved, seconded by Thomas Krier, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

### ***Monitoring Delegations***

**MOTION:** Michael Harris moved, seconded by Steven Klapperich, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” as presented in the January 13, 2020 agenda materials. Motion carried unanimously.

### ***Credentialing Authority Delegations***

#### **Delegation of Authority to Credentialing Liaison**

**MOTION:** Steven Klapperich moved, seconded by Barbara Johnson, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them. Motion carried unanimously.

#### **Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** Barbara Johnson moved, seconded by Thomas Sather, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

### *Delegated Authority for Application Denial Reviews*

**MOTION:** Thomas Krier moved, seconded by Michael Harris, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

### *Delegation to Chief Legal Counsel Due to of Loss of Quorum*

**MOTION:** David Seligman moved, seconded by Michael Harris, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum. Motion carried unanimously.

### *Voluntary Surrenders*

**MOTION:** Steven Klapperich moved, seconded by Thomas Krier, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

### *Continuing Education and Examination Delegation(s)*

**MOTION:** Thomas Krier moved, seconded by Michael Harris, to delegate authority to the Continuing Education Liaison(s) and Examination Liaison(s) to address all issues related to continuing education or examinations. Motion carried unanimously.

### *Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies*

**MOTION:** Thomas Krier moved, seconded by Steven Klapperich, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

### *Optional Renewal Notice Insert Delegation*

**MOTION:** Thomas Krier moved, seconded by Michael Harris to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

### *Legislative Liaison Delegation*

**MOTION:** Barbara Johnson moved, seconded by Michael Harris, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

*Travel Delegation*

**MOTION:** Steven Klapperich moved, seconded by Thomas Krier, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

**APPEARANCE: RYAN ZEINERT, DSPS LICENSING EXAMINATION SPECIALIST –  
LICENSE RATIFICATION**

**MOTION:** Steven Klapperich moved, seconded by Thomas Krier, that the Board ratify the scores from the January 13, 2020 examinations and grant the licenses once requirements are met. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Thomas Krier moved, seconded by David Seligman, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:52 p.m.

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Cassandra Walbrun Administrative Rules Coordinator		2) Date when request submitted: 03/24/2020 <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: 04/6/2020	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. HAS 3, 6, 7 and 8, Relating to Rule Revisions for Technical Changes in Response to the Board's Act 108 Report. 2. Review of Draft Scope Statement for HAS 1 and 2, Relating to Direct Supervision of Hearing Instrument Specialists Temporary Trainees. 3. Update on 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? <i>(If yes, please complete <a href="#">Appearance Request</a> 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:			
11) Authorization			
Signature of person making this request <i>Kassandra Walbrun</i>		Date 03/24/2020	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			

STATE OF WISCONSIN  
HEARING AND SPEECH EXAMINING BOARD

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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 )

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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.

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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) and (2), Stats., provide 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 333.16101 to 333.18838 and further outlined in administrative rule R 338.601 through R 338.649. It does not require specific equipment be part of licensure testing.

**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 (MDH) 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 aid dispensers and audiologists must pass a practical examination, with similar topics as Wisconsin, and does not include a master hearing instrument.

**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:**

**Fiscal Estimate and Economic Impact Analysis:**

**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.Hereh@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Kassandra Walbrun, Administrative Rules Coordinator, Wisconsin Department of Safety and Professional Services, Phone: 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 \*** 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.

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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.

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(END OF TEXT OF RULE)

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# STATEMENT OF SCOPE

## Hearing and Speech Examining Board

**Rule No.:** HAS 1 and 2

**Relating to:** Supervision of hearing instrument specialist temporary trainees

**Rule Type:** Permanent

### 1. Finding/nature of emergency (Emergency Rule only):

N/A

### 2. Detailed description of the objective of the proposed rule:

The Board will review Wisconsin Administrative Code HAS 1 and HAS 2 to revise requirements to increase opportunities for new applicants entering the profession while ensuring that trainee permit holders are directly supervised. The Board will also ensure compliance with statutory requirements.

### 3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Wisconsin Statutes Chapter 459 describes Hearing and Speech Examining Board requirements, its rulemaking authority, and training and licensure requirements for hearing instrument specialists and trainees, speech-language pathologists and audiologists. HAS 1 identifies the authority for rulemaking and the definitions for licensure of hearing instrument specialists. HAS 2 provides the process for permitting hearing instrument specialist trainees.

The proposed rule will examine revising existing policies and potentially propose new policies to improve opportunities for people interested in entering the profession. The Board will examine rule changes that could increase opportunities for new trainees while continuing to adequately protect the public's health, safety, and welfare.

The policy alternative is maintaining the current rules for trainees entering the practice of fitting of hearing aids.

### 4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

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 459.12 (1) and (3), Stats., states that, "[t]he examining board may make rules not inconsistent with the laws of this state which are necessary to carry out the intent of this chapter," and that "[t]he examining board shall by rule prescribe the number of trainees a licensee may supervise under s. 459.07."

### 5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Approximately 100 hours.

Rev. 3/6/2012

**6. List with description of all entities that may be affected by the proposed rule:**

Hearing instrument specialists trainees and permanent license holders that supervise trainees may be affected by the proposed rule.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule is not anticipated to have any significant economic impact on the state's economy or its small businesses.

**Contact Person:**           Kassandra Walbrun, Administrative Rules Coordinator  
Phone: (608) 261-4463, email: DSPSAdminRules@wisconsin.gov

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Authorized Signature

\_\_\_\_\_  
Date Submitted

## **Comparison Summary of Other States Hearing Instrument Specialist Trainee Permits and Supervision**

*Prepared by Kassandra Walbrun, Administrative Rules Coordinator  
Division of Policy Development, Wisconsin Department of Safety and Professional Services  
March 23, 2020*

### **Wisconsin**

Wisconsin Statutes s. 459.07 provides the process to receive a temporary trainee permit for hearing instrument specialists. HAS 1 and 2 provide additional rules. A trainee permit to practice fitting of hearing aids may be issued for one year, renewable for one time for cause. A trainee must pass the practical examination prior to the expiration of their temporary trainee permit.

A temporary trainee permit allows candidates to practice fitting hearing instruments, make ear impressions and measurements of human hearing for the purpose of fitting hearing instruments under the direct supervision of a licensed Hearing Instrument Specialist. One trainee may be supervised by a licensed specialist at any time.

### **Illinois**

Hearing specialist trainees can receive a six-month dispenser license which is non-renewable. Direct supervision is required from a designated licensed hearing specialist for up to three trainees maximum per one supervisor. Applicants for a six-month trainee dispenser license is required to submit a letter of verification from the licensed supervisor and completed trainee for signed by supervisor. Before a trainee license will be issued, the trainee must complete required courses and pay the trainee license fee.

"Direct supervision" requires the licensed hearing instrument dispenser or audiologist to give final approval to all work performed by the trainee and is physically present anytime the trainee has contact with a client. The licensed hearing instrument dispenser or audiologist is responsible for all work performed by the trainee.

- A licensed hearing instrument dispenser/audiologist must directly observe 100 percent of each hearing instrument dispensing activity by a licensed trainee.
- Contracts signed by a licensed trainee shall also be signed by the designated supervisor.
- Until the licensed trainee has obtained a Hearing Instrument Dispenser License or becomes a licensed audiologist, dispensing of hearing instruments is limited to sites where the designated supervisor observes 100 percent of the time that the trainee has client contact.

<http://dph.illinois.gov/topics-services/prevention-wellness/vision-hearing/hearing-instrument-consumer-protection-program>

<http://www.ilga.gov/commission/jcar/admincode/077/07700682sections.html>

### **Iowa**

Iowa Statutes chapter 645, section 121.2 allows the Board of Hearing Aid Specialists to issue temporary permits for hearing aid specialists trainees. Temporary permits are issued for one year and are non-renewable. The permit application includes a statement from the employer outlining the type of supervision to be provided to the trainee; a list of the subjects to be covered; the materials to be used for training; and an outline of the training program to be followed in preparing the trainee for examination.

The licensed hearing aid specialist employing the holder of a temporary permit is responsible for:

- training of the temporary permit holder;

- evaluating the audiograms and determining which hearing aid and ear mold will best compensate for hearing loss of a particular person;
- notifying the board within 15 days of the termination of the holder of a temporary permit;
- supervising up to three trainees with temp permits at same time; and,
- for the first 90 days, provide a minimum of 20 hours of direct supervision per week in physical presence of trainee.

Supervisors must cosign all audiometric evaluations and contracts processed by the trainee for the duration of the temporary permit and submit a report for trainees prior to taking the board-approved examination and any retakes.

Licensure of Hearing Aid Specialists: <https://www.legis.iowa.gov/docs/ACO/chapter/645.121.pdf>

### **Michigan**

Under Michigan statutes s. 339.1307, a Hearing Aid Trainee license is available through the Department of Licensing and Regulatory Affairs. A trainee license is valid for one year. A new trainee license may be issued by the board upon the filing of an application. Application fee is \$50.

Michigan requires a trainee work for and under the direction and supervision of a named licensed hearing aid dealer. A license may be transferred by a trainee to a new dealer upon the filing of an application for a transfer. There is no identified limit on the number of trainees that a named licensed hearing aid dealer may supervise.

[https://www.michigan.gov/lara/0,4601,7-154-89334\\_72600\\_72602\\_72731\\_72868---,00.html](https://www.michigan.gov/lara/0,4601,7-154-89334_72600_72602_72731_72868---,00.html)

### **Minnesota**

Hearing Aid Dispensers Trainees can be licensed for up to one year. Trainees must be under the supervision of a certified dispenser and must meet all requirements for certification except passage of examination.

There are two levels of supervision for a trainee, indirect and direct. A certified hearing instrument dispenser may indirectly supervise up to two trainees at the same time and directly supervise only one trainee at a time. Under indirect supervision, the trainee must complete two monitored activities a week. Monitored activities may be executed by correspondence, telephone, or other telephonic devices, and include, but are not limited to, evaluation of audiograms, written reports, and contracts. The trainee's time spent under supervision must be recorded and the record retained by the supervisor.

The certified dispenser is responsible for all actions or omissions of a trainee in connection with the dispensing of hearing instruments. Trainees must be directly supervised in all activities prior to passing the practical exam. Once a trainee passes the practical exam, Trainees may dispense hearing instruments under indirect supervision until expiration of the trainee period.

<https://www.health.state.mn.us/facilities/providers/hid/certregs.html>

### **Other States - California**

A trainee license may be issued for six months with an option of two renewals. The trainee's supervisor must possess a California hearing aid dispensers or dispensing audiology license for at least three years. A supervisor may supervise only one trainee-applicant at any one time unless granted a specific waiver by the Board of Speech and Hearing. The supervisor must be physically present in the same work setting as the trainee for a minimum 20 percent of the time. If the trainee fails either the written or practical exam, the supervisor is required to be physically present 100 percent of the time at all fittings and sales made by the trainee. The supervisor is

responsible for all acts or omissions committed by the trainee while practicing the fitting and selling of hearing aids. Application fees are \$400 and include application and exam fees.

If a trainee fails any examination, the supervising dispenser is required to be physically present at all fittings and sales made by the trainee-applicant.

[CCR 1399.119\(d\)](#)

[https://www.speechandhearing.ca.gov/forms\\_pubs/appreq\\_supv.pdf](https://www.speechandhearing.ca.gov/forms_pubs/appreq_supv.pdf)

### **Other States - Florida**

A hearing aid specialist trainee must work only under the direct supervision of a licensed hearing aid specialist. The term “direct supervision” means that the sponsor is responsible for all work being performed by the trainee. The sponsor or a hearing aid specialist designated by the sponsor must give final approval to work performed by the trainee and shall be physically present at the time the hearing aid is delivered to the client.

A training program is a minimum of six months and divided into four stages:

1. *Stage I:* The trainee completes the International Hearing Society Distance Learning Course and submits proof of passing the course final exam before entering Stage II. Following completion of Stage I, trainees must complete a minimum of twenty hours each week totaling 480 hours during the six-month training period.
2. *Stage II – 1 month:* The trainee may perform audiometric tests, and make ear mold impressions and modifications, while the sponsor is physically present, in the same room at all times when the trainee is performing these functions. The trainee may not recommend the selection of a hearing aid, dispense a hearing aid or counsel a client.
3. *Stage III – 2 months:* The trainee may perform all tasks in Stage II, recommend the selection of a hearing aid, and counsel a client. Trainee must be under the direct supervision of the sponsor or hearing aid specialist designated by the sponsor. The trainee may not deliver a hearing aid.
4. *Stage IV – 3 months:* The trainee may perform all the tasks in Stages II and III and deliver hearing aids, but the sponsor or hearing aid specialist designated by the sponsor must be physically present in the same room at the time a hearing aid is delivered to the client. The receipt must have the signature and license number of the sponsor or hearing aid specialist designated by the sponsor.

A sponsor must possess an active license and actively practicing for at least two consecutive years immediately prior to sponsorship and must be Board certified by the National Board for Certification in Hearing Instrument Sciences. A sponsor may not sponsor more than three trainees at any one time. For trainees who do not pass their first exam, they are allowed a continuance in the training program (pending their Sponsor’s approval) for an additional six months. During the second Training Program the Trainee remains in Stage IV of the training program and can apply to take the exam again as many times as necessary to pass.

Florida Statutes Section 484.051 and Florida Administrative Code [Rule 64B6-8.003, F.A.C.](#)

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Kimberly Wood, Program Assistant Supervisor-Adv. on behalf of Thomas Sather		2) Date when request submitted: 4/1/2020 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Hearing and Speech Examining Board			
4) Meeting Date: 4/6/2020	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Telepractice Licensure Requirements	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? (If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)  <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: Review and discuss the information provided at the links below, provided by Thomas Sather. Graphic of states requirements re: telepractice laws: <a href="https://www.asha.org/uploadedFiles/Telepractice-Requirements-and-Reimbursement.pdf">https://www.asha.org/uploadedFiles/Telepractice-Requirements-and-Reimbursement.pdf</a> <a href="https://www.asha.org/PRPSpecificTopic.aspx?folderid=8589934956&amp;section=Key_Issues#Licensure_and_Teacher_Certification">https://www.asha.org/PRPSpecificTopic.aspx?folderid=8589934956&amp;section=Key_Issues#Licensure_and_Teacher_Certification</a> All states licensure information, including telepractice requirements (if there are any): <a href="https://www.asha.org/advocacy/state/">https://www.asha.org/advocacy/state/</a> Illinois Telepractice laws: <a href="https://www.asha.org/Advocacy/state/info/IL/Illinois-Telepractice-Requirements/">https://www.asha.org/Advocacy/state/info/IL/Illinois-Telepractice-Requirements/</a> Wisconsin Telepractice laws: <a href="https://www.asha.org/Advocacy/state/info/WI/Wisconsin-Telepractice-Requirements/">https://www.asha.org/Advocacy/state/info/WI/Wisconsin-Telepractice-Requirements/</a> Minnesota Telepractice laws: (policy statement): <a href="https://www.asha.org/Advocacy/state/info/MN/Minnesota-Telepractice-Requirements/">https://www.asha.org/Advocacy/state/info/MN/Minnesota-Telepractice-Requirements/</a> Texas Telepractice laws: <a href="https://www.asha.org/Advocacy/state/info/TX/Texas-Telepractice-Requirements/">https://www.asha.org/Advocacy/state/info/TX/Texas-Telepractice-Requirements/</a> Link from ASHA as of 3/31/20: <a href="https://www.asha.org/uploadedFiles/State-Telepractice-Policy-COVID-Tracking.pdf">https://www.asha.org/uploadedFiles/State-Telepractice-Policy-COVID-Tracking.pdf</a> ASHA COVID-19 Updates: <a href="https://www.asha.org/About/Coronavirus-Updates/">https://www.asha.org/About/Coronavirus-Updates/</a>			
11) Authorization			
<i>Kimberly Wood</i>		4/1/2020	
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.			