

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

Commented [RJD1]: *1. a. In the rule summary's listing of statutory authority, it appears that the board should add a citation to s. 440.09 (5), Stats. Similarly, in the listing of statutes interpreted, it appears that the board should add a citation to s. 440.09, Stats.*

Recommendation: The citation to 440.09 (5) already exists as paragraph a. of Statutory Authority. It should, however, be added to the statutes interpreted section as noted in the second half of the note.

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, Dan Hereth, may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

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.

Commented [RJD2]: 2. a. In the board’s summary for the proposed rule, entries should be inserted for the analysis and supporting documents used to determine the effect on small business, and for the fiscal estimate and economic impact analysis.

Recommendation: Unclear exactly what they are looking for here, but these sections do need to be updated with the current information / tense.

Commented [RJD3]: 2. b. The rule summary’s listing of the deadline to submit comments should specify the date of the public hearing or how a reader could determine that date, rather than referring only generally to a “date to be determined”.

Recommendation: Agree, modify as needed.

Comments must be received on or before the public hearing, held on a date to be determined, 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 indefinitely.

SECTION X. HAS 6.07 is repealed and recreated to read:

HAS 6.07. Reciprocal license.

(1) RECIPROCAL LICENSES GENERALLY

Commented [RJD4]: 2. c. In SECTION 1 of the proposed rule, amending s. HAS 4.03 (1), the 1996 ANSI standard that was incorporated by reference is updated to the 2018 ANSI standard. Materials may, in certain circumstances, be incorporated or updated with the consent of the Attorney General. The rule summary should be revised to include a comment on compliance with that requirement. [s. 227.21 (2) (a), Stats.; and s. 1.14, Manual.]

Recommendation: This process does need to be followed, and nothing is harmed by detailing how that was done as recommended here.

Commented [RJD5]: 2. d. In SECTION 1 of the proposed rule, amending s. HAS 4.03 (1) (Note), the text should be revised to accurately reflect the current text of the Note, and all proposed changes should be shown with striking and underscoring. Additionally, inserted, underscored material should appear in sequence after stricken material. [s. 1.04 (4) (a), Manual.]

Recommendation: Agree, proposed corrected text inserted

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Commented [RJD6]: 2. e. In the treatment clause fo ... [1]

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(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), a speech-language pathology license shall be granted under this section 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., if the department determines that the applicant meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the department may request verification necessary to make a determination under this subsection.

Note: Application forms are available from the Department of Safety and Professional Services' website at <http://dsps.wi.gov>.

(b) Notwithstanding the requirements in s. HAS 6.07 (1) (b), an audiology license shall be granted under this section to an applicant who is a service member.

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former service member, or the spouse of a service member or former service member as defined in s. 440.09 (1), Stats., if the department determines that the applicant meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the department may request verification necessary to make a determination under this subsection.

Note: Application forms are available from the Department of Safety and Professional Services' website at <http://dsps.wi.gov>.

(c) A reciprocal credential issued under this section may be renewed as permitted by s. 440.09 (3) stats.

Note: Section 440.09 (3) stats. reads:

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.

OR

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:

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Commented [RJD12]: Attorney note: This section has an error discovered in the review process. As written only people who qualify under the armed forces reciprocity could get licensed through this section as written, and they would also need to comply with the other steps for reciprocity in violation of the statute.

Proposed solution: There are two ways to fix this issue: first, 6.07 (1) could be amended to require compliance with both (a) and (b) *or* compliance with (c), or the entire section could be restructured to make general reciprocity and 440.09 their own sections.

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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.

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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:

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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.

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(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.

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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)

DRAFT

Page 5: [1] Commented [RJD6] Ricker, Joseph - DSPS 7/11/2022 10:49:00 AM

2. e. In the treatment clause for SECTION 2 of the proposed rule, the reference to "HAS 6.04 (b)" should be changed to "HAS 6.04 (6) (b)".

Recommendation: Agree, change should be made.

Page 5: [2] Commented [RJD7] Ricker, Joseph - DSPS 7/11/2022 10:52:00 AM

2. f. In SECTION 2 of the proposed rule, which states that it is amending s. HAS 6.04 (6) (b), the text is shown without any striking or underscoring. It appears that the board intended to remove the second sentence ("A certificate of clinical competence in audiology granted by ASHA is considered equivalent."), in order to remove the option of a certificate of clinical competence as an educational equivalent. If so, the sentence should be shown with strike-throughs.

Recommendation: Agree, whatever is intended to be removed should be struck through.

Page 5: [3] Commented [RJD8] Ricker, Joseph - DSPS 7/11/2022 10:58:00 AM

1. b. SECTIONS 3 and 4 of the proposed rule, creating s. HAS 6.07 (1) (c) and (2) (c), specify that a reciprocal license for a service member or spouse may be "renewed indefinitely". However, s. 440.09 (3), Stats., specifies that a reciprocal credential for a service member or spouse expires on the applicable renewal date (unless the renewal date is within 180 days after a reciprocal license is granted), and that renewal is subject to the fees and requirements that apply for renewing the credential. The board should revise the renewal provision to conform with the statutory requirements.

Recommendation: Replace "indefinitely" in both sections of existing draft with "pursuant to s. 440.09 (3) Stats." and add a note with the text of 440.09 (3).

Page 5: [4] Commented [RJD9] Ricker, Joseph - DSPS 7/11/2022 11:36:00 AM

4. In SECTIONS 3 and 4 of the proposed rule, creating s. HAS 6.07 (1) (c) and (2) (c), it appears that a person seeking the reciprocal license would be required to submit an application form. Accordingly, a note referencing the availability of the form on the website, and a link address, should be inserted following both subs. (1) (c) and (2) (c), to assist those who submit an application under these provisions. [s. 1.12 (3), Manual.]

Recommendation: Agree, add "Note: Applications are available on the website at dsps.wi.gov or by calling (608) 266 – 2112. " to both.

Page 5: [5] Commented [RJD10] Ricker, Joseph - DSPS 7/11/2022 11:38:00 AM

Attorney note: This section has an error discovered in the review process. As written only people who qualify under the armed forces reciprocity could get licensed through this section as written, and they would also need to comply with the other steps for reciprocity in violation of the statute.

Proposed solution: There are two ways to fix this issue: first, 6.07 (1) could be amended to require compliance with both (a) and (b) *or* compliance with (c), or the entire section could be restructured to make general reciprocity and 440.09 their own sections.

Page 5: [6] Commented [RJD11] Ricker, Joseph - DSPS 7/11/2022 11:38:00 AM

Attorney note: This section has an error discovered in the review process. As written only people who qualify under the armed forces reciprocity could get licensed through this section as written, and they would also need to comply with the other steps for reciprocity in violation of the statute.

Proposed solution: There are two ways to fix this issue: first, 6.07 (1) could be amended to require compliance with both (a) and (b) *or* compliance with (c), or the entire section could be restructured to make general reciprocity and 440.09 their own sections.

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