



Tony Evers, Governor
Dan Hereth, Secretary

**TELECONFERENCE/VIRTUAL
HEARING AND SPEECH EXAMINING BOARD**
Virtual, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Tom Ryan (608) 266-2112
April 10, 2024

The following agenda describes the issues that the Board, Committee, Council, Section 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, Committee, Council, Section.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. **Adoption of Agenda (1-3)**
- B. **Approval of Minutes of January 24, 2024 (4-8)**
- 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. – 7/1/2027
 - c. Kanter, Catherine D. – 7/1/2024
 - d. Krier, Thomas J. – 7/1/2021
 - e. Meyer, Jason J. – 7/1/2025
 - f. Pazak, Kathleen A. – 7/1/2027
 - g. Seligman, David H. – 7/1/2023
 - h. Willemon, Justen J. – 7/1/2025
- F. Legislative and Policy Matters – Discussion and Consideration
- G. **Administrative Rule Matters – Discussion and Consideration (9-45)**
 - 1) 2023 Wisconsin Act 56: HAS 6 to 8, Relating to Implementation of the Audiology and Speech-Language Pathology Licensure Compact (10-29)
 - a. Emergency Rule Draft
 - 2) 2023 Wisconsin Act 82: HAS 1, 4, 5, and 9, Relating to Cerumen Management (30-39)
 - a. Drafting Proposals
 - 3) 2023 Wisconsin Act 179: HAS 1 and 4 to 6, Relating to Hearing Aids (40-44)

- a. Scope Statement
- 4) Pending or Possible Rulemaking Projects (45)

H. AAO-HNS Position Statement in Support of Universal Newborn Congenital CMV Screening – Discussion and Consideration (46-49)

I. Education and Examination Matters – 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) Public Health Emergencies
- 15) Informational Items
- 16) Division of Legal Services and Compliance (DLSC) Matters
- 17) Presentations of Petitions for Summary Suspension
- 18) Petitions for Designation of Hearing Examiner
- 19) Presentation of Stipulations, Final Decisions and Orders
- 20) Presentation of Proposed Final Decisions and Orders
- 21) Presentation of Interim Orders
- 22) Petitions for Re-Hearing
- 23) Petitions for Assessments
- 24) Petitions to Vacate Orders
- 25) Requests for Disciplinary Proceeding Presentations
- 26) Motions
- 27) Petitions
- 28) Appearances from Requests Received or Renewed
- 29) 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. Deliberation on Division of Legal Services and compliance Matters

- 1) **Proposed Stipulations, Final Decisions and Orders**
 - a. 22 HAD 008 – Dennis M. Barrett-Neira (50-55)

M. Deliberation on Credentialing Matters

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. Examination Ratification – Discussion and Consideration

ADJOURNMENT

NEXT MEETING: JUNE 26, 2024

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, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE
HEARING AND SPEECH EXAMINING BOARD
MEETING MINUTES
JANUARY 24, 2024**

PRESENT: Robert Broeckert, Michael Harris, Catherine Kanter, Thomas Krier, Jason Meyer, Kathleen Pazak, David Seligman (*arrived at 8:31 a.m.*), Justen Willemon

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Sofia Anderson, Administrative Rule Coordinator; Dialah Azam, Board Administration Specialist; and other Department Staff

CALL TO ORDER

Kathleen Pazak, Chairperson, called the meeting to order at 8:30 a.m. A quorum was confirmed with seven (7) members present.

(David Segilman arrived at 8:31 a.m.)

ADOPTION OF AGENDA

MOTION: Kathleen Pazak moved, seconded by Justen Willemon, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 27, 2023

MOTION: Robert Broeckert moved, seconded by Kathleen Pazak, to approve the Minutes of November 27, 2023 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities

Chairperson

NOMINATION: Kathleen Pazak nominated Justen Willemon for the Office of Chairperson. Justen Willemon accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Justen Willemon was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Kathleen Pazak nominated Catherine Kanter for the Office of Vice Chairperson. Catherine Kanter accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Catherine Kanter was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Kathleen Pazak nominated herself for the Office of Secretary. Kathleen Pazak accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Kathleen Pazak was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Justen Willemon
Vice Chairperson	Catherine Kanter
Secretary	Kathleen Pazak

Appointment of Liaison and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Robert Broeckert (AUD), Thomas Krier (HIS), Kathleen Pazak (SLP) <i>Alternate:</i> Jason Meyer (AUD), Justen Willemon (HIS), Catherine Kanter (SLP)
Examination Liaison(s)	Robert Broeckert (AUD), Justen Willemon (HIS), Kathleen Pazak (SLP) <i>Alternate:</i> Jason Meyer (AUD), Catherine Kanter (SLP)
Continuing Education (CE) Liaison(s)	Robert Broeckert (AUD), Thomas Krier (HIS), Kathleen Pazak (SLP) <i>Alternate:</i> Catherine Kanter (SLP)
Monitoring Liaison(s)	Robert Broeckert (AUD), David Seligman (HAU), Catherine Kanter (SLP) , Thomas Krier (HIS) <i>Alternate:</i> Thomas Krier (HIS)
Professional Assistance Procedure (PAP)	Robert Broeckert (AUD), David Seligman (HAU)

	<i>Alternate:</i> Justen Willemon (HIS)
Legislative Liaison(s)	Robert Broeckert (AUD), Kathleen Pazak (SLP), Michael Harris (OTO) <i>Alternate:</i> Justen Willemon (HIS)
Travel Authorization Liaison(s)	Robert Broeckert (AUD), Kathleen Pazak (SLP) <i>Alternate:</i> David Seligman (HAU)
Website Liaison(s)	Robert Broeckert (AUD), Thomas Krier (HIS), Kathleen Pazak (SLP) <i>Alternate:</i> Jason Meyer (AUD)
Practice Questions Liaison(s)	Catherine Kanter (SLP), Robert Broeckert (AUD) <i>Alternate:</i> Kathleen Pazak (SLP)
Screening Panel	Team A: Michael Harris (OTO), Thomas Krier (HIS), David Seligman (HAU), Catherine Kanter (SLP) Team B: Robert Broeckert (AUD), Kathleen Pazak (SLP), David Seligman (HAU), Jason Meyer (AUD) <i>Alternates:</i> Justen Willemon (HIS), Jason Meyer (AUD)

Review and Approval of 2023 Delegations

MOTION: Robert Broeckert moved, seconded by Catherine Kanter, to reaffirm all delegation motions from 2023 as reflected in the agenda materials. Motion carried unanimously.

Document Signature Delegations

MOTION: Kathleen Pazak moved, seconded by Thomas Krier, 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, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Robert Broeckert moved, seconded by Justen Willemon, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the January 24, 2024 agenda materials. Motion carried unanimously.

Credentialing Authority Delegations

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION: Catherine Kanter moved, seconded by Robert Broeckert, to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Board and there are no new legal issues. Motion carried unanimously.

Voluntary Surrenders

MOTION: Robert Broeckert moved, seconded by Catherine Kanter, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Order: HAS 4 and 6, relating to Audiometric Testing and Reciprocal Licensure

MOTION: Thomas Krier moved, seconded by Robert Broeckert, to designate the Chairperson to approve the Adoption Order for Clearinghouse Rule 22-059 (HAS 4 and 6), relating to Audiometric Testing and Reciprocal Licensure. Motion carried unanimously.

2023 Wisconsin Act 56: HAS 6 and 8, Relating to Implementation of the Audiology and Speech-Language Pathology Licensure Compact

MOTION: Thomas Krier moved, seconded by Catherine Kanter, to approve the Scope Statement revising HAS 6 and 8, relating to Implementation of the Audiology and Speech-Language Pathology Licensure Compact, for submission to the Department of Administration and Governor’s Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

2023 Wisconsin Act 82: HAS 1, 4, 5, and 9, Relating to Cerumen Management

MOTION: Robert Broeckert moved, seconded by Thomas Krier, to approve the Scope Statement revising 1, 4, 5, and 9, relating to Cerumen Management, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

DELEGATION AND RATIFICATION OF EXAMINATIONS, LICENSES AND CERTIFICATES

MOTION: Kathleen Pazak moved, seconded by Robert Broeckert, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 10:09 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 03/29/24 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: 04/10/24	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 <ol style="list-style-type: none"> 1. 2023 Wisconsin Act 56: HAS 6 to 8, Relating to Implementation of the Audiology and Speech-Language Pathology Interstate Compact <ol style="list-style-type: none"> a. Emergency Rule Draft 2. 2023 Wisconsin Act 82: HAS 1, 4, 5, and 9, Relating to Cerumen Management <ol style="list-style-type: none"> a. Drafting Proposals 3. 2023 Wisconsin Act 179: HAS 1 and 4 to 6, Relating to Hearing Aids <ol style="list-style-type: none"> a. Scope Statement 4. 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 Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Act on a Preliminary Rule Draft and Drafting of a New Rule; Review Board’s Current Rule Projects Attachments: <ul style="list-style-type: none"> • 2023 WI Act 56: Act, HAS 6 to 8 Scope Statement, Emergency Rule Draft • 2023 WI Act 82: Act, HAS 1,4,5,9 Scope Statement, Redlined Code Text • 2023 WI Act 179: Act, HAS 1 and 4 to 6 Scope Statement • Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
Signature of person making this request		03/29/24 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

State of Wisconsin



2023 Senate Bill 197

Date of enactment: **December 6, 2023**
Date of publication*: **December 7, 2023**

2023 WISCONSIN ACT 56

AN ACT to renumber and amend 440.03 (13) (c) and 459.24 (3m); **to amend** 45.40 (1g) (a), 46.297 (2) (a), 46.298, 146.81 (1) (hm), 146.997 (1) (d) 12., 252.14 (1) (ar) 8., 440.03 (9) (a) (intro.), 440.03 (9) (a) 2., 440.03 (13) (b) (intro.), 440.15, 450.10 (3) (a) 11., 459.22 (2) (b), 459.24 (1) (a), 459.24 (1) (b), 459.34 (2) (intro.), 459.34 (2m) (a) (intro.), 459.34 (2m) (b), 459.34 (2m) (c), 459.34 (3) and 632.895 (16) (b) 1. a.; and **to create** 14.897, 440.03 (11m) (c) 2w., 440.03 (13) (c) 1. i., 459.20 (2k), 459.20 (2m), 459.20 (3v), 459.24 (3c), 459.24 (3e), 459.30 and subchapter III of chapter 459 [precedes 459.70] of the statutes; **relating to:** ratification of the Audiology and Speech–Language Pathology Interstate Compact, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule–making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council’s Study Committee on Occupational Licenses.

This bill ratifies and enters Wisconsin into the Audiology and Speech–Language Pathology Interstate Compact (compact), which allows a speech–language pathologist or audiologist licensed in one member state (licensee) to obtain a “compact privilege” to practice in a remote state without obtaining a license in that remote state. Significant provisions of the compact include the following:

1. Creation of an Audiology and Speech–Language Pathology Compact Commission (commission), which includes two members of the licensure boards of each member state. The commission oversees administration of the compact, enforces the compact, adopts bylaws, promulgates binding rules for the compact, hires employees and elects or appoints officers, establishes and elects an executive committee, and has various other powers and duties. The commission may levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff.

2. A process by which a licensee may obtain a compact privilege in another member state, which is also referred to in the compact as a privilege to practice. A licensee practicing

in a remote state under a compact privilege is subject to that state’s regulatory authority. A remote state may take action against a licensee’s compact privilege in the remote state, at which point the licensee is not eligible for a compact privilege in any state until certain criteria are met. The state of the licensee’s primary residence, however, has the exclusive authority to impose adverse action against a license issued by that state. Member states may charge a fee for granting a compact privilege.

3. The ability for member state licensure boards to conduct joint investigations of licensees and the ability of member states to issue subpoenas that are enforceable in other states.

4. Creation of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable.

5. Various provisions regarding resolutions of disputes between member states and between member and nonmember states.

Since the compact has already been enacted by the minimum number of states required for it to become active, the compact becomes effective in this state upon enactment of the bill. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

authorizing the compact, but the compact provides that a withdrawal does not take effect until six months after the effective date of that repeal.

SECTION 1. 14.897 of the statutes is created to read:

14.897 Audiology and speech–language pathology licensure compact. There is created an audiology and speech–language pathology compact commission as specified in s. 459.70. The delegates of the commission representing this state shall be individuals described in s. 459.70 (8) (b) 1. The commission has the powers and duties granted and imposed under s. 459.70.

SECTION 2. 45.40 (1g) (a) of the statutes is amended to read:

45.40 (1g) (a) “Health care provider” means an advanced practice nurse prescriber certified under s. 441.16 (2), an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, a dentist licensed under ch. 447, an optometrist licensed under ch. 449, a physician licensed under s. 448.02, or a podiatrist licensed under s. 448.63.

SECTION 3. 46.297 (2) (a) of the statutes is amended to read:

46.297 (2) (a) The person is certified as deaf or severely hearing impaired by a physician, an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or the department.

SECTION 4. 46.298 of the statutes is amended to read:

46.298 Vehicle sticker for the hearing impaired. Upon the request of a person who is certified as hearing impaired by the department, by a physician, by a hearing instrument specialist licensed under subch. I of ch. 459, or by an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, the department shall issue to the person a decal or sticker for display on a motor vehicle owned or frequently operated by the person to apprise law enforcement officers of the fact that the vehicle is owned or operated by a hearing-impaired person. No charge shall be made for issuance of the decal or sticker. The department shall specify the design of the decal or sticker. The department shall designate the location on the vehicle at which the decal or sticker shall be affixed by its own adhesive.

SECTION 5. 146.81 (1) (hm) of the statutes is amended to read:

146.81 (1) (hm) A speech–language pathologist or audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or a speech and language pathologist licensed by the department of public instruction.

SECTION 6. 146.997 (1) (d) 12. of the statutes is amended to read:

146.997 (1) (d) 12. A speech–language pathologist or audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch.

459, or a speech and language pathologist licensed by the department of public instruction.

SECTION 7. 252.14 (1) (ar) 8. of the statutes is amended to read:

252.14 (1) (ar) 8. A speech–language pathologist or audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or a speech and language pathologist licensed by the department of public instruction.

SECTION 8. 440.03 (9) (a) (intro.) of the statutes is amended to read:

440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5), the department shall, biennially, determine each fee for an initial credential for which no examination is required, for a reciprocal credential, and for a credential renewal and any fees imposed under ss. 448.986 (2) ~~and~~, 448.9875 (2), ~~and~~ 459.71 (2) by doing all of the following:

SECTION 9. 440.03 (9) (a) 2. of the statutes is amended to read:

440.03 (9) (a) 2. Not later than January 31 of each odd-numbered year, adjusting for the succeeding fiscal biennium each fee for an initial credential for which an examination is not required, for a reciprocal credential, and, subject to s. 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 448.986 (2) ~~and~~, 448.9875 (2), ~~and~~ 459.71 (2), if an adjustment is necessary to reflect the approximate administrative and enforcement costs of the department that are attributable to the regulation of the particular occupation or business during the period in which the initial or reciprocal credential, credential renewal, or compact privilege is in effect and, for purposes of each fee for a credential renewal, to reflect an estimate of any additional moneys available for the department’s general program operations as a result of appropriation transfers that have been or are estimated to be made under s. 20.165 (1) (i) during the fiscal biennium in progress at the time of the deadline for an adjustment under this subdivision or during the fiscal biennium beginning on the July 1 immediately following the deadline for an adjustment under this subdivision.

SECTION 10. 440.03 (11m) (c) 2w. of the statutes is created to read:

440.03 (11m) (c) 2w. The coordinated database and reporting system under s. 459.70 (9), if such disclosure is required under the audiology and speech–language pathology interstate compact under s. 459.70.

SECTION 11. 440.03 (13) (b) (intro.) of the statutes is amended to read:

440.03 (13) (b) (intro.) The department may investigate whether an applicant for or holder of any of the following credentials has been charged with or convicted of a crime only pursuant to rules promulgated by the department under this paragraph, including rules that establish

the criteria that the department will use to determine whether an investigation under this paragraph is necessary, except as provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., and 455.50 (3) (e) 4. and (f) 4., and 459.70 (3) (b) 2.:

SECTION 12. 440.03 (13) (c) of the statutes is renumbered 440.03 (13) (c) 1. (intro.) and amended to read:

440.03 (13) (c) 1. (intro.) The department shall require an all of the following to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints:

a. An applicant for a private detective license or a private security permit under s. 440.26, ~~and~~

b. An applicant for a juvenile martial arts instructor permit under sub. (17), ~~and~~

c. An applicant for a real estate appraiser certification under s. 458.06 or license under s. 458.08, ~~and~~

d. An applicant for a multistate license under s. 441.06 (1c) or 441.10 (1c), ~~and~~

e. An applicant for a compact license under s. 448.05 (2) (f), ~~and~~

f. An applicant for a physical therapist license under s. 448.53 or physical therapist assistant license under s. 448.535, ~~and~~

g. An applicant for an occupational therapist or occupational therapy assistant compact privilege under s. 448.987 (4), and an applicant for an occupational therapist or occupational therapy assistant license described in s. 448.987 (5) (b) 2. a., ~~and~~

h. An applicant for a psychologist license under s. 455.04, ~~and a~~

z. A person for whom the department conducts an investigation under par. (b), ~~to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints.~~

2. The department of justice may submit the fingerprint cards, and the department of justice shall submit the fingerprint cards of all applicants ~~for a real estate appraiser certification under s. 458.06 or license under s. 458.08, of all applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants for a compact license under s. 448.05 (2) (f), of all applicants for a physical therapist license under s. 448.53 or a physical therapist assistant license under s. 448.535, and of all applicants for a psychologist license under s. 455.04~~ identified in subd. 1. c. to i., to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

3. Information obtained from the federal bureau of investigation may be shared with the department or the appropriate credentialing board, but shall otherwise be kept confidential and is not subject to disclosure under s. 19.35.

SECTION 13. 440.03 (13) (c) 1. i. of the statutes is created to read:

440.03 (13) (c) 1. i. An applicant for an audiologist or speech–language pathologist license or compact privilege under s. 459.24 when required pursuant to the audiology and speech–language pathology interstate compact under s. 459.70.

SECTION 14. 440.15 of the statutes is amended to read:

440.15 No fingerprinting. Except as provided under ss. 440.03 (13) (c), 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., 450.071 (3) (c) 9., 450.075 (3) (c) 9., ~~and 455.50 (3) (e) 4. and (f) 4., and 459.70 (3) (b) 1.~~, the department or a credentialing board may not require that an applicant for a credential or a credential holder be fingerprinted or submit fingerprints in connection with the department's or the credentialing board's credentialing.

SECTION 15. 450.10 (3) (a) 11. of the statutes is amended to read:

450.10 (3) (a) 11. A speech–language pathologist or audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or a speech and language pathologist licensed by the department of public instruction.

SECTION 16. 459.20 (2k) of the statutes is created to read:

459.20 (2k) “Compact” means the audiology and speech–language pathology interstate compact.

SECTION 17. 459.20 (2m) of the statutes is created to read:

459.20 (2m) “Compact privilege” means a compact privilege, as defined in s. 459.70 (2) (h), that is granted under the audiology and speech–language pathology interstate compact under s. 459.70 to an individual to practice in this state.

SECTION 18. 459.20 (3v) of the statutes is created to read:

459.20 (3v) “Single–state license” has the meaning given in s. 459.70 (2) (t).

SECTION 19. 459.22 (2) (b) of the statutes is amended to read:

459.22 (2) (b) Authorize a speech–language pathologist who is licensed under this subchapter or who holds a valid compact privilege to dispense or sell hearing aids without obtaining a hearing instrument specialist license under subch. I.

SECTION 20. 459.24 (1) (a) of the statutes is amended to read:

459.24 (1) (a) Engage in the practice of speech–language pathology or use the title “speech–language pathologist” or any similar title unless the person holds a current speech–language pathologist license granted by the examining board under sub. (2) or (6) (a) or holds a valid compact privilege.

SECTION 21. 459.24 (1) (b) of the statutes is amended to read:

459.24 (1) (b) Engage in the practice of audiology or use the title “audiologist,” “clinical audiologist,” or any similar title unless the person holds a current audiologist license granted by the examining board under sub. (3) or (6) (b) or holds a valid compact privilege.

SECTION 22. 459.24 (3c) of the statutes is created to read:

459.24 (3c) TYPES OF LICENSES. (a) A license granted under sub. (2) or (3) may be either of the following:

1. A license that, subject to s. 459.70 (4), entitles the holder to obtain and exercise a compact privilege in other states that are parties to the compact.

2. A single–state license, which only entitles the holder to practice in this state. Nothing in the compact applies to the holder of a single–state license unless otherwise applicable under this subchapter.

(b) When applying for a license under sub. (2) or (3), an individual shall specify whether he or she is applying for a license under par. (a) 1. or 2.

SECTION 23. 459.24 (3e) of the statutes is created to read:

459.24 (3e) COMPACT PRIVILEGE. The examining board shall grant to any individual to whom all of the following apply an audiologist or speech–language pathologist, whichever is applicable, compact privilege:

(a) The individual holds an unencumbered home state license in another state that is a party to the compact and satisfies all other requirements under s. 459.70 (4).

(b) The individual applies for the compact privilege in the manner prescribed by the department.

(c) The individual pays any fee established by the department under s. 459.71 (2).

SECTION 24. 459.24 (3m) of the statutes is renumbered 459.30 (2), and 459.30 (2) (intro.) and (a), as renumbered, are amended to read:

459.30 (2) FITTING AND SALE OF HEARING AIDS. (intro.) An audiologist licensed under this subchapter, an audiologist who holds a valid compact privilege, or an individual granted a permit to practice audiology under this subchapter who engages in the practice of fitting and dealing in hearing aids shall do all of the following:

(a) Deliver to each person supplied with a hearing aid a receipt. The receipt shall contain the signature and show the business address, license or permit title, and number of the licensee, compact privilege holder, or permittee, together with specifications as to the make and model of the hearing aid and full terms of sale clearly stated. If a hearing aid that is not new is sold, the receipt and the container must be clearly marked as “used” or “reconditioned”, whichever is applicable. The terms of the guarantee, if there is any given, shall be set out in not less than 8–point type.

SECTION 25. 459.30 of the statutes is created to read:

459.30 Practice. (1) PRACTICE UNDER COMPACT. (a) *Audiology.* An individual who holds a valid audiologist compact privilege may, subject to s. 459.71 (3), do any of the following:

1. Practice audiology in this state, subject to s. 459.70 (4).

2. Practice audiology in this state via telehealth, as defined in s. 459.70 (2) (y), subject to s. 459.70 (5).

(b) *Speech–language pathology.* An individual who holds a valid speech–language pathologist compact privilege may, subject to s. 459.71 (3), do any of the following:

1. Practice speech–language pathology in this state, subject to s. 459.70 (4).

2. Practice speech–language pathology in this state via telehealth, as defined in s. 459.70 (2) (y), subject to s. 459.70 (5).

SECTION 26. 459.34 (2) (intro.) of the statutes is amended to read:

459.34 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may reprimand a licensee, compact privilege holder, or permittee or deny, limit, suspend, or revoke a license or permit under this subchapter or a compact privilege if it finds that the applicant, licensee, compact privilege holder, or permittee has done any of the following:

SECTION 27. 459.34 (2m) (a) (intro.) of the statutes is amended to read:

459.34 (2m) (a) (intro.) An individual whose license, compact privilege, or limited permit is limited by the examining board under this subchapter may continue to practice under the license, compact privilege, or permit if the individual does all of the following:

SECTION 28. 459.34 (2m) (b) of the statutes is amended to read:

459.34 (2m) (b) The examining board may, as a condition of removing a limitation on a license, compact privilege, or limited permit issued under this subchapter or of reinstating a license, compact privilege, or limited permit that has been suspended or revoked under this subchapter, require the licensee, compact privilege, or permit holder to obtain minimum results specified by the examining board on one or more physical, mental, or professional competency examinations if the examining board determines that obtaining the minimum results is related to correcting one or more of the bases upon which the limitation, suspension, or revocation was imposed.

SECTION 29. 459.34 (2m) (c) of the statutes is amended to read:

459.34 (2m) (c) The examining board may, as a condition of reinstating a license or compact privilege that has been suspended under this subchapter, require the licensee or compact privilege holder to pass an examination required for initial licensure under s. 459.26 (2).

SECTION 30. 459.34 (3) of the statutes is amended to read:

459.34 (3) In addition to or in lieu of a reprimand or denial, limitation, suspension, or revocation of a license, compact privilege, or permit under sub. (2), the examining board may assess against an applicant, licensee, compact privilege holder, or permittee a forfeiture of not less than \$100 nor more than \$2,500 for each violation enumerated under sub. (2).

SECTION 31. Subchapter III of chapter 459 [precedes 459.70] of the statutes is created to read:

CHAPTER 459

SUBCHAPTER III

AUDIOLOGY AND SPEECH–LANGUAGE

PATHOLOGY INTERSTATE COMPACT

459.70 Audiology and speech–language pathology interstate compact. (1) **PURPOSE.** (a) The purpose of this compact is to facilitate interstate practice of audiology and speech–language pathology with the goal of improving public access to audiology and speech–language pathology services. The practice of audiology and speech–language pathology occurs in the state where the patient/client/student is located at the time of the patient/client/student encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

(b) This compact is designed to achieve all of the following objectives:

1. Increase public access to audiology and speech–language pathology services by providing for the mutual recognition of other member state licenses.
2. Enhance the states’ ability to protect the public’s health and safety.
3. Encourage the cooperation of member states in regulating multistate audiology and speech–language pathology practice.
4. Support spouses of relocating active duty military personnel.
5. Enhance the exchange of licensure, investigative, and disciplinary information between member states.
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state’s practice standards.
7. Allow for the use of telehealth technology to facilitate increased access to audiology and speech–language pathology services.

(2) **DEFINITIONS.** As used in this compact, and except as otherwise provided, the following definitions shall apply:

(a) “Active duty military” means full–time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 USC 1209 and 1211.

(b) “Adverse action” means any administrative, civil, equitable, or criminal action permitted by a state’s laws which is imposed by a licensing board or other authority

against an audiologist or speech–language pathologist, including actions against an individual’s license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee’s practice.

(c) “Alternative program” means a nondisciplinary monitoring process approved by an audiology or speech–language pathology licensing board to address impaired practitioners.

(d) “Audiologist” means an individual who is licensed by a state to practice audiology.

(e) “Audiology” means the care and services provided by a licensed audiologist as set forth in the member state’s statutes and rules.

(f) “Audiology and speech–language pathology compact commission” or “commission” means the national administrative body whose membership consists of all states that have enacted the compact.

(g) “Audiology and speech–language pathology licensing board,” “audiology licensing board,” “speech–language pathology licensing board,” or “licensing board” means the agency of a state that is responsible for the licensing and regulation of audiologists and/or speech–language pathologists.

(h) “Compact privilege” means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech–language pathologist in the remote state under its laws and rules. The practice of audiology or speech–language pathology occurs in the member state where the patient/client/student is located at the time of the patient/client/student encounter.

(i) “Current significant investigative information” means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech–language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

(j) “Data system” means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege, and adverse action.

(k) “Encumbered license” means a license in which an adverse action restricts the practice of audiology or speech–language pathology by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB).

(L) “Executive committee” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(m) “Home state” means the member state that is the licensee’s primary state of residence.

(n) “Impaired practitioner” means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health–related conditions.

(o) “Licensee” means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech–language pathologist.

(p) “Member state” means a state that has enacted the compact.

(q) “Privilege to practice” means a legal authorization permitting the practice of audiology or speech–language pathology in a remote state.

(r) “Remote state” means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

(s) “Rule” means a regulation, principle, or directive promulgated by the commission that has the force of law.

(t) “Single–state license” means an audiology or speech–language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

(u) “Speech–language pathologist” means an individual who is licensed by a state to practice speech–language pathology.

(v) “Speech–language pathology” means the care and services provided by a licensed speech–language pathologist as set forth in the member state’s statutes and rules.

(w) “State” means any state, commonwealth, district, or territory of the United States of America that regulates the practice of audiology and speech–language pathology.

(x) “State practice laws” means a member state’s laws, rules, and regulations that govern the practice of audiology or speech–language pathology, define the scope of audiology or speech–language pathology practice, and create the methods and grounds for imposing discipline.

(y) “Telehealth” means the application of telecommunication technology to deliver audiology or speech–language pathology services at a distance for assessment, intervention, and/or consultation.

(3) STATE PARTICIPATION IN THE COMPACT. (a) A license issued to an audiologist or speech–language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech–language pathologist to practice audiology or speech–language pathology, under a privilege to practice, in each member state.

(b) 1. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric–based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records.

2. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions.

3. Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under P.L. 92–544.

(c) Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, and whether any adverse action has been taken against any license or privilege to practice held by the applicant.

(d) Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state’s qualifications for licensure or renewal of licensure, as well as, all other applicable state laws.

(e) For an audiologist:

1. Must meet one of the following educational requirements:

a. On or before, December 31, 2007, has graduated with a master’s degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the U.S. department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

b. On or after, January 1, 2008, has graduated with a doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the U.S. department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

c. Has graduated from an audiology program that is housed in an institution of higher education outside of the United States for which the program and institution have been approved by the authorized accrediting body in the applicable country and the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board–approved program.

2. Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the commission.

3. Has successfully passed a national examination approved by the commission.

4. Holds an active, unencumbered license.

5. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law.

6. Has a valid U.S. social security or national practitioner identification number.

(f) For a speech–language pathologist:

1. Must meet one of the following educational requirements:

a. Has graduated with a master’s degree from a speech–language pathology program that is accredited by an organization recognized by the U.S. department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

b. Has graduated from a speech–language pathology program that is housed in an institution of higher education outside of the United States for which the program and institution have been approved by the authorized accrediting body in the applicable country and the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board–approved program.

2. Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the commission.

3. Has completed a supervised postgraduate professional experience as required by the commission.

4. Has successfully passed a national examination approved by the commission.

5. Holds an active, unencumbered license.

6. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech–language pathology, under applicable state or federal criminal law.

7. Has a valid U.S. social security or national practitioner identification number.

(g) The privilege to practice is derived from the home state license.

(h) An audiologist or speech–language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech–language pathology shall include all audiology and speech–language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech–language pathology in a member state under a privilege to practice shall subject an audiologist or speech–language pathologist to the jurisdiction of the licensing board, the courts, and the laws of the member state in which the client is located at the time service is provided.

(i) Individuals not residing in a member state shall continue to be able to apply for a member state’s single–state license as provided under the laws of each member state. However, the single–state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech–language pathology in any other member state. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single–state license.

(j) Member states may charge a fee for granting a compact privilege.

(k) Member states must comply with the bylaws and rules and regulations of the commission.

(4) COMPACT PRIVILEGE. (a) To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech–language pathologist shall:

1. Hold an active license in the home state.

2. Have no encumbrance on any state license.

3. Be eligible for a compact privilege in any member state in accordance with sub. (3).

4. Have not had any adverse action against any license or compact privilege within the previous 2 years from date of application.

5. Notify the commission that the licensee is seeking the compact privilege within a remote state.

6. Pay any applicable fees, including any state fee, for the compact privilege.

7. Report to the commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.

(b) For the purposes of the compact privilege, an audiologist or speech–language pathologist shall only hold one home state license at a time.

(c) Except as provided in sub. (6), if an audiologist or speech–language pathologist changes primary state of residence by moving between 2 member states, the audiologist or speech–language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.

(d) The audiologist or speech–language pathologist may apply for licensure in advance of a change in primary state of residence.

(e) A license shall not be issued by the new home state until the audiologist or speech–language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

(f) If an audiologist or speech–language pathologist changes primary state of residence by moving from a member state to a nonmember state, the license issued by the prior home state shall convert to a single–state license, valid only in the former home state.

(g) The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of par. (a) to maintain the compact privilege in the remote state.

(h) A licensee providing audiology or speech–language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(i) A licensee providing audiology or speech–language pathology services in a remote state is subject to that state’s regulatory authority. A remote state may, in accordance with due process and that state’s laws, remove a licensee’s compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens.

(j) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until all of the following occur:

1. The home state license is no longer encumbered.
2. Two years have elapsed from the date of the adverse action.

(k) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of par. (a) to obtain a compact privilege in any remote state.

(L) Once the requirements of par. (j) have been met, the licensee must meet the requirements in par. (a) to obtain a compact privilege in a remote state.

(5) COMPACT PRIVILEGE TO PRACTICE TELEHEALTH. Member states shall recognize the right of an audiologist or speech–language pathologist, licensed by a home state in accordance with sub. (3) and under rules promulgated by the commission, to practice audiology or speech–language pathology in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

(6) ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES. Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

(7) ADVERSE ACTIONS. (a) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do any of the following:

1. Take adverse action against an audiologist’s or speech–language pathologist’s privilege to practice within that member state.
2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas

issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

3. Only the home state shall have the power to take adverse action against a audiologist’s or speech–language pathologist’s license issued by the home state.

(b) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(c) The home state shall complete any pending investigations of an audiologist or speech–language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

(d) If otherwise permitted by state law, the member state may recover from the affected audiologist or speech–language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech–language pathologist.

(e) The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state’s own procedures for taking the adverse action.

(f) 1. In addition to the authority granted to a member state by its respective audiology or speech–language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(g) If adverse action is taken by the home state against an audiologist’s or speech language pathologist’s license, the audiologist’s or speech–language pathologist’s privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist’s or speech language pathologist’s license shall include a statement that the audiologist’s or speech–lan-

guage pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

(h) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

(i) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

(8) ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION. (a) 1. The compact member states hereby create and establish a joint public agency known as the audiology and speech-language pathology compact commission.

2. The commission is an instrumentality of the compact states.

3. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

4. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) 1. Each member state shall have 2 delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech-language pathologist.

2. An additional 5 delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the executive committee from a pool of nominees provided by the commission at large.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring on the commission, within 90 days.

5. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

6. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(c) The commission shall have the following powers and duties:

1. Establish the fiscal year of the commission.
2. Establish bylaws.
3. Establish a code of ethics.

4. Maintain its financial records in accordance with the bylaws.

5. Meet and take actions as are consistent with the provisions of this compact and the bylaws.

6. Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

7. Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected.

8. Purchase and maintain insurance and bonds.

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state.

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest.

12. Lease, purchase, and accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety.

13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

14. Establish a budget and make expenditures.

15. Borrow money.

16. Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this compact and the bylaws.

17. Provide and receive information from, and cooperate with, law enforcement agencies.

18. Establish and elect an executive committee.

19. Perform other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

(d) 1. The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

2. The executive committee shall be composed of the following 10 members:

a. Seven voting members who are elected by the commission from the current membership of the commission.

b. Two ex-officios, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech-language pathology association.

c. One ex-officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

(e) 1. The ex-officio members shall be selected by their respective organizations.

2. The commission may remove any member of the executive committee as provided in bylaws.

3. The executive committee shall meet at least annually.

4. The executive committee shall have the following duties and responsibilities:

a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege.

b. Ensure compact administration services are appropriately provided, contractual or otherwise.

c. Prepare and recommend the budget.

d. Maintain financial records on behalf of the commission.

e. Monitor compact compliance of member states and provide compliance reports to the commission.

f. Establish additional committees as necessary.

g. Other duties as provided in rules or bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rule-making provisions in sub. (10).

6. The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

a. Noncompliance of a member state with its obligations under the compact.

b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.

c. Current, threatened, or reasonably anticipated litigation.

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

e. Accusing any person of a crime or formally censuring any person.

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

h. Disclosure of investigative records compiled for law enforcement purposes.

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.

j. Matters specifically exempted from disclosure by federal or member state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

8. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

9. a. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

b. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

c. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

10. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

11. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the

report of the audit shall be included in and become part of the annual report of the commission.

(f) 1. The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this subdivision shall be construed to protect any person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(9) DATA SYSTEM. (a) The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

1. Identifying information.
2. Licensure data.
3. Adverse actions against a license or compact privilege.

4. Nonconfidential information related to alternative program participation.

5. Any denial of application for licensure, and the reason for denial.

6. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) Investigative information pertaining to a licensee in any member state shall only be available to other member states.

(d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

(10) RULE MAKING. (a) The commission shall exercise its rule-making powers pursuant to the criteria set forth in this subsection and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rule making:

1. On the website of the commission or other publicly accessible platform.

2. On the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rule making shall include:

1. The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon.

2. The text of the proposed rule or amendment and the reason for the proposed rule.

3. A request for comments on the proposed rule from any interested person.

4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to the adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following:

1. At least 25 persons.
2. A state or federal government subdivision or agency.
3. An association having at least 25 members.

(h) 1. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

2. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing.

3. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

4. All hearings shall be recorded. A copy of the recording shall be made available on request.

5. Nothing in this subsection shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this subsection.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(k) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rule-making record and the full text of the rule.

(L) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rule-making procedures provided in the compact and in this subsection shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this paragraph, an emergency rule is one that must be adopted immediately in order to do any of the following:

1. Meet an imminent threat to public health, safety, or welfare.

2. Prevent a loss of commission or member state funds.

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(11) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. (a) 1. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(b) 1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. Notwithstanding s. 814.04 (1), in the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

(12) DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT. (a) The compact shall come into effect on the date on which the compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rule-making powers

necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) 1. Any member state may withdraw from this compact by enacting a statute repealing the same.

2. A member state's withdrawal shall not take effect until 6 months after enactment of the repealing statute.

3. Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

(13) CONSTRUCTION AND SEVERABILITY. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

(14) BINDING EFFECT OF COMPACT AND OTHER LAWS.

(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

(d) All agreements between the commission and the member states are binding in accordance with their terms.

(e) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

459.71 Implementation of the audiology and speech-language pathology interstate compact. (1) In this section:

(a) "Compact privilege" means a compact privilege, as defined in s. 459.70 (2) (h), that is granted under the audiology and speech-language pathology interstate compact under s. 459.70 to an individual to practice in this state.

(b) "Examining board" means the hearing and speech examining board.

(2) The department may impose a fee for an individual to receive a compact privilege as provided under s. 459.70 (3) (j).

(3) (a) An individual who holds a compact privilege shall comply with s. 440.03 (13) (am).

(b) Subject to s. 459.70 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who holds a compact privilege in the same manner that they apply to holders of licenses and permits issued under subch. II.

SECTION 32. 632.895 (16) (b) 1. a. of the statutes is amended to read:

632.895 (16) (b) 1. a. Coverage of the cost of hearing aids and cochlear implants that are prescribed by a physician, or by an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, in accordance with accepted professional medical or audiological standards, for a child covered under the policy or plan who is under 18 years of age and who is certified as deaf or hearing impaired by a physician or by an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459.

SECTION 33. Nonstatutory provisions.

(1) The hearing and speech examining board and the department of safety and professional services may promulgate emergency rules under s. 227.24 necessary to implement this act. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until September 1, 2024, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), neither the board nor the department is required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare or provide a finding of emergency for a rule promulgated under this subsection.

STATEMENT OF SCOPE

HEARING AND SPEECH EXAMINING BOARD

Rule No.: HAS 6 to 8

Relating to: Implementation of the Audiology and Speech-Language Pathology Licensure Compact

Rule Type: Both Permanent and Emergency

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

Pursuant to 2023 Wisconsin Act 56 Section 33 Subsection 1, the Hearing and Speech Examining Board may promulgate emergency rules to allow for implementation of this act. The Board is not required to provide a finding of an emergency or provide evidence that an emergency rule is necessary for the preservation of the public health, peace, safety, or welfare.

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

The objective of this rule is to implement the statutory changes from 2023 Wisconsin Act 56.

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 Administrative Code Chapters 6 to 8 currently include requirements for Wisconsin state licensure of Audiologists and Speech Language Pathologists. The proposed rule would add requirements for compact licensure to those chapters as well. The alternative to the proposed rule is that the statute will govern the terms of Audiologist and Speech Language Pathologists, with no further clarification written in the Administrative Code.

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

Section 15.08 (5) (b), Stats.: “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.”

Section 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.”

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

Section 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.”

2023 Wisconsin Act 56 Section 33: “(1) The hearing and speech examining board and the department of safety and professional services may promulgate emergency rules under s. 227.24 necessary to implement this act...”

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

120 hours

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

Audiologist and Speech-Language Pathologist Credential holder and those seeking credentials as Audiologists or Speech-Language Pathologists in Wisconsin.

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:

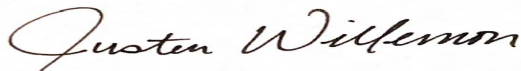
None

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 will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Nilajah Hardin, (608) 267-7139, DSPSAdminRules@wisconsin.gov

Approved for publication:




Authorized Signature

February 2, 2024

Date Submitted

Approved for implementation:



Authorized Signature

March 6, 2024

Date Submitted

STATE OF WISCONSIN
HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	HEARING AND SPEECH
HEARING AND SPEECH EXAMINING	:	EXAMINING BOARD
BOARD	:	ADOPTING EMERGENCY RULES

The statement of scope for this rule, SS 021-24, was approved by the Governor on February 8, 2024, published in Register 818A2 on February 12, 2024, and approved by the Hearing and Speech Examining Board on March 6, 2024.
This emergency rule was approved by the Governor on (date).

ORDER

An order of the Hearing and Speech Examining Board to amend HAS 6.01, 6.10 (1) (a) (intro.), 6.16, 6.18 (1) (intro.) and (a), (2) (b), (c), (e), (f), (o), (p)1., (s), (t) and (u), and (3) (intro), and create HAS 6.02 (4m), (4v), and 6.05, relating to implementation of the audiology and speech-language pathology interstate compact.

Analysis prepared by the Department of Safety and Professional Services.

FINDING OF EMERGENCY

The Legislature by Section 33 (1) in 2023 Wisconsin Act 56 provides an exemption from a finding of emergency for the adoption of the rule.

ANALYSIS

Statutes interpreted: subch. III ch. 459, Stats.

Statutory authority: ss. 15.08 (5) (b), 459.12 (1), 459.26 (2) (am) , and 459.28 (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats. states that “[t]he 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), 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.”

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

Section 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: 2023 Wisconsin Act 56

Plain language analysis: The Hearing and Speech Examining Board conducted a review of HAS 6 to 8 to implement the audiology and speech-language pathology interstate compact to ensure clarity and consistency with Wisconsin Statutes. The following updates were made as a result of this review:

- Section HAS 6.01 was updated to include compact privilege holders
- A definition for “compact privilege” was added to HAS 6.02
- A definition for “home state” was added to HAS 6.02
- Section HAS 6.05 was created to address the requirements for applying for compact privileges
- Section HAS 6.10 (1) (a) was revised to include a supervisor with compact privileges
- Section HAS 6.16 was updated to include compact privilege holders
- Various subsections of HAS 6.18 were updated to include compact privilege holders

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

Comparison with rules in adjacent states:

Illinois: Illinois has pending legislation regarding the Audiology and Speech-language Pathology Interstate Compact [2023 Illinois House Bill 3264].

Iowa: Iowa is a member state of the Audiology and Speech-language Pathology interstate compact [Iowa Code Title IV Chapter 147F].

Michigan: Michigan has not enacted the Audiology and Speech-language Pathology Interstate Compact [Michigan Compiled Laws Act 368 Part 176 Section 333.17601-333.17613].

Minnesota: Minnesota has pending legislation regarding the Audiology and Speech-language Pathology Interstate Compact [2023 House Bill HF2378 and Senate Bill SF2656].

Summary of factual data and analytical methodologies: The proposed rules were developed by reviewing 2023 Wisconsin Act 56, which ratifies the Audiology and Speech-language Pathology Interstate Compact, and conducting a comprehensive evaluation and update of the Hearing and Speech Examining Board’s rules to implement the Compact.

Fiscal Estimate: The Fiscal Estimate will be attached upon completion.

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Nilajah Hardin, 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, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. HAS 6.01 is amended to read:

HAS 6.01 Authority and purpose. The rules in this chapter are adopted by the hearing and speech examining board under the authority of ss. 227.11 (2) and 459.24 to 459.34, Stats., to govern the licensure of speech-language pathologists, audiologists and temporary licensees, and the granting of compact privileges for speech-language pathologists and audiologists.

SECTION 2. HAS 6.02 (4m) and (4v) are created to read:

(4m) “Compact privilege” has the meaning given in s. 459.70 (2) (h), Stats.

(4v) “Home state” has the meaning given in s. 459.70 (2) (m), Stats.

SECTION 3. HAS 6.05 is created to read:

HAS 6.05 Applications for compact privilege. Every applicant for compact privilege as a speech-language pathologist or audiologist shall submit to the board all of the following:

- (1)** Evidence of an unencumbered home state license in another state that is party to the compact and satisfies the requirements under s. 459.70 (4), Stats.
- (2)** A completed application form provided by the board.

(3) The fee specified in s. 459.71 (2), Stats.

Note: Application instructions for compact privilege may be obtained from the Department of Safety and Professional Services' website at <http://dsps.wi.gov>.

SECTION 4. HAS 6.10 (1) (a) (intro.) is amended to read:

HAS 6.10 (1) (a) (intro.) Before commencing a postgraduate clinical fellowship in speech-language pathology an applicant shall obtain a temporary license to practice under the supervision of a licensed or compact privilege holding speech-language pathologist by submitting all the following:

SECTION 5. HAS 6.16 is amended to read:

HAS 6.16 Prohibited practice and use of titles. No person may engage in the practice of speech-language pathology or use the title "speech-language pathologist" or any similar title or engage in the practice of audiology or use the title "audiologist", "clinical audiologist" or any similar title, unless the person holds a current speech-language pathologist or audiologist license or compact privilege, as appropriate, granted by the board.

SECTION 6. HAS 6.18 (1) (intro.) and (a) are amended to read:

HAS 6.18 (1) (intro.) The board may reprimand a speech-language pathologist, audiologist, temporary licensee or a permittee, or deny, limit, suspend or revoke a license, compact privilege, or permit, if it finds that the applicant, licensee, compact privilege holder, or permittee has done any of the following:

(a) Made a material misstatement in an application for a license, compact privilege, or permit or for renewal of a license.

SECTION 7. HAS 6.18 (2) (b), (c), (e), (f), (o), (p)1., (s), (t) and (u) are amended to read:

HAS 6.18 (2) (b) Using the title "speech-language pathologist," "audiologist" or any similar title unless the individual holds a current speech-language pathologist or audiologist license or compact privilege granted under s. 459.24 (2), ~~or (3)~~, or (3e), Stats.

(c) Violating the conditions or limitations placed upon a license, compact privilege, or permit by the board.

(e) Having a license, compact privilege, certificate, permit or registration issued by another jurisdiction to practice as a speech-language pathologist or audiologist limited, suspended or revoked.

(f) Aiding or abetting an unlicensed person, knowingly conspiring with an unlicensed person, or allowing one's license or compact privilege to be used by an unlicensed person to evade the use of a title prohibited under s. 459.24 (1) or (1m), Stats.

(o) Failing to provide access to records of professional services rendered and products dispensed when requested by the board or its representative in connection with an investigation of a complaint filed against the applicant, licensee, compact privilege holder, or permittee.

(p) 1. The name of the licensee or compact privilege holder.

(s) Failing to practice speech-language pathology or audiology within the scope of the licensee's or compact privilege holder's competence, education, training and experience.

(t) Delegating the provision of clinical services to an unlicensed individual for whom the licensee or compact privilege holder does not provide direct supervision.

(u) Delegating the provision of clinical services to a temporary licensee for whom the licensee or compact privilege holder does not provide supervision.

SECTION 8. HAS 6.18 (3) (intro.) is amended to read:

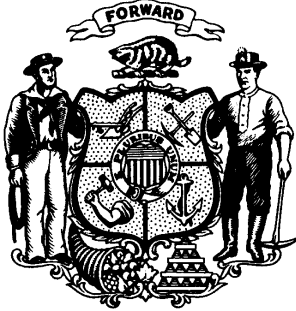
HAS 6.18 (3) (intro.) In addition to the bases for unprofessional conduct set forth under sub. (2), the board may reprimand an audiologist, or deny, limit, suspend or revoke a license, compact privilege, or permit, if it finds that the applicant, licensee, compact privilege holder, or permittee has engaged in the following unprofessional conduct:

SECTION 9. This emergency rule shall take effect upon publication in the official state newspaper.

(END OF TEXT OF RULE)

Dated _____ Agency _____
Chairperson
Hearing and Speech Examining Board

State of Wisconsin



2023 Senate Bill 419

Date of enactment: **December 6, 2023**
Date of publication*: **December 7, 2023**

2023 WISCONSIN ACT 82

AN ACT *to amend* 459.01 (5) and 459.10 (1) (intro.); and *to create* 459.01 (1b) and 459.115 of the statutes; **relating to:** practice of fitting and dealing in hearing aids, certification of hearing instrument specialists to engage in cerumen management, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 459.01 (1b) of the statutes is created to read:

459.01 (1b) "Cerumen" means a wax-like secretion from glands in the external auditory canal.

SECTION 2. 459.01 (5) of the statutes is amended to read:

459.01 (5) "Practice of fitting and dealing in hearing aids" means the measurement of human hearing by means of an audiometer or by any other means accepted by the examining board solely for the purpose of making selections, adaptations, or sales of prescription hearing aids intended to compensate for impaired hearing. This term also includes making impressions for ear molds and includes cerumen management in the course of examining ears, taking ear impressions, or fitting prescription hearing aids by an individual who holds a certificate to engage in cerumen management under s. 459.115.

SECTION 3. 459.10 (1) (intro.) of the statutes is amended to read:

459.10 (1) (intro.) Subject to subch. II of ch. 111 and the rules adopted under s. 440.03 (1), the examining board may reprimand the licensee or permit holder or revoke, suspend, limit or deny the trainee permit or license, or certificate to engage in cerumen management

under s. 459.115, or any combination thereof, of any person who has done any of the following:

SECTION 4. 459.115 of the statutes is created to read:
459.115 Cerumen management. (1) The examining board shall issue a certificate to engage in cerumen management to a person licensed under this subchapter who completes a course on cerumen management identified by the department under sub. (3).

(2) No person licensed under this subchapter may engage in cerumen management unless he or she holds a valid certificate issued under sub. (1).

(3) The examining board shall identify cerumen management courses for which completion qualifies a person licensed under this subchapter for a certificate under sub. (1). In identifying cerumen management courses, the examining board shall select cerumen management courses that consist of at least 6 hours of instruction in removing cerumen from an ear canal using a variety of safe techniques and that includes a final examination on proper cerumen management procedures.

(4) The examining board shall promulgate rules necessary to administer this section, including rules for all of the following:

(a) Defining the scope of cerumen management.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(b) Establishing contraindications for which a person licensed under this subchapter shall refer a patient to an otolaryngologist or a physician for cerumen management.

(c) Establishing proper infection control practices.

(5) A certificate issued under this section is permanent unless revoked and is not subject to periodic

renewal.

(6) Every person licensed under this subchapter who is certified to engage in cerumen management shall annually submit to the examining board evidence satisfactory to the examining board that he or she has in effect malpractice liability coverage in the minimum amounts required by the examining board by rule.

STATEMENT OF SCOPE

HEARING AND SPEECH EXAMINING BOARD

Rule No.: HAS 1, 4, 5, and 9

Relating to: Cerumen Management

Rule Type: Permanent

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

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

The objective of this rule is to implement the statutory changes from 2023 Wisconsin Act 82, which enables Hearing Instrument Specialists to perform cerumen management under certain circumstances.

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 Administrative Code chapters HAS 1, 4, and 5, currently outline requirements for licensure of hearing, measurement of human hearing and unprofessional conduct for Hearing Instrument Specialists. In order to implement 2023 Wisconsin Act 82, a new chapter, HAS 9, will potentially be needed, in addition to updates to the requirements in HAS 1, 4, and 5. The alternative to the proposed rule is that the statute will determine the practice of cerumen management by Hearing Instrument Specialists, and there will be no detailed guidance in the Administrative Code.

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

Section 15.08 (5) (b), Stats.: "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."

Section 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."

Section 459.115 (4), Stats as quoted in 2023 Wisconsin Act 82: "The examining board shall promulgate rules necessary to administer this section, including rules for all of the following:

- (a) Defining the scope of cerumen management.
- (b) Establishing contraindications for which a person licensed under this subchapter shall refer a patient to an otolaryngologist or a physician for cerumen management.
- (c) Establishing proper infection control practices."

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

80 hours

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

Hearing Instrument Specialists credentialed in Wisconsin.

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 will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Nilajah Hardin, (608) 267-7139, DSPSAdminRules@wisconsin.gov

Approved for publication:

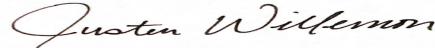


Authorized Signature

February 2, 2024

Date Submitted

Approved for implementation:



Authorized Signature

March 6, 2024

Date Submitted

Chapter HAS 1

LICENSURE OF HEARING INSTRUMENT SPECIALISTS

HAS 1.005 Authority.

HAS 1.01 Definitions.

Note: Chapter Had 1 was renumbered Chapter HAS 1 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1992, No. 436.

HAS 1.005 Authority. The rules in chs. HAS 1 to 5 and 9 are adopted pursuant to ss. 15.08 (5) (b), 227.11 (2) ~~, and 459.12 (1)~~, and 459.115 (4), Stats.

HAS 1.01 Definitions. As used in chs. HAS 1 to 5 and 9, unless the context otherwise requires

(1a) "Board" means the hearing and speech examining board.

(1m) "Cerumen" has the meaning given in s. 459.01 (1b), Stats.

(2) "Department" means the department of safety and professional services.

(2a) "Direct supervision" means being physically present at the time the trainee makes ear impressions or measurements of human hearing for the purpose of fitting or selling a hearing instrument or fits or sells a hearing instrument.

(2m) "Full terms of sale" means the conditions of a sale agreed to by a hearing instrument specialist and the purchaser of a hearing instrument.

(2n) "Hearing instrument" means a hearing aid, as defined in s. 459.01 (2), Stats.

(3) "License" means a license issued by the department under s. 459.05, Stats., to hearing instrument specialists.

(5) "Practice" means the practice of fitting and dealing in hearing instruments, as defined in s. 459.01 (5), Stats.

(5m) "Seller's guarantee" means a promise made by a hearing instrument specialist to a hearing instrument purchaser to provide the minimum product warranty offered by a manufacturer.

(5n) "Sufficient cause" means illness or other hardship.

(6) "Trainee" means the holder of a permit.

(7) "Trainee permit" has the meaning given in s. 459.01 (7), Stats.

Chapter HAS 4

HEARING INSTRUMENT SPECIALISTS MEASUREMENT OF HUMAN HEARING

HAS 4.01 Appropriate procedures for measurement of human hearing.	HAS 4.03 Equipment used to measure hearing.
HAS 4.02 Ear molds.	HAS 4.04 Appropriate time frame for hearing tests prior to fitting hearing instruments.

Note: Chapter Had 4 was renumbered Chapter HAS 4 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1992, No. 436.

HAS 4.01 Appropriate procedures for measurement of human hearing. The procedures accepted by the board for the measurement of human hearing by licensees and trainees comprise:

- (1) Pure tone audiometry, including air conduction testing and bone conduction testing.
- (2) Speech audiometry by live voice, or recorded voice, including speech reception threshold, speech discrimination testing, and most comfortable loudness measurements and loudness discomfort levels.
- (3) Appropriate masking when indicated.
- (4) Recording and interpretation of audiograms and speech audiometry to determine proper selection and adaptation of hearing instruments.

HAS 4.02 Ear molds. Taking impressions for ear molds includes:

- (1) Otoscope observation, pre- and post- impression.
- (2) Proper cotton or foam block placement.
- (3) Impression material insertion.
- (4) Removal of completed impression.
- (5) Proper ear mold selection.

HAS 4.03 Equipment used to measure hearing. (1) Pure tone audiometry must be conducted with a pure tone audiometer which conforms to the American National Standards Institute, Standard ANSI S3.6 2018 approved 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. A copy of the Standard is on file at the Legislative Reference Bureau.

- (2) A masking source shall be either available within, or capable of being attached to, the audiometer. The masking source shall have one of the following:
 - (a) White noise capability.
 - (b) Speech noise capability.
 - (c) Narrow band noise and white noise or narrow band noise and speech noise capability.
- (3) Audiometric equipment used in the evaluation of hearing sensitivity for the fitting and sale of hearing instruments shall be calibrated not less than once every 12 months.

HAS 4.04 Appropriate time frame for hearing tests prior to fitting hearing instruments. Appropriate procedures for the measurement of human hearing as described in s. HAS 4.01 shall be performed and documented within 6 months prior to the selling and fitting of a hearing instrument.

Chapter HAS 5

HEARING INSTRUMENT SPECIALISTS UNPROFESSIONAL CONDUCT

HAS 5.01 Authority.
HAS 5.013 Scope.

HAS 5.015 Definition.
HAS 5.02 Unprofessional conduct.

Note: Chapter Had 5 was renumbered Chapter HAS 5 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1992, No. 436.

HAS 5.01 Authority. The rules in this chapter are adopted pursuant to the authority in ss. 15.08 (5) (b), 227.11, 459.10 (1) (k), 459.12 (1), and 459.34 (2) (h), Stats.

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

HAS 5.015 Definition. In this chapter, “telehealth” has the meaning given in s. 440.01 (1) (hm), Stats.

HAS 5.02 Unprofessional conduct. (1) In this section, “client records” include:

- (a) The results of all tests required under ch. HAS 4.
- (b) Copies of all contracts, receipts and guarantees involving the sale of hearing instruments.
- (c) Documentation of all pertinent client contacts, except those relating to the sale of batteries or product accessories.
- (d) Copies of all written statements waiving medical evaluations, as required under 21 CFR 801.421.

Note: Hearing instrument specialists must comply with the recordkeeping requirements adopted by the U.S. Food and Drug Administration (FDA), as set forth in 21 CFR 801.421.

(2) The following, without limitation because of enumeration, are violations of standards of professional conduct and constitute unprofessional conduct under s. 459.10 (1) (k), Stats.:

- (a) After a request by the board, failing to cooperate in a timely manner with the board’s investigation of complaints filed against the applicant ~~or licensee~~, or certified individual. There is a rebuttable presumption that a licensee ~~or applicant~~, or certified individual who takes longer than 30 days to respond to a request of the board has not acted in a timely manner under this subsection.
- (b) Knowingly providing false information to the board.
- (c) Knowingly placing false information in a client’s records or making a client’s record false.
- (d) Failing to maintain client records for a period of 5 years.
- (dm) Failing to record all of the following information in each client record:
 1. The date of entry of pertinent information.
 2. The name of the licensee.
 3. Information sufficiently legible to allow interpretation by other individuals for the benefit of the client.
- (e) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a hearing instrument specialist.
- (f) Failing to maintain proper calibration of audiometric equipment, as specified in s. HAS 4.03 (3).

(fm) Failing to maintain adequate records of certification of calibrations of audiometric equipment for a period of 5 years or failing to provide access to those records when requested by the board or its representative.

(g) Failing to clearly state the full terms of sale on a receipt, as required in s. 459.03, Stats., and failing to comply with those terms. The full terms of sale shall include all of the following:

1. The amount and method of payment.
2. The date and place of delivery.
3. The terms of any guarantee.
4. The nature and duration of the trial period and extension, if any.
5. The refund policy and amount, if any.
6. The product return and exchange policy, if any.
7. The product repair policy, if any.

(h) Soliciting from or knowingly disclosing to any person or entity the content of an examination conducted under ch. HAS 3.

(i) 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.

(j) If the licensee maintains a cerumen management certificate under s.459.115, Stats, and ch. HAS 9, failure to do any of the following:

1. Safely engage in the practice of cerumen management.
2. Refer a patient for cerumen management under s. HAS 9.04 when appropriate.
3. Follow proper infection control procedures under s. HAS 9.05.
4. Maintain the required amount malpractice liability insurance under s. HAS 9.06.

(3) A person engaging in the practice of selling or fitting hearing aids to a patient located in this state, whether in-person or via telehealth, shall be licensed under ch. 459, Stats., as a hearing instrument specialist or audiologist.

Chapter HAS 9

CERUMEN MANAGEMENT CERTIFICATION

HAS 9.01 Applicability and Scope. (1) Pursuant to s. 459.115 (1) and (2), Stats., the standards of practice for cerumen management in this chapter apply to all licensees who maintain a certification in cerumen management. An audiologist licensed under s. 459.24 (3), Stats. is not required to maintain a cerumen management certification.

(2) The practice of cerumen management may include any of the following services:

(a) _____

HAS 9.02 Certification. (1) An applicant for cerumen management certification shall complete the following:

(a) Submit a completed application form as specified by the Department.

Note: Instructions for applications are available on the department of safety and professional services' website at <http://dsps.wi.gov>.

(b) Pay the fee as required by s. 440.05 (1), Stats.

(c) Submit proof of completion of the education requirements under s. HAS 9.03.

(d) Submit evidence satisfactory to the board that the licensee is in compliance with s. HAS 9.06.

(3) Pursuant to s. 459.115 (5), Stats., once granted, a certification to practice cerumen management is permanent unless revoked and is not subject to periodic renewal.

HAS 9.03 Education Requirements. (1) The board accepts education courses for cerumen management that satisfy all of the following criteria:

(a) The course provides at least 6 hours of instruction.

(b) The subject matter of the course relates to removal of cerumen from the ear canal using safe techniques.

(c) The course must include a final examination on proper cerumen management procedures.

(d) The course is one of the following:

1. Sponsored or recognized by a local, state, regional, national, or international association of hearing instrument specialists or audiology.

2. A course preapproved by the Board or its designee as sufficient.

(e) _____

HAS 9.04 Referrals. An individual certified to perform cerumen management shall refer a patient to an otolaryngologist or physician for cerumen management when any of the following apply:

(a) _____

HAS 9.05 Infection Control. An individual certified to perform cerumen management under this chapter shall comply with all of the following infection control procedures:

(a) _____

Commented [NH1]: From Board Counsel - Are there any degrees, licenses, or other credentials that would be nature include equivalent training in cerumen management?

HAS 9.06 Malpractice Liability Coverage. An individual applying for cerumen management certification shall obtain and maintain malpractice liability insurance for the duration of their certification in the following amounts:

(a) _____

State of Wisconsin



2023 Senate Bill 373

Date of enactment: **March 22, 2024**

Date of publication*: **March 23, 2024**

2023 WISCONSIN ACT 179

AN ACT *to amend* 459.01 (3), 459.01 (5), 459.02 (1), 459.02 (2), 459.03 (1), 459.05 (1m), 459.06 (3), 459.07 (2), 459.08 (1), 459.095 (3), 459.10 (1) (d), 459.10 (1) (e), 459.10 (1) (j), 459.10 (1) (k), 459.20 (2) (b), 459.20 (3p), 459.22 (2) (f), 459.30 (2) (intro.), 459.30 (2) (a) and 459.34 (2) (ce); and *to create* 459.02 (3), 459.03 (1m) and 459.24 (3r) of the statutes; **relating to:** practice of ordering, fitting, and dealing in hearing aids and selling and fitting over-the-counter hearing aids.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 459.01 (3) of the statutes is amended to read:

459.01 (3) "Hearing instrument specialist" means any person who is or is required to be licensed under s. 459.05 to engage in the practice of ordering, fitting, and dealing in or ~~fitting~~ hearing aids.

SECTION 2. 459.01 (5) of the statutes, as affected by 2023 Wisconsin Act 82, is amended to read:

459.01 (5) "Practice of ordering, fitting, and dealing in hearing aids" means the measurement of human hearing by means of an audiometer or by any other means accepted by the examining board solely for the purpose of ordering the use of hearing aids or making selections, adaptations, or sales of prescription hearing aids intended to compensate for impaired hearing. This term also includes making impressions for ear molds and includes cerumen management in the course of examining ears, taking ear impressions, or fitting prescription hearing aids by an individual who holds a certificate to engage in cerumen management under s. 459.115.

SECTION 3. 459.02 (1) of the statutes is amended to read:

459.02 (1) No person may engage in the practice of ~~selling or~~ ordering, fitting, and dealing in hearing aids or display a sign or in any other way advertise or represent himself or herself as a person who ~~practices the~~ engages in the practice of ordering, fitting or sale of, and dealing in hearing aids unless he or she holds a valid license issued under this subchapter or a valid license or permit to practice audiology issued under subch. II. The license required by s. 459.05 shall be conspicuously posted in his or her office or place of business as registered with the department at all times. Duplicate licenses shall be issued by the department under this subchapter to valid license holders operating more than one office without additional payment.

SECTION 4. 459.02 (2) of the statutes is amended to read:

459.02 (2) Nothing in this subchapter or subch. II shall prohibit any corporation or mercantile establishment which maintains an established business address from engaging in the business of selling or offering for sale hearing aids at retail without a license, provided that for the purpose of ~~selling~~ ordering and fitting hearing aids it employs persons licensed under this subchapter or per-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

sons issued licenses or permits to practice audiology under subch. II.

SECTION 5. 459.02 (3) of the statutes is created to read:

459.02 (3) No license is required under this subchapter or subch. II to sell or fit an over-the-counter hearing aid, as defined in 21 USC 360j (q).

SECTION 6. 459.03 (1) of the statutes is amended to read:

459.03 (1) ~~A~~ Except as provided in sub. (1m), a hearing instrument specialist who engages in the practice of ordering, fitting, and dealing in hearing aids shall deliver to each person supplied with a hearing aid a receipt. The receipt shall contain the signature and show the business address and license title and number of the hearing instrument specialist, together with specifications as to the make and model of the hearing aid furnished and full terms of sale clearly stated. If a hearing aid which is not new is sold, the receipt and the container thereof must be clearly marked as “used” or “reconditioned” whichever is applicable.

SECTION 7. 459.03 (1m) of the statutes is created to read:

459.03 (1m) A hearing instrument specialist is not required to deliver a receipt to a person supplied with a hearing aid if the supplied hearing aid is an over-the-counter hearing aid, as defined in 21 USC 360j (q).

SECTION 8. 459.05 (1m) of the statutes is amended to read:

459.05 (1m) Whenever the examining board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect in the state for the practice of ordering, fitting, and selling dealing in hearing aids, and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants in this state are qualified to ~~fit and sell~~ engage in the practice of ordering, fitting, and dealing in hearing aids, the department may issue a license by reciprocity to applicants who hold valid licenses to order, deal in, or fit hearing aids in such other state or jurisdiction, who pay the fee specified in s. 440.05 (2), and who are otherwise qualified for licensure. No applicant for a license by reciprocity under this subsection shall be required to submit to or undergo a qualifying examination, if the applicant personally appears at the next meeting of the examining board after filing the application to answer any questions the examining board has.

SECTION 9. 459.06 (3) of the statutes is amended to read:

459.06 (3) The applicant for license by examination shall appear at a time and place as the examining board designates, to be examined by means of written and practical tests in order to demonstrate that he or she is qualified to engage in the practice the of ordering, fitting of,

and dealing in hearing aids. Such examinations shall be conducted at least twice a year and at such other times and places designated by the examining board.

SECTION 10. 459.07 (2) of the statutes is amended to read:

459.07 (2) Upon receiving an application under this section, accompanied by the fee under s. 440.05 (6), the examining board may grant a trainee permit which may entitle the applicant to engage in the practice of ordering, fitting of, and dealing in hearing aids for a period of one year. A person holding a valid hearing instrument specialist license issued under this subchapter or a valid license to practice audiology issued under s. 459.24 (3) shall be responsible for the direct supervision and training of the applicant and shall be liable for all negligent acts and omissions of the trainee in the practice of ordering, fitting of, and dealing in hearing aids.

SECTION 11. 459.08 (1) of the statutes is amended to read:

459.08 (1) A person who holds a license shall notify the department in writing or in accordance with other notification procedures approved by the department of the regular address of the places where he or she engages or intends to engage in the practice of ordering, fitting of selling, and dealing in hearing aids. The licensee shall inform the board of any changes in these addresses within 30 days of the change.

SECTION 12. 459.095 (3) of the statutes is amended to read:

459.095 (3) In consultation with the department, promulgate rules that require each person issued a license under this subchapter to whom s. 459.09 (1) (b) applies to complete a specified continuing education program or course of study to ensure competence with respect to a matter related to the practice of ordering, fitting, and dealing in hearing aids if the examining board has received a significant number of consumer complaints about the matter or if the examining board otherwise determines that there is a need for such a requirement. Rules promulgated under this subsection shall establish criteria for the examining board’s approval of the continuing education program or course of study and of sponsors and cosponsors of the continuing education program or course of study. The rules shall also require the examining board to administer, prior to the continuing education program or course of study, an examination on the matter that is the subject of the continuing education program or course of study and to waive a requirement to complete the continuing education program or course of study if a person granted a license under this subchapter passes the examination. A person who takes an examination specified in this subsection shall pay the fee specified in s. 440.05 (1) (b).

SECTION 13. 459.10 (1) (d) of the statutes is amended to read:

459.10(1)(d) Been found guilty of an offense the circumstances of which substantially relate to the practice of ordering, fitting, and dealing in hearing aids.

SECTION 14. 459.10(1)(e) of the statutes is amended to read:

459.10(1)(e) Violated this subchapter or ch. 440 or any federal or state statute or rule which relates to the practice of ordering, fitting, and dealing in hearing aids.

SECTION 15. 459.10(1)(j) of the statutes is amended to read:

459.10(1)(j) Engaged in conduct which evidenced a lack of knowledge or ability to apply principles or skills of the practice of ordering, fitting, and dealing in hearing aids.

SECTION 16. 459.10(1)(k) of the statutes is amended to read:

459.10(1)(k) Engaged in unprofessional conduct. In this subsection, “unprofessional conduct” means the violation of any standard of professional behavior which through experience, state statute, or administrative rule has become established in the practice of ordering, fitting, and dealing in hearing aids.

SECTION 17. 459.20(2)(b) of the statutes is amended to read:

459.20(2)(b) Engaging in the practice of ordering, fitting, and dealing in hearing aids.

SECTION 18. 459.20(3p) of the statutes is amended to read:

459.20(3p) “Practice of ordering, fitting, and dealing in hearing aids” means the measurement of human hearing by means of an audiometer or by any other means accepted by the examining board for the purpose of ordering the use of hearing aids or making selections, adaptations, or sales of hearing aids intended to compensate for impaired hearing, ~~and~~. This term also includes making impressions for ear molds.

SECTION 19. 459.22(2)(f) of the statutes is amended to read:

459.22(2)(f) Require an individual to be licensed under this subchapter to engage in the practice of speech–language pathology or audiology, other than engaging in the practice of ordering, fitting, and dealing in hearing

aids, in a position for which the department of public instruction requires licensure as a speech and language pathologist or audiologist, if the individual’s entire practice of speech–language pathology or audiology, other than engaging in the practice of ordering, fitting, and dealing in hearing aids, is limited to the duties of that position.

SECTION 20. 459.24(3r) of the statutes is created to read:

459.24(3r) DELIVERY OF RECEIPT. An audiologist is not required to deliver a receipt to a person supplied with a hearing aid if the supplied hearing aid is an over–the–counter hearing aid, as defined in 21 USC 360j (q).

SECTION 21. 459.30(2)(intro.) of the statutes, as affected by 2023 Wisconsin Act 56, is amended to read:

459.30(2) FITTING AND SALE OF HEARING AIDS. (intro.) An audiologist licensed under this subchapter, an audiologist who holds a valid compact privilege, or an individual granted a permit to practice audiology under this subchapter who engages in the practice of ordering, fitting, and dealing in hearing aids shall do all of the following:

SECTION 22. 459.30(2)(a) of the statutes, as affected by 2023 Wisconsin Act 56, is amended to read:

459.30(2)(a) ~~Deliver~~ Except as provided in sub. (3r), deliver to each person supplied with a hearing aid a receipt. The receipt shall contain the signature and show the business address, license or permit title, and number of the licensee, compact privilege holder, or permittee, together with specifications as to the make and model of the hearing aid and full terms of sale clearly stated. If a hearing aid that is not new is sold, the receipt and the container must be clearly marked as “used” or “reconditioned”, whichever is applicable. The terms of the guarantee, if there is any given, shall be set out in not less than 8–point type.

SECTION 23. 459.34(2)(ce) of the statutes is amended to read:

459.34(2)(ce) Violated any federal or state statute, rule or regulation that relates to the practice of ordering, fitting, and dealing in hearing aids. This paragraph does not apply to speech–language pathologists.

STATEMENT OF SCOPE

HEARING AND SPEECH EXAMINING BOARD

Rule No.: HAS 1 and 4 to 6

Relating to: Hearing Aids

Rule Type: Permanent

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

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

The objective of this rule is to implement the statutory changes from 2023 Wisconsin Act 179, which clarifies the practice of ordering, fitting, and dealing in hearing aids versus the selling and fitting of over-the-counter hearing aids.

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 Administrative Code chapters HAS 1 and 4 to 6 currently outline requirements for licensure of Hearing Instrument Specialists, measurement of human hearing and unprofessional conduct for Hearing Instrument Specialists, and licensure of Speech-language Pathologists and Audiologists. In order to implement 2023 Wisconsin Act 179, updates to the requirements in HAS 1 and 4 to 6 are needed to ensure that the code is clear on what the requirements are for the practice of ordering, fitting, and dealing in hearing aids, as well as the selling and fitting of over-the-counter hearing aids. The alternative to the proposed rule is that the statute will determine such practice for Hearing Instrument Specialists and Audiologists, and there will be no detailed guidance in the Administrative Code.

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

Section 15.08 (5) (b), Stats.: "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."

Section 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."

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

80 hours

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

Hearing Instrument Specialists and Audiologists credentialed in Wisconsin.

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: Listed in the Federal, Food, Drug, and Cosmetic Act Subchapter V Part A under Section 360j (q) are regulations for over-the-counter hearing aids. According to these regulations, over-the-counter hearing aids are those devices used by those with hearing impairment that are available without the supervision of or prescription from a licensed individual.

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 will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Nilajah Hardin, (608) 267-7139, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

**Hearing and Speech Examining Board
Rule Projects (updated 03/29/24)**

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	Rule Effective 04/01/24	N/A
22-058	108-20	02/17/2023	HAS 5 and 6	Telehealth	Rule Effective 02/01/24	N/A
Not Assigned Yet	021-24	08/12/2026	HAS 1, 4, 5, and 9	Cerumen Management	Drafting	Board Approval of Preliminary Rule Draft for EIA Comment Posting and Clearinghouse Review
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	HAS 1 and 4 to 6	Hearing Aids	2023 WI Act 179 effective on 03/24/24: Scope Statement Reviewed at 04/10/24 Meeting	Board Approval for Submission to Governor's Office and for Publication
Not Assigned Yet	020-24	08/12/2026	HAS 6 to 8	Implementation of the Audiology and Speech-Language Pathology Licensure Compact	Emergency Rule Draft Reviewed at 04/10/24 Meeting	Board Approval for Submission to Governor's Office and/or Drafting Permanent Rule

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dr. Michael Harris		2) Date when request submitted: 3/12/2024 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: 4/10/2024	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? American Academy of Otolaryngology – Head & Neck Surgery (AAO-HNS) Position Statement in Support of Universal Newborn Congenital CMV Screening	
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: Dr. Harris requested that the Board review this position statement. https://www.entnet.org/resource/universal-newborn-congenital-cytomegalovirus-ccmv-screening/			
11) Authorization			
<i>Dr. Harris</i>			
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.			

Universal newborn congenital cytomegalovirus (cCMV) screening

<https://www.entnet.org/resource/universal-newborn-congenital-cytomegalovirus-ccmv-screening/>

It is estimated that 1 in every 200 US newborns have congenital cytomegalovirus (cCMV). Delayed identification of cCMV in newborns precludes timely intervention to mitigate sequelae of the infection such as hearing loss and other neurological complications. Newborn testing for cCMV enables appropriate diagnosis and intervention by multidisciplinary teams to properly manage the immediate consequences of cCMV, avoid unnecessary additional testing that can result from delayed diagnosis, and monitor for future complications. It is the position of the American Academy of Otolaryngology – Head and Neck Surgery that universal newborn cCMV screening is necessary to best accomplish these goals.

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