



**Tony Evers, Governor**  
**Dan Hereth, Secretary**

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**TELECONFERENCE/VIRTUAL  
HEARING AND SPEECH EXAMINING BOARD  
Virtual, 4822 Madison Yards Way, 2nd Floor, Madison  
Contact: Tom Ryan (608) 266-2112  
June 26, 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 (1-4)**
- B. Approval of Minutes of April 10, 2024 (5-8)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introduction, Announcements, and Recognition**
  - 1) Introductions
    - a. Todd Beyer – Hearing Instrument Specialist Member (Succeeds: Klapperich)
    - b. Samantha Sikorski –Hearing Instrument Specialist Member (Succeeds: Krier)
  - 2) Recognitions
    - a. Robert Broeckert – Audiologist Member (Resigns: 7/1/2024)
    - b. Thomas Krier – Hearing Instrument Specialist (Resigned: 6/17/2024)
- E. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) Appointment of Liaisons and Alternates
  - 3) Board Members – Term Expiration Dates
    - a. Beyer, Todd M. – 7/1/2027
    - b. Broeckert, Robert R. – 7/1/2024
    - c. Harris, Michael S. – 7/1/2027
    - d. Kanter, Catherine D. – 7/1/2024
    - e. Lapidakis, Jerry A. – 7/1/2024
    - f. Meyer, Jason J. – 7/1/2025
    - g. Pazak, Kathleen A. – 7/1/2027
    - h. Seligman, David H. – 7/1/2023
    - i. Sikorski, Samantha – 7/1/2025
    - j. Willemon, Justen J. – 7/1/2025
- F. Legislative and Policy Matters – Discussion and Consideration**

- G. **Administrative Rule Matters – Discussion and Consideration (9-21)**
  - 1) 2023 Wisconsin Act 56: HAS 6 to 8, Relating to Implementation of the Audiology and Speech-Language Pathology Interstate Compact **(10-14)**
    - a. Permanent Rule Draft
  - 2) 2023 Wisconsin Act 82: HAS 1, 4, 5, and 9, Relating to Cerumen Management **(15-20)**
    - a. Drafting Proposals
  - 3) Pending or Possible Rulemaking Projects (21)
- H. **Audiology and Speech-Language Pathology Compact Matters – Discussion and Consideration (22)**
- I. **Education and Examination Matters – Discussion and Consideration (23)**
  - 1) Practical Exam Pass Rates and Exam Review Process
- 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 Credentialing Matters**

- 1) Application Review (24-125)
  - a. Danalee Gray – Hearing Instrument Specialist

**M. 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

**N. Consulting with Legal Counsel**

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

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

**P. Open Session Items Noticed Above Not Completed in the Initial Open Session**

**Q. Examination Ratification – Discussion and Consideration**

**ADJOURNMENT**

**NEXT MEETING: OCTOBER 30, 2024**

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held 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://dps.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  
APRIL 10, 2024**

**PRESENT:** Robert Broeckert, Michael Harris, Catherine Kanter, Thomas Krier, Jerry Lapidakis, Jason Meyer, David Seligman, Justen Willemon

**EXCUSED:** Kathleen Pazak

**STAFF:** Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rule Coordinator; Tracy Drinkwater, Board Administration Specialist; and other Department Staff

**CALL TO ORDER**

Justen Willemon, Chairperson, called the meeting to order at 8:30 a.m. A quorum was confirmed with eight (8) members present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- ADD under D.1., Introduction: Jerry Lapidakis, Public Member (Replaces: Pirrello)
- ADD under Item E.2., Lapidakis, Jerry A. – 7/1/2024

**MOTION:** Michael Harris moved, seconded by Catherine Kanter, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JANUARY 24, 2024**

**Amendments to the Minutes:**

- REMOVE highlighting and strikethroughs in Liaison chart.

**MOTION:** Justen Willemon moved, seconded by Catherine Kanter, to approve the Minutes of January 24, 2024, as amended. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

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

**MOTION:** Robert Broeckert moved, seconded by Justen Willemon, to approve the emergency rule revising HAS 6 to 8, Relating to Implementations of the Audiology and Speech-Language Pathology Licensure Compact for emergency rule submission to the Governor and publication in an official newspaper. Motion carried unanimously.

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

	<i>Alternate:</i> Kathleen Pazak (SLP)
<b>Screening Panel</b>	<p><b>Team A:</b> Michael Harris (OTO), Thomas Krier (HIS), David Seligman (HAU), Catherine Kanter (SLP)</p> <p><b>Team B:</b> Robert Broeckert (AUD), Kathleen Pazak (SLP), Jason Meyer (AUD)</p> <p><i>Alternates:</i> Justen Willemon (HIS)</p>
<b>Audiology and Speech-Language Pathology Licensure Compact Commission</b>	<p>Robert Broeckert (AUD) Catherine Kanter (SLP)</p>

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

**MOTION:** Robert Broeckert moved, seconded by Justen Willemon, to designate Michael Harris to serve as liaison to DSPS staff for drafting HAS 1, 4, 5, and 9, Relating to Cerumen Management. Motion carried unanimously.

**2023 Wisconsin Act 179: HAS 1 and 4 to 6, Relating to Hearing Aids**

**MOTION:** Robert Broeckert moved, seconded by Thomas Krier, to approve the Scope Statement revising HAS 1 and 4 to 6, relating to Hearing Aids, for submission to the Department of Administration and Governor’s Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Catherine Kanter moved, seconded by Robert Broeckert, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Justen Willemon, Chairperson, read the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Robert Broeckert-yes; Michael Harris-yes; Catherine Kanter-yes; Thomas Krier-yes; Jerry Lapidakis-yes; Jason Meyer-yes; David Seligman-yes; and Justen Willemon-yes. Motion carried unanimously.

The Board convened to Closed Session at 10:02 a.m.

**DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE  
(DLSC) MATTERS**

**Proposed Stipulations, Final Decisions and Orders**

*22 HAD 008 – Dennis M. Barrett-Neira*

**MOTION:** Robert Broeckert moved, seconded by Justen Willemon, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Dennis M. Barrett-Neira, DLSC Case Number 22 HAD 008. Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Robert Broeckert moved, seconded by Jason Meyer, to reconvene to open session. Motion carried unanimously.

The Board reconvened into Open Session at 10:07 a.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

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

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

**DELEGATION AND RATIFICATION OF EXAMINATIONS, LICENSES AND  
CERTIFICATES**

**MOTION:** Jason Meyer moved, seconded by Thomas Krier, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

**ADJOURNMENT**

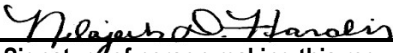
**MOTION:** Robert Broeckert moved, seconded by Catherine Kanter, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:09 a.m.



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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Nilajah Hardin Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 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	
<b>3) Name of Board, Committee, Council, Sections:</b> Hearing and Speech Examining Board			
<b>4) Meeting Date:</b> 06/26/24	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rule Matters – Discussion and Consideration 1. 2023 Wisconsin Act 56: HAS 6 to 8, Relating to Implementation of the Audiology and Speech-Language Pathology Interstate Compact a. Permanent Rule Draft 2. 2023 Wisconsin Act 82: HAS 1, 4, 5, and 9, Relating to Cerumen Management a. Drafting Proposals 3. Pending or Possible Rulemaking Projects	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> 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"> <li>2023 WI Act 56: Permanent Rule Draft</li> <li>2023 WI Act 82: Redlined Code Text</li> <li>Rule Projects Chart</li> </ul> Copies of current Board Rule Projects Can be Viewed Here: <a href="https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx">https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx</a>			
<b>11) Authorization</b>			
 Signature of person making this request		06/14/24 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
HEARING AND SPEECH EXAMINING BOARD

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

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PROPOSED ORDER

An order of the Hearing and Speech Examining Board to 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.

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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.

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

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

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov) or phone at 608-266-2112.

**Agency contact person:**

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; email at [DSPSAdminRules@wisconsin.gov](mailto: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](mailto: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.

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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. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)  
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## Chapter HAS 1

### LICENSURE OF HEARING INSTRUMENT SPECIALISTS

HAS 1.005 Authority.

HAS 1.01 Definitions.

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**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.

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**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) Otosopic 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](http://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 5.015 Definition.

HAS 5.013 Scope.

HAS 5.02 Unprofessional conduct.

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**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) Conducting Audiometric testing.
- (b) Making ear impressions.
- (c) Monitoring use of hearing aids.
- (d) Fitting Hearing Protection or prosthetic devices.
- (e) Other services approved by the board.

(3) When performing cerumen management, the certified individual shall only remove cerumen lateral to the external auditory canal using the following instruments:

- (a) Cerumen loop.
- (b) Cerumenolytic fluid.
- (c) Irrigation for patients with all of the following:
  - 1. Intact tympanic membranes.
  - 2. Closed mastoid cavity.
  - 3. No tympanostomy tubes.
  - 4. No recent ear surgery.
  - 5. No recent dizziness.
- (d) Suction used lateral to the bony canal for patients with all of the following:
  - 1. No recent ear surgery.
  - 2. Intact tympanic membranes.
  - 3. No clear otorrhea.

**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.

(2) 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 **practical** 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.

(2) For the duration of their cerumen management certification, an individual shall complete at least two of the 20 hours required under s. HAS 8.03 on the topic of diseases of the ear.

**HAS 9.04 Referrals. (1) An individual certified to perform cerumen management shall refer a patient to an otolaryngologist or licensed physician for cerumen management when the patient presents with any of the following:**

- (a) Is less than 12 years of age.
- (b) A perforated tympanic membrane.
- (c) History of pain, active drainage, or bleeding from the ear.
- (d) Evidence of congenital or traumatic deformity of the ear.
- (e) Ear surgery within the last six months.
- (f) Tympanostomy tubes, such that irrigation should not be used.
- (g) A bleeding disorder.
- (h) Actual or suspected foreign body in the ear.
- (i) Stenosis or bony exostosis of the ear canal.
- (j) Cerumen impaction that totally occludes the ear canal.
- (k) Cerumen located medial to the cartilaginous external auditory canal.
- (l) A tympanic membrane that the certified individual is unable to see.

**(2) The certified individual shall immediately stop the procedure and refer a patient to an otolaryngologist or a licensed physician if any of the following occur while performing cerumen management:**

- (a) Significant pain.
- (b) Uncontrolled bleeding.
- (c) Laceration of the external auditory canal.
- (d) Acute onset of dizziness or vertigo.
- (e) Sudden hearing loss.

**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) Universal health precautions.
- (b) Decontamination.
- (c) Cleaning, disinfection, and sterilization of multiple use equipment.
- (d) Universal precautions for prevention of the transmission of human immunodeficiency virus, hepatitis B virus, and other blood borne pathogens as defined by the occupational safety and health standards in 29 CFR 1910.1030.

**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. The insurance policy shall provide professional liability coverage of at least \$1,000,000 for each incident or claim.**

**Hearing and Speech Examining Board  
Rule Projects (updated 06/14/24)**

<b>Clearinghouse Rule Number</b>	<b>Scope #</b>	<b>Scope Expiration</b>	<b>Code Chapter Affected</b>	<b>Relating clause</b>	<b>Current Stage</b>	<b>Next Step</b>
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	Scope Statement Submitted to Governor's Office on 05/15/24	Governor's Office Approval and Submission 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 Submitted to Governor on 05/24/24  Permanent Rule Draft Reviewed at 06/26/24 Meeting	Emergency Rule - Governor's Office Approval and Submission for Publication  Permanent Rule - Governor's Office Approval and Submission for Publication

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b>		<b>2) Date when request submitted:</b> April 10, 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	
<b>3) Name of Board, Committee, Council, Sections:</b>  Hearing and Speech Examining Board			
<b>4) Meeting Date:</b> June 26, 2024	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Audiology and Speech-Language Pathology Compact Matters	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable: N/A</b>	
<b>10) Describe the issue and action that should be addressed:</b> The Board will review Compact activity and identify alternate Compact Commission delegates.			
<b>11) Authorization</b>			
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			

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: <b>Aaron Knautz</b> Licensing Exams Specialist		2) Date when request submitted: 6/17/24 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: 6/26/24	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Practical Exam Pass Rates and Exam Review Process	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable:
10) Describe the issue and action that should be addressed: <b>Review Audiology Exam pass rate statistics listed here and discuss a process for performing an exam review.</b>  There have been 18 exam administrations of the Audiology exam over the last 4 years.  There have been <b>25 Failing scores out of 126 total attempts</b> . Overall, the Audiology exam has an <b>80% pass rate</b> .  Of the 126 attempts, they were split almost evenly with HIS/Audiologist applicants with 59 being HIS and 67 being Audiologists.  All 25 failing scores were from applicants for the Hearing Instrument license. <b>Zero audiologist applicants have failed it.</b>			
11) <b>Authorization</b>			
<i>Aaron Knautz</i>		6/17/24	
Signature of person making this request		Date	
<i>Joan Gage</i>		6/17/24	
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 <a href="#">Agenda Items</a> 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.			