



Tony Evers, Governor
Dan Hereth, Secretary

VIRTUAL/TELECONFERENCE
HEARING AND SPEECH EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
January 22, 2025

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of October 30, 2024 (5-8)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introduction, Announcements, and Recognition**
 - 1) Introduction and Welcome – DSPPS Secretary Hereth
- E. Administrative Matters – Discussion and Consideration (9-31)**
 - 1) Department, Staff and Board Updates
 - 2) **2025 Meeting Dates (9)**
 - 3) **Annual Policy Review (10-14)**
 - 4) **Election of Officers, Appointment of Liaisons and Alternates, Delegations of Authorities (15-31)**
 - 5) Board Members – Term Expiration Dates
 - a. Beyer, Todd M. – 7/1/2027
 - b. Harris, Michael S. – 7/1/2027
 - c. Kanter, Catherine D. – 7/1/2028
 - d. Kroll, Amy K. – 7/1/2027
 - e. Lapidakis, Jerry A. – 7/1/2028
 - 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. 8:30 A.M. Public Hearing for Clearinghouse Rule 24-093 on HAS 1 and 4 to 6, Relating to Hearing Aids (32-42)**
 - 1) Review Public Hearing Comments and Respond to Clearinghouse Report

- G. Administrative Rule Matters – Discussion and Consideration (43-58)**
 - 1) Scope Statement: HAS 1 and 6 to 8, Relating to Renewal and Reinstatement (44-45)
 - 2) Preliminary Rule Draft: HAS 1, 4, 5, and 9, Relating to Cerumen Management (46-55)
 - 3) 2025 Wis. Stat. s. 227.29 Biennial Report to the Legislature (56-57)
 - 4) Pending or Possible Rulemaking Projects (58)

- H. Audiology and Speech-Language Pathology Compact Matters – Discussion and Consideration**

- I. Process for Determining Audiologist Application Requirement to Complete the Audiology Exam (59)**

- J. Speaking Engagements, Travel, or Public Relations Requests, and Reports**
 - 1) WI Alliance of Hearing Professionals Annual Business Meeting – January 10, 2025 – Wisconsin Dells – Todd Beyer

- K. Legislative and Policy Matters – Discussion and Consideration**

- L. 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

- M. 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.)

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: APRIL 9, 2025

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 any agenda item may be changed by the board for the convenience of the parties. The person credentialed by the board has the right to demand that the meeting at which final action may be taken against the credential be held in open session. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
HEARING AND SPEECH EXAMINING BOARD
MEETING MINUTES
OCTOBER 30, 2024**

PRESENT: Todd Beyer, Michael Harris, Catherine Kanter, Amy Kroll, Jerry Lapidakis, Jason Meyer, Kathleen Pazak, Samantha Sikorski, Justen Willemon

ABSENT: David Seligman

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 nine (9) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF JUNE 26, 2024

MOTION: Catherine Kanter moved, seconded by Jason Meyer, to approve the Minutes of June 26, 2024, as published. Motion carried unanimously.

PUBLIC HEARING: CLEARINGHOUSE RULE 24-062 ON HAS 6 TO 8, RELATING TO IMPLEMENTATION OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY LICENSURE COMPACT

Review Public Hearing Comments and Respond to Clearinghouse Report

MOTION: Kathleen Pazak moved, seconded by Samantha Sikorski, to accept all Clearinghouse comments for Clearinghouse Rule 24-062 on HAS 6 to 8, Relating to Implementation of the Audiology and Speech-language Pathology Licensure Compact. Motion carried unanimously.

And,

MOTION: Todd Beyer moved, seconded by Samantha Sikorski, to authorize Amy Kroll and Kathleen Pazak to work with DSPS staff on responding to the Clearinghouse Report and drafting the Final Rule and Legislative Report for Clearinghouse Rule 24-062 on HAS 6 to 8, Relating to Implementation of the Audiology and Speech-language Pathology Licensure Compact. Motion carried unanimously.

And,

MOTION: Justen Willemon moved, seconded by Catherine Kanter, to authorize the Chairperson to approve the Legislative Report and Draft Clearinghouse Rule 24-062 on HAS 6 to 8, Relating to Implementation of the Audiology and Speech-language Pathology Licensure Compact for submission to the Governor and Legislature. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Delegation of Authorities

Delegation to Monitoring Liaison

MOTION: Todd Beyer moved, seconded by Kathleen Pazak to delegate authority to the Monitoring Liaison(s) to make any determination on Orders under monitoring and to refer to the Full Board any matter the Monitoring Liaison deems appropriate. Motion carried unanimously.

Delegation to Department Monitor

MOTION: Catherine Kanter moved, seconded by Kathleen Pazak, to delegate authority to the Department Monitor as outlined below:

1. to grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.
2. to suspend the license if the credential holder has not completed Board ordered education and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof of completion and/or payment has been received.
3. to suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if credential holder ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. to grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the Order specifically requires full-Board or Board designee approval.
5. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Board ordered continuing, disciplinary, or remedial education.
6. to grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder.
7. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Board ordered evaluation or exam.

Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

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

MOTION: Todd Beyer moved, seconded by Justen Willemon, to approve the preliminary rule draft of HAS 1 and 4 to 6, Relating to Hearing Aids for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

LATE RENEWAL OF LICENSE

MOTION: Samantha Sikorski moved, seconded by Kathleen Pazak, to request DSPS staff draft a Scope Statement amending HAS 1 and 6 to 8, relating to Renewal and Reinstatement. Motion carried unanimously.

CLOSED SESSION

MOTION: Catherine Kanter moved, seconded by Michael Harris, 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: Todd Beyer-yes; Michael Harris-yes; Catherine Kanter-yes; Amy Kroll-yes; Jerry Lapidakis-yes; Jason Meyer-yes; Kathleen Pazak-yes; Samantha Sikorski-yes; and Justen Willemon-yes. Motion carried unanimously.

The Board convened to Closed Session at 10:52 a.m.

CREDENTIALING MATTERS

P.C. – Audiology (IA 383033)

Application Review

MOTION: Kathleen Pazak moved, seconded by Samantha Sikorski, to table the Audiology application of P.C. until the January 22, 2025 Board meeting. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Justen Willemon moved, seconded by Catherine Kanter, to reconvene to open session. Motion carried unanimously.

The Board reconvened into Open Session at 11:17 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Todd Beyer moved, seconded by Samantha Sikorski, 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: Catherine Kanter moved, seconded by Justen Willemon, 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: Samantha Sikorski moved, seconded by Jason Meyer, to adjourn the meeting. Motion carried unanimously.


The meeting adjourned at 11:19 a.m.

**HEARING AND SPEECH EXAMINING BOARD
2025 MEETING DATES**

Meeting Date	Start time	Location	Agenda Item Deadline
Wednesday, January 22, 2025	8:30 AM	Virtual	1/10/25
Wednesday, April 9, 2025	9:00 AM	Virtual	3/28/25
Wednesday, July 23, 2025	9:00 AM	Virtual	7/11/25
Wednesday, October 8, 2025	9:00 AM	Virtual	9/26/25

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brenda Taylor, Board Services Supervisor		2) Date when request submitted: 12/1/2024	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date: First Meeting of 2025	5) Attachments: <input checked="" type="checkbox"/> Yes	6) How should the item be titled on the agenda page? Administrative Matters: Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session	8) Is an appearance before the Board being scheduled? <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: Board SharePoint Site: https://dsps.boards.wisconsin.gov/			
<p>Please be advised of the following Policy Items:</p> <ol style="list-style-type: none"> 1. In-Person and Virtual Meetings: Depending on the frequency of scheduled meetings, discussion topics, and member availability, DSPTS may host one or more in-person meetings. Virtual connection options are available for all board meetings. 2. Attendance/Quorum: Thank you for your service and commitment to meeting attendance. If you cannot attend a meeting or have scheduling conflicts impacting your attendance, please let us know as soon as possible. A quorum is required for Boards, Sections, and Councils to meet pursuant to Open Meetings Law. Connect to / arrive at meetings 10 minutes before posted start time to allow for audio/connection testing, and timely Call to Order and Roll Call. Virtual meetings include viewable onscreen materials and A/V (speaker/microphone/video) connections. 3. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside a properly noticed meeting. If several members of a body do so, they could be violating the open meetings law. 4. Mandatory Training: All Board Members must complete Public Records and Ethics Training, annually. Register to set up an account in the Cornerstone LearnCenter online portal or Log in to an existing account. 5. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline at 12:00 p.m., eight business days before a meeting. (Attachment: Timeline of a Meeting) 6. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPTS within 30 days of the close of each month in which expenses are incurred. (Attachment: Per Diem Form) Travel Vouchers are distributed on travel approval. 7. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members for in-person meetings. Standard eligibility: the member must leave home before 6:00 a.m. to attend an in-person meeting by the scheduled start time. <ol style="list-style-type: none"> a. If a member cannot attend a meeting, they must cancel their reservation with the hotel within the applicable cancellation timeframe. b. If a meeting is changed to occur remotely, is canceled, or rescheduled, DSPTS staff will cancel or modify reservations as appropriate. 8. Inclement Weather Policy: In inclement weather, the DSPTS may change a meeting from an in-person venue to a virtual/teleconference only. 			
11) Authorization			
		12/02/2024	
<p>Directions for including supporting documents:</p> <ol style="list-style-type: none"> 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 			

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Board Administration Specialist for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- Approval of the Agenda and previous meeting Minutes
- Open Session Items
 - Public Hearings (relating to Administrative Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

Department of Safety and Professional Services PER DIEM REPORT

INSTRUCTIONS: Record board-related activities by date, indicate relevant purpose code, the duration of time spent in B-code activities, location, and activity description. Only one \$25.00 per diem payment will be issued on any given calendar day. Submit one form per month and within 60 days of the last activity being reported. Send completed forms to your Board's Administrative Specialist.

Purpose Codes:

A CODE Official meetings including Board Meetings, Hearings and Examinations and Test Development Sessions
(automatic day of per diem) Examples: board, committee, board training or screening panels; Senate Confirmation hearings, legislative and disciplinary hearings, or informal settlement conferences; test administration, test review or analysis events, national testing events, tour of test facilities, etc.

B CODE Other (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work, e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

Name of Examining Board or Council	Board or Council Member's Name
Month _____ Year _____	Employee ID Number _____

Date	Purpose Code A or B	Duration of B activity Hours: Minutes	Where Performed (Home, DSPS, or City, State)	Activity Describe Activity Performed (see purpose codes)
TOTALS				

CLAIMANT'S CERTIFICATION The Board/Council member named above, certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law. (Rev.04/24)

Board Member Approval & Date: _____

TOTAL DAYS CLAIMED: _____ @ \$25.00 = _____ Supervisor Approval & Date: _____

**Hearing and Speech Examining Board
2024 Officers and Liaisons**

Election of Officers

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

Appointment of Liaison and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Jason Meyer (AUD), Justen Willemon (HIS), Kathleen Pazak (SLP) <i>Alternate:</i> Todd Beyer (HIS), Catherine Kanter (SLP)
Examination Liaison(s)	Jason Meyer (AUD), Justen Willemon (HIS), Kathleen Pazak (SLP) <i>Alternate:</i> Catherine Kanter (SLP)
Continuing Education (CE) Liaison(s)	Jason Meyer (AUD), Kathleen Pazak (SLP), Samantha Sikorski (HIS) <i>Alternate:</i> Catherine Kanter (SLP)
Monitoring Liaison(s)	Jason Meyer (AUD), Catherine Kanter (SLP), David Seligman (HAU), Samantha Sikorski (HIS) <i>Alternate:</i>
Professional Assistance Procedure (PAP)	Jason Meyer (AUD), David Seligman (HAU) <i>Alternate:</i> Justen Willemon (HIS)
Legislative Liaison(s)	Kathleen Pazak (SLP), Michael Harris (OTO)

	<i>Alternate:</i> Justen Willemon (HIS)
Travel Authorization Liaison(s)	Jason Meyer (AUD), Kathleen Pazak (SLP) <i>Alternate:</i> David Seligman (HAU)
Website Liaison(s)	Todd Beyer (HIS), Jason Meyer (AUD), Kathleen Pazak (SLP) <i>Alternate:</i>
Practice Questions Liaison(s)	Catherine Kanter (SLP), Jason Meyer (AUD) <i>Alternate:</i> Kathleen Pazak (SLP)
Screening Panel	Team A: Michael Harris (OTO), Catherine Kanter (SLP), Jason Meyer (AUD), David Seligman (HAU), Justen Willemon (HIS) Team B: Jason Meyer (AUD), Kathleen Pazak (SLP) Alternates: Todd Beyer (HIS), Justen Willemon (HIS)
Audiology and Speech-Language Pathology Licensure Compact Commission	Jason Meyer (AUD) Catherine Kanter (SLP) <i>Alternate:</i> Kathleen Pazak (SLP)

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Paralegal Richanda Turner, on behalf of Attorney Jameson Whitney		2) Date when request submitted: 01/10/25 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: 01/22/2025	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Reaffirming 2024 delegations and new 2025 delegations	
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: The Board members need to review and consider reaffirming 2024 delegations and new delegations for 2025.			
11) Authorization			
<i>Richanda Turner</i>		01/10/25	
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.			



State of Wisconsin
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CORRESPONDENCE / MEMORANDUM

DATE: January 1, 2025

TO: Board, Council, and Committee Members

FROM: Legal Counsel

SUBJECT: Liaison Definitions and Delegations Explanations

Overall Purpose of Liaison Appointments

Each Board/Section (Board) has inherent authority that is established in our Wisconsin Statutes. This authority may change from Board to Board. Further information on your Board's authority can be found in Wis. Stat. ch. 15. Generally, each Board has authority to grant credentials, discipline credential holders, and set standards for education and examinations. In order to efficiently accomplish these tasks, Boards may appoint Liaisons. Liaisons assist with the operations of the Boards' purpose by weighing in on legislative matters, traveling to national conferences, or communicating with stakeholders.

The Department asks that each year the Boards make Liaison appointments to assist the Board and Department to accomplish these tasks in an efficient manner. Your practical knowledge and experience, as an appointed member of a professional board, are essential in making determinations regularly. The Liaison positions listed below assist the Department to complete operations between Board meetings. In most cases, Liaisons can make decisions for the full Board in their designated area. However, these areas are determined through the delegation process. Please note, a Liaison may also decide to send the delegated matter to the full Board for consideration as appropriate. Delegations assist the Board in defining the roles and authorities of each Liaison and other Board functions.

Liaison Definitions

Credentialing Liaison: The Credentialing Liaison is empowered by the Board to review and make determinations regarding certain credential applications. The Credentialing Liaison may be called on by Department staff to answer questions that pertain to qualifications for licensure, which may include whether a particular degree is suitable for the application requirements, whether an applicant's specific work experience satisfies the requirements in statute or rule for licensure, or

whether an applicant's criminal or disciplinary history is substantially related to the practice of the profession in such a way that granting the applicant a credential would create a risk of harm to the public. Questions will likely be sent by Department staff to the Credentialing Liaison via email and may include application materials. The Credentialing Liaison serves a very important role in the credentialing process.

Monitoring Liaison: The Monitoring Liaison is empowered by the Board to make decisions on any credential that is limited either through a disciplinary order or initial licensure. The Department Monitors will send requests from credential holders to the Monitoring Liaison. These requests vary wildly. A common request could be to remove a limitation that has been placed on a credential or to petition for full licensure. The Monitoring Liaison can review these requests and make decisions on behalf of the Board. The Board has the authority to grant decision making latitude to their liaison to any degree. If the Monitoring Liaison has a question on a request, it is advisable for the Liaison to consult further with Department staff or bring the matter to the full Board for consideration.

Professional Assistance Procedure (PAP) Liaison: PAP is a voluntary program open to credential holders with substance abuse issues who wish to seek help by being held accountable through treatment and monitoring by the Department and Board. As part of PAP, the credential holder enters into an agreement with the Department to undergo testing, counseling, or other rehabilitation. The PAP Liaison's role includes responding to credential holders' requests for modifications and terminations of provisions of the agreement. Similar to the Monitoring Liaison, the Department Monitors will send requests from credential holders to the PAP Liaison for further review.

Education and Examination Liaison: Some Boards are required by statute or rule to approve qualifying education and examinations. The Education and Examination Liaison provides guidance to Department staff to exercise authority of the Board to approve or decline examinations and educational programs. This determination requires a level of professional expertise and should be performed by a professional member of the Board. For some Boards, the Education and Examination Liaison will also be tasked with approving continuing education programs and courses.

Legislative Liaison: The Legislative Liaison is permitted to act and speak on the Board's behalf regarding pending and enacted legislation or actions being considered by the legislature outside of Board meetings. The Legislative Liaison is not the Board's designated lobbyist and should exercise their delegated authority carefully.

Travel Authorization Liaison: The Travel Authorization Liaison is authorized to approve a Board member to travel to events and speak or act on the Board's behalf between Board meetings. The Travel Authorization Liaison is called upon to make decisions when sufficient notice was not received, and the full Board could not determine a representative to travel. The Travel Authorization Liaison is tasked with making determinations if the Board appointed representative is not able to attend or if the Board becomes authorized to send additional members as scholarship and funding streams can be unpredictable.

Communication Liaison: The Communication Liaison responds to questions that arise on behalf of the Board. The Communication Liaison works with the Department to cultivate an appropriate response which will be sent by the Executive Director or Board Counsel. The Communication Liaison **can** be responsible for all types of communication on behalf of the Board. However, the Board can appoint a separate **Website Liaison** to work with DSPS staff to make changes and ensure the Board webpage contains updated and accurate information. Additionally, for the Boards that are required by statute to produce a newsletter or digest, the Board can appoint a separate **Newsletter/Digest Liaison** to assemble and approve content for those communications.

Screening Panel Members: Screening Panel Members review incoming complaints against credential holders and determine which complaints should be opened for investigation and which complaints should be closed without further action. The complexity and amount of work in this role depends substantially on your Board. As a member of the Screening Panel, you are asked to apply your professional expertise to determine if a complaint alleges unprofessional conduct.

Delegations Explanations

CREDENTIALING DELEGATIONS

The overall purpose of credentialing delegations is to allow the credentialing process to proceed as efficiently and effectively as possible.

Delegation of Authority to Credentialing Liaison (Generic)

MOTION EXAMPLE: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.

PURPOSE: To allow a representative of the Board to assist Department staff with credentialing applications and eliminate the need for the entire Board to convene to consider credential application content or questions. Additionally, it is most efficient to have the designated liaison who has assisted with the credentialing process be able to effectuate decisions which require a signature.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION EXAMPLE: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

PURPOSE: To permit Department staff to efficiently issue credentials and eliminate the need for Board/Section/Liaison review when all credentialing legal requirements are met in an application. This delegation greatly decreases workload on Board members and cuts down processing time on applications.

Delegation of Authority for Predetermination Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

PURPOSE: In general, the Wisconsin Fair Employment Act (codified in Wis. Stat. Ch. 111) prohibits licensing agencies from discriminating against applicants because of their arrest and/or conviction record. However, there are exceptions which permit denial of a license in certain circumstances. Individuals who do not possess a license have a legal right to apply for a determination of whether they are disqualified from obtaining a license due to their conviction record. This process is called “Predetermination.” Predetermination reviews must be completed within 30 days. This delegation allows Department Attorneys to conduct predetermination reviews and efficiently make these legal determinations without need for Board/Section/Liaison review.

Delegation of Authority for Conviction Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the relevant professional practice.

PURPOSE: As used here, “substantially related” is a legal standard that is used in the Wisconsin Fair Employment Act. The concept of what is “substantially related” is informed by case law. This delegation permits Department Attorneys to independently conduct conviction reviews and efficiently approve applications if convictions are not substantially related to the practice of the profession. Applications that contain conviction records that may be substantially related to the practice of a profession will still be submitted to the Credentialing Liaison for input.

Delegation to DSPS When Applicant’s Disciplinary History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison for a lower-level credential.

Delegation to DSPS When Applicant’s Conviction History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of conviction history that has already been reviewed and approved for a lower-level credential.

Delegation of Authority for Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements meet Wisconsin license requirements. (specific legal standards are referenced in the motion depending on credential/profession type).

PURPOSE: Applications via reciprocity or endorsement require comparison of Wisconsin licensing requirements to the licensing requirements of another jurisdiction. These reviews consider the legal standard for reciprocity, which varies by profession, as well as the specified legal requirements to obtain licensure in the profession. This delegation permits Department Attorneys to independently conduct reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Military Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09.

PURPOSE: The law permits service members, former service members, and their spouses to be licensed if they hold licensure in other jurisdictions that qualify them to perform acts authorized by the credential they are seeking in Wisconsin. This is a shortened path to licensure that does not require meeting the specific requirements/standards for licensure/reciprocity in a profession. By law, the Department/Board must expedite the issuance of a reciprocal license via military reciprocity. This delegation permits Department Attorneys to independently conduct military reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Application Denial Reviews

MOTION EXAMPLE: to delegate authority to the Department's Attorney Supervisors to serve as the Board designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

PURPOSE: When an application is denied, the applicant has a legal right to appeal the denial determination. Applicants must meet a specified legal standard in order to have an appeal granted. Additionally, Wisconsin law sets specific time frames for appeal decisions. This delegation permits Department Attorney Supervisors to independently review and efficiently act on requests for hearing as a result of a denial of a credential.

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION EXAMPLE: 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 for that credential holder.

PURPOSE: The intent of this delegation is to be able to approve prior discipline by the Board for the renewal applicant. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison.

Delegation to Department Attorneys to Approve Prior Discipline

MOTION EXAMPLE: to delegate authority to Department Attorneys to approve an applicant's prior professional discipline which resulted in a forfeiture/fine/other monetary penalty, remedial education, and/or reprimand, that is 10 years old or older, and the previously disciplined credential is currently in good standing.

PURPOSE: In order to continue improving processing application legal reviews in a timely matter, this delegation gives Department Attorneys authority to approve prior professional discipline which meets all of the following criteria: (1) it is at least ten years old; (2) it resulted in a monetary penalty, remedial education, and/or reprimand; and (3) the previously disciplined credential is currently in good standing.

MONITORING DELEGATIONS

The overall purpose of monitoring delegations is to be able to enforce the Boards orders and limited licenses as efficiently and effectively as possible. Monitoring delegations have two categories: delegations to the Monitoring Liaison and delegations to the Department Monitor.

Delegation of Authority to Department Monitor

MOTION EXAMPLE: to delegate authority to the Department Monitor:

- a. to grant full reinstatement of licensure if education is the only limitation and credential holder has submitted the required proof of course completion.
- b. to suspend the credential if the credential holder has not completed Board ordered education, paid costs, paid forfeitures, within the time specified by the Board Order.
- c. to lift a suspension when compliance with education and costs provisions have been met.

PURPOSE: These delegations allow for the Department Monitor to automatically act on requests when certain criteria are met or not met without needing to burden the Monitoring Liaison. The Board can set their own criteria for what actions they would like to be handled by the Department, the Monitoring Liaison, and the full Board.

Delegation of Authority to Monitoring Liaison

MOTION EXAMPLE: to delegate authority to the Monitoring Liaison to approve or deny all requests received by the credential holder.

PURPOSE: These delegations allow the Board to set criteria for what decisions can be made by the Board member(s) serving as the Monitoring Liaison and what matters should be decided by the full Board.

Education and Examination Delegations

MOTION EXAMPLE: to delegate authority to the Education and Examination Liaison(s) to address all issues related to qualifying education, continuing education and examinations. Motion carried unanimously. (Differs by Board)

PURPOSE: Some Boards are responsible for approving qualifying educational programs or continuing education courses. A delegation is executed in order for an Education and Examination Liaison to make these determinations on behalf of the Board and with assistance of the Department. Additionally, some Boards review examinations and individual scores to qualify for a credential.

MISCELLANEOUS DELEGATIONS

Document Signature

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

MOTION EXAMPLE: 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.

PURPOSE: To take the action approved at Board meetings, the Department may need to draft correspondence and/or Orders after the meetings have adjourned. These actions then need to be signed by a Board Member. This interaction usually takes place over email and a Board member can authorize the use of his/her signature that is kept on file.

Urgent Matters

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

PURPOSE: Allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

Delegation to Chief Legal Counsel-Due to Loss of Quorum

MOTION EXAMPLE: to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

PURPOSE: Sometimes Boards can struggle to meet quorum necessary to conduct business. This happens for a multitude of reasons, but this delegation allows for the Boards to have disciplinary cases decided by Chief Legal Counsel if the Board fails to meet quorum for two consecutive meetings.

Delegation to Chief Legal Counsel-Stipulated Resolutions

MOTION EXAMPLE: to delegate to the Department's Chief Legal Counsel (CLC) the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department, and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

PURPOSE: For matters of public safety, it may be necessary to take immediate action on a stipulated agreement rather than allowing a credential holder to continue practicing unencumbered until the next scheduled meeting. This delegation allows CLC to act on behalf of the Board when there is a stipulated agreement. A stipulated agreement is an agreement to which all relevant parties have consented to the terms.

Voluntary Surrenders

MOTION: to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter.

MOTION: 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.

PURPOSE: Credential holders can ask the Boards to accept surrender of their credentials at any time. These delegations are in place for the different situations that arise from those requests. If a credential holder is seeking to surrender their credential because they wish to leave the profession, that can be processed with this delegation by the Department if they have no pending disciplinary complaints. If the credential holder wishes to surrender while they have a pending disciplinary complaint, that request is reviewed by the individual Board member assigned to the case.

DLSC Pre-screening

MOTION EXAMPLE: to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases where the credential holder has failed to respond to allegations contained in the complaint when requested by intake (case will be opened on failure to respond and the merits of the complaint).

PURPOSE: Pre-screening delegations exist so the Board can define specific parameters where the Department can review disciplinary complaints and open those cases if they meet certain criteria. Boards also have the authority to set certain criteria that would allow the Department to review and close a case if the criteria is met.

Delegation to Handle Administrative Rule Matters

MOTION EXAMPLE: to delegate authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to act on behalf of the Board regarding administrative rule matters between meetings. Motion carried unanimously.

PURPOSE: In order to advance the administrative rules process, action may need to occur between meetings. This allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

HEARING AND SPEECH EXAMINING BOARD
2024 DELEGATIONS
JANUARY 24, 2024
JUNE 26, 2024
OCTOBER 30, 2024

All Combined Delegations for 2024

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

MOTION: 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.

Delegated Authority for Urgent Matters

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

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Kathleen Pazak moved, seconded by Catherine Kanter, to delegate the review and authority to act on disciplinary cases to the Department's Chief

Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Justen Willemon moved, seconded by Kathleen Pazak, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Monitoring Delegations

Delegation to Monitoring Liaison

MOTION: Todd Beyer moved, seconded by Kathleen Pazak to delegate authority to the Monitoring Liaison(s) to make any determination on Orders under monitoring and to refer to the Full Board any matter the Monitoring Liaison deems appropriate. Motion carried unanimously.

Delegation to Department Monitor

MOTION: Catherine Kanter moved, seconded by Kathleen Pazak, to delegate authority to the Department Monitor as outlined below:

1. to grant reinstatement of licensure if education and/or costs are the sole condition of the order and the credential holder has submitted the required proof of completion for approved courses and paid the costs.
2. to suspend the license if the credential holder has not completed Board ordered education and/or paid costs and forfeitures within the time specified by the Board order. The Department Monitor may remove the suspension and issue an order when proof of completion and/or payment has been received.
3. to suspend the license (or remove stay of suspension) if a credential holder fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if credential holder ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. to grant or deny approval when a credential holder proposes treatment providers, mentors, and supervisors unless the

Order specifically requires full-Board or Board designee approval.

5. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete Board ordered continuing, disciplinary, or remedial education.
6. to grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by a credential holder.
7. to grant a maximum of one 90-day extension, if warranted and requested in writing by a credential holder, to complete a Board ordered evaluation or exam.

Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Kathleen Pazak moved, seconded by Michael Harris, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. 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.

Delegation of Authority to Credentialing Liaison

MOTION: Kathleen Pazak moved, seconded by Robert Broeckert, to delegate authority to the Credentialing Liaison(s) with the relevant subject matter expertise in a given matter to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

Delegation of Authority to Department When Credentialing Criteria is Met

MOTION: Jason Meyer moved, seconded by Catherine Kanter, to delegate credentialing authority to the Department to act upon applications that

meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Kathleen Pazak moved, seconded by Michael Harris, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Justen Willemon moved, seconded by Catherine Kanter, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of audiology and/or speech-language pathology. Motion carried unanimously.

Delegation of Authority for Reciprocity/Endorsement Reviews – Hearing Instrument Specialists Review

MOTION: Kathleen Pazak moved, seconded by Jason Meyer, to delegate authority to the Department Attorneys to review and approve reciprocity/endorsement applications in which the out-of-state license requirements for a hearing instrument specialist are equivalent to or higher than the Board's requirements, and such state or jurisdiction has a program equivalent to or stricter than the Board's requirements for determining whether applicants in this state are qualified to fit and sell hearing aids. Motion carried unanimously.

Delegation of Authority for Reciprocity/Endorsement Reviews – Speech Language Pathologist and Audiologist Review

MOTION: Robert Broeckert moved, seconded by Justen Willemon, to delegate authority to the Department Attorneys to review and approve reciprocity/endorsement applications in which the out-of-state license requirements for a speech-language pathologist or audiologist are substantially equivalent to the Board's requirements. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Catherine Kanter moved, seconded by Robert Broeckert, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Robert Broeckert moved, seconded by Kathleen Pazak, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Voluntary Surrenders

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

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.

Continuing Education and/or Examination Liaison(s) Delegation

MOTION: Kathleen Pazak moved, seconded by Robert Broeckert, to delegate authority to the Continuing Education and/or Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously.

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

MOTION: Catherine Kanter moved, seconded by Kathleen Pazak, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

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

Legislative Liaison(s) Delegation

MOTION: Kathleen Pazak moved, seconded by Catherine Kanter, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison(s) Delegation

MOTION: Robert Broeckert moved, seconded by Catherine Kanter, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Website Liaison Delegation

MOTION: Kathleen Pazak moved, seconded by Robert Broeckert, to delegate authority to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

Practice Question Liaison Delegation

MOTION: Robert Broeckert moved, seconded by Michael Harris, to delegate authority to the Practice Question Liaison(s) to assist the department with answering practice questions if requested. Motion carried unanimously.

Delegation to Department Attorneys to Approve Prior Discipline

MOTION: [Board member name] moved, seconded by [Board member name], to delegate authority to Department Attorneys to approve an applicant's prior professional discipline which resulted in a forfeiture/fine/other monetary penalty, remedial education, and/or reprimand, that is 10 years old or older, and the previously disciplined credential is currently in good standing. Motion carried [].

Delegation to Handle Administrative Rule Matters

MOTION: [Board member name] moved, seconded by [Board member name], to delegate authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to act on behalf of the Board regarding administrative rule matters between meetings. Motion carried [].

Review and Approval of 2024 Delegations including new modifications

MOTION: [Board member name] moved, seconded by [Board member name], to reaffirm all delegation motions made in 2024, as reflected in the January 22, 2025 agenda materials, which were not otherwise modified or amended during the January 22, 2025 meeting. Motion carried [].

**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: 01/09/25 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: 01/22/25	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 8:30 A.M. Public Hearing for Clearinghouse Rule 24-093 on HAS 1 and 4 to 6, Relating to Hearing Aids 1. Review Public Hearing Comments and Respond to Clearinghouse Report	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Board will hold a public hearing on this rule as required by the rulemaking process.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
HEARING AND SPEECH EXAMINING BOARD

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

PROPOSED ORDER

An order of the Hearing and Speech Examining Board to amend HAS 1.01 (2a) and (5), 5.02 (3), and 6.02 (6a) and create HAS 5.02 (2) (g) (Note), relating to hearing aids.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 459.02, Stats.

Statutory authority: Sections 15.08 (5) (b) and 459.12 (1), Stats.

Explanation of agency authority:

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.”

Related statute or rule: 2023 Wisconsin Act 179

Plain language analysis:

The objective of the rule is to implement 2023 Wisconsin Act 82 by updating Wisconsin Administrative Code Chapters HAS 1, 5, and 6. These changes include:

- Updating the definition of “direct supervision” in HAS 1.01 (2a).
- Updating the definition of “practice” in HAS 1.01 (5).
- Adding a Note to HAS 5.02 (2) (g) regarding receipts for over the counter hearing aids.
- Updates to HAS 5.02 (3) regarding the ordering, fitting, and dealing of hearing aids.
- Updating the definition of “practice” in HAS 6.02 (6a).

Summary of, and comparison with, existing or proposed federal regulation:

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.

Comparison with rules in adjacent states:

Illinois: In the Illinois Compiled Statutes Chapter 225, the Hearing Instrument Consumer Protection Act outlines the requirements for licensure, continuing education, renewal, and discipline of Hearing Instrument Dispensers or Professionals. The practice of a Hearing Instrument Dispenser in Illinois includes the selling, practice of testing, fitting, selecting, recommending, adapting, dispensing, or servicing hearing aids [225 Illinois Compiled Statutes 50].

Iowa: Chapter 154A of the Iowa Code outlines the requirements for the licensure of Hearing Aid Specialists. Hearing Aid Specialists may perform hearing aid fitting which includes the sale of hearing aids and making earmold impressions as part of the fitting process [Iowa Code Chapter 154A]. Chapters 121 through 124 further elaborate on the requirements for the practice of Hearing Aid Specialists including licensure, supervision, continuing education, and dispensing of hearing aids [645 Iowa Administrative Code Chapter 123].

Michigan: The Michigan Compiled Laws, Chapter 339, Act 299 includes requirements for licensure and regulation of Hearing Aid Dealers and Salespersons, as well as the Board of hearing aid dealers. In Michigan, licensed Hearing Aid Dealers perform the practice of selling or fitting a hearing aid, which includes audiometric testing and making ear mold impressions [Michigan Compiled Laws 333.1301 to 1309].

Minnesota: The Minnesota Statutes chapter 148 includes requirements for audiology, as well as the practice of hearing aid dispensing. The practice of hearing aid dispensing includes making ear mold impressions, prescribing a hearing aid, testing human hearing and helping a customer select a prescription hearing aid. In Minnesota, prescription hearing aids may be dispensed by Audiologists or Certified Hearing Dispensers. Hearing aid dispensing does not include the sale of over-the counter hearing aids in Minnesota [Michigan Compiled Laws 333.1301 to 1309].

Summary of factual data and analytical methodologies:

While promulgating this rule, the Board reviewed 2023 Wisconsin Act 179 and made changes to the Wisconsin Administrative Code accordingly.

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

The proposed rules was posted for a period of 14 days on the Department’s website to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

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 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.

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, January 20, 2025, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. HAS 1.01 (2a) and (5) are amended to read:

HAS 1.01 (2a) “Direct supervision” means being physically present at the time the trainee makes ear impressions or measurements of human hearing for the purpose of ordering, fitting, and dealing in ~~or selling a hearing instrument~~ instruments.

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

SECTION 2. HAS 5.02 (2) (g) (Note) is created to read:

HAS 5.02 (2) (g) (Note): Pursuant to s. 459.03 (1m), a receipt is not required if the hearing aid is an over the counter hearing aid as defined in 21 USC 360j (q).

SECTION 3. HAS 5.02 (3) is amended to read:

HAS 5.02 (3) A person engaging in the practice of ordering, ~~selling or fitting, and dealing in~~ 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.

SECTION 4. HAS 6.02 (6a) is amended to read:

HAS 6.02 (6a) “Practice of ordering, fitting, and dealing in hearing aids” has the meaning given in s. 459.20 (3p), Stats.

SECTION 5. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 12/09/24
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) HAS 1 and 4 to 6	
4. Subject Hearing Aids	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s. 20.165 (1) (g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The objective of the rule is to implement 2023 Wisconsin Act 82 by updating Wisconsin Administrative Code Chapters HAS 1, 5, and 6. These changes include: <ul style="list-style-type: none">• Updating the definition of "direct supervision" in HAS 1.01 (2a).• Updating the definition of "practice" in HAS 1.01 (5).• Adding a Note to HAS 5.02 (2) (g) regarding receipts for over the counter hearing aids.• Updates to HAS 5.02 (3) regarding the ordering, fitting, and dealing of hearing aids.• Updating the definition of "practice" in HAS 6.02 (6a).	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule was posted on the Department's website for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$4,755.00 in one-time costs for implementing this rule. The one-time staff costs support 0.1 limited term employee to undertake tasks such as updating forms, training staff, attending training, rule drafting and legal review.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits of implementing this rule are that the Hearing and Speech Examining Board's section of the Administrative Code will be aligned with Wisconsin State Statutes.	
16. Long Range Implications of Implementing the Rule	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

The Long range implications of this rule are consistent and safe practice regarding hearing aids in Wisconsin.

17. Compare With Approaches Being Used by Federal Government

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.

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

Illinois: In the Illinois Compiled Statutes Chapter 225, the Hearing Instrument Consumer Protection Act outlines the requirements for licensure, continuing education, renewal, and discipline of Hearing Instrument Dispensers or Professionals. The practice of a Hearing Instrument Dispenser in Illinois includes the selling, practice of testing, fitting, selecting, recommending, adapting, dispensing, or servicing hearing aids [225 Illinois Compiled Statutes 50].

Iowa: Chapter 154A of the Iowa Code outlines the requirements for the licensure of Hearing Aid Specialists. Hearing Aid Specialists may perform hearing aid fitting which includes the sale of hearing aids and making earmold impressions as part of the fitting process [Iowa Code Chapter 154A]. Chapters 121 through 124 further elaborate on the requirements for the practice of Hearing Aid Specialists including licensure, supervision, continuing education, and dispensing of hearing aids [645 Iowa Administrative Code Chapter 123].

Michigan: The Michigan Compiled Laws, Chapter 339, Act 299 includes requirements for licensure and regulation of Hearing Aid Dealers and Salespersons, as well as the Board of hearing aid dealers. In Michigan, licensed Hearing Aid Dealers perform the practice of selling or fitting a hearing aid, which includes audiometric testing and making ear mold impressions [Michigan Compiled Laws 333.1301 to 1309].

Minnesota: The Minnesota Statutes chapter 148 includes requirements for audiology, as well as the practice of hearing aid dispensing. The practice of hearing aid dispensing includes making ear mold impressions, prescribing a hearing aid, testing human hearing and helping a customer select a prescription hearing aid. In Minnesota, prescription hearing aids may be dispensed by Audiologists or Certified Hearing Dispensers. Hearing aid dispensing does not include the sale of over-the counter hearing aids in Minnesota [Michigan Compiled Laws 333.1301 to 1309].

19. Contact Name

Nilajah Hardin, Administrative Rules Coordinator

20. Contact Phone Number

608-267-7139

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

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

CLEARINGHOUSE RULE **24-093**

AN ORDER to amend HAS 1.01 (2a) and (5). 5.02 (3), and 6.02 (6a); and to create HAS 5.02 (2) (g) (Note), relating to hearing aids.

Submitted by **HEARING AND SPEECH EXAMINING BOARD**

12-09-2024 RECEIVED BY LEGISLATIVE COUNCIL.

12-18-2024 REPORT SENT TO AGENCY.

SG:SM

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

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

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



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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Clearinghouse Assistant Director

CLEARINGHOUSE RULE 24-093

Comments

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

2. Form, Style and Placement in Administrative Code


In SECTION 3 of the proposed rule, the stricken text should precede “ordering”.

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

The “plain language analysis” section of the rule summary states that the objective of the rule is to implement 2023 Wisconsin Act 82. However, it appears the proposed rule relates entirely to 2023 Wisconsin Act 179, which is appropriately referenced in the “related statute or rule” and “summary of factual data and analytical methodologies” sections. Should the agency change the reference to Act 179 in the plain language analysis section, and consider including reference to Act 82 along with Act 179 in the “related statute or rule” section?

**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: 01/09/25 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: 01/22/25	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Scope Statement: HAS 1 and 6 to 8, Relating to Renewal and Reinstatement 2. Preliminary Rule Draft: HAS 1, 4, 5, and 9, Relating to Cerumen Management 3. 2025 Wis. Stat. s. 227.29 Biennial Report to the Legislature 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"> HAS 1 and 6 to 8 Scope Statement HAS 1,4,5, 9 Preliminary Rule Draft and IHS Cerumen Management Course Information 2025 Biennial Report 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		01/09/25 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

HEARING AND SPEECH EXAMINING BOARD

Rule No.: HAS 1 and 6 to 8

Relating to: Renewal and Reinstatement

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 review and revise renewal and reinstatement requirements to determine whether they need to be updated to include different requirements that more accurately account for the practice and experience of licensees. Additionally, the Board will review Speech-language Pathologists who hold a credential with the Wisconsin Department of Instruction to determine if it is appropriate for them to have separate renewal and reinstatement requirements for their credential from the Wisconsin Department of Safety and Professional Services.

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 6 to 8 currently include requirements for licensure, renewal and continuing education requirements for Speech-language Pathologists, Audiologists, and Hearing Instrument Specialists. If a licensee completes their renewal within 5 years of expiration of their license, they are required to submit certification of continuing education. However, if a licensee completes a renewal after 5 years or applies for reinstatement, they are required to complete the initial licensure examination for their profession. The alternative to making changes to these Code chapters is that current renewal and reinstatement requirements will continue to apply.

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, Audiologists, and Speech-language Pathologists 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):

Rev. 3/6/2012

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

STATE OF WISCONSIN
HEARING AND SPEECH EXAMINING BOARD

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

PROPOSED ORDER

An order of the Hearing and Speech Examining Board to amend HAS 1.005, 1.01 (intro.), and 5.02 (2) (a); to create HAS 1.01 (1m) and (5h), 5.02 (2) (j), and chapter HAS 9; and to renumber HAS 1.01 (5m), relating to cerumen management.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 459.115, Stats.

Statutory authority: Sections 15.08 (5) (b), 459.12 (1), and 459.115 (4) Stats.

Explanation of agency authority:

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.: “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.”

Related statute or rule: 2023 Wisconsin Act 82

Plain language analysis:

The objective of the rule is to implement 2023 Wisconsin Act 82 by creating a new chapter of the Wisconsin Administrative Code, HAS 9, to outline requirements for Cerumen Management Certification for Hearing Instrument Specialists. Definitions for “cerumen management” and “significant pain” were also added to chapter HAS 1, and

chapter HAS 5 was updated to include unprofessional conduct for an individual certified to practice cerumen management.

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

Comparison with rules in adjacent states:

Illinois: In the Illinois Compiled Statutes Chapter 225, the Hearing Instrument Consumer Protection Act outlines the requirements for licensure, continuing education, renewal, and discipline of Hearing Instrument Dispensers or Professionals. The practice of a Hearing Instrument Dispenser in Illinois includes the selling, practice of testing, fitting, selecting, recommending, adapting, dispensing, or servicing hearing aids. The practice of a Hearing Instrument Dispenser in Illinois does not include cerumen management [225 Illinois Compiled Statutes 50].

Iowa: Chapter 154A of the Iowa Code outlines the requirements for the licensure of Hearing Aid Specialists. Hearing Aid Specialists may perform hearing aid fitting which includes the sale of hearing aids and making earmold impressions as part of the fitting process [Iowa Code Chapter 154A]. Chapters 121 through 124 further elaborate on the requirements for the practice of Hearing Aid Specialists including licensure, supervision, continuing education, and dispensing of hearing aids. If a Hearing Aid Specialist observes cerumen impaction in a patient prior to fitting a hearing aid, they are required to suggest to the patient in writing that they consult a physician, preferably one with a specialization in diseases of the ear [Iowa Administrative Code Chapter 123 Section 123.2 (3) (f)].

Michigan: The Michigan Compiled Laws, Chapter 339, Act 299 includes requirements for licensure and regulation of Hearing Aid Dealers and Salespersons, as well as the Board of hearing aid dealers. In Michigan, licensed Hearing Aid Dealers perform the practice of selling or fitting a hearing aid, which includes audiometric testing and making ear mold impressions. Michigan does not appear to address Cerumen Management by Hearing Aid Dealers in their laws [Michigan Compiled Laws 333.1301 to 1309].

Minnesota: The Minnesota Statutes chapter 148 includes requirements for audiology, as well as the practice of hearing aid dispensing. The practice of hearing aid dispensing includes making ear mold impressions, prescribing a hearing aid, testing human hearing and helping a customer select a prescription hearing aid. In Minnesota, prescription hearing aids may be dispensed by Audiologists or Certified Hearing Dispensers. Minnesota does not appear to address Cerumen Management by Certified Hearing Dispensers in their laws [Minnesota Statutes ss.148.511 to 148.5198].

Summary of factual data and analytical methodologies:

While promulgating this rule, the Board reviewed recommendations from the Wisconsin Audiology Association, a “Clinical Practice Guideline (Update) on Earwax (Cerumen Impaction) Executive Summary” from the American Academy of Otolaryngology – Head and Neck Surgery Foundation published in 2017, language on cerumen management

from Tennessee regulations, and the definition of “pain” from the International Association for the Study of Pain, among other resources.

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 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.

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 1.005 is amended to read:

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.

SECTION 2. HAS 1.01(intro.) is amended to read:

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

SECTION 3. HAS 1.01 (1m) is created to read:

HAS 1.01 (1m) “Cerumen” has the meaning given in s. 459.01 (1b), Stats.

SECTION 4. HAS 1.01 (5m) is renumbered to (5e).

SECTION 5. HAS 1.01 (5h) is created to read:

HAS 1.01 (5h) “Significant pain” means an unpleasant sensory and emotional experience associated with, or resembling association with actual or potential tissue damage that is so bothersome that a patient cannot continue to verbalize consent, communicate symptoms with a health care practitioner, remain conscious and alert, or any combination of the above.

SECTION 6. HAS 5.02 (2) (a) is amended to read:

HAS 5.02 (2) (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.

SECTION 7. HAS 5.02 (2) (j) is created to read:

HAS 5.02 (2) (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.

SECTION 8. Chapter HAS 9 is created to read:

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)** Conducting a thorough case history including medication list, surgical history, hospitalizations, and **chronic health conditions**.
- (f)** Other services approved by the board.

(3) When performing cerumen management, the certified individual shall only remove cerumen within the lateral 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 prior mastoid surgery.
 4. No tympanostomy tubes.
 5. No recent ear surgery.
 6. No recent dizziness.
- (d) Suction used lateral to the bony canal limited to a suction tip in size 5 on the French scale for patients with all of the following:
 1. No recent ear surgery.
 2. Intact tympanic membranes.
 3. No clear otorrhea.
- (4) Cerumen management shall always be performed under otoscopy or micro-otoscopy.

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) In place of a course that satisfies the requirements under sub (1), an applicant may submit evidence of completion of a **practical or occupational training**, with a **licensed** supervising otolaryngologist or other **licensed** physician, in cerumen management that has been approved by the board. **Approved practical or occupational training in cerumen management shall be at least 6 hours in duration and include practical training in proper cerumen management procedures.**

Note: Requests for board approval of **practical or occupational training** in cerumen management may be sent to the department of safety and professional services at dsps@wi.gov or 4822 Madison Yards Way Madison, WI 53705.

(3) 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 or a similar topic approved by the board.

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 18 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) On anticoagulant therapy.
- (f) Are immunocompromised.
- (g) Have Diabetes mellitus.
- (h) History of prior radiation therapy to the head and neck.
- (i) History of ear canal stenosis or exostoses.
- (j) A nonintact tympanic membrane.
- (k) Ear surgery within the last six months.
- (l) Tympanostomy tubes, such that irrigation should not be used.
- (m) A bleeding disorder.
- (n) Actual or suspected foreign body in the ear.
- (o) Stenosis or bony exostosis of the ear canal.
- (p) Cerumen impaction that totally occludes the ear canal.
- (q) Cerumen located medial to the cartilaginous external auditory canal or second bend.
- (r) A tympanic membrane that the certified individual is unable to see.
- (s) Vertigo.

(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 establish a written protocol to comply with all of the following infection control procedures:

- (a) Standard precautions for all health care providers.
- (b) Decontamination.
- (c) Cleaning, disinfection, and sterilization based on manufacturer instructions, where appropriate, 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.

SECTION 8. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

DRAFT

Advanced Hearing Aid Professional (AHAP) Program Module 12A: Cerumen Management

Organization

The AHAP Program is offered by the International Hearing Society. The International Hearing Society (IHS) is a membership association that represents hearing healthcare professionals worldwide. IHS members are engaged in the practice of testing human hearing and selecting, fitting and dispensing hearing instruments and counseling patients. Founded in 1951, the Society continues to recognize the need for promoting and maintaining the highest possible standards for its members in the best interests of the hearing impaired it serves.

As the membership organization for thousands of independent specialists, IHS conducts programs in competency accreditation, education and training and encourages specialty-level certification for its members. <https://www.ihsinfo.org/home>

Program Overview

The Advanced Hearing Aid Professional (AHAP) Program is a rigorous advanced education program developed for hearing aid specialists to enhance their knowledge and skills within their legal scope of practice. Successful completion of the program (completing all required educational components with passing grades in the prescribed time frame) confers the “AHAP” (Advanced Hearing Aid Professional) professional designation.

This Cerumen Management module is one component of the AHAP Program. Completion of the program does not confer an expanded scope of practice beyond that which is legally prescribed by the learner’s licensing agency.

Course Contact

Sierra Sharpe, MBA, PMP
IHS Director of Professional Development
(734) 412-7572
ssharpe@ihsinfo.org

Instructors

James C. Denny III, MD is the Executive Vice President/CEO of the American Academy of Otolaryngology – Head and Neck Surgery and its Foundation. Dr. Denny began his career serving the Knoxville, Tennessee community for 24 years as a private practitioner. In 2011, he left private practice to join the Department of Otolaryngology – Head and Neck Surgery at the University of Missouri. Dr. Denny began his role at AAO-HNS/F in January 2015.

Jeffrey S. Weingarten, M.D., is an otolaryngologist at Ear, Nose and Throat Consultants. Dr. Weingarten was raised in Chicago area. He was Board Certified in Otolaryngology- Head and Neck Surgery in 1987. He has been the Section Chairman of Otolaryngology at Providence Hospital. He has also been the Chairman of the Department of Otolaryngology and Ophthalmology at Providence Hospital. He has been the Medical Director of the Providence Hospital Voice and Communications Center. He is actively involved in teaching his colleagues and students. Dr. Weingarten was awarded “Teacher of the Year” from a residency program. Dr. Weingarten has published in the medical literature. He has been a member of the American Academy of Otolaryngology- Head and Neck Surgery, the Michigan State Medical Society, and the Oakland, Macomb and Wayne County Medical Societies. He has received leadership awards from the American Academy of Otolaryngology- Head and Neck Surgery. He has been an appointed member of the Medicare Advisory Committee. Dr. Weingarten has been an Executive Board member and was President of the Michigan ENT Society.

Course Format

This course is presented in a hybrid format. This includes 2-4 hours of virtual “pre-work” and 6-8 hours of in-person training, practice, and assessment.

Certificate

Individuals who complete all aspects of the training and meet the passing standard of the assessment will be issued a Certificate of Completion.

Curriculum

Established Goals

After completing this course, students will be able to:

- Assess the patient’s/client’s cerumen status
- Perform appropriate clinical intervention(s), including cerumen removal
- Complete appropriate clinical referrals
- Incorporate patient/client case history in assessment of the cerumen status
- Complete appropriate documentation
- Identify the need for a cerumen management protocol

Essential Understandings

Students will understand that:

- Most cerumen does not need to be removed
- Cerumen impaction requires professional attention
- The professional’s scope of practice regarding cerumen management is determined by their state/provincial licensing/registration authority
- Cerumen removal may have significant adverse consequences for the patient/client
- Universal precautions/infection control protocols apply to cerumen removal and any interaction with cerumen
- Cerumen management requires a high level of professional judgment
- Patient/client case history, physical presentation, and medical issues must be regarded prior to initiating cerumen management
- Over-the-counter cerumen products have variable application and efficacy

Knowledge

Students will know:

- Cerumen can negatively impact evaluation, processes, and outcomes
- When and why to refer for cerumen removal
- When certain infection control protocols, including the use of any and all PPE, are required
- That malpractice insurance for the provider separate from the business entity is recommended
- That ear candling is dangerous and has no place in hearing healthcare
- Which cerumen removal techniques are available
- The contraindications to cerumen removal
- Which tools are available for cerumen removal
- How to appropriately process contaminated tools
- When a cerumen management protocol is necessary
- How to locate and access their internal protocols

Skills

Students will be able to:

- Determine if cerumen removal is permitted, prohibited, or undefined under their license/registration
- Safely and appropriately manage and remove cerumen
- Identify sources of illumination that may be appropriate for cerumen removal
- Appropriately apply universal precautions
- Properly dispose of cerumen
- Counsel patients/clients regarding cerumen
- Select the most appropriate cerumen removal technique for each presentation
- Appropriately document the outcomes of cerumen management

Assessment

Learners are individually assessed (examined) in-person by the instructors (Drs. Denneney and Weingarten) on their achievement of the Established Goals as listed above. Therefore, the assessment includes:

- Identification of contraindications and need for medical referral based on physical and health history characteristics
- Performance of patient examination including otoscopy to assess the patient's/client's physical cerumen status.
- Determination of the clinical need to remove cerumen
- Removal of cerumen using at least 2 different methods
- Communication with the patient/client during all activities
- Utilization of appropriate infection control protocols for all activities



February , 2025

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Adam Neylon, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 204 North, State Capitol
Madison, WI 53702

RE: Hearing and Speech Examining Board Report Submitted in Compliance with § 227.29 (1), Stats.

Dear Senator Nass and Representative Neylon:

This report has been prepared and submitted in compliance with § 227.29 (1), Stats.

I. Unauthorized rules, as defined in § 227.26 (4) (a), Stats.:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are unauthorized.

II. Rules for which the authority to promulgate has been restricted:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules have restricted authority.

III. Rules that are obsolete or that have been rendered unnecessary:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary.

IV. Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

See below under “status of rules identified in the Board’s previous report”

V. Rules that are economically burdensome:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are economically burdensome.

VI. Status of rules identified in the Board’s previous report:

Rule	Description	Status of action taken to address
HAS 1	Licensure of Hearing Instrument Specialists, including definitions of hearing instrument and practice, which details fitting and dealing in hearing aid instruments. Over-the-counter (OTC) hearing aids are included in these definitions. 21 CFR 800 prohibits states from requiring a license to sell OTC hearing aids.	2023 Wisconsin Act 179 updated the statutes regarding hearing aids. The Board has opened SS 078-24 to align the administrative codes with the statute where appropriate.
HAS 2.01 (2) and (4)	Hearing Instrument Specialists Temporary Trainees, which details the conditions and time periods temporary hearing instrument specialist trainees may fit hearing instruments, make ear impressions, and make measurements of human hearing while under direct supervision of a hearing instrument specialist or audiologist. OTC hearing aids are included as hearing instruments under this definition. 21 CFR 800 prohibits states from requiring a license to sell OTC hearing aids.	2023 Wisconsin Act 179 updated the statutes regarding hearing aids. The Board has opened SS 078-24 to align the administrative codes with the statute where appropriate.
HAS 4	Hearing Instrument Specialists Measurement of Human Hearing which defines audiometrics, ear molds, and equipment used to measure human hearing. Some OTC hearing aids may be included in this definition. 21 CFR 800 prohibits states from requiring a license to sell OTC hearing aids.	2023 Wisconsin Act 179 updated the statutes regarding hearing aids. The Board has opened SS 078-24 to align the administrative codes with the statute where appropriate.
HAS 5.02 (2) (f) and HAS 5.02 (2) (fm)	Violations of professional conduct for failing to maintain proper calibration of audiometric equipment and failing to maintain adequate records of certifications 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. OTC audiometric equipment may be included in this definition. 21 CFR 800 updates audiometric equipment requirements and prohibits states from requiring a license to sell OTC)over-the counter hearing aids.	2023 Wisconsin Act 179 updated the statutes regarding hearing aids. The Board has opened SS 078-24 to align the administrative codes with the statute where appropriate.
HAS 6.02 (2), (3), (4t), and (6a)	Definitions governing the licensure of audiologists, including the practice and fitting of hearing aids. OTC hearing aids are included in this definition. 21 CFR 800 prohibits states from requiring a license to sell over-the-counter hearing aids.	2023 Wisconsin Act 179 updated the statutes regarding hearing aids. The Board has opened SS 078-24 to align the administrative codes with the statute where appropriate.

Sincerely,

Justen Willemon
Chairperson
Hearing and Speech Examining Board

**Hearing and Speech Examining Board
Rule Projects (updated 1/9/25)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
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
24-093	078-24	1/22/2027	HAS 1 and 4 to 6	Hearing Aids	Public Hearing Held at 01/22/25 Meeting	Drafting Final Rule and Legislative Report
Not Assigned Yet	Not Assigned Yet	TBD	HAS 1 and 6 to 8	Renewal and Reinstatement	Scope Statement Reviewed at 01/22/25 Meeting	Scope Statement Submitted to Governor's Office for Approval and for Publication in Legislature's Administrative Register
24-062t	021-24	08/12/2026	HAS 6 to 8	Implementation of the Audiology and Speech-Language Pathology Licensure Compact	Emergency Rule Draft: Paused Permanent Rule Draft: Final Rule and Legislative Report Submitted for Governor Approval	Emergency Rule: N/A Permanent Rule: Legislative Review

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Aaron Knautz Licensing Exams Specialist		2) Date when request submitted: 1/9/25 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: 1/22/25	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Process for determining Audiologist application requirement to complete the audiology exam	
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 <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable:
10) Describe the issue and action that should be addressed: The Board has previously decided to implement a process for making decisions regarding an Audiologist's requirement to complete the Audiology practical exam according to the provision in chapter HAS 6.04(8) DSPS is asking for how we should proceed with making the determinations including the which liaison should be used or how to facilitate the process.			
11) Authorization			
Aaron Knautz		1/09/25	
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.			