



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

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**VIRTUAL/TELECONFERENCE**  
**HEARING AND SPEECH EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**April 9, 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**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of January 22, 2025 (4-8)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introduction, Announcements, and Recognition**
- E. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) Appointment of Liaisons and Alternates
  - 3) 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. Administrative Rule Matters – Discussion and Consideration (9-19)**
  - 1) Scope Statement: HAS 6 to 8, Relating to Audiologist Practical Examination **(10-11)**
  - 2) Preliminary Rule Draft: HAS 1, 4, 5, and 9, Relating to Cerumen Management **(12-18)**
  - 3) Pending or Possible Rulemaking Projects **(19)**

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

**H.** Legislative and Policy Matters – Discussion and Consideration

**I.** 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

**J. 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.)**

**K.** 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

**L.** Consulting with Legal Counsel

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

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

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

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

**ADJOURNMENT**

**NEXT MEETING: JULY 23, 2025**

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.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  
JANUARY 22, 2025**

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

**ABSENT:** Michael Harris, David Seligman

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

**CALL TO ORDER**

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

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- Item E.3 Annual Policy Review is pages 10-12. Item E.4 is pages 13-31.

**MOTION:** Jerry Lapidakis moved, seconded by Kathleen Pazak, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 30, 2024**

**MOTION:** Kathleen Pazak moved, seconded by Jason Meyer, to approve the Minutes of October 30, 2024, as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

*Slate of Officers*

2024 Officers	
<b>Chairperson</b>	Justen Willemon
<b>Vice Chairperson</b>	Catherine Kanter
<b>Secretary</b>	Kathleen Pazak

**NOMINATION:** Todd Beyer nominated the 2024 slate of officers to continue in 2025. All officers accepted their nominations.

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

The Slate of Officers was elected by unanimous voice vote.

## Appointment of Liaisons and Alternates

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

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

## Delegation of Authorities

### 2025 Delegations

#### Delegation to Department Attorneys to Approve Prior Discipline

**MOTION:** Samantha Sikorski moved, seconded by Catherine Kanter, 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 unanimously.

#### Delegation to Handle Administrative Rule Matters

**MOTION:** Justen Willemon moved, seconded by Jason Meyer, 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.

#### Review and Approval of 2024 Delegations including new modifications

**MOTION:** Kathleen Pazak moved, seconded by Justen Willemon, 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 unanimously.

### **8:30 A.M. PUBLIC HEARING FOR CLEARING HOUSE RULE 24-093 ON HAS 1 AND 4 TO 6, RELATING TO HEARING AIDS**

#### **Review Public Hearing Comments and Respond to Clearinghouse Report**

**MOTION:** Todd Beyer moved, seconded by Justen Willemon, to accept all Clearinghouse comments for Clearinghouse Rule 24-093 (HAS 1 and 4 to 6), Relating to Hearing Aids. Motion carried unanimously.

**MOTION:** Samantha Sikorski moved, seconded by Catherine Kanter, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 24-093 (HAS 1 and 4 to 6), Relating to Hearing Aids for submission to the Governor's Office and Legislature. Motion carried unanimously.

### **ADMINISTRATIVE RULE MATTERS**

#### **Scope Statement: HAS 1 and 6 to 8, Relating to Renewal and Reinstatement**

**MOTION:** Kathleen Pazak moved, seconded by Jason Meyer, to approve the Scope Statement revising HAS 1 and 6 to 8, Relating to Renewal and Reinstatement, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

*Amy Kroll left at 9:28 a.m.*

*Amy Kroll returned at 9:46 a.m.*

#### **2025 Wis. Stat. s. 227.29 Biennial Report to the Legislature**

**MOTION:** Todd Beyer moved, seconded by Justen Willemon, to approve the report required under Wis. Stat. 227.29 for submission in March 2025 to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

*Jerry Lapidakis left at 11:21 a.m.*

### **PROCESS FOR DETERMINING AUDIOLOGIST APPLICATION REQUIREMENT TO COMPLETE AUDIOLOGY EXAM**

**MOTION:** Amy Kroll moved, seconded by Todd Beyer, to request that DSPS staff draft a scope statement on HAS 6 relating to Audiologist Practical Examination. Motion carried unanimously.

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

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

**ADJOURNMENT**

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

The meeting adjourned at 11:25 a.m.

DRAFT



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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Nilajah Hardin Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 03/28/25 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>													
<b>3) Name of Board, Committee, Council, Sections:</b> Hearing and Speech Examining Board															
<b>4) Meeting Date:</b> 04/09/25	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rule Matters – Discussion and Consideration 1. Scope Statement: HAS 6, Relating to Audiologist Practical Examination 2. Preliminary Rule Draft: HAS 1, 4, 5, and 9, Relating to Cerumen Management 3. Pending or Possible Rulemaking Projects													
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A													
<b>10) Describe the issue and action that should be addressed:</b> Act on a Preliminary Rule Draft and Drafting of a New Rule; Review Board's Current Rule Projects Attachments: <ul style="list-style-type: none"> <li>HAS 6 Scope Statement</li> <li>HAS 1,4,5, 9 Preliminary Rule Draft</li> <li>Rule Projects Chart</li> </ul> Copies of current Board Rule Projects Can be Viewed Here: <a href="https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx">https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx</a>															
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>11) Authorization</b></td> <td style="width: 40%;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;"> </td> <td style="border-bottom: 1px solid black; text-align: right;">03/28/25</td> </tr> <tr> <td style="text-align: right;"><small>Signature of person making this request</small></td> <td style="text-align: right;"><small>Date</small></td> </tr> <tr> <td style="border-bottom: 1px solid black; height: 30px;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black; height: 30px;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> </tr> <tr> <td colspan="2" style="text-align: right;"><small>Date</small></td> </tr> </table>				<b>11) Authorization</b>			03/28/25	<small>Signature of person making this request</small>	<small>Date</small>	Supervisor (if required)	Date	Executive Director signature (indicates approval to add post agenda deadline item to agenda)		<small>Date</small>	
<b>11) Authorization</b>															
	03/28/25														
<small>Signature of person making this request</small>	<small>Date</small>														
Supervisor (if required)	Date														
Executive Director signature (indicates approval to add post agenda deadline item to agenda)															
<small>Date</small>															
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.															

# STATEMENT OF SCOPE

## HEARING AND SPEECH EXAMINING BOARD

Rule No.: HAS 6

Relating to: Audiologist Practical Examination

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 the practical examination requirement for Audiologists and make updates to align with current practice in the profession.

**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 chapter HAS 6 currently includes requirements for Audiologist licensure, specifically a practical examination under s. HAS 6.04 (8). As written, all applicants are required to take the practical examination unless they have completed education or training that the board has determined is substantially equivalent to the completion of the examination. There is evidence that current training and experience of Audiologists is sufficient, and a practical examination from the Department may no longer be necessary or an efficient use of Department resources. The alternative to making changes to this Code chapter is that all applicants for an Audiologist license will continue to be required to pay for and pass a practical examination prior to licensure.

**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:**

Those seeking Licensure as Audiologists in Wisconsin.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:** None.

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

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

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

Rev. 3/6/2012

Approved for publication:

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Authorized Signature

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Date Submitted

Approved for implementation:

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Authorized Signature

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Date Submitted

STATE OF WISCONSIN  
HEARING AND SPEECH EXAMINING BOARD

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

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PROPOSED ORDER

An order of the Hearing and Speech Examining Board to amend HAS 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.

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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](mailto:Jennifer.Garrett@wisconsin.gov) or phone at 608-266-2112.

**Agency contact person:**

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

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

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. HAS 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, the applicant, or licensee, 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 approved practical or occupational training, with a licensed supervising otolaryngologist or licensed audiologist, 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](mailto: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 beyond the 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:

- (1) Standard precautions for all health care providers.
- (2) Cleaning, disinfection, and sterilization based on manufacturer instructions, where appropriate, of multiple use equipment.
- (3) 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.

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(END OF TEXT OF RULE)

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**Hearing and Speech Examining Board  
Rule Projects (updated 3/28/25)**

<b>Clearinghouse Rule Number</b>	<b>Scope #</b>	<b>Scope Expiration</b>	<b>Code Chapter Affected</b>	<b>Relating clause</b>	<b>Current Stage</b>	<b>Next Step</b>
Not Assigned Yet	020-24	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	Drafting Final Rule and Legislative Report	Submission to Governor's Office for Approval
Not Assigned Yet	Not Assigned Yet	TBD	HAS 1 and 6 to 8	Renewal and Reinstatement	Scope Statement Pending Governor's Office Approval	Scope Statement Submitted for Publication in Legislature's Administrative Register
Not Assigned Yet	Not Assigned Yet	TBD	HAS 6	Audiologist Practical Examination	Scope Statement Reviewed at 4/09/25 Meeting	Scope Statement Approved for Governor's Office Review and Publication in Legislature's Administrative Register
24-062	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: Legislative Review	Emergency Rule: N/A  Permanent Rule: Adoption Order Reviewed at a Future Meeting (assuming no objections from Legislature)