

STATEMENT OF SCOPE

HEARING AND SPEECH EXAMINING BOARD

Rule No.: HAS 1 and 4 to 6

Relating to: Hearing Aids

Rule Type: Permanent

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

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

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

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

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

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

Section 15.08 (5) (b), Stats.: "Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession."

Section 459.12 (1), Stats.: "The examining board may make rules not inconsistent with the laws of this state which are necessary to carry out the intent of this chapter."

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

80 hours

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

Hearing Instrument Specialists and Audiologists credentialed in Wisconsin.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule: Listed in the Federal, Food, Drug, and Cosmetic Act Subchapter V Part A under Section 360j (q) are regulations for over-the-counter hearing aids. According to these regulations, over-the-counter hearing aids are those devices used by those with hearing impairment that are available without the supervision of or prescription from a licensed individual.

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

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

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Approved for publication:



Authorized Signature

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Approved for implementation:



Authorized Signature

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