

**CERTIFICATE**


**STATE OF WISCONSIN**

**DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

*I, Tom Ryan, Executive Director, Division of Policy Development in the Wisconsin Department of Safety and Professional Services and custodian of the official records of the Hearing and Speech Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Hearing and Speech Examining Board on the 9th day of October, 2017.*

*I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.*

*IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 9th day of October, 2017.*



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**Tom Ryan, Executive Director  
Division of Policy Development  
Department of Safety & Professional Services**

STATE OF WISCONSIN  
HEARING AND SPEECH EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	HEARING AND SPEECH
HEARING AND SPEECH	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 16-080)

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ORDER

An order of the Hearing and Speech Examining Board to amend HAS 3.04, 3.05, 3.07, 3.08 (1), 3.09 (1) (intro), HAS 3.09 (2) and (3) and HAS 3.10 (1); to repeal and recreate HAS 3.08 (2); to create HAS 3.08 (1m) relating to hearing instrument specialists examinations.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 459.06 (1), Stats.

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

**Explanation of agency authority:**

§ 15.08 (5) (b) 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.

§ 459.12 (1) 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:** N/A

**Plain language analysis:**

Clearinghouse Rule 15-097 designated an exam developed by the International Hearing Society for the test of knowledge. This proposed rule will modify provisions which are impacted as a result of the Clearinghouse Rule 15-097 modification.

Section 1 amends provisions relating to identifying marks on the exam, removal of the examination and time limits to apply only to the practical exam as this is the only exam the board administers.

Section 2 removes the written exam from the provision due to the board no longer developing the written examination and therefore will not be determining the passing score.

Section 3 creates a provision that the board will determine the passing grade on the written exam and may accept the test provider's recommended passing grade. The International Hearing Society is the test provider and there is a standard recommended passing grade.

Section 4 is repealed and recreated to indicate that a passing grade is required on the written and each part of the practical examination. The rule is being changed to require the applicant to only take the examination or part of the examination that is failed and not retake everything if one or more is failed.

Sections 5, 6 and 7 modify provisions to clarify the review and claims of error procedures apply only to the practical exam which is the exam developed and administered by the board.

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

**Comparison with rules in adjacent states:**

**Illinois:** Illinois utilizes practical and written examinations from the International Institute for hearing Instrument Studies, International Hearing Society or an examination approved, developed or sanctioned by the Department of Public Health. A score on each exam or section of an exam shall be 70 percent. A failed examination may be retaken. Results of a practical examination may be appealed to the Hearing Instrument Consumer Protection Board.

**Iowa:** Iowa utilizes the national standardized licensing examination and the passing score is established by the International Hearing Society. The examination may not be taken more than three times.

**Michigan:** Michigan requires a written examination to test knowledge with a practical demonstration. The rules do not address conduct in the examination, passing grades, or review and claim of error procedures.

**Minnesota:** Minnesota requires a written examination and practical demonstration. The rules do not address conduct in the examination, passing grades, or review and claim of error procedures.

**Summary of factual data and analytical methodologies:**

The Board reviewed and modified the rules to address changes necessitated by designating a national written examination.

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

This rule was posted for economic comments and none were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These 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 [Kirsten.Reader@wisconsin.gov](mailto:Kirsten.Reader@wisconsin.gov) , or by calling (608) 267-2435

**Agency contact person:**

Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0797; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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TEXT OF RULE

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SECTION 1. HAS 3.04, 3.05 and 3.07 are amended to read:

**HAS 3.04 Identifying marks.** An applicant may not place any marks upon his or her practical examination papers which reveals his or her identity.

**HAS 3.05 Removal of examination.** An applicant may not take any records of the practical examination questions from the examination room.

**HAS 3.07 Time limits.** The board may set time limits for completion of each part of the practical examination.

SECTION 3. HAS 3.08 (1) is amended to read:

**HAS 3.08 (1)** To pass the written and practical examinations, each applicant shall receive a grade determined by the board to represent minimum competence to practice, based upon the following:

(a) For each part of the practical examination, ~~The the~~ board shall determine the passing grade after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics.

(b) For the written examination, the board may accept the test provider's recommended passing grade as a representation of minimum competence to practice.

SECTION 4. HAS 3.08 (2) is repealed and recreated to read:

**HAS 3.08 (2)** A passing grade is required on the written examination and each part of the practical examination. An applicant who does not receive all of the required passing grades may retake only the examination, or portion of the examination, which the applicant has failed.

SECTION 5. HAS 3.09 (1) (intro) is amended to read:

**HAS 3.09 (1)** An applicant who fails all or part of the practical examination may review those parts of the practical examination failed according to the following procedures and within the following limitations:

SECTION 6. HAS 3.09 (2) and (3) are amended to read:

(2) An applicant may request that the board review the grading of one or more practical examination questions by completing a form which will be provided to the applicant by the board representative. The form must be completed and returned to the board representative at the time of review.

(3) Any comments or claims of error regarding specific questions or procedures in the practical examination may be placed in writing on the form provided. These comments shall be retained by the board made available to the board for review.

SECTION 7. HAS 3.10 (1) is amended to read:

**HAS 3.10 (1)** An applicant wishing to claim practical examination error shall file a written request for board review in the board office within 30 days of the date the practical examination was reviewed. The request shall include all of the following:

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)

Dated 10/9/17

Agency Thomas W. Sotter  
Board Chair  
Hearing and Speech Examining Board

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis  
 Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number  
HAS 3

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3. Subject  
Hearing Instrument Specialists exam

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4. 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	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
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6. Fiscal Effect of Implementing the Rule  
 No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)  
 State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?  
 Yes    No

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9. Policy Problem Addressed by the Rule  
Clearinghouse Rule 15-097 designates an exam developed by the International Hearing Society. This proposed rule will modify provisions which are impacted as a result of the CR 15-097 modification. In addition, the proposed rule will update the exam provisions to reflect current practices and remove obsolete provisions.

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10. 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.  
This rule was posted for economic comments and none were received.

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11. Identify the local governmental units that participated in the development of this EIA.  
None.

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12. 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)  
This rule does not have a economic or fiscal impact.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule  
The benefit is to clarify the examination procedures.

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14. Long Range Implications of Implementing the Rule  
The long range implications of implementation is clarity of procedures for each exam.

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15. Compare With Approaches Being Used by Federal Government  
None

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)  
**Illinois:** Illinois utilizes practical and written examinations from the International Institute for hearing Instrument Studies, International Hearing Society or an examination approved, developed or sanctioned by the Department of Public Health. A score on each exam or section of an exam shall be 70 percent. A failed examination may be retaken. Results of a practical examination may be appealed to the Hearing Instrument Consumer Protection Board.

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## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

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**Minnesota:** Minnesota requires a written examination and practical demonstration. The rules do not address conduct in the examination, passing grades, or review and claim of error procedures.

17. Contact Name	18. Contact Phone Number
Helen Leong, Administrative Rules Coordinator	(608) 266-0797

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

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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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)

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

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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:

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

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5. Describe the Rule's Enforcement Provisions

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

- Yes    No
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