



**Tony Evers, Governor**  
**Dawn Crim, Secretary**

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**VIRTUAL/TELECONFERENCE**  
**HEARING AND SPEECH EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Valerie Payne (608) 266-2112**  
**April 5, 2021**

*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**

**1:00 P.M.**

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

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of January 11, 2021 (4-10)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. 1:00 P.M. PUBLIC HEARING: Clearinghouse Rule 21-025 – HAS 1 and 2, Relating to Supervision of Hearing Instrument Specialist Temporary Trainees (11-21)**
  - 1) Review and Respond to Public Comments and Clearinghouse Report
- E. Administrative Matters**
  - 1) Department, Staff and Board Updates
  - 2) Board Members – Term Expiration Dates
- F. Legislative and Policy Matters – Discussion and Consideration**
- G. Administrative Rule Matters – Discussion and Consideration (22)**
  - 1) Update on CR 20-036, HAS 3, 7, and 8 – Relating to Removing Obsolete Provisions
  - 2) Review Preliminary Rule Draft – HAS 5 and 6 – Relating to Telehealth
  - 3) Update on s. 227.29 Report **(23-24)**
  - 4) Pending or Possible Rulemaking Projects
- H. Federal Regulations Regarding Over-the-Counter Hearing Aides – Discussion and Consideration**
- I. COVID-19 – Discussion and Consideration**
- J. Discussion and Consideration of Items Added After Preparation of Agenda:**
  - 1) Introductions, Announcements and Recognition
  - 2) Nominations, Elections, and Appointments

- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

K. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.)**

L. Deliberation 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

M. Consulting with Legal Counsel

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

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

O. Open Session Items Noticed Above Not Completed in the Initial Open Session

P. License Ratification – Discussion and Consideration

**ADJOURNMENT**

**NEXT MEETING: JULY 12, 2021**

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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 at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE  
HEARING AND SPEECH EXAMINING BOARD  
MEETING MINUTES  
JANUARY 11, 2021**

**PRESENT:** Robert Broeckert (*excused at 1:19 p.m.*), Michael Harris, Barbara Johnson, Catherine Kanter, Steven Klapperich, Kathleen Pazak, David Seligman

**EXCUSED:** Thomas Krier

**STAFF:** Valerie Payne, Executive Director; Jameson Whitney, Board Legal Counsel; Kassandra Walbrun, Administrative Rules Coordinator; Daniel Betekhtin, Bureau Assistant; Megan Glaeser, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Barbara Johnson, Chairperson, called the meeting to order at 1:00 p.m. A quorum was confirmed with seven (7) members present.

**ADOPTION OF AGENDA**

**MOTION:** Michael Harris moved, seconded by Robert Broeckert, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 5, 2020**

**MOTION:** Steven Klapperich moved, seconded by Barbara Johnson, to approve the Minutes of October 5, 2020 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Election of Officers**

*Chairperson*

**NOMINATION:** Barbara Johnson nominated Robert Broeckert for the Office of Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Robert Broeckert was elected as Chairperson by unanimous voice vote.

### *Vice Chairperson*

**NOMINATION:** Barbara Johnson nominated David Seligman for the Office of Vice Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

David Seligman was elected as Vice Chairperson by unanimous voice vote.

### *Secretary*

**NOMINATION:** Steven Klapperich nominated Kathleen Pazak for the Office of Secretary.

Valerie Payne, Executive Director, called for nominations three (3) times.

Kathleen Pazak was elected as Secretary by unanimous voice vote.

<b>ELECTION RESULTS</b>	
<b>Chairperson</b>	Robert Broeckert
<b>Vice Chairperson</b>	David Seligman
<b>Secretary</b>	Kathleen Pazak

### Appointment of Liaisons and Alternates

<b>LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison(s)</b>	Robert Broeckert, Barbara Johnson, Steven Klapperich, Thomas Krier, Kathleen Pazak
<b>Exam Liaison(s)</b>	Robert Broeckert, Barbara Johnson, Steven Klapperich
<b>Continuing Education (CE) Liaison(s)</b>	Barbara Johnson, Thomas Krier
<b>Professional Assistance Procedure (PAP) and Monitoring Liaison(s)</b>	Robert Broeckert
<b>Legislative Liaison(s)</b>	Catherine Kanter
<b>Travel Liaison(s)</b>	Barbara Johnson
<b>Website Liaison(s)</b>	Robert Broeckert, Thomas Krier

<b>Practice Questions Liaison(s)</b>	Barbara Johnson, Catherine Kanter, Steven Klapperich
<b>Screening Panel</b>	<b>Team A:</b> Michael Harris, Steven Klapperich, David Seligman <b>Team B:</b> Robert Broeckert, Kathleen Pazak, David Seligman <b>Alternates:</b> Barbara Johnson, Thomas Krier

*(Robert Broeckert was excused at 1:19 p.m.)*

### **Delegation of Authorities**

#### ***Document Signature Delegations***

**MOTION:** Steven Klapperich moved, seconded by Michael Harris, 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:** Catherine Kanter moved, seconded by Steven Klapperich, 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 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:** Kathleen Pazak moved, seconded by Barbara Johnson, 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:** Steven Klapperich moved, seconded by Barbara Johnson, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

## *Monitoring Delegations*

### **Delegation of Authorities for Monitoring**

**MOTION:** Barbara Johnson moved, seconded by Kathleen Pazak, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the January 11, 2021 agenda materials on pages 13-14. Motion carried unanimously.

### **Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

**MOTION:** Steven Klapperich moved, seconded by Michael Harris, to delegate to Board Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Chairperson. Motion carried unanimously.

## *Credentialing Authority Delegations*

### **Delegation of Authority to Credentialing Liaison(s)**

**MOTION:** Catherine Kanter moved, seconded by Kathleen Pazak, 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. Motion carried unanimously.

### **Delegation of Authority to Credentialing Liaison(s) Denial Decisions**

**MOTION:** Barbara Johnson moved, seconded by Kathleen Pazak, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS 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 DSPS When Credentialing Criteria is Met**

**MOTION:** Catherine Kanter moved, seconded by Barbara Johnson, 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:** Barbara Johnson moved, seconded by Steven Klapperich, 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:** Barbara Johnson 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 Reviews**

**MOTION:** Barbara Johnson moved, seconded by Michael Harris, 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 Reviews**

**MOTION:** Barbara Johnson moved, seconded by Catherine Kanter, 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.

### **Delegated Authority for Application Denial Reviews**

**MOTION:** Kathleen Pazak moved, seconded by Barbara Johnson, 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:** Steven Klapperich moved, seconded by Catherine Kanter, 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.



***Continuing Education and Examination Liaison(s) Delegation***

**MOTION:** Catherine Kanter moved, seconded by Steven Klapperich, to delegate authority to the Continuing Education and 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:** Barbara Johnson moved, seconded by Kathleen Pazak, to authorize DSPS staff to provide national regulatory related bodies with all Board member contact information that DSPS retains on file. Motion carried unanimously.

***Optional Renewal Notice Insert Delegation***

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

***Travel Liaison(s) Delegation***

**MOTION:** Steven Klapperich moved, seconded by Kathleen Pazak, to delegate authority to the Travel Liaison(s) to approve any board member travel. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**HAS 1 and 2, Relating to Direct Supervision of Trainees**

**MOTION:** Barbara Johnson moved, seconded by Steven Klapperich, to authorize the Chairperson to approve the preliminary rule draft of HAS 1 and 2, relating to direct supervision of trainees, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**Biennial Report Under s. 227.29, Wis. Stats.**

**MOTION:** Steven Klapperich moved, seconded by Barbara Johnson, to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to approve the report for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Steven Klapperich moved, seconded by Michael Harris, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:18 p.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kevyn Radcliffe, Administrative Rules Coordinator		2) Date when request submitted: March 25, 2021 <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>									
3) Name of Board, Committee, Council, Sections: Hearing and Speech Examining Board											
4) Meeting Date: April 5, 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  1:00 P.M. Public Hearing: Clearinghouse Rule CR 21-025 – HAS 1 and 2 - Relating to supervision of hearing instrument specialist temporary trainees  1. Review and Respond to Public Comments and 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 <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:									
10) Describe the issue and action that should be addressed: Public Hearing scheduled for 1:00 pm.											
11) Authorization  <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"><i>Kevyn Radcliffe</i></td> <td style="width: 40%; border-bottom: 1px solid black; text-align: right;">March 25, 2021</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> </table>				<i>Kevyn Radcliffe</i>	March 25, 2021	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
<i>Kevyn Radcliffe</i>	March 25, 2021										
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

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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 2.01 (3) and (4), relating to supervision of hearing instrument specialist temporary trainees.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 459.12, Stats.

**Statutory authority:** Sections 15.08 (5) (b) and 459.12 (1) and (3), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., states that “[e]ach 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) and (3), Stats., states that, “[t]he examining board may make rules not inconsistent with the laws of this state which are necessary to carry out the intent of this chapter,” and that “[t]he examining board shall by rule prescribe the number of trainees a licensee may supervise under s. 459.07.”

**Related statute or rule:** Chapter HAS 1

**Plain language analysis:**

The Board reviewed chs. HAS 1 and 2 with the objectives of revising requirements to increase opportunities for new applicants entering the profession while ensuring trainee permit holders are directly supervised and compliance with statutory requirements. As a result of this review, the following updates have been made:

- Section HAS 2.01 (3) is amended to specify a trainee permit may be extended for a period of one year.
- Section HAS 2.01 (4) is amended to increase the total number of trainee permit holders a licensee may supervise at any given time from one to 3.

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

The Federal Trade Commission (FTC) is responsible for monitoring the business practices of hearing aid dispensers and vendors. The Food and Drug Administration (FDA) enforces regulations for the manufacture and sale of hearing aids as medical devices. This proposed rule does not apply to business practices, such as the manufacture or sale of hearing aids.

**Comparison with rules in adjacent states:**

**Illinois:** Hearing specialist trainees may receive a 6-month dispenser license, which is non-renewable. An applicant for a 6-month trainee dispenser license is required to submit a letter of verification from the licensed supervisor and a completed trainee form signed by the supervisor. Before a trainee license will be issued, the trainee must complete required courses and pay the trainee license fee (77 Ill. Adm. Code 682.200).

A licensed trainee may perform the functions of a hearing instrument dispenser under direct supervision of a designated licensed hearing instrument dispenser or audiologist. The designated licensed supervisor is responsible for all work performed by the trainee. One supervisor may supervise a limit of 3 trainees at any point in time (77 Ill. Adm. Code 682.215).

"Direct supervision" requires the licensed hearing instrument dispenser or audiologist to give final approval to all work performed by the trainee, sign off on all progress notes and contracts, and be physically present anytime the trainee has contact with a client (77 Ill. Adm. Code 682.100).

**Iowa:** Iowa Statutes chapter 645, section 121.2 allows the Iowa Board of Hearing Aid Specialists to issue temporary permits for hearing aid specialists trainees. Temporary permits are issued for one year and are non-renewable. The permit application includes a statement from the employer outlining the type of supervision to be provided to the trainee; a list of the subjects to be covered; the materials to be used for training; and an outline of the training program to be followed in preparing the trainee for examination.

A licensed hearing aid specialist employing a trainee with a temporary permit is responsible for:

- providing training;
- evaluating audiograms and determining which hearing aid and ear mold will best compensate for hearing loss of a particular person;
- notifying the board within 15 days of the termination of the trainee; and,
- for the first 90 days, providing a minimum of 20 hours of direct supervision per week in the physical presence of a holder of a temporary permit.

A licensed hearing aid specialist may supervise up to 3 trainees with temporary permits at the same time. Supervisors must cosign all audiometric evaluations and contracts processed by the trainee for the duration of the temporary permit and submit a report for trainees prior to taking the board-approved examination and any retakes.

**Michigan:** Under Michigan statutes s. 339.1307, a Hearing Aid Trainee license is available through the Department of Licensing and Regulatory Affairs. A trainee license is valid for one year. A new trainee license may be issued by the board upon the filing of an application. The application fee is \$50.

Michigan requires a trainee work for and under the direction and supervision of a named licensed hearing aid dealer. A license may be transferred by a trainee to a new dealer upon the filing of an application for a transfer. There is no identified limit on the number of trainees that a named licensed hearing aid dealer may supervise.

**Minnesota:** A person may be approved to dispense hearing instruments as a trainee for a period not to exceed 12 months. Trainees must be under the supervision of a certified dispenser and must meet all requirements for certification except successful completion of the required examination.

There are 2 levels of supervision for a trainee, indirect and direct. A certified hearing instrument dispenser may indirectly supervise up to 2 trainees at the same time and directly supervise only one trainee at a time. Under indirect supervision, the trainee must complete 2 monitored activities a week. Monitored activities may be executed by correspondence, telephone, or other telephonic devices, and include evaluation of audiograms, written reports, and contracts. The trainee's time spent under supervision must be recorded and the record retained by the supervisor.

The certified dispenser is responsible for all actions or omissions of a trainee in connection with the dispensing of hearing instruments. Trainees must be directly supervised in all activities prior to passing the practical exam. Once a trainee passes the practical exam, trainees may dispense hearing instruments under indirect supervision until expiration of the trainee period. (Section 153A.14, 2020 Minnesota Statutes)

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

The Board reviewed chs. HAS 1 and HAS 2 to revise requirements to increase opportunities for new applicants entering the profession while ensuring trainee permit holders are directly supervised and compliance with statutory requirements.

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

The proposed rules were 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. No comments were received.

#### **Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 1:00 p.m. on April 5, 2021, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. HAS 2.01 (3) and (4) are amended to read:

**HAS 2.01 (3)** A trainee permit may be ~~renewed or regranted only once and then only when~~ extended for a period of one year if the trainee shows sufficient cause to the board for not having completed the requirements for a permanent license.

**(4)** No more than ~~one trainee~~ 3 trainees at any given time may hold a trainee permit to practice the fitting of hearing instruments under the direct supervision of a given licensee.

SECTION 2. 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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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>	<p>2. Date March 2, 2021</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) HAS 1, 2</p>	
<p>4. Subject Supervision of hearing instrument specialist temporary trainees</p>	
<p>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</p>	<p>6. Chapter 20, Stats. Appropriations Affected 20.165 (1) (g)</p>
<p>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 checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>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 <b>(if checked, complete Attachment A)</b></p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>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</p>	
<p>11. Policy Problem Addressed by the Rule The Board reviewed chs. HAS 1 and 2 with the objectives of revising requirements to increase opportunities for new applicants entering the profession while ensuring trainee permit holders are directly supervised and compliance with statutory requirements. As a result of this review, the following updates have been made:</p> <ul style="list-style-type: none"><li>• Section HAS 2.01 (3) is amended to specify a trainee permit may be extended for a period of one year.</li><li>• Section HAS 2.01 (4) is amended to increase the total number of trainee permit holders a licensee may supervise at any given time from one to 3.</li></ul>	
<p>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. This rule was posted for economic impact comments and none were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. None. This rule does not impact local governmental units.</p>	
<p>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) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole. The Department estimates a one-time fiscal impact of \$496.16, which may be absorbed in the agency operating budget.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing this rule is increased opportunities for new applicants entering the hearing instrument specialist profession while ensuring trainee permit holders are directly supervised.</p>	
<p>16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is increased opportunities for new applicants entering the hearing instrument specialist profession while ensuring trainee permit holders are directly supervised.</p>	



## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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17. Compare With Approaches Being Used by Federal Government  
None

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

Illinois: Hearing specialist trainees may receive a 6-month dispenser license, which is non-renewable. An applicant for a 6-month trainee dispenser license is required to submit a letter of verification from the licensed supervisor and a completed trainee form signed by the supervisor. Before a trainee license will be issued, the trainee must complete required courses and pay the trainee license fee (77 Ill. Adm. Code 682.200).

A licensed trainee may perform the functions of a hearing instrument dispenser under direct supervision of a designated licensed hearing instrument dispenser or audiologist. The designated licensed supervisor is responsible for all work performed by the trainee. One supervisor may supervise a limit of 3 trainees at any point in time (77 Ill. Adm. Code 682.215).

"Direct supervision" requires the licensed hearing instrument dispenser or audiologist to give final approval to all work performed by the trainee, sign off on all progress notes and contracts, and be physically present anytime the trainee has contact with a client (77 Ill. Adm. Code 682.100).

Iowa: Iowa Statutes chapter 645, section 121.2 allows the Iowa Board of Hearing Aid Specialists to issue temporary permits for hearing aid specialists trainees. Temporary permits are issued for one year and are non-renewable. The permit application includes a statement from the employer outlining the type of supervision to be provided to the trainee; a list of the subjects to be covered; the materials to be used for training; and an outline of the training program to be followed in preparing the trainee for examination.

A licensed hearing aid specialist employing a trainee with a temporary permit is responsible for:

- providing training;
- evaluating audiograms and determining which hearing aid and ear mold will best compensate for hearing loss of a particular person;
- notifying the board within 15 days of the termination of the trainee; and,
- for the first 90 days, providing a minimum of 20 hours of direct supervision per week in the physical presence of a holder of a temporary permit.

A licensed hearing aid specialist may supervise up to 3 trainees with temporary permits at the same time. Supervisors must cosign all audiometric evaluations and contracts processed by the trainee for the duration of the temporary permit and submit a report for trainees prior to taking the board-approved examination and any retakes.

Michigan: Under Michigan statutes s. 339.1307, a Hearing Aid Trainee license is available through the Department of Licensing and Regulatory Affairs. A trainee license is valid for one year. A new trainee license may be issued by the board upon the filing of an application. The application fee is \$50.

Michigan requires a trainee work for and under the direction and supervision of a named licensed hearing aid dealer. A license may be transferred by a trainee to a new dealer upon the filing of an application for a transfer. There is no identified limit on the number of trainees that a named licensed hearing aid dealer may supervise.

Minnesota: A person may be approved to dispense hearing instruments as a trainee for a period not to exceed 12 months. Trainees must be under the supervision of a certified dispenser and must meet all requirements for certification except successful completion of the required examination.

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

There are 2 levels of supervision for a trainee, indirect and direct. A certified hearing instrument dispenser may indirectly supervise up to 2 trainees at the same time and directly supervise only one trainee at a time. Under indirect supervision, the trainee must complete 2 monitored activities a week. Monitored activities may be executed by correspondence, telephone, or other telephonic devices, and include evaluation of audiograms, written reports, and contracts. The trainee's time spent under supervision must be recorded and the record retained by the supervisor.

The certified dispenser is responsible for all actions or omissions of a trainee in connection with the dispensing of hearing instruments. Trainees must be directly supervised in all activities prior to passing the practical exam. Once a trainee passes the practical exam, trainees may dispense hearing instruments under indirect supervision until expiration of the trainee period. (Section 153A.14, 2020 Minnesota Statutes)

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19. Contact Name Dale Kleven	20. Contact Phone Number 608-261-4472
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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:
- 

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
-



# 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 **21-025**

AN ORDER to amend HAS 2.01 (3) and (4), relating to supervision of hearing instrument specialist temporary trainees.

Submitted by **HEARING AND SPEECH EXAMINING BOARD**

03-02-2021 RECEIVED BY LEGISLATIVE COUNCIL.

03-29-2021 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

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kevyn Radcliffe, Administrative Rules Coordinator		2) Date when request submitted: March 25, 2021 <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>									
3) Name of Board, Committee, Council, Sections: Hearing and Speech Examining Board											
4) Meeting Date: April 5, 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Administrative Rule Matters – Discussion and Consideration</b> <b>1. Update on CR 20-036, HAS 3, 7, and 8 – relating to removing obsolete provisions.</b> <b>2. Review Preliminary Rule Draft - HAS 5 and 6 – relating to Telehealth.</b> <b>3. Update on s. 227.29 Report.</b> <b>4. Pending or Possible Rulemaking Projects.</b>									
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:									
10) Describe the issue and action that should be addressed:											
11) Authorization  <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"><i>Kevyn Radcliffe</i></td> <td style="width: 40%; border-bottom: 1px solid black; text-align: right;">March 25, 2021</td> </tr> <tr> <td style="font-size: small;">Signature of person making this request</td> <td style="text-align: right; font-size: small;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">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;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date</td> </tr> </table>				<i>Kevyn Radcliffe</i>	March 25, 2021	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	
<i>Kevyn Radcliffe</i>	March 25, 2021										
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.											

**Robert R. Broeckert**  
Chairperson

**David H. Seligman**  
Vice Chairperson

**Kathleen A. Pazak**  
Secretary

**WISCONSIN HEARING AND SPEECH  
EXAMINING BOARD**



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FAX: 608-267-3816

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March 1, 2021

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: Biennial Report Under Wisconsin Statutes Section 227.29

Dear Senator Nass and Representative Neylon:

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

**I. Unauthorized rules, as defined in s. 227.26 (4) (a):**

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are unauthorized rules, as defined in s. 227.26 (4) (a), Stats.

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

After careful review of the agency's administrative rules, the agency has determined that no promulgated rules are rules for which the authority to promulgate has been restricted.

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

After careful review of the agency's administrative rules, the agency 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:**

After careful review of the agency's administrative rules, the agency has determined that no rules are duplicative, superseded by, or in conflict with another rule, state statute, federal statute/regulation or court ruling.

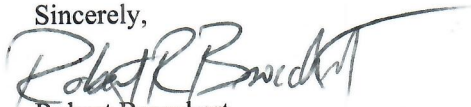
**V. Rules that are economically burdensome:**

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

**VI. 2019 Report Updates**

<b>Rule</b>	<b>Description</b>	<b>Action</b>
s. HAS 3.03 (2) (d)	The topic listed for the practical examination is obsolete.	The Board's rule project to address this issue, CR 20-036, has been approved by the Governor's office and was submitted to Clearinghouse.
s. HAS 4.03 (1) and (Note)	The referenced ANSI standard has been updated since this standard was adopted in 1998.	Board had a previously opened scope, which expired in February 2020 (SS 026-15) related to this topic. Board will reexamine this issue, as necessary.
ss. HAS 6.04 (6) (a) and (b), HAS 6.07 (2) (b) 2.	Remove the option of having a certificate of clinical competence, since one cannot qualify for the certificate without taking the Praxis Audiology exam, and update the education requirements for reciprocal licenses.	There is currently no open scope for this update.
s. HAS 7.03 (3) (b) 2.	References to s. HAS 3.02, which has been repealed.	The Board's rule project to address this issue, CR 20-036, has been approved by the Governor's office and was submitted to Clearinghouse. <i>Note: This rule was also mentioned in LRB's s. 13.92 (2)(jg) Report.</i>
s. HAS 8.03 (2) and (4)	References to s. HAS 7.05, which has been repealed.	The Board's rule project to address this issue, CR 20-036, has been approved by the Governor's office and was submitted to Clearinghouse. <i>Note: This rule was also mentioned in LRB's s. 13.92 (2)(jg) Report.</i>

Sincerely,



Robert Broeckert  
 Chairperson  
 Hearing and Speech Examining Board