

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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| 1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected | 2. Date August 9, 2022 |
| 3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) HAS 5 and 6 - Permanent Rule | |
| 4. Subject Telehealth | |
| 5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S | 6. Chapter 20, Stats. Appropriations Affected s.20.165(g)(1) |
| 7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget | |
| 8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A) | |
| 9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$ | |
| 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 type="checkbox"/> No | |
| 11. Policy Problem Addressed by the Rule These rules clarify the statute changes from 2021 Wisconsin Act 121 on telehealth. | |
| 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. These rules will be posted for 14 days on the Department of Safety and Professional Services' website to solicit comments on the potential economic impact. | |
| 13. Identify the Local Governmental Units that Participated in the Development of this EIA. None | |
| 14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) | |
| 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits of implementing this rule are that there will be more detailed practice guidelines for audiologists and speech-language pathologists, and hearing aid specialists regarding telehealth practices. The alternative to implementing this rule is that the statute will leave open interpretations regarding the use of telehealth and licensing, technology, and other practices for audiologists and speech-language pathologists and hearing aid specialists in Wisconsin. | |
| 16. Long Range Implications of Implementing the Rule The long range implications of implementing the rule improved are improved practice for audiologists, speech-language pathologists, and hearing aid specialists as a result of having rules for the profession in place. | |
| 17. Compare With Approaches Being Used by Federal Government None. | |
| 18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) Illinois: | |

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In the Illinois Compiled Statutes Chapter 225, the Telehealth Act provides a definition for “Health care professional” which includes speech-language pathologists, audiologists, and hearing instrument dispensers. This Act also provides a definition of “Telehealth” as “the evaluation, diagnosis, or interpretation of electronically transmitted patient-specific data between a remote location and a licensed health care professional that generates interaction or treatment recommendations. ‘Telehealth’ includes telemedicine and the delivery of health care services provided by way of an interactive telecommunications system, as defined in subsection (a) of Section 356z.22 of the Illinois Insurance Code.” If the patient being treated is in Illinois, then the healthcare professional providing treatment via telehealth must be licensed to practice in Illinois (225 ILCS 150).

Illinois Executive Order 2020-09 expanded the definition of “Telehealth Services” to include provision of healthcare to a patient in any location through electronic or telephonic methods, in response to the COVID-19 pandemic for the duration of the Illinois Gubernatorial Disaster Proclamation. Executive Order 2021-14 re-issued Executive Order 2020-09 and extended it through at least July 24, 2021.

Iowa:

The Iowa Administrative Code Chapter 300, rule 645.300.2 includes that the provision of speech pathology or audiology services in Iowa via telephonic, electronic, or other methods, requires an Iowa license (IAC 645.300.2(147)).

Michigan:

The Michigan Compiled Laws, Chapter 333, Act 368 provides that Telehealth is defined as long-distance health care through telecommunication technologies. Telehealth may include telemedicine, which is defined in MCL 500.3476 (MCL 300.26283). Act 368 includes Michigan laws relating to the practice of speech-language pathology and audiology.

Minnesota:

The practice of speech-language pathology and audiology are provided for in Minnesota Statutes ss.148.511 to 148.5198. Telehealth, telemedicine, or telepractice is not specifically mentioned.

The Minnesota Department of Health provides the following definition related to Telehealth: “The provision of speech-pathology or audiology services in Minnesota through telepractice, electronic, or other means, regardless of the location of the speech-language pathologist or audiologist, shall constitute the practice of speech-language pathology or audiology and shall require Minnesota licensure.” (source:

<https://www.health.state.mn.us/facilities/providers/slpa/telepractice.html>)

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| 19. Contact Name Dana Denny, Administrative Rules Coordinator | 20. Contact Phone Number 608-287-3748 |
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ATTACHMENT A

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

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

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

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

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

5. Describe the Rule's Enforcement Provisions

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

- Yes No
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