

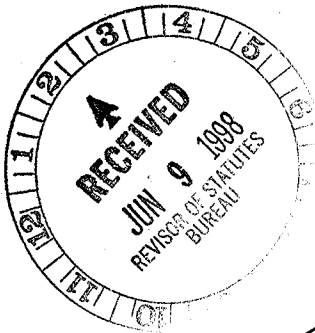
CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Patrick D. Braatz, Director, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing 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 8th day of June, 1998.

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 department at 1400 East Washington Avenue, Madison, Wisconsin this 8th day of June, 1998.

Patrick D. Braatz, Director, Bureau of Health Professions, Department of Regulation and Licensing

STATE OF WISCONSIN
HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : HEARING AND SPEECH EXAMINING
HEARING AND SPEECH : BOARD ADOPTING RULES
EXAMINING BOARD : (CLEARINGHOUSE RULE 98-012)

ORDER

An order of the Hearing and Speech Examining Board to *repeal* HAS 6.03 (3), 6.04 (3) and 6.08 (1) (c); to *renumber and amend* HAS 1.01 (4); to *amend* chapter HAS 1 (title), 1.01 (1), (2a) (a), (b), (2m), (3) and (5m), 2.01 (3) and (4), 4.02 (1) and (5), 4.03 (1), 4.04, 5.01, 5.02 (2) (intro.), (c), (d) and (2) (g) 2., 6.04 (7), 6.06 (4), 6.08 (2) (b) and (3), 6.09 (1) (g), (2) (k), 7.03 (1) (intro.), (2) (intro.) and (b), 7.05 (1) (intro.), (b) (intro.), 1., (2) (intro.), (b) (intro.) and 1.; to *repeal and recreate* chapter HAS 3, 5.02 (1) and 6.09 (1) (b); and to *create* HAS 1.005, 1.01 (2n) and (5n), 2.02, 5.02 (2) (dm) and (h), 6.02 (10), a Note following HAS 6.05, 6.08 (1) (d) and (e), 6.085 and a Note following HAS 6.09 (2) (p), relating to hearing instrument specialists.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 459.12 (1), Stats.

Statutes interpreted: ss. 459.06 and 459.10, Stats.

In this proposed rule-making order the Hearing and Speech Examining Board amends numerous provisions contained in ch. HAS 3, relating to the examination requirements for individuals applying for a hearing instrument specialist license. The proposed rules clarify the nature of the written and practical examinations, identify the standards to be used by the board in determining passing grades, and identify the procedure to be followed by applicants when claiming examination errors.

In addition, the board creates and amends certain provisions in ch. HAS 5 to clarify that it is unprofessional conduct for hearing instrument specialists to fail to document certain information in client records. The term "patient records" is being changed to "client records" and is being further defined to include documentation of all pertinent client contacts, except those relating to the sale of batteries or product accessories, and to include copies of medical evaluation waivers.

Additional minor and technical changes are made to the rules for purposes of clarity, grammar, form, style and placement in the administrative code.

TEXT OF RULE

SECTION 1. Chapter HAS 1 (title) is amended to read:

Chapter HAS 1 (title)

DEFINITIONS

LICENSURE OF HEARING INSTRUMENT SPECIALISTS

SECTION 2. HAS 1.005 is created to read:

HAS 1.005 AUTHORITY. The rules in chs. HAS 1 to 5 are adopted pursuant to ss. 15.08 (5) (b), 227.11 (2) and 459.12 (1), Stats.

SECTION 3. HAS 1.01 (1), (2a) (a), (b) and (2m) are amended to read:

HAS 1.01 (1) "Audiology ~~intern~~ student" means a student who engages in the practice of audiology as part of a supervised course of study, including internship or clinical practicum, leading to a degree in audiology at a college or university.

(2a) (a) For purposes of supervising individuals other than audiology ~~interns~~ students, being physically present at the time the trainee makes ear impressions or measurements of human hearing for the purpose of fitting or selling a hearing instrument or fits or sells a hearing instrument.

(b) For purposes of supervising audiology ~~interns~~ students, providing appropriate direct observations of the clinical services rendered at the time the ~~trainee~~ student makes ear impressions or measurements of human hearing for the purpose of fitting or ~~selling~~ selling a hearing instrument or fits or sells a hearing instrument.

(2m) "Full terms of sale" means the conditions of a sale agreed to by a hearing instrument specialist and the purchaser of a hearing ~~aid~~ instrument.

SECTION 4. HAS 1.01 (2n) is created to read:

HAS 1.01 (2n) "Hearing instrument" means a hearing aid, as defined in s. 459.01 (2), Stats.

SECTION 5. HAS 1.01 (3) is amended to read:

HAS 1.01 (3) "License" means a license issued ~~pursuant to s. 459.05 or 459.06, Stats.,~~ authorizing the holder thereof to engage in the practice of fitting and dealing in hearing instruments by the department under s. 459.05, Stats., to hearing instrument specialists.

SECTION 6. HAS 1.01 (4) is renumbered HAS 1.01 (7) and amended to read:

HAS 1.01 (7) ~~“Permit” means a permit issued pursuant to “Trainee permit” has the meaning given in s. 459.07 459.01 (7), Stats., authorizing the holder thereof to practice fitting of hearing instruments for one year, under the supervision of a licensee.~~

SECTION 7. HAS 1.01 (5m) is amended to read:

HAS 1.01 (5m) “Seller’s guarantee” means a promise made by a hearing instrument specialist to a hearing aid instrument purchaser to provide the minimum product warranty offered by a manufacturer.

SECTION 8. HAS 1.01 (5n) is created to read:

HAS 1.01 (5n) “Sufficient cause” means continued participation in a supervised course of study leading to a degree in audiology at a college or university, illness or other hardship.

SECTION 9. 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 the trainee shows sufficient cause to the board for not having completed the requirements for a permanent license. ~~Sufficient cause means continued participation in a supervised course of study leading to a degree in audiology at a college or university, illness or other hardship.~~

(4) (a) Except as provided in par. (b), only one trainee at any given time may hold a trainee permit to practice the fitting of hearing instruments under the direct supervision of a given licensee.

(b) No more than 20 audiology ~~interns~~ students at any given time may hold a trainee permit to practice the fitting of hearing instruments under the direct supervision of a given licensee. No more than a total of 3 licensees on any single day may supervise the practice of fitting of hearing instruments by an audiology ~~intern~~ student.

SECTION 10. HAS 2.02 is created to read:

HAS 2.02 ACCOMMODATIONS RELATING TO A DISABILITY. A qualified applicant with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for a trainee permit.

SECTION 11. Chapter HAS 3 is repealed and recreated to read:

HAS Chapter 3

EXAMINATIONS

HAS 3.01 EXAMINATIONS. (1) WRITTEN EXAMINATION. An applicant for a hearing instrument specialist license shall pass a written examination designed to test the applicant's knowledge in the subject areas described in s. HAS 3.02.

(2) PRACTICAL EXAMINATION. An applicant shall pass a practical examination that shall consist of 2 parts, audiometric and ear mold. The practical examination is designed to test the applicant's proficiency in the techniques and procedures described in s. HAS 3.03.

(3) CONTENT. Examinations may include objective questions, practical demonstrations, or a combination of the foregoing, in any of the subject areas in which an applicant is to be examined.

HAS 3.02 WRITTEN EXAMINATION. The written examination shall cover the following subjects:

- (1) Basic physics of sound and the anatomy and physiology of the ear.
- (2) The function of hearing instruments, including assistive listening devices.
- (3) Chapter 459, Stats.
- (4) Techniques of fitting hearing instruments.
- (5) Chapters HAS 1 to 5.

HAS 3.03 PRACTICAL EXAMINATION. (1) Subjects covered in the practical portions of the examination shall include tests of proficiency in the following techniques as they pertain to the fitting of hearing instruments:

- (a) Pure tone audiometry, including air conduction testing and bone conduction testing.
- (b) Live voice or recorded voice speech audiometry including speech reception threshold testing and most comfortable loudness measurements and measurements of tolerance thresholds.
- (c) Masking when indicated.

(d) Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaptation of a hearing instrument.

(e) Taking ear mold impressions.

(2) In addition to the topics listed under sub. (1), the board may examine an applicant as to his or her proficiency in the following procedures and use of equipment commonly employed in the fitting and selling of hearing instruments and taking of ear mold impressions:

(a) Otoloscope or equivalent illuminator for the visual observation of the entire ear canal.

(b) Pure tone discrete or sweep frequency threshold type audiometer with air and bone conduction and appropriate masking.

(c) Appropriate equipment for establishing speech reception threshold and speech discrimination scores through headphones or sound field media by recorded or live voice.

(d) Use of a master hearing instrument.

(e) Equipment designed for the evaluation and testing of hearing instrument performance.

(f) Post fitting care and problem solving.

HAS 3.04 IDENTIFYING MARKS. An applicant may not place any marks upon his or her examination papers which reveals his or her identity.

HAS 3.05 REMOVAL OF EXAMINATION. An applicant may not take any records of the examination questions from the examination room.

HAS 3.06 RULES OF CONDUCT. The board may deny release of scores or issuance of a hearing instrument specialist license if the board determines that an applicant violated the rules of conduct of the examination or otherwise acted dishonestly.

Note: The rules of conduct of an examination are provided to candidates prior to the administration of an examination.

HAS 3.07 TIME LIMITS. The board may set time limits for completion of each part of the examination.

HAS 3.08 PASSING GRADES. (1) To pass the written and practical examinations, each applicant shall receive a grade determined by the board to represent minimum competence to practice. 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.

(2) A passing grade is required on each of the 3 parts of the examination in order to successfully complete the examination. If an applicant fails to receive a passing grade on one part, he or she may retake only the part failed. If an applicant fails to receive a passing grade on more than one part, upon reapplication, he or she shall be required to retake the entire 3-part examination.

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

(a) The applicant shall file a written request for review with the board within 30 days from the date that notice of examination results have been sent to the applicant.

(b) At the arranged time at the board office, the applicant shall be provided an opportunity to review those parts of the examination failed.

(c) The applicant may not take notes and may not copy the examination in any manner.

(d) No person other than the applicant and a board representative may be present during review of an examination.

(e) The time for review shall be limited and shall not exceed one hour.

(f) An applicant may not review an examination more than once.

(2) An applicant may request that the board review the grading of one or more 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 examination may be placed in writing on the form provided. These comments shall be retained by the board and made available to the board for review.

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

(a) The applicant's name and address.

(b) The type of license applied for.

(c) A description of the perceived error, including specific questions or procedures claimed to be in error.

(d) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim and notify the applicant in writing of the board's decision and any resulting grade change.

(3) If the board's decision does not result in the applicant passing the examination, the applicant may retake the examination, as provided under s. HAS 3.08 (2).

SECTION 12. HAS 4.02 (1) and (5) are amended to read:

HAS 4.02 (1) Otosopic observation, ~~pre and post~~ pre- and post- impression.

(5) ~~Demonstrating knowledge of proper~~ Proper ear mold selection.

SECTION 13. HAS 4.03 (1) is amended to read:

HAS 4.03 (1) Pure tone audiometry must be conducted with a pure tone audiometer which conforms to the American National Standards Institute, Standard ANSI S3.6 ~~1969-1996~~ (R1996) approved June 19, 1969 January 12, 1996. Such audiometer shall be capable of generating a minimum of 9 discrete frequencies, ranging from 250 Hz through 8 KHz (250, 500, 1000, 1500, 2000, 3000, 4000, 6000, 8000 Hz). Output levels over the frequency range shall conform to standard ANSI S3.6 specified above.

SECTION 14. HAS 4.04 is amended to read:

HAS 4.04 APPROPRIATE TIME FRAME FOR HEARING TESTS PRIOR TO FITTING HEARING INSTRUMENTS. Appropriate procedures for the measurement of human hearing as ~~defined~~ described in s. HAS 4.01 ~~should~~ shall be performed ~~and/or~~ and documented within 6 months prior to the selling and fitting of a hearing instrument.

SECTION 15. HAS 5.01 is amended to read:

HAS 5.01 AUTHORITY. The rules in this chapter are adopted pursuant to the authority in ss. 15.08 (5) (b), 227.11, 459.10 ~~(1)~~ (1)(k), and 459.12 (1), Stats.

SECTION 16. HAS 5.02 (1) is repealed and recreated to read:

HAS 5.02 (1) In this section, "client records" include:

(a) The results of all tests required under ch. HAS 4.

(b) Copies of all contracts, receipts and guarantees involving the sale of hearing instruments.

(c) Documentation of all pertinent client contacts, except those relating to the sale of batteries or product accessories.

(d) Copies of all written statements waiving medical evaluations, as required under 21 CFR 801.421.

Note: Hearing instrument specialists must comply with the recordkeeping requirements adopted by the U.S. Food and Drug Administration (FDA), as set forth in 21 CFR 801.421.

SECTION 17. HAS 5.02 (2) (intro.), (c) and (d) are amended to read:

HAS 5.02 (2) (intro.) The following, without limitation because of enumeration, are violations of standards of professional conduct and constitute unprofessional conduct under s. 459.10 ~~(1)~~ (1) (k), Stats.

(c) Knowingly placing false information in a ~~patient's~~ client's records or otherwise making a ~~patient's~~ client's record false.

(d) Failing to maintain ~~patient~~ client records for a period of 5 years.

SECTION 18. HAS 5.02 (2) (dm) is created to read:

HAS 5.02 (2) (dm) Failing to record all of the following information in each client record:

1. The date of entry of pertinent information.
2. The name of the licensee.
3. Information sufficiently legible to allow interpretation by other individuals for the benefit of the client.

SECTION 19. HAS 5.02 (2) (g) 2. is amended to read:

HAS 5.02 (2) (g) 2. The date, place and method of delivery.

SECTION 20. HAS 5.02 (2) (h) is created to read:

HAS 5.02 (2) (h) Soliciting from or knowingly disclosing to any person or entity the content of an examination conducted under ch. HAS 3.

SECTION 21. HAS 6.02 (10) is created to read:

HAS 6.02 (10) "Verification of clinical competence" means written confirmation submitted directly to the board by ASHA stating that an applicant holds a certificate of clinical competence in speech-language pathology or audiology.

SECTION 22. HAS 6.03 (3) is repealed.

SECTION 23. HAS 6.04 (3) is repealed.

SECTION 24. HAS 6.04 (7) is amended to read:

HAS 6.04 (7) Evidence satisfactory to the board that the applicant has completed a postgraduate clinical fellowship in audiology approved by the board or has completed education or training that the board has determined is substantially equivalent to the completion of such a fellowship.

SECTION 25. A Note following HAS 6.05 is created to read:

Note: The board accepts the Certificates of Clinical Competence (CCC) in speech-language pathology and audiology granted by ASHA as evidence of completion of education and training that is substantially equivalent to passing the NESPA examination.

SECTION 26. HAS 6.06 (4) is amended to read:

HAS 6.06 (4) The application and required documents for a temporary license will be reviewed by 2 members of the board to determine eligibility. The board may issue a temporary license prior to regular licensure to an applicant who meets the requirements under sub. ~~(2)~~ (1).

SECTION 27. HAS 6.08 (1) (c) is repealed.

SECTION 28. HAS 6.08 (1) (d) and (e) are created to read:

HAS 6.08 (1) (d) Subject to ss. 111.321, 111.322 and 111.335, Stats., evidence satisfactory to the board that the applicant does not have a conviction record.

(e) Evidence satisfactory to the board that the applicant has completed one of the following:

1. If applying for a permit to practice speech-language pathology, evidence that the applicant has completed a supervised clinical practicum and received a master's degree in speech-language pathology from a college or university approved by the board, or has completed education or training that the board determines is substantially equivalent to the completion of those requirements.

2. If applying for a permit to practice audiology, evidence that the applicant has completed a supervised clinical practicum and received a master's degree in audiology from a college or university approved by the board, or has completed education or training that the board determines is substantially equivalent to the completion of those requirements.

SECTION 29. HAS 6.08 (2) (b) and (3) are amended to read:

HAS 6.08 (2) (b) The fee specified in s. 440.05 ~~(6) (2)~~, Stats.

(3) A license granted to an applicant applying under sub. (1) shall be valid for a period not to exceed 10 days in any calendar year. A license granted to an applicant applying under sub. (2) shall be valid for a period not to exceed 45 days in any calendar year. In determining whether to grant a license under sub. (2), the board shall determine whether the requirements for licensure in the other state or jurisdiction is are substantially equivalent to the requirements for licensure under s. HAS 6.03 or 6.04.

SECTION 30. HAS 6.085 is created to read:

HAS 6.085 ACCOMMODATIONS RELATING TO A DISABILITY. A qualified applicant with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for a credential.

SECTION 31. HAS 6.09 (1) (b) is repealed and recreated to read:

HAS 6.09 (1) (b) Engaged in conduct in the practice of speech-language pathology or audiology which evidences a lack of knowledge or ability to apply professional principles or skills.

SECTION 32. HAS 6.09 (1) (g) is amended to read:

HAS 6.09 (1) (g) Violated ss. 459.20 to 459.34, Stats., or this chapter, ~~or ch. HAS-6~~.

SECTION 33. HAS 6.09 (2) (k) is amended to read:

HAS 6.09 (2) (k) Failing to evaluate the effectiveness of services rendered and or products dispensed.

SECTION 34. A Note following HAS 6.09 (2) (p) is created to read:

Note: Speech-language pathologists and audiologists are also required to maintain patient health care records in accordance with ss. 146.81 to 146.84, Stats.

SECTION 35. HAS 7.03 (1) (intro.), (2) (intro.) and (b) are amended to read:

HAS 7.03 (1) (intro.) In order to renew a hearing instrument specialist license ~~granted under ss. 459.05 and 459.06, Stats.,~~ on or before the renewal date, the licensee shall submit the following:

(2) (intro.) In order to renew a speech-language pathologist or an audiologist license ~~granted under ss. 459.24 and 459.28, Stats.,~~ on or before the renewal date, the licensee shall submit the following:

(b) The renewal fee specified in s. 440.08 (2) (a) 15. ~~and or~~ 68v., Stats., as appropriate.

SECTION 36. HAS 7.05 (1) (intro.), (b) (intro.), 1., (2) (intro.), (b) (intro.) and 1. are amended to read:

HAS 7.05 (1) (intro.) A licensee hearing instrument specialist who fails to renew a his or her license ~~granted under ss. 459.05 and 459.06, Stats.,~~ by the renewal date may ~~restore~~ renew the license by satisfying the following requirements-:

(b) (intro.) If applying 5 years or more after the renewal date, satisfying the requirements in par. (a), and submitting proof of all of the following:

1. Successful completion of educational coursework required by the board to ensure protection of the public health, safety and welfare; ~~and.~~

(2) (intro.) A licensee speech-language pathologist or audiologist who fails to renew a his or her license ~~granted under ss. 459.24 and 459.28, Stats.,~~ by the renewal date may ~~restore~~ renew the license by satisfying the following requirements-:

(b) (intro.) If applying 5 years or more after the renewal date, satisfying the requirements in par. (a), and submitting proof of all of the following:

1. Successful completion of educational coursework required by the board to ensure protection of the public health, safety and welfare; ~~and.~~

(END OF TEXT OF RULE)

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.

Dated 6-8-98

Agency James O'Connell
Chairperson
Hearing and Speech Examining Board

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5/26/98

