

Report From Agency

**STATE OF WISCONSIN
HEARING AND SPEECH EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
HEARING AND SPEECH : CR 12-050
EXAMINING BOARD :
:**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

None

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

2009 Wisconsin Act 356 created a definition for deceptive practices. The new definition includes a list of specified types of representation or materials which are considered deceptive advertising if they are misleading, false or untruthful. The Act also amended deceptive practices as a basis for professional discipline by eliminating the words false and misleading which are now included in the new definition for deceptive practices.

The proposed rule advances relevant statutory goals or purposes by amending the current rule to be consistent with the statutory changes.

V. SUMMARY OF PUBLIC COMMENTS AND THE SECTION'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Hearing and Speech Examining Board held a public hearing on January 7, 2013. No one testified at the hearing, or submitted written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All of the recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

This rule creates a change in a definition to match the statutory definition created by 2009 Wisconsin Act 356. It does not have an effect on small business and was not submitted to the Small Business Regulatory Review Board.