

Report From Agency

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

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
HEARING AND SPEECH : CR 15-096
EXAMINING BOARD :**

I. THE PROPOSED RULE:

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

II. REFERENCE TO APPLICABLE FORMS: N/A

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:

The purpose of the rule is to reflect the changes due to 2009 Act 356 relating to the requirements for licensure of audiologists and removal of the requirement to provide certification of calibrations of audiometric equipment in order to renew a license.

In addition, the objective is to streamline, clarify and update chapters HAS 6 and 7, including removal of outdated practices and procedures.

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

The Board held a public hearing on January 11, 2016. No one testified at the hearing, or submitted written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 1a: Section HAS 6.08 (1) (a) requires an applicant to provide evidence that he or she does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, Stats. This requirement is added because, under s. 459.32 (1), Stats., an applicant for a limited permit must satisfy s. 459.24 (2) (c) and (d) or (3) (c) and (d), Stats. Section 459.24 (2) (c) and (3) (c), Stats., requires an applicant to submit evidence that he or she does not have a conviction record. The board should review, and explain if appropriate, its authority to require evidence that the applicant does not have an arrest

record, as such evidence is not required by statute. A similar comment also applies in s. HAS 6.10 (1) (a) 2. and (2) (a) 2.

Response: Pursuant to s. 4539.34 (2) (h), the Board may deny a license for engaging in unprofessional conduct as defined by rule by the examining board. The Board defines as unprofessional conduct violating any federal or state, statute, rule or regulation that relates to the practice of speech-language pathology or audiology as appropriate [s. HAS 6.18 (2) (x)]. Therefore the board requires evidence related to arrest or conviction records.

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

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

This rule does not affect small business.