

CR 91-195

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CERTIFICATE

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STATE OF WISCONSIN

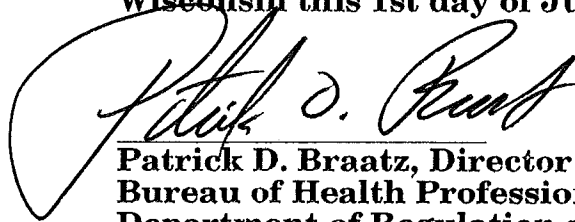
DEPARTMENT OF REGULATION AND LICENSING

TO ALL TO 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 1st day of June, 1992.

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 board at 1400 East Washington Avenue, Madison, Wisconsin this 1st day of June, 1992.



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

8-1-92

JUN 2 1992

STATE OF WISCONSIN  
HEARING AND SPEECH EXAMINING BOARDRevisor of Statutes  
Bureau

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IN THE MATTER OF RULE-MAKING : ORDER OF THE  
PROCEEDINGS BEFORE THE : HEARING AND SPEECH EXAMINING BOARD  
HEARING AND SPEECH EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 91-195)

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ORDER

An order of the Hearing and Speech Examining Board to amend Has 1.01 (intro.), (1) to (5), Has 2.01 (1), (2) and (4), Has 3.07 (2) and (4), Has 3.08, Has 3.09 (4) and (5), Has 4.01 (2) and (4), Has 4.02 (2), Has 4.03, Has 4.04 (title) and 4.04, and Has 5.02 (1), (2) (d) and (e); and to create Has 4.02 (5) and Has 5.02 (2) (f) of the administrative code relating to definitions and hearing instruments.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 227.11 (2) and 459.44, Stats.

Statutes interpreted: ss. 459.01, 459.10 and 459.34, Stats.

In this order the Hearing and Speech Examining Board is amending chapters Has 1 to 5 as a result of 1989 Wisconsin Act 316 which changed the name of the Hearing Aid Dealers and Fitters Examining Board to the Hearing and Speech Examining Board. The amendments in this proposed rule-making order deal with changing "hearing aid dealer and fitter" to "hearing instrument specialist" and "hearing aid" to "hearing instrument."

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TEXT OF RULE

SECTION 1. Has 1.01 (intro.) and (1) to (5) are amended to read:

Has 1.01 DEFINITIONS. (intro.) As used in ~~these rules~~ chapters 1 to 6, unless the context otherwise requires:

(1) "Board" means the hearing ~~aid-dealers-and-fitters~~ and speech examining board.

(2) "Department" means the ~~state-of-Wisconsin~~ department of regulation and licensing.

(3) "License" means a license issued pursuant to ~~s.~~ ss. 456.05 or 459.06, Stats., authorizing the holder thereof to engage in the practice of fitting and dealing in hearing ~~aid~~ instruments.

(4) "Permit" means a permit issued pursuant to s. 459.07, Stats., authorizing the holder thereof to practice fitting of hearing ~~aid~~ instruments for one year, under the supervision of a licensee.

(5) "Practice" means the practice of fitting and dealing in hearing ~~aid~~ instruments, as defined in s. 459.01 (5), Stats.

SECTION 2. Has 2.01 (1), (2) and (4) are amended to read:

Has 2.01 TRAINEES. (1) An applicant for a trainee permit must make application on the form provided by the department ~~of regulation and licensing~~. This form must be completed in full, and a check or cash in the amount of the fee specified under s. 440.05 (6), Stats., must accompany this application.

(2) A trainee permit issued by the board entitles the trainee to practice fitting hearing ~~aids~~ instruments, make ear impressions and make measurements of human hearing, for the purpose of fitting hearing ~~aids~~ instruments, for a period of one year and only while under the direct supervision of a ~~dealer or fitter~~ hearing instrument specialist who holds a license issued under ch. 459, Stats. The licensee is responsible for the trainee's negligent acts and omissions in the fitting of hearing ~~aids~~ instruments. In order to exercise direct supervision, the sponsoring licensee must be physically present when the trainee makes ear impressions or measurements of human hearing, for the purpose of fitting or selling a hearing ~~aids~~ instrument, or fits or sells a hearing ~~aids~~ instrument.

(4) Only one trainee at a time may hold a trainee permit to practice fitting of hearing ~~aids~~ instruments under the supervision of a given licensee.

SECTION 3. Has 3.07 (2) and (4), 3.08, and 3.09 (4) and (5) are amended to read:

Has 3.07 (2) The function of hearing ~~aids~~ instruments.

(4) Techniques of fitting hearing ~~aids~~ instruments.

Has 3.08 USE OF EQUIPMENT; EXAMINATION. The board may examine an applicant as to his proficiency in the procedures and use of equipment commonly employed in the fitting and selling of hearing ~~aids~~ instruments and taking of ear mold impressions.

Has 3.09 (4) Use of a master hearing ~~aids~~ instrument.

(5) Equipment designed for the evaluation and testing of hearing ~~aids~~ instrument performance.

SECTION 4. Has 4.01 (2) and (4) are amended to read:

Has 4.01 (2) Speech audiometry by live voice, or recorded voice, including speech reception threshold, speech discrimination testing, and most comfortable loudness measurements and ~~measurements of tolerance thresholds~~ loudness discomfort levels.

(4) Recording and interpretation of audiograms and speech audiometry to determine proper selection and adaptation of a hearing ~~aids~~ instruments.

SECTION 5. Has 4.02 (2) is amended to read:

Has 4.02 (2) Proper cotton block or foam placement.

SECTION 6. Has 4.02 (5) is created to read:

Has 4.02 (5) Demonstrating knowledge of proper ear mold selection.

SECTION 7. Has 4.03, 4.04 (title) and 4.04 are amended to read:

Has 4.03 EQUIPMENT USED TO MEASURE HUMAN HEARING. Pure tone audiometry must be conducted with a pure tone audiometer which conforms to American National Standards Institute, Standard ANSI S3.6 1969 (R1973) approved June 19, 1969. A copy of such standard may be obtained by writing to: American National Institute, 1430 Broadway, New York, NY 10018. Copies are on file at the offices of the department ~~of regulation and licensing~~, the secretary of the state and the revisor of statutes. 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. A masking source shall be either available within, or capable of being attached to, the audiometer. The masking source must have white noise or narrow band capability.

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

SECTION 8. Has 5.02 (1), (2) (d) and (e) are amended to read:

Has 5.02 UNPROFESSIONAL CONDUCT. (1) In this section, "patient records" includes the results of all tests given pursuant to s. 459.10 (16), Stats., and copies of all contracts, receipts and guarantees involving the sale of hearing ~~aids~~ instruments.

(2) (d) ~~Failing to maintain patient records for a period of 5 years. In the case of the death of a patient, records shall be maintained a minimum of 6 months after the death, except in the event a licensee is notified of an investigation of a complaint, in which case records shall be retained for 5 years from the date of delivery of a hearing aid.~~

(e) Practicing in a ~~manner~~ manner which substantially departs from the standard of care ordinarily exercised by a hearing ~~aid dealer and fitter~~ instrument specialist.

SECTION 9. Has 5.02 (2) (f) is created to read:

Has 5.02 (2) (f) Failing to maintain proper calibration and record of audiometer, as specified in s. 459.085, Stats.

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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Dated 6-1-92 JUN 2 1992  
Revisor of Statutes  
Bureau

Agency

Meredy Hase  
Chairperson  
Hearing and Speech Examining Board

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: June 2, 1992

TO: Gary Poulson  
Assistant Revisor of Statutes

FROM: Pamela Haack, Administrative Assistant  
Department of Regulation and Licensing

SUBJECT: Final Rulemaking Order

**RECEIVED**

**JUN 2 1992**

**Revisor of Statutes  
Bureau**

**Agency: HEARING AND SPEECH EXAMINING BOARD**

**Clearinghouse Rule: 91-195**

Attached is a copy and a certified copy of a final order adopting rules.

Would you please publish these rules in the code.

Thank you.