

**Clearinghouse Rule 16-080**

STATE OF WISCONSIN  
HEARING AND SPEECH EXAMINING BOARD

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

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PROPOSED ORDER

An order of the Hearing and Speech Examining Board to amend HAS 3.04, 3.05, 3.07, 3.08 (1), 3.09 (1) (intro), HAS 3.09 (2) and (3) and HAS 3.10 (1); to repeal and recreate HAS 3.08 (2); to create HAS 3.08 (1m) relating to hearing instrument specialists examinations.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 459.06 (1), Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 459.12 (1), Stats.

**Explanation of agency authority:**

§ 15.08 (5) (b) Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

§ 459.12 (1) The examining board may make rules not inconsistent with the laws of this state which are necessary to carry out the intent of this chapter.

**Related statute or rule:** N/A

**Plain language analysis:**

Clearinghouse Rule 15-097 designated an exam developed by the International Hearing Society for the test of knowledge. This proposed rule will modify provisions which are impacted as a result of the Clearinghouse Rule 15-097 modification.

Section 1 amends provisions relating to identifying marks on the exam, removal of the examination and time limits to apply only to the practical exam as this is the only exam the board administers.

Section 2 removes the written exam from the provision due to the board no longer developing the written examination and therefore will not be determining the passing score.

Section 3 creates a provision that the board will determine the passing grade on the written exam and may accept the test provider's recommended passing grade. The International Hearing Society is the test provider and there is a standard recommended passing grade.

Section 4 is repealed and recreated to indicate that a passing grade is required on the written and each part of the practical examination. The rule is being changed to require the applicant to only take the examination or part of the examination that is failed and not retake everything if one or more is failed.

Sections 5, 6 and 7 modify provisions to clarify the review and claims of error procedures apply only to the practical exam which is the exam developed and administered by the board.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Illinois utilizes practical and written examinations from the International Institute for hearing Instrument Studies, International Hearing Society or an examination approved, developed or sanctioned by the Department of Public Health. A score on each exam or section of an exam shall be 70 percent. A failed examination may be retaken. Results of a practical examination may be appealed to the Hearing Instrument Consumer Protection Board.

**Iowa:** Iowa utilizes the national standardized licensing examination and the passing score is established by the International Hearing Society. The examination may not be taken more than three times.

**Michigan:** Michigan requires a written examination to test knowledge with a practical demonstration. The rules do not address conduct in the examination, passing grades, or review and claim of error procedures.

**Minnesota:** Minnesota requires a written examination and practical demonstration. The rules do not address conduct in the examination, passing grades, or review and claim of error procedures.

**Summary of factual data and analytical methodologies:**

The Board reviewed and modified the rules to address changes necessitated by designating a national written examination.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

This rule was posted for economic comments and none were received.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at DSPSAdminRules@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on January 9, 2017 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. HAS 3.04, 3.05 and 3.07 are amended to read:

**HAS 3.04 Identifying marks.** An applicant may not place any marks upon his or her practical examination papers which reveals his or her identity.

**HAS 3.05 Removal of examination.** An applicant may not take any records of the practical examination questions from the examination room.

**HAS 3.07 Time limits.** The board may set time limits for completion of each part of the practical examination.

SECTION 2. HAS 3.08 (1) is amended to read:

**HAS 3.08 (1)** To pass each part of the written and practical examinations—examination, 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.

SECTION 3. HAS 3.08 (1m) is created to read:

**HAS 3.08 (1m)** To pass the written examination, each applicant shall receive a grade determined by the board to represent minimum competence to practice. The board may accept the test provider's recommended passing grade.

SECTION 4. HAS 3.08 (2) is repealed and recreated to read:

**HAS 3.08 (2)** A passing grade is required on the written examination and each part of the practical examination. An applicant who fails, may retake only the examination or if the practical examination the part of the examination which he or she failed.

SECTION 5. HAS 3.09 (1) (intro) is amended to read:

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

SECTION 6. HAS 3.09 (2) and (3) are amended to read:

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

SECTION 7. HAS 3.10 (1) is amended to read:

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

SECTION 8. EFFECTIVE DATE. 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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(END OF TEXT OF RULE)

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