

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

<b>1. Type of Estimate and Analysis</b> <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	<b>2. Date</b> 12/09/24								
<b>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</b> HAS 1 and 4 to 6									
<b>4. Subject</b> Hearing Aids									
<b>5. Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>6. Chapter 20, Stats. Appropriations Affected</b> s. 20.165 (1) (g)								
<b>7. Fiscal Effect of Implementing the Rule</b> <table style="width: 100%;"><tr><td><input type="checkbox"/> No Fiscal Effect</td><td><input type="checkbox"/> Increase Existing Revenues</td><td><input checked="" type="checkbox"/> Increase Costs</td><td><input type="checkbox"/> Decrease Costs</td></tr><tr><td><input type="checkbox"/> Indeterminate</td><td><input type="checkbox"/> Decrease Existing Revenues</td><td colspan="2"><input type="checkbox"/> Could Absorb Within Agency's Budget</td></tr></table>		<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Decrease Costs	<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget	
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<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget							
<b>8. The Rule Will Impact the Following (Check All That Apply)</b> <table style="width: 100%;"><tr><td><input type="checkbox"/> State's Economy</td><td><input type="checkbox"/> Specific Businesses/Sectors</td></tr><tr><td><input type="checkbox"/> Local Government Units</td><td><input type="checkbox"/> Public Utility Rate Payers</td></tr><tr><td colspan="2"><input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</td></tr></table>		<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors	<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers	<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)			
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<b>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).</b> \$0									
<b>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
<b>11. Policy Problem Addressed by the Rule</b> The objective of the rule is to implement 2023 Wisconsin Act 82 by updating Wisconsin Administrative Code Chapters HAS 1, 5, and 6. These changes include: <ul style="list-style-type: none"><li>• Updating the definition of "direct supervision" in HAS 1.01 (2a).</li><li>• Updating the definition of "practice" in HAS 1.01 (5).</li><li>• Adding a Note to HAS 5.02 (2) (g) regarding receipts for over the counter hearing aids.</li><li>• Updates to HAS 5.02 (3) regarding the ordering, fitting, and dealing of hearing aids.</li><li>• Updating the definition of "practice" in HAS 6.02 (6a).</li></ul>									
<b>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.</b> The rule was posted on the Department's website for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.									
<b>13. Identify the Local Governmental Units that Participated in the Development of this EIA.</b> None.									
<b>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)</b> DSPS estimates a total of \$4,755.00 in one-time costs for implementing this rule. The one-time staff costs support 0.1 limited term employee to undertake tasks such as updating forms, training staff, attending training, rule drafting and legal review.									
<b>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</b> The benefits of implementing this rule are that the Hearing and Speech Examining Board's section of the Administrative Code will be aligned with Wisconsin State Statutes.									
<b>16. Long Range Implications of Implementing the Rule</b>									

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The Long range implications of this rule are consistent and safe practice regarding hearing aids in Wisconsin.

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#### 17. Compare With Approaches Being Used by Federal Government

Listed in the Federal, Food, Drug, and Cosmetic Act Subchapter V Part A under Section 360j (q) are regulations for over-the-counter hearing aids. According to these regulations, over-the-counter hearing aids are those devices used by those with hearing impairment that are available without the supervision of or prescription from a licensed individual.

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#### 18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: In the Illinois Compiled Statutes Chapter 225, the Hearing Instrument Consumer Protection Act outlines the requirements for licensure, continuing education, renewal, and discipline of Hearing Instrument Dispensers or Professionals. The practice of a Hearing Instrument Dispenser in Illinois includes the selling, practice of testing, fitting, selecting, recommending, adapting, dispensing, or servicing hearing aids [225 Illinois Compiled Statutes 50].

Iowa: Chapter 154A of the Iowa Code outlines the requirements for the licensure of Hearing Aid Specialists. Hearing Aid Specialists may perform hearing aid fitting which includes the sale of hearing aids and making earmold impressions as part of the fitting process [Iowa Code Chapter 154A]. Chapters 121 through 124 further elaborate on the requirements for the practice of Hearing Aid Specialists including licensure, supervision, continuing education, and dispensing of hearing aids [645 Iowa Administrative Code Chapter 123].

Michigan: The Michigan Compiled Laws, Chapter 339, Act 299 includes requirements for licensure and regulation of Hearing Aid Dealers and Salespersons, as well as the Board of hearing aid dealers. In Michigan, licensed Hearing Aid Dealers perform the practice of selling or fitting a hearing aid, which includes audiometric testing and making ear mold impressions [Michigan Compiled Laws 333.1301 to 1309].

Minnesota: The Minnesota Statutes chapter 148 includes requirements for audiology, as well as the practice of hearing aid dispensing. The practice of hearing aid dispensing includes making ear mold impressions, prescribing a hearing aid, testing human hearing and helping a customer select a prescription hearing aid. In Minnesota, prescription hearing aids may be dispensed by Audiologists or Certified Hearing Dispensers. Hearing aid dispensing does not include the sale of over-the counter hearing aids in Minnesota [Michigan Compiled Laws 333.1301 to 1309].

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#### 19. Contact Name

Nilajah Hardin, Administrative Rules Coordinator

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#### 20. Contact Phone Number

608-267-7139

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements  
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting  
☐ Consolidation or Simplification of Reporting Requirements  
☐ Establishment of performance standards in lieu of Design or Operational Standards  
☐ Exemption of Small Businesses from some or all requirements  
☐ Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes    ☐ No

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