

STATE OF WISCONSIN
HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : HEARING AND SPEECH EXAMINING
HEARING AND SPEECH : BOARD ADOPTING RULES
EXAMINING BOARD : (CLEARINGHOUSE RULE 11- 017)

ORDER

An order of the Hearing and Speech Examining Board to repeal HAS 8.03 (1)(Note) and to amend HAS 8.03 (1), (3) and (6) and 8.04 (6).

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes interpreted:

Sections 459.095 and 459.24 (5m), Stats.

Statutory authority:

Sections 15.08 (5) (b), 227.11 (2), 459.095, 459.12 (1) and 459.24 (5m), Stats.

Explanation of agency authority:

The Hearing and Speech Examining Board has the authority under ss. 459.095, 459.12 (1) and 459.24 (5m), Stats., to promulgate rules relating to continuing education.

Related statute or rule:

There are no other statutes or rules other than those listed.

Plain language analysis:

Section 1 of the proposed rule amends to require at least 2 hours of ethics as part of the required 20 hours of continuing education.

Section 2 of the proposed rule repeals the note following HAS 8.03(1) which states that a list of approved programs may be obtained from the Board.

Section 3 of the proposed rule amends the statement certifying that he or she has completed the continuing education programs to include at least 2 of the hours in ethics.

It creates an exemption so a licensee is not required to take or report continuing education prior to or at the time of the first renewal of the license.

Section 4 of the proposed rule amends to allow other acceptable continuing education activities including employer in-service training, other professional organizations' programs, college or university course work and courses offered by any provider authorized by the International Association for Continuing Education and Training. Prior approval is not required for activities related to professional development or practice completed during the renewal period.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

Illinois includes ethics as an approved content area, but no hour requirement is imposed.
<http://www.ilga.gov/commission/jcrar/admincode/077/07703000sections.html>

Iowa:

There is no provision for ethics or best practices in the statutes or rules.
<http://www.idph.state.ia.us/licensure/continuingeducation.asp?board=had>

Michigan:

Michigan has no requirements for continuing education.

Minnesota:

There is no provision for ethics or best practices in the statutes or rules.
<http://www.health.state.mn.us/divs/hpsc/hop/hid/certregs.html>

Summary of factual data and analytical methodologies:

No study resulting in the collection of factual data, other than a review of surrounding states, was used relating to this rule. The primary methodology for revising the rule is based on the Board's collective experience and determination that a change is necessary.

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

Section 227.137, Stats., requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an “agency” in this section.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department estimates that the proposed rule will have no significant fiscal impact.

Effect on small business:

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at John.Murray@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 116, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at sharon.henes@wisconsin.gov.

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

Comments may be submitted to Sharon Henes, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 116, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email to sharon.henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on April 25, 2011 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. HAS 8.03 (1) is amended to read:

HAS 8.03 Continuing education. (1) Except as provided in sub. (6), hearing instrument specialists, audiologists and speech-language pathologists shall complete at least 20 hours of board approved continuing education programs or courses of study which pertain to the practice of fitting and dealing in hearing instruments, audiology or speech-language pathology, as appropriate, in each biennial period. Of the 20 required hours, at least 2 hours shall relate to ethics.

SECTION 2. The Note following HAS 8.03 (1) is repealed.

SECTION 3. HAS 8.03 (3) and (6) are amended to read:

HAS 8.03 (3) To obtain credit for completion of continuing education hours, a licensee shall, at the time of each renewal, sign a statement certifying that he or she has completed, within the 2 years immediately preceding the date of his or her application, 20 hours of continuing education programs or courses of study approved by the board, including at least 2 hours of ethics credits.

(6) A new licensee is not required to report continuing education hours until the second renewal date following the initial grant of his or her license. A new licensee is not required to take or report continuing education prior to or at the time of the first renewal of the license after initial licensure. A licensee is required to take continuing education during the second 2 year period following licensure and report full compliance with the continuing education requirements at the time of the second renewal following licensure and every subsequent biennium.

SECTION 4. HAS 8.04 (6) is amended to read:

HAS 8.04 (6) Subject to compliance with the requirements set forth in subs. (2) to (5), the board may accept attendance at and completion of one or more continuing education programs or courses of study approved by the ~~American academy of audiology, American speech language hearing association, Wisconsin department of public instruction, international hearing society or the national board for certification in hearing instrument sciences~~ American Academy of Audiology, American Speech-Language-Hearing Association, Wisconsin Department of Public Instruction, International Hearing Society or the National Board for Certification in Hearing Instrument Sciences as fulfilling the continuing education hours required under this chapter. Other acceptable continuing education activities include employer-sponsored in-service training programs, other professional organizations' continuing education programs, college or university course work from an institution that holds regional accreditation or its equivalent, and courses offered by any provider authorized by the International Association for Continuing Education and Training. Prior approval is not required for activities related to professional development or practice, which are completed during the biennial renewal period, and for which the licensee has obtained acceptable documentation of attendance and completion.

(END OF TEXT OF RULE)

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.

Dated _____ Agency _____

Member
Hearing and Speech Examining Board