

STATEMENT OF SCOPE

HEARING AND SPEECH EXAMINING BOARD

Rule No.: HAS 1, 4, 5, and 9

Relating to: Cerumen Management

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective of this rule is to implement the statutory changes from 2023 Wisconsin Act 82, which enables Hearing Instrument Specialists to perform cerumen management under certain circumstances.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Wisconsin Administrative Code chapters HAS 1, 4, and 5, currently outline requirements for licensure of hearing, measurement of human hearing and unprofessional conduct for Hearing Instrument Specialists. In order to implement 2023 Wisconsin Act 82, a new chapter, HAS 9, will potentially be needed, in addition to updates to the requirements in HAS 1, 4, and 5. The alternative to the proposed rule is that the statute will determine the practice of cerumen management by Hearing Instrument Specialists, and there will be no detailed guidance in the Administrative Code.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats.: "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."

Section 459.12 (1), Stats.: "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."

Section 459.115 (4), Stats as quoted in 2023 Wisconsin Act 82: "The examining board shall promulgate rules necessary to administer this section, including rules for all of the following:

- (a) Defining the scope of cerumen management.
- (b) Establishing contraindications for which a person licensed under this subchapter shall refer a patient to an otolaryngologist or a physician for cerumen management.
- (c) Establishing proper infection control practices."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours

6. List with description of all entities that may be affected by the proposed rule:

Hearing Instrument Specialists credentialed in Wisconsin.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

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