



Tony Evers, Governor
Dawn Crim, Secretary

VIRTUAL/TELECONFERENCE
HEARING AND SPEECH EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
April 11, 2022

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

1:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. **Adoption of Agenda (1-3)**
- B. **Approval of Minutes of January 10, 2021 (4-10)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introduction, Announcements, and Recognition
- E. **Administrative Matters**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Broeckert, Robert R. – 7/1/2024
 - b. Harris, Michael S. – 7/1/2023
 - c. Kanter, Catherine D. – 7/1/2024
 - d. Klapperich, Steven J. – 7/1/2019
 - e. Krier, Thomas J. – 7/1/2021
 - f. Meyer, Jason J. – 7/1/2025
 - g. Pazak, Kathleen A. – 7/1/2023
 - h. Pirrello, Mary – 7/1/2024
 - i. Seligman, David H. – 7/1/2023
 - j. Willemon, Justen J. – 7/1/2025
- F. Legislative and Policy Matters – Discussion and Consideration
- G. **Administrative Rule Matters – Discussion and Consideration**
 - 1) HAS 5 and 6, Relating to Telehealth **(11-21)**
 - 2) Pending or Possible Rulemaking Projects **(22)**
- H. **Education and Examination Matters – Discussion and Consideration**
 - 1) Discussion of Examination and Meeting Schedules **(23)**

I. **Board Chair Meeting and Options to Address Department Resources – Discussion and Consideration**

J. **COVID-19 – Discussion and Consideration**

K. Discussion and Consideration of Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

L. **Public Comments**

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.)

M. Deliberation of Items Added After Preparation of the Agenda:

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders

- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- O. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate
- P. Open Session Items Noticed Above Not Completed in the Initial Open Session
- Q. License Ratification – Discussion and Consideration

ADJOURNMENT

NEXT MEETING: JULY 11, 2022

**VIRTUAL/TELECONFERENCE
HEARING AND SPEECH EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
April 11, 2022**

**HEARING AND SPEECH EXAMINING BOARD
2021 WISCONSIN PUBLIC RECORDS LAW FACILITATED TRAINING
1:15 P.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING**

A quorum of the Hearing and Speech Examining Board may be present; however, no board business will be conducted.

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
HEARING AND SPEECH EXAMINING BOARD
MEETING MINUTES
JANUARY 10, 2022**

PRESENT: Robert Broeckert, Michael Harris (*arrived at 1:43 p.m.*), Steven Klapperich, Thomas Krier (*arrived at 1:23 p.m.*), Jason Meyer, Kathleen Pazak, David Seligman, Justen Willemon

EXCUSED: Catherine Kanter, Mary Pirrello

STAFF: Tom Ryan, Executive Director; Jon Derenne, Legal Counsel; Dana Denny, Administrative Rule Coordinator; Katlin Schwartz, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department Staff

CALL TO ORDER

Robert Broeckert, Chairperson, called the meeting to order at 1:00 p.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

MOTION: Steven Klapperich moved, seconded by Robert Broeckert, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 4, 2021

MOTION: Kathleen Pazak moved, seconded by Justen Willemon, to approve the Minutes of October 4, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Robert Broeckert nominated himself for the Office of Chairperson.

Tom Ryan, Executive Director, called for nominations three (3) times.

Robert Broeckert was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: David Seligman nominated himself for the Office of Vice Chairperson.

Tom Ryan, Executive Director, called for nominations three (3) times.

David Seligman was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Robert Broeckert nominated Kathleen Pazak for the Office of Secretary. Kathleen Pazak accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Kathleen Pazak was elected as Secretary by unanimous voice vote.

Election of Officers

ELECTION RESULTS	
Chairperson	Robert Broeckert
Vice Chairperson	David Seligman
Secretary	Kathleen Pazak

Appointment of Liaison and Alternates

Thomas Krier arrived at 1:23 p.m. during appointment of the "Examination Liaison(s)"

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Robert Broeckert (AUD), Thomas Krier (HIS), Kathleen Pazak (SLP) <i>Alternate:</i> Jason Meyer (AUD), Justen Willemon (HIS), Catherine Kanter (SLP)
Examination Liaison(s)	Robert Broeckert, Justen Willemon, Kathleen Pazak <i>Alternate:</i> Jason Meyer
Continuing Education (CE) Liaison(s)	Robert Broeckert, Thomas Krier, Kathleen Pazak <i>Alternate:</i> Catherine Kanter
Monitoring Liaison(s)	Robert Broeckert, David Seligman

	<i>Alternate:</i> Thomas Krier
Professional Assistance Procedure (PAP)	Robert Broeckert, David Seligman <i>Alternate:</i> Justen Willemon
Legislative Liaison(s)	Catherine Kanter, Robert Broeckert <i>Alternate:</i> Justen Willemon
Travel Authorization Liaison(s)	Robert Broeckert, Kathleen Pazak <i>Alternate:</i> David Seligman
Website Liaison(s)	Robert Broeckert, Thomas Krier, Kathleen Pazak <i>Alternate:</i> Jason Meyer
Practice Questions Liaison(s)	Catherine Kanter, Robert Broeckert <i>Alternate:</i> Kathleen Pazak
Screening Panel	Team A: Michael Harris, Thomas Krier, David Seligman Team B: Robert Broeckert, Kathleen Pazak, David Seligman <i>Alternates:</i> Justen Willemon, Jason Meyer

Delegation of Authorities

Document Signature Delegations

MOTION: Robert Broeckert moved, seconded by David Seligman, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

Michael Harris arrived at 1:43 p.m.

MOTION: Justen Willemon moved, seconded by Kathleen Pazak, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: David Seligman moved, seconded by Thomas Krier, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: David Seligman moved, seconded by Thomas Krier, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Kathleen Pazak moved, seconded by Justen Willemon, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the January 10, 2022 agenda materials on pages 15-16. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Robert Broeckert moved, seconded by Jason Meyer, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (General)

MOTION: Thomas Krier moved, seconded by Michael Harris, to delegate authority to the Credentialing Liaison with the relevant subject matter expertise in a given matter to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Robert Broeckert moved, seconded by David Seligman, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Kathleen Pazak moved, seconded by Robert Broeckert, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Robert Broeckert moved, seconded by Justen Willemon, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of audiology and/or speech-language pathology. Motion carried unanimously.

Delegation of Authority for Reciprocity/Endorsement Reviews – Hearing Instrument Specialists Review

MOTION: Steven Klapperich moved, seconded by Thomas Krier, to delegate authority to the Department Attorneys to review and approve reciprocity/endorsement applications in which the out-of-state license requirements for a hearing instrument specialist are equivalent to or higher than the Board's requirements, and such state or jurisdiction has a program equivalent to or stricter than the Board's requirements for determining whether applicants in this state are qualified to fit and sell hearing aids. Motion carried unanimously.

Delegation of Authority for Reciprocity/Endorsement Reviews – Speech Language Pathologist and Audiologist Review

MOTION: Robert Broeckert moved, seconded by Kathleen Pazak, to delegate authority to the Department Attorneys to review and approve reciprocity/endorsement applications in which the out-of-state license requirements for a speech-language pathologist or audiologist are substantially equivalent to the Board's requirements. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: David Seligman moved, seconded by Jason Meyer, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Voluntary Surrenders

MOTION: Thomas Krier moved, seconded by Michael Harris, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Continuing Education and/or Examination Liaison(s) Delegation

MOTION: Robert Broeckert moved, seconded by Kathleen Pazak, to delegate authority to the Continuing Education and/or Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: David Seligman moved, seconded by Justen Willemon, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Jason Meyer moved, seconded by David Seligman, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison(s) Delegation

MOTION: Robert Broeckert moved, seconded by Kathleen Pazak, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison(s) Delegation

MOTION: Thomas Krier moved, seconded by David Seligman, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Website Liaison Delegation

MOTION: Kathleen Pazak moved, seconded by Jason Meyer, to delegate authority to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

Practice Question Liaison Delegation

MOTION: David Seligman moved, seconded by Justen Willemon, to delegate authority to the Practice Question Liaison(s) to assist the department with answering practice questions if requested. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Order HAS 1 and 2, Relating to Direct Supervision of Hearing Instrument Specialist Temporary Trainees

MOTION: Thomas Krier moved, seconded by Justen Willemon, to approve the Adoption Order for Clearinghouse Rule 21-025, relating to Supervision of Hearing Instrument Specialist Temporary Trainees. Motion carried unanimously.

Review Preliminary Rule Draft – HAS 4 and 6, Relating to Audiometric Testing and Reciprocal Licensure

MOTION: Kathleen Pazak moved, seconded by David Seligman, to approve the preliminary rule draft of HAS 4 and 6, relating to Audiometric Testing and Reciprocal Licensure, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

LICENSE RATIFICATION

MOTION: Steven Klapperich moved, seconded by Thomas Krier, to ratify the scores from the January 10, 2022 examinations and to grant the licenses once requirements are met. Motion carried unanimously.

ADJOURNMENT

MOTION: Robert Broeckert moved, seconded by David Seligman, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:40 p.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny, Administrative Rules Coordinator		2) Date when request submitted: March 30, 2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Hearing and Speech Examining Board			
4) Meeting Date: April 11, 2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. HAS 5 and 6 – relating to Telehealth 2. Pending or Possible Rulemaking Projects.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: HAS 5 and 6 relating to Telehealth Review Board’s Current Rule Projects Attachments: <ul style="list-style-type: none"> • HAS 5 and 6 Scope Statement • Wisconsin Administrative Code Chapters HAS 5 and 6 • 2021 Wisconsin Act 121 • Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

Hearing and Speech Examining Board

Rule No.: HAS 5 and 6

Relating to: Telehealth

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 the rule is to provide greater clarity for hearing instrument specialists, speech-language pathologists, audiologists, and temporary licensees regarding the practice of telehealth.

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:

The current rules do not include provisions related to telehealth. The proposed rule will include a definition of telehealth; specify hearing instrument specialists, speech-language pathologists, audiologists, and temporary licensees are to hold a Wisconsin license in order to treat patients located in Wisconsin; and hold licensees to the same standards of conduct regardless of whether the services are provided in person or by telehealth.

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

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. [s. 15.08 (5) (b), 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. [s. 459.12(1), Stats.]

The examining board may reprimand a licensee or permittee or deny, limit, suspend or revoke a license or permit under this subchapter if it finds that the applicant, licensee or permittee has been engaged in unprofessional conduct as defined by rule by the examining board. [s. 459.34 (2)(h), Stats.]

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

60 hours

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

Hearing instrument specialists, speech-language pathologists, audiologists, and temporary licensees practicing telehealth and their patients.

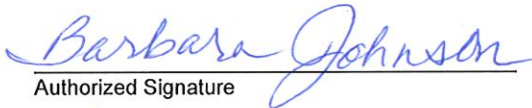
7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

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

This rule is not likely to have a significant economic impact on small businesses.

Contact Person: Kassandra Walbrun, Administrative Rules Coordinator, Wisconsin Department of Safety and Professional Services, office phone: (608) 261-4463.


Authorized Signature


Date Submitted

Chapter HAS 5

HEARING INSTRUMENT SPECIALISTS UNPROFESSIONAL CONDUCT

HAS 5.01 Authority.

HAS 5.02 Unprofessional conduct.

Note: Chapter Had 5 was renumbered Chapter HAS 5 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1992, No. 436.

HAS 5.01 Authority. The rules in this chapter are adopted pursuant to the authority in ss. 15.08 (5) (b), 227.11, 459.10 (1) (k), and 459.12 (1), Stats.

History: Cr. Register, May, 1988, No. 389, eff. 6-1-88; am. Register, July, 1998, No. 511, eff. 8-1-98.

HAS 5.02 Unprofessional conduct. (1) In this section, “client records” include:

- (a) The results of all tests required under ch. HAS 4.
- (b) Copies of all contracts, receipts and guarantees involving the sale of hearing instruments.
- (c) Documentation of all pertinent client contacts, except those relating to the sale of batteries or product accessories.
- (d) Copies of all written statements waiving medical evaluations, as required under 21 CFR 801.421.

Note: Hearing instrument specialists must comply with the recordkeeping requirements adopted by the U.S. Food and Drug Administration (FDA), as set forth in 21 CFR 801.421.

(2) The following, without limitation because of enumeration, are violations of standards of professional conduct and constitute unprofessional conduct under s. 459.10 (1) (k), Stats.:

- (a) After a request by the board, failing to cooperate in a timely manner with the board’s investigation of complaints filed against the applicant or licensee. There is a rebuttable presumption that a licensee or applicant who takes longer than 30 days to respond to a request of the board has not acted in a timely manner under this subsection.
- (b) Knowingly providing false information to the board.
- (c) Knowingly placing false information in a client’s records or making a client’s record false.
- (d) Failing to maintain client records for a period of 5 years.

(dm) Failing to record all of the following information in each client record:

1. The date of entry of pertinent information.
 2. The name of the licensee.
 3. Information sufficiently legible to allow interpretation by other individuals for the benefit of the client.
- (e) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a hearing instrument specialist.
- (f) Failing to maintain proper calibration of audiometric equipment, as specified in s. HAS 4.03 (3).
- (fm) Failing to maintain adequate records of certification of calibrations of audiometric equipment for a period of 5 years or failing to provide access to those records when requested by the board or its representative.
- (g) Failing to clearly state the full terms of sale on a receipt, as required in s. 459.03, Stats., and failing to comply with those terms. The full terms of sale shall include all of the following:
1. The amount and method of payment.
 2. The date and place of delivery.
 3. The terms of any guarantee.
 4. The nature and duration of the trial period and extension, if any.
 5. The refund policy and amount, if any.
 6. The product return and exchange policy, if any.
 7. The product repair policy, if any.
- (h) Soliciting from or knowingly disclosing to any person or entity the content of an examination conducted under ch. HAS 3.
- History:** Cr. Register, May, 1988, No. 389, eff. 6-1-88; am. (1), (2) (d) and (e), cr. (2) (f), Register, July, 1992, No. eff. 8-1-92; cr. (2) (g), Register, January, 1995, No. 469, eff. 2-1-95; am. (1) (f), cr. (1) (fm), Register, July, 1997, No. 499, eff. 8-1-97; r. and recr. (1), am. (2) (intro.), (c), (d), (g) 2., cr. (2) (dm) and (h), Register, July, 1998, No. 511, eff. 8-1-98; CR 05-026: am. (2) (g) and 2. Register September 2005 No. 597, eff. 10-1-05.

Chapter HAS 6

LICENSURE OF SPEECH–LANGUAGE PATHOLOGISTS, AUDIOLGISTS AND TEMPORARY LICENSEES

Subchapter I — Speech–Language Pathologists and Audiologists

HAS 6.01	Authority and purpose.
HAS 6.02	Definitions.
HAS 6.03	Applications for licensure; speech–language pathologist.
HAS 6.04	Applications for licensure; audiologist.
HAS 6.07	Reciprocal license.
HAS 6.08	Limited permit.
HAS 6.085	Accommodations relating to a disability.

Subchapter II — Temporary Licensees

HAS 6.09	Definitions.
HAS 6.10	Temporary licenses.

HAS 6.12	Use of titles.
HAS 6.13	Discipline.

Subchapter III — Unlicensed Individuals

HAS 6.14	Definitions.
HAS 6.15	Direct supervision.
HAS 6.16	Prohibited practice and use of titles.
HAS 6.17	Discipline.

Subchapter IV — Discipline

HAS 6.175	Definitions.
HAS 6.18	Grounds for discipline.

Note: Chapter HAS 6 as it existed on May 31, 1993, was repealed and a new chapter HAS 6 was created effective June 1, 1993.

eff. 10–1–05; CR 15–096: r. (1m), (5), am. (6), (9) Register August 2016 No. 728, eff. 9–1–16.

Subchapter I — Speech–Language Pathologists and Audiologists

HAS 6.01 Authority and purpose. The rules in this chapter are adopted by the hearing and speech examining board under the authority of ss. 227.11 (2) and 459.24 to 459.34, Stats., to govern the licensure of speech–language pathologists, audiologists and temporary licensees.

History: Cr. Register, May, 1993, No. 449, eff. 6–1–93; CR 01–043: am. Register October 2001 No. 550, eff. 11–1–01.

HAS 6.02 Definitions. In this chapter and in ch. 459, Stats.:

- (1) “ASHA” means the American speech–language hearing association.
- (2) “Audiologist” has the meaning given in s. 459.20 (1), Stats.
- (3) “Audiology” has the meaning given in s. 459.20 (2), Stats.
- (4) “Board” means the hearing and speech examining board.
- (4t) “Hearing aid” has the meaning given in s. 459.20 (3g), Stats.
- (6) “Postgraduate clinical fellowship” means a program approved by the board consisting of a minimum of 9 months of supervised clinical practice in speech–language pathology provided in the work setting to which an applicant is seeking licensure.
- (6a) “Practice of fitting and dealing in hearing aids” has the meaning given in s. 459.20 (3p), Stats.
- (7) “Speech–language pathologist” has the meaning given in s. 459.20 (4), Stats.
- (8) “Speech–language pathology” has the meaning given in s. 459.20 (5), Stats.
- (9) “Supervised clinical practicum” means a program required by a college or university for completion of a master’s degree in speech–language pathology or a doctoral degree in audiology.
- (10) “Verification of clinical competence” means written confirmation submitted directly to the board by ASHA stating that an applicant holds a certificate of clinical competence in speech–language pathology or audiology.

History: Cr. Register, May, 1993, No. 449, eff. 6–1–93; cr. (4m), Register, August, 1995, No. 476, eff. 9–1–95; cr. (4r), Register, July, 1997, No. 499, eff. 8–1–97; cr. (10), Register, July, 1998, No. 511, eff. 8–1–98; am. (intro.), (2) and (3), cr. (4o), (4t), (6a), (6b) and (8a), Register, February, 1999, No. 518, eff. 3–1–99; CR 01–043: cr. (1m), r. (4o), (4r) and (8a), am. (7) to (9), Register October 2001 No. 550, eff. 11–1–01; CR 03–025: cr. (4g) and (5g) Register January 2004 No. 577, eff. 2–1–04; CR 05–026: am. (1m), r. (4g), (4m), (5g) and (6b) Register September 2005 No. 597,

HAS 6.03 Applications for licensure; speech–language pathologist. Every applicant for licensure as a speech–language pathologist shall submit:

- (1) An application on a form provided by the board.
Note: Applications are available on the website at dps.wi.gov or by calling (608) 266–2112.
 - (2) The fee specified in s. 440.05 (1), Stats.
 - (4) Subject to ss. 111.321, 111.322, and 111.335, Stats., evidence satisfactory to the board that the applicant does not have a conviction record.
 - (5) Evidence satisfactory to the board that the applicant has satisfied one of the following:
 - (a) Completed a supervised clinical practicum and received a master’s degree in speech–language pathology from a college or university approved by the board.
 - (b) Completed education or training that the board determines is substantially equivalent to the requirements under par. (a).
 - (6) Verification the applicant has satisfied one of the following:
 - (a) Passed the Praxis Speech–Language Pathologist examination.
 - (b) Completed education or training that the board determines is substantially equivalent to passing the NESPA examination that may include verification that the applicant has been granted a certificate of clinical competence in speech–language pathology by ASHA.
 - (7) Evidence satisfactory to the board that the applicant has satisfied one of the following:
 - (a) Completed a postgraduate clinical fellowship in speech–language pathology approved by the board.
 - (b) Completed education or training that the board determines is substantially equivalent to the completion of a postgraduate clinical fellowship in speech–language pathology.
- History:** Cr. Register, May, 1993, No. 449, eff. 6–1–93; emerg. am. (6), eff. 12–6–93; am. (6), Register, April, 1994, No. 460, eff. 5–1–94, r. (3), Register, July, 1998, No. 511, eff. 8–1–98; CR 01–043: am. (5), r. and recr. (6), Register October 2001 No. 550, eff. 11–1–01; CR 05–026: renum. (7) to be (7) (intro.), cr. (7) (a) and (b) Register September 2005 No. 597, eff. 10–1–05; CR 15–096: am. (6) (intro.), (a) Register August 2016 No. 728, eff. 9–1–16.

HAS 6.04 Applications for licensure; audiologist. Every applicant for licensure as an audiologist shall submit:

- (1) An application on a form provided by the board.
Note: Applications are available on the website at dps.wi.gov or by calling (608) 266–2112.
- (2) The fee specified in s. 440.05 (1), Stats.

(4) Subject to ss. 111.321, 111.322 and 111.335, Stats., evidence satisfactory to the board that the applicant does not have a conviction record.

(5) Evidence satisfactory to the board that the applicant has completed a supervised clinical practicum and satisfied one of the following:

(a) Possesses a doctoral degree in audiology from a college or university in an accredited academic program. The doctoral degree program shall consist of not less than 3 years of educational course work and not less than 12 months of clinical rotation or externship.

(b) Evidence satisfactory to the examining board that the applicant has completed education or training that the board determines is substantially equivalent to the requirement under par. (a).

(6) Verification the applicant has satisfied one of the following:

(a) Passed the Praxis Audiology examination.

(b) Completed education or training that the board determines is substantially equivalent to passing the Praxis Audiology examination. A certificate of clinical competence in audiology granted by ASHA is considered equivalent.

(8) Evidence satisfactory to the board that the applicant has passed the practical examination required under s. 459.26 (2) (b), Stats., or has completed education or training that the board determines is substantially equivalent to the completion of the examination.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93; r. (3), am. (7), Register, July, 1998, No. 511, eff. 8-1-98; cr. (8), Register, February, 1999, No. 518, eff. 3-1-99; CR 01-043: am. (5) and (8), r. and recr. (6) and (7), Register October 2001 No. 550, eff. 11-1-01; CR 15-096: am. (5), (6) (intro.), (a), consol. (6) (b) (intro.) and 1. and renum. (6) (b) and am., r. (6) (b) 2., (7) Register August 2016 No. 728, eff. 9-1-16.

HAS 6.07 Reciprocal license. (1) SPEECH-LANGUAGE PATHOLOGY. The board shall grant a license to practice speech-language pathology to an applicant who pays the fee required by s. 440.05 (2), Stats., and provides evidence of all the following:

(a) The applicant has a current license to practice speech-language pathology in good standing in another state or territory of the United States.

(b) The requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24 (2), Stats.

(2) **AUDIOLOGY.** The board shall grant a license to practice audiology to an applicant who pays the fee required by s. 440.05 (2), Stats., and provides evidence of one of the following:

(a) The applicant has a current license to practice audiology in good standing in another state or territory of the United States and the requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24 (3), Stats.

(b) The applicant has a current license to practice audiology in good standing in another state or territory of the United States and provides evidence of all the following:

1. The requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24 (3) (c), (e), and (em), Stats.

2. The applicant has completed a supervised clinical practicum and received a master's degree in audiology from a college or university approved by the examining board or has completed education or training that the examining board determines is substantially equivalent to the completion of those requirements.

(3) **RECIPROCAL AGREEMENTS.** A license to practice speech-language pathology or audiology may be granted to applicants according to the terms of a reciprocal agreement the board has entered into with another state or territory.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93; CR 01-043: am. (1) (intro) and (c), Register October 2001 No. 550, eff. 11-1-01; CR 15-096: r. and recr.

Register August 2016 No. 728, eff. 9-1-16; correction in (1) (intro.), (2) (intro.) made under s. 35.17, Stats., Register August 2016 No. 728, eff. 9-1-16.

HAS 6.08 Limited permit. (1) A non-resident applicant for a limited permit to practice in association with a licensed speech-language pathologist or licensed audiologist for a period not to exceed 10 days in any calendar year shall submit the application, pay the fee specified in s. 440.05 (6), Stats., and provide evidence of all of the following:

(a) The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, Stats.

(b) Completion of one of the following:

1. The requirements in s. HAS 6.03 (5) for the practice of speech-language pathology.

2. The requirements in s. HAS 6.04 (5) for the practice of audiology.

(2) A non-resident applicant for a limited permit to practice speech-language pathology or audiology, who holds a current speech-language pathologist or audiologist license in another state or territory of the United States which has requirements determined by the board to be substantially equivalent to the requirements under s. 459.24 (2) or (3), Stats., shall submit the application, pay the fee specified in s. 440.05 (6), Stats., and provide evidence the applicant holds a current license in good standing. The limited permit shall be valid for a period not to exceed 45 days in any calendar year.

History: Cr. Register, May, 1993, No. 449, eff. 6-1-93; am. (1) (b) and (2) (b), Register, January, 1994, No. 457, eff. 2-1-94; r. (1) (c), cr. (1) (d) and (e), am. (2) (b) and (3), Register, July, 1998, No. 511, eff. 8-1-98; am. (2) (b), Register, February, 1999, No. 518, eff. 3-1-99; CR 01-043: r. and recr. (1) (e) 2., am. (2) (b), (c) and (3), Register October 2001 No. 550, eff. 11-1-01; CR 15-096: r. and recr. Register August 2016 No. 728, eff. 9-1-16; correction in (1) (intro.), (2) made under s. 35.17, Stats., Register August 2016 No. 728.

HAS 6.085 Accommodations relating to a disability. A qualified applicant with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for a credential.

History: Cr. Register, July, 1998, No. 511, eff. 8-1-98.

Subchapter II — Temporary Licensees

HAS 6.09 Definitions. In this subchapter and in ch. 459, Stats.:

(1) "Hardship" means serious illness or some other personal adversity, as determined by the board.

(1m) "Sufficient cause" means illness or other hardship.

(2) "Supervision" means any of the following:

(a) A face-to-face meeting, at least monthly, between the supervisor and the temporary licensee and other on-going communications by mail, telephone, pager, e-mail or other electronic means.

(b) On-site, in-view observation and guidance by the supervisor while an assigned activity is performed by the temporary licensee.

History: CR 01-043: Cr. Register October 2001 No. 550, eff. 11-1-01; CR 05-026: renum. (1) to be (1m), cr. (1) Register September 2005 No. 597, eff. 10-1-05; CR 15-096: r. (3) Register August 2016 No. 728, eff. 9-1-16.

HAS 6.10 Temporary licenses. (1) SPEECH-LANGUAGE PATHOLOGY. (a) Before commencing a postgraduate clinical fellowship in speech-language pathology an applicant shall obtain a temporary license to practice under the supervision of a licensed speech-language pathologist by submitting all the following:

1. An application and fee specified in s. 440.05 (6), Stats.

2. Evidence the applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, Stats.

3. Evidence the applicant has completed one of the following:

a. A supervised clinical practicum and received a master's degree in speech–language pathology from a college or university approved by the board.

b. Education or training that the board determines is substantially equivalent to the completion of the supervised clinical practicum and master's degree in speech–language pathology.

4. Evidence of the applicant is registered to take the next available Praxis Speech–Language Pathology examination or has passed the Praxis Speech–Language Pathology examination or has completed education or training that the board determines is substantially equivalent to passing the examination.

(b) A temporary license to practice speech–language pathology is valid for 18 months. A temporary license may be renewed once by the board.

(c) Notwithstanding par. (b), a temporary license to practice speech–language pathology shall terminate in 90 days if an applicant fails to take the next available examination for reasons other than inaction by the examining board or hardship.

(d) A person holding a temporary license to practice speech–language pathology shall be supervised face–to–face, at least monthly, by a licensed speech–language pathologist. The person holding the temporary license shall have the supervisor, once a month, provide written approval in the client files of the clinical services provided.

(2) AUDIOLOGY. (a) A temporary license to practice audiology may be granted by submitting of all of the following:

1. An application and fee specified in s. 440.05 (6), Stats.

2. Evidence the applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, Stats.

3. Evidence the applicant has completed a supervised clinical practicum and one of the following:

a. Possesses a doctoral degree in audiology from an accredited academic institution approved by the board. The doctoral degree program shall consist of not less than 3 years of educational course work and not less than 12 months of clinical rotation or externship.

b. Education or training that the board determines is substantially equivalent to the completion of the requirement under subd. 3. a.

4. Evidence the applicant has passed the Praxis Audiologist examination.

(b) A temporary license to practice audiology is valid for 6 months. A temporary license may be renewed once by the board, for a time period to allow the applicant time to take the next available examination and receive the results of the examination, if one of the following occurs:

1. The applicant fails the practical exam required under s. 459.26 (2) (b), Stats., and applies to take the next available examination.

2. The applicant shows to the satisfaction of the examining board sufficient cause for the renewal.

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01; CR 05–026: am. (1) (intro.) and (2), renum. (3) to be (6), cr. (3) to (5) Register September 2005 No. 597, eff. 10–1–05; CR 15–096: r. and recr. Register August 2016 No. 728, eff. 9–1–16.

HAS 6.12 Use of titles. An individual who holds a temporary license under s. 459.24 (6), Stats., may use the title “audiology intern,” “speech–language pathology intern,” “clinical fellow in audiology,” or “clinical fellow in speech–language pathology.”

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01.

HAS 6.13 Discipline. Temporary licensees and speech–language pathologists and audiologists who supervise temporary licensees may be subject to discipline under s. HAS 6.18.

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01.

Subchapter III — Unlicensed Individuals

HAS 6.14 Definitions. In this chapter and in ch. 459, Stats.:

(1) (a) “Assist in the practice of speech–language pathology” means providing speech–language pathology services, while under direct supervision, that include any of the following:

1. Assisting the speech–language pathologists with speech–language screenings.

2. While in the presence of the speech–language pathologist, providing assistance during client evaluations.

3. Helping with informal documentation such as taking a written language sample; organizing test materials; preparing treatment materials; developing communication boards and performing assigned clerical duties.

4. Scheduling activities, preparing charts, records, graphs or displaying data related to client performance.

5. Performing calibration and regular maintenance of equipment.

6. Participating in research projects, in–service training and public relations programs.

7. While in the presence of the speech–language pathologist, providing assistance during a treatment session conducted by the speech–language pathologist that may include any of the following:

a. Structured speech–language drills; oral motor exercises; practice and reinforcement of established speech–language skills and applications to communication activities of daily living.

b. Informal documentation of the client's response to treatment.

8. Providing treatment to clients selected by the speech–language pathologist by adhering to the treatment plans established by the speech–language pathologist who is available on site for consultation, as needed.

(b) “Assist in the practice of speech–language pathology” does not include any of the following:

1. Performing formal or informal speech–language pathology evaluations.

2. Interpreting screening or test results.

3. Participating in client conferences or interdisciplinary team meetings or communicating with a client's family or other individuals outside of the presence of the supervising speech–language pathologist unless authorized by the speech–language pathologist.

4. Writing evaluation consultation reports.

5. Counseling or consulting with the client, the client's family or other individuals regarding the client's status or service.

6. Writing, developing or modifying a client's individualized treatment plan.

7. Deviating from the treatment plan.

8. Working with clients without direct supervision by the speech–language pathologist.

9. Signing formal client documents such as evaluations or progress notes.

10. Selecting clients for service or discharging clients from service.

11. Disclosing confidential client information to anyone other than the supervising speech–language pathologist unless authorized by the supervising speech–language pathologist.

12. Referring a client to another health care provider.

13. Representing himself or herself as a speech–language pathologist.

14. Using a checklist to tabulate results of feeding or swallowing evaluations.

15. Demonstrating swallowing strategies or precautions to a client, the family of a client or staff.

(2) (a) “Assist in the practice of audiology” means providing audiology services that include any of the following:

1. Conducting hearing screenings including pure tone thresholds.

2. Servicing hearing instruments including applying lubrication, making tube changes on ear molds, cleaning and repairing cases or ear mold surfaces, checking battery status and returning hearing instruments to clients after servicing.

3. Preparing informal documentation of clients’ responses to treatment or service.

4. Performing biological checks, calibrations and regular maintenance of equipment.

5. Preparing charts and records, scheduling activities and performing assigned clerical duties.

(b) “Assist in the practice of audiology” does not mean any of the following:

1. Performing diagnostic audiological evaluations.

2. Interpreting screening or test results.

3. Writing evaluation consultation reports.

4. Providing counseling to the client or the client’s family.

5. Signing formal client documents including evaluations and progress notes.

6. Disclosing confidential client information unless authorized by the supervising audiologist.

7. Referring a client to another health care provider.

(3) “Direct supervision of unlicensed individuals” means:

(a) For purposes of monitoring unlicensed individuals who assist in the practice of speech–language pathology, providing direct observation and supervision of the clinical services provided by the individual to clients at least 50% of client contact time during the first 90 days of employment and no less than 10% thereafter. Direct supervision shall be scheduled and documented. Documentation of direct supervision shall include all of the following:

1. Identifying specific roles and tasks for the individual.

2. Ensuring that the tasks performed by the individual do not require the exercise of professional judgment or entail interpretation of results or the development or modification of treatment plans.

3. Providing appropriate training that is competency–based and specific to job performance.

4. Maintaining a record of direct supervision provided by the speech–language pathologist over the unlicensed individual who assists in the practice of speech–language pathology.

(b) For purposes of monitoring unlicensed individuals who assist in the practice of audiology, providing comprehensive, periodic and documented supervision that includes:

1. Identifying specific roles and tasks for the individual.

2. Ensuring that the tasks performed by the individual do not require the exercise of professional judgment or entail interpretation of results or the development or modification of treatment plans.

3. Providing appropriate training that is competency–based and specific to job performance.

(4) “Full–time equivalent individual” means an unlicensed individual who, alone or in conjunction with other unlicensed individuals, assists in the practice of speech–language pathology or audiology for a combined total of 40 hours per week.

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01; CR 03–025: am. (1) (a) 1. and 2., (b) 5. and 7., (2) (a) 2., (3) (a) (intro.), and 4., renum. (1) (a) 2. a. to d. and 3. (intro.) to be (1) (a) 3., 4., 5., 6. and 7., renum. and am. (1) (a) 4. to be (1) (a) 8., cr. (1) (b) 13., 14. and 15. Register January 2004 No. 577, eff. 2–1–04.

HAS 6.15 Direct supervision. (1) An unlicensed individual may assist in the practice of speech–language pathology or audiology only under the direct supervision of a speech–language pathologist or audiologist, as appropriate.

(2) For purposes of supervising unlicensed individuals who assist in the practice of speech–language pathology or audiology:

(a) A speech–language pathologist may supervise up to 2 full–time equivalent individuals at any given time.

(b) Except as provided in par. (c), an audiologist may supervise up to 5 full–time equivalent individuals at any given time.

(c) In industrial settings, an audiologist may supervise up to 10 full–time equivalent individuals at any given time.

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01.

HAS 6.16 Prohibited practice and use of titles. No person may engage in the practice of speech–language pathology or use the title “speech–language pathologist” or any similar title or engage in the practice of audiology or use the title “audiologist”, “clinical audiologist” or any similar title, unless the person holds a current speech–language pathologist or audiologist license, as appropriate, granted by the board.

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01.

HAS 6.17 Discipline. A speech–language pathologist or audiologist who supervises an unlicensed individual may be subject to discipline under s. HAS 6.18.

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01.

Subchapter IV — Discipline

HAS 6.175 Definitions. In this subchapter and in subchapter II of ch. 459, Stats.:

(1) “Cerumen management” means the removal of cerumen from the external auditory canal by the utilization of methods and techniques performed in accordance with minimum standards and procedures established in the audiological profession.

(1m) “Deceptive advertising” means creating, using, or promoting the use of any advertising material, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, false, or untruthful.

(2) “Full terms of sale” means the conditions of a sale agreed to by an audiologist and the purchaser of a hearing instrument.

(3) “Personal guarantee” means a promise made by an audiologist to a hearing instrument purchaser to provide the minimum product warranty offered by a manufacturer.

(4) “Sell” or “sale” has the meaning given in s. 459.20 (3t), Stats.

(5) “Unprofessional conduct” means the violation of any standard of professional behavior, which through experience, state statute or administrative rule has become established in the practice of speech–language pathology or audiology.

History: CR 05–026: cr. Register September 2005 No. 597, eff. 10–1–05; CR 12–050: cr. (1m) Register August 2013 No. 692, eff. 9–1–13.

HAS 6.18 Grounds for discipline. (1) The board may reprimand a speech–language pathologist, audiologist, temporary licensee or a permittee, or deny, limit, suspend or revoke a license or permit, if it finds that the applicant, licensee or permittee has done any of the following:

(a) Made a material misstatement in an application for a license or permit or for renewal of a license.

(b) Engaged in conduct in the practice of speech–language pathology or audiology which evidences a lack of knowledge or ability to apply professional principles or skills.

(c) Subject to ss. 111.321, 111.322 and 111.335, Stats., been convicted of an offense the circumstances of which substantially relate to the practice of speech–language pathology or audiology.

(d) Engaged in deceptive advertising.

(e) Advertised, practiced, or attempted to practice under another individual's name.

(f) Subject to ss. 111.321, 111.322 and 111.34, Stats., practiced speech–language pathology or audiology while the person's ability to practice was impaired by alcohol or other drugs.

(g) Violated ch. 459, Stats., subchapter II, or any rule promulgated by the board under that subchapter.

(h) Engaged in unprofessional conduct.

(2) In this subchapter and in s. 459.34 (2) (h), Stats., the following, without limitation because of enumeration, are violations of standards of professional behavior that constitute unprofessional conduct:

(a) Subject to ss. 111.321, 111.322 and 111.34, Stats., practicing or attempting to practice speech–language pathology or audiology while the person's ability to practice is impaired by a mental or emotional disorder.

(b) Using the title “speech–language pathologist,” “audiologist” or any similar title unless the individual holds a current speech–language pathologist or audiologist license granted under s. 459.24 (2) or (3), Stats.

(c) Violating the conditions or limitations placed upon a license or permit by the board.

(d) Engaging in conduct likely to deceive, defraud, or harm an individual or the public in the course of the practice of speech–language pathology or audiology.

(e) Having a license, certificate, permit or registration issued by another jurisdiction to practice as a speech–language pathologist or audiologist limited, suspended or revoked.

(f) Aiding or abetting an unlicensed person, knowingly conspiring with an unlicensed person, or allowing one's license to be used by an unlicensed person to evade the use of a title prohibited under s. 459.24 (1) or (1m), Stats.

(g) Engaging in sexual intimacies in connection with the practice of speech–language pathology or audiology.

(h) Failing to fully inform persons served of the nature and possible adverse effects of services rendered and products dispensed.

(i) Failing to evaluate the effectiveness of services rendered or products dispensed.

(j) Providing services or dispensing products when benefits cannot reasonably be expected.

(k) Guaranteeing the results of any treatment or procedure, directly or by implication, except that a reasonable statement of prognosis may be made.

(L) Evaluating or treating speech, language, or hearing disorders except in a professional relationship.

(m) Treating solely by correspondence.

(n) Failing to maintain adequate records of professional services rendered and products dispensed for a period of 5 years.

Note: Speech–language pathologists and audiologists are also required to maintain patient health care records in accordance with ss. 146.81 to 146.84, Stats.

(o) Failing to provide access to records of professional services rendered and products dispensed when requested by the board or its representative in connection with an investigation of a complaint filed against the applicant, licensee or permittee.

(p) Failing to record all of the following information in each client record:

1. The name of the licensee.
2. The date of entry of pertinent information.
3. Information sufficiently legible to allow interpretation by other individuals for the benefit of the client.

(q) Misrepresenting diagnostic information, services rendered, or products dispensed or engaging in any scheme to defraud in connection with obtaining reimbursement.

(r) Using persons in research or as the subject of a teaching demonstration without obtaining their informed consent.

(s) Failing to practice speech–language pathology or audiology within the scope of the licensee's competence, education, training and experience.

(t) Delegating the provision of clinical services to an unlicensed individual for whom the licensee does not provide direct supervision.

(u) Delegating the provision of clinical services to a temporary licensee for whom the licensee does not provide supervision.

(v) Knowingly permitting any professional staff or unlicensed individual to provide clinical services that exceed that person's competence, education, training and experience.

(w) Failing to assign credit to persons who have contributed to clinical services, a publication, presentation or product in proportion to their contribution.

(x) Violating any federal or state statute, rule or regulation that relates to the practice of speech–language pathology or audiology, as appropriate.

(3) In addition to the bases for unprofessional conduct set forth under sub. (2), the board may reprimand an audiologist, or deny, limit, suspend or revoke a license or permit, if it finds that the applicant, licensee or permittee has engaged in the following unprofessional conduct:

(a) Violated any federal or state statute, rule or regulation that relates to the practice of fitting and dealing in hearing aids.

(b) Failed to conduct a direct observation of the ear canal of a person for whom a hearing aid is purchased.

(c) Sold a hearing aid for use by a person who was not given tests by a hearing instrument specialist or an audiologist licensed under ch. 459, Stats., or in another state using appropriate procedures and instrumentation or without proper measurement of the functional intensity and range of the person's hearing.

(d) Failed to calibrate audiometric equipment at least once every 12 months.

(e) Failed to maintain adequate records of certification of calibrations of audiometric equipment for a period of 5 years or failed to provide access to those records when requested by the board or its representative.

(f) Failed to clearly state the full terms of sale on a receipt, as required in s. 459.24 (3m), Stats., or failed to comply with those terms. The full terms of sale shall include all of the following:

1. The amount and method of payment.
2. The date and place of delivery.
3. The terms of any personal guarantee.
4. The nature and duration of the trial period and extension, if any.
5. The refund policy and amount, if any.
6. The product return and exchange policy, if any.
7. The product repair policy, if any.

(g) Failed to perform cerumen management in a competent manner.

History: CR 01–043: cr. Register October 2001 No. 550, eff. 11–1–01; CR 03–025: cr. (1) (h), (2) (d), (e) and (f) Register January 2004 No. 577, eff. 2–1–04; CR 05–026: renum. (2) and (3) to be (3) and (2) and am. Register September 2005 No. 597, eff. 10–1–05; CR 112–050: am. (1) (d) Register August 2013 No. 692, eff. 9–1–13.

State of Wisconsin



2021 Senate Bill 309

Date of enactment: **February 4, 2022**
Date of publication*: **February 5, 2022**

2021 WISCONSIN ACT 121

AN ACT *to renumber and amend* 250.15 (1); and *to create* 250.15 (1) (b), 250.15 (2) (d), 440.01 (1) (ab), (bm), (dg) and (hm) and 440.17 of the statutes; **relating to:** funding for free and charitable clinics and defining telehealth.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 250.15 (1) of the statutes is renumbered 250.15 (1) (intro.) and amended to read:

250.15 (1) ~~DEFINITION DEFINITIONS.~~ (intro.) In this section, "community:

(a) "Community health center" means a health care entity that provides primary health care, health education and social services to low-income individuals.

SECTION 2. 250.15 (1) (b) of the statutes is created to read:

250.15 (1) (b) "Free and charitable clinics" means health care organizations that use a volunteer and staff model to provide health services to uninsured, underinsured, underserved, economically and socially disadvantaged, and vulnerable populations and that meet all of the following criteria:

1. The organizations are nonprofit and tax exempt under section 501 (c) (3) of the Internal Revenue Code or are a part of a larger nonprofit, tax-exempt organization.

2. The organizations are located in this state or serve residents in this state.

3. The organizations restrict eligibility to receive services to individuals who are uninsured, underinsured, or have limited or no access to primary, specialty, or prescription care.

4. The organizations provide one or more of the following services:

a. Medical care.

b. Mental health care.

c. Dental care.

d. Prescription medications.

5. The organizations use volunteer health care professionals, nonclinical volunteers, and partnerships with other health care providers to provide the services under subd. 4.

6. The organizations are not federally qualified health centers as defined in 42 USC 1396d (1) (2) and do not receive reimbursement from the federal centers for medicare and medicaid services under a federally qualified health center payment methodology.

SECTION 3. 250.15 (2) (d) of the statutes is created to read:

250.15 (2) (d) To free and charitable clinics, \$1,500,000.

SECTION 4. 440.01 (1) (ab), (bm), (dg) and (hm) of the statutes are created to read:

440.01 (1) (ab) "Asynchronous telehealth service" means telehealth that is used to transmit medical data about a patient to a health care provider when the transmission is not a 2-way, real-time interactive communication.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(bm) “Interactive telehealth” means telehealth delivered using multimedia communication technology that permits 2–way, real–time, interactive communications between a health care provider at a distant site and the patient or the patient’s health care provider.

(dg) “Remote patient monitoring” means telehealth in which a patient’s medical data is transmitted to a health care provider for monitoring and response if necessary.

(hm) “Telehealth” means a practice of health care delivery, diagnosis, consultation, treatment, or transfer of medically relevant data by means of audio, video, or data communications that are used either during a patient visit

or a consultation or are used to transfer medically relevant data about a patient. “Telehealth” includes asynchronous telehealth services, interactive telehealth, and remote patient monitoring.

SECTION 5. 440.17 of the statutes is created to read:

440.17 Telehealth. If the department, an examining board, or an affiliated credentialing board promulgates rules related to telehealth, the department, the examining board, or the affiliated credentialing board shall define “telehealth” to have the meaning given in s. 440.01 (1) (hm).

**Hearing and Speech Examining Board
Rule Projects (updated 3/30/22)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
21-025	109-20	2/17/2023	HAS 1 and 2	Supervision of hearing instrument specialist temporary trainees		Rule effective April 1, 2022
21-005	079-21	03/31/2024	HAS 4 and 6	Unprofessional Conduct	Adoption Order presented at 4/7/22 meeting	Rulemaking authority and signature
Not Yet Assigned	108-20	02/17/2023	HAS 5 and 6	Telehealth	Scope Published on 09/20/21	Project must examine parameters of telehealth guidelines under statute.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kristin Carlton, Office of Education and Examinations		2) Date when request submitted: 03/31/22 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Hearing and Speech Examining Board			
4) Meeting Date: 04/11/22	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Discussion of Examination and Meeting schedules	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: <Click Here to Add Case Advisor Name or N/A>
10) Describe the issue and action that should be addressed: Brief discussion to consider moving time of Hearing Speech Board meeting to better accommodate exam day or to move exam day to a non-board meeting day. Either Joan Gage or Kristin Carlton will attend, dependent on exam timeframe.			
11) Authorization			
Kristin Carlton		03/31/22	
Signature of person making this request		Date	
Joan Gage		03/31/22	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			