



**Tony Evers, Governor**  
**Dawn Crim, Secretary**

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**VIRTUAL/TELECONFERENCE**  
**HEARING AND SPEECH EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**July 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 April 11, 2021 (4-5)**
- 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. **1:00 P.M. Public Hearing: Clearinghouse Rule CR 22-050 (HAS 4 and 6), Relating to Audiometric Testing and Reciprocal Licensure (6-20)**
  - 1) Review and Respond to Preliminary Public Hearing Comments and Respond to Clearinghouse Report
- G. Legislative and Policy Matters – Discussion and Consideration
- H. **Administrative Rule Matters – Discussion and Consideration**

- 1) Suggested Telepractice Language for Speech Pathology-Audiology (**21-30**)
- 2) Rule Project Chart (**31**)
- 3) Pending or Possible Rulemaking Projects

I. Education and Examination Matters – Discussion and Consideration

J. **Quarterly Board Chair Connection Meeting Report and Department Resources– Discussion and Consideration**

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

L. 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

M. **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.)**

N. **Deliberation on Division of Legal Services and Compliance Matters**

- 1) **Administrative Warnings**
  - a. 21 HAD 002 – M.F.P. (**32-33**)

O. 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

P. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

Q. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

R. Open Session Items Noticed Above Not Completed in the Initial Open Session

S. License Ratification – Discussion and Consideration

**ADJOURNMENT**

**NEXT MEETING: OCTOBER 10, 2022**

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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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE  
HEARING AND SPEECH EXAMINING BOARD  
MEETING MINUTES  
APRIL 11, 2022**

- PRESENT:** Robert Broeckert, Michael Harris, Catherine Kanter, Steven Klapperich, Thomas Krier, Jason Meyer, Kathleen Pazak, David Seligman, Justen Willemon
- EXCUSED:** 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 1:04 p.m. A quorum was confirmed with nine (9) members present.

**ADOPTION OF AGENDA**

- MOTION:** Steven Klapperich moved, seconded by Justen Willemon, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF JANUARY 10, 2022**

- MOTION:** Robert Broeckert moved, seconded by Catherine Kanter, to approve the Minutes of January 10, 2022 as published. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**HAS 5 and 6, Relating to Telehealth**

- MOTION:** Thomas Krier moved, seconded by Kathleen Pazak, to designate Catherine Kanter to serve as liaison to DSPS staff for drafting HAS 5 and 6, relating to telehealth. Motion carried unanimously.

**BOARD CHAIR MEETING AND OPTIONS TO ADDRESS DEPARTMENT RESOURCES**

- MOTION:** Robert Broeckert moved, seconded by Steven Klapperich, to request that the state legislature increase the number of staff positions and lift the spending limits imposed on the Department of Safety and Professional Services so that the fee revenue paid by speech language pathologists, hearing instrument specialists and audiologists to obtain and renew licenses is applied toward its intended purpose. The staffing shortage has created backlogs in licensing, delays in professionals' ability to enter the workforce, delays in employers' ability to hire, and delays in service to patients. Ongoing lapses of fee revenue prevents the Department from

hiring additional staff and inhibits the Hearing and Speech Examining Board's ability to fulfill its obligations of issuing licenses in a timely manner and protecting public health and safety. Motion carried unanimously.

**MOTION:** Steven Klapperich moved, seconded by Thomas Krier, to authorize Catherine Kanter to communicate with the Wisconsin Speech Language Pathology and Audiology Association and Justen Willemon to communicate with the Wisconsin Alliance of Hearing Professionals regarding possible collaborative efforts to address Department resources. Motion carried unanimously.

#### **LICENSE RATIFICATION**

**MOTION:** Thomas Krier moved, seconded by Robert Broeckert, to ratify the scores from the April 11, 2022 examinations and to grant the licenses once requirements are met. Motion carried unanimously.

#### **ADJOURNMENT**

**MOTION:** Catherine Kanter moved, seconded by Kathleen Pazak, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:23 p.m.

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Dana Denny		2) Date when request submitted: 06/23/2022 <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: 07/11/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 1:00 P.M. Public Hearing : Clearinghouse Rule CR22-050 (HAS 4 and 6) Relating to Audiometric Testing and Reciprocal Licensure 1.Review and Respond to Preliminary Pubic Hearing Comments and respond to Clearinghouse Report	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Board will hold a Public Hearing on this rule as required by the rulemaking process.  Attachments: Proposed Permanent Rule Language – HAS 4 and 6, Relating to Audiometric Testing and Reciprocal Licensure HAS 4 and 6 Fiscal Estimate and Economic Impact Analysis Clearinghouse Report 22-050 Clearinghouse Rule Comments 22-050 <small>Copies of current Board Rule Projects Can be Viewed Here: <a href="https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx">https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx</a></small>			
Signature of person making this request <i>Dana Denny</i>		Date 06/23/22	
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.			

STATE OF WISCONSIN  
HEARING AND SPEECH EXAMINING BOARD

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IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	HEARING AND SPEECH
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 4.03 (1) and (Note), and 6.04 (6) (b), and to **create** HAS 6.07 (1) (c) and 6.07 (2) (c), relating to reciprocal credentials for service members, former service members and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Sections s. 459.085, 459.26 (2) (am), and 459.28 (2) Stats.

**Statutory authority:** Sections s. 15.08 (5) (b), 440.09 (5), 459.085, 459.12 (1), 459.26 (2) (am), and 459.28 (2) Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats.: “Each examining board “[s]hall 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. . .”

440.09 (5), Stats.: “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

459.085, Stats.: “Audiometric equipment used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids shall be calibrated periodically, as specified by rule by the examining board.”

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.”

459.26 (2) (am), Stats.: “The examining board shall by rule select and approve examinations for audiology.”

459.28 (2), Stats.: “The examining board may enter into reciprocal agreements with officials of other states or territories of the United States for licensing speech-language

pathologists and audiologists and grant licenses to applicants who are licensed in those states or territories according to the terms of the reciprocal agreements.”

**Related statute or rule:** None.

**Plain language analysis:** As reflected in the March 2021 Wisconsin Hearing and Speech Examining Board Biennial report to the Legislature in compliance with s. 227.29 (1), Stats., two rule objectives were listed as items to be addressed as scope projects: (1) updating outdated 1998 ANSI 3.6 audiometric standards; and (2) removing the option of a certificate of clinical competence as an educational licensure requirement.

A third rule objective was to implement 2017 Act 143 which entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members, to obtain an audiologist or speech language pathology credential if the person resides in Wisconsin, and is in good standing with the governmental authorities in every jurisdiction outside Wisconsin that have granted the individual a credential that qualifies the individual to perform these authorized services under the appropriate credential. The license, once granted, may be renewed indefinitely.

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

**Comparison with rules in adjacent states:**

**Illinois:** The Illinois Department of Financial and Professional Regulation (IDFPR) regulates speech-language pathologists and audiologists under the Board of Speech-Language Pathology and Audiology. Certification is provided to individuals who have demonstrated they possess a masters’ or doctoral degree from a speech pathology or audiology program and pass the Praxis examination or provide a Certificate of Clinical Competence in Speech-Language Pathology or Audiology awarded by the American Speech-Language-Hearing Association's Clinical Certification Board. (225 ILCS 110/8)

Temporary licenses may be renewed one time only for a 12-month period for individuals serving full-time in the Armed Forces; in an incapacitating illness documented by a currently licensed physician; or any other similar extenuating circumstances. (225 ILCS 1465.41)

In 2019, the Illinois Legislature passed legislation expediting professional licensure for service members and spouses who are active-duty members or whose active-duty service concluded within the preceding 2 years before application. In part, this law states that, once an active member of the military (or their spouse) has submitted all required documents and fee as part of a completed license application, it will be reviewed within 60 days. (20 ILCS 5/5-715)

State of Illinois governance citations regarding audiometric standards, equipment or practices could not be located.



**Iowa:** The Iowa Department of Public Health (IDPH) regulates speech pathologists and audiologists under the Board of Speech Pathology and Audiology. In Iowa, licensure is provided to those demonstrating proof of either a masters' degree in speech pathology or a doctoral degree in audiology, or the equivalent of one of these degrees and the official completion of at least 400 hours of supervised clinical training, and completion of the Praxis examination (645 IAC 645.303(147))

In Iowa, veterans with an unrestricted professional license in another jurisdiction may apply for licensure by passing any required licensure examination provided credit for examinations previously passed. Licenses are granted if the applicant is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or criminal background. If an applicant has not passed the required examination(s) for licensure, the applicant may not be issued a provisional license, but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements. (645 IAC—20.3(272C))

State of Iowa governance citations regarding audiometric standards, equipment or practices could not be located.

**Michigan:** The Michigan Department of Licensing and Regulatory Affairs (MDLRA) regulates speech pathologists and audiologists under the Board of Speech-Language Pathology and the Board of Audiology, respectively. License credentials are provided to individuals who possess a master's degree in speech pathology or a master's degree or doctoral degree in audiology. Those seeking an initial speech pathology license must have performed at least 1,260 hours of postgraduate clinical experience. All those seeking speech-language and audiologist credentials must pass the Praxis examination. (MCL 338.3)

In Michigan, active-duty service members, veterans, spouses, or their qualifying dependents may obtain an initial health profession, occupational license, or certification of registration in a profession or occupation for which they hold a license or registration in another state or country, including waiving the fee for the initial health profession license or registration fee. (MCL 339.411(11))

State of Michigan governance citations regarding audiometric standards, equipment or practices could not be located.

**Minnesota:** Minnesota speech pathologists and audiologists are regulated by the Minnesota Department of Health, with input from the Speech-Language Pathologist and Audiologist Advisory Council. License credentials are provided to individuals who possess a master's degree in speech pathology or a master's degree or doctoral degree in audiology, including passing the Praxis examination. (2021 MN Statutes, Section 148.515)

In Minnesota, expedited and temporary professional licenses may be provided for those who are currently active-duty members, spouses of those who are active-duty members, or veterans of the military. (MN Statutes, Section 197.4552)

In November 2020, the Minnesota Department of Health Hearing Dispenser Certification Examination adopted ANSI 3.6 guidelines for hearing screening audiometer use and calibration to allow for pure tone audiometry and threshold screening. (MN Hearing Dispenser Certification Examination Standards, 2021)

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

The proposed rules were developed by reviewing the March 2021 Biennial Report to the Legislature in compliance with s. 227.29 (1), Stats. of the Hearing and Speech Examining Board, technical information provided by the Audiometric Testing and American Speech and Hearing Association (ASHA), and 2019 Wisconsin Act 143, which relates to professional reciprocal licensure.

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

The rule will be posted for 14 days on the Department of Safety and Professional Services website to solicit economic impact comments, including how the proposed rules may affect businesses, local municipalities, and private citizens.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

**Effect on small business:**

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

**Agency contact person:**

Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-287-3748; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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

Comments may be submitted to Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. HAS 4.03 (1) and (Note) are amended to read:

**HAS 4.03 (1)** Pure tone audiometry must be conducted with a pure tone audiometer which conforms to the American National Standards Institute, Standard ANSI S3.6 ~~1996~~ 2018 approved January 12, 1996 September 20, 2018. Such audiometer shall be capable of generating a minimum of 9 discrete frequencies, ranging from 250 Hz through 8 KHz (250, 500, 750, 1000, 1500, 2000, 3000, 4000, 6000, 8000 Hz). Output levels over the frequency range shall conform to standard ANSI S3.6 specified above.

**Note:** A copy of Standard ANSI S3.6 may be obtained from The American National Standards Institute website at [www.ANSI.org](http://www.ANSI.org), ~~11 West 42<sup>nd</sup> Street New York, NY 10036~~. Copies of the Standard are on file at the office of the Department of Safety and Professional Services and the Legislative Reference Bureau.

SECTION 2. HAS 6.04 (b) is amended to read:

**HAS 6.04 (6) (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.

SECTION 3. HAS 6.07 (1) (c) is created to read:

**HAS 6.07 (1) (c)** A reciprocal speech-language pathology license shall be granted to service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential if the person resides in Wisconsin and are in good standing with the governmental authorities in every jurisdiction outside Wisconsin that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate credential granted by the department or credentialing board. The license may be renewed indefinitely.

SECTION 4. HAS 6.07 (2) (c) is created to read:

**HAS 6.07 (2) (c)** A reciprocal speech-language pathology license shall be granted to servicemembers, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential if the person resides in Wisconsin and are in good standing with the governmental authorities in every jurisdiction outside Wisconsin that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate credential granted by the department or credentialing board. The license may be renewed indefinitely.

SECTION 5. 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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DRAFT

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>	<p>2. Date 03/28/22</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) HAS 4 and 6</p>	
<p>4. Subject Relating to Audiometric Testing and Reciprocal Licensure</p>	
<p>5. Fund Sources Affected <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</p>	<p>6. Chapter 20, Stats. Appropriations Affected s. 165.20(1)(g)</p>
<p>7. Fiscal Effect of Implementing the Rule <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 checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <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 <b>(if checked, complete Attachment A)</b></p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>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)? <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule The proposed rule updates audiometric requirements and creates a provision to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.</p>	
<p>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. The proposed rule will be posted on the Department of Safety and Professional Services' website for 14 days to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A</p>	
<p>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) No economic or fiscal impacts are anticipated for specific businesses, sectors, ratepayers, local governments, or the state's economy as a whole. A total of \$763.16 in one time costs and an ongoing fiscal impact of \$3,4000 are anticipated to be absorbed within the operating budget of the Department of Safety and Professional Services.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is to update audiometric standards and reflect s. 440.09, Stats., as created by 2019 Wisconsin Act 143. If the rule is not implemented, it will not reflect audiometric updates or those requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.</p>	
<p>16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is reflecting the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.</p>	

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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17. Compare With Approaches Being Used by Federal Government  
None

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

Illinois: The Illinois Department of Financial and Professional Regulation (IDFPR) regulates speech-language pathologists and audiologists under the Board of Speech-Language Pathology and Audiology. Certification is provided to individuals who have demonstrated they possess a masters' or doctoral degree from a speech pathology or audiology program and pass the Praxis examination or provide a Certificate of Clinical Competence in Speech-Language Pathology or Audiology awarded by the American Speech-Language-Hearing Association's Clinical Certification Board. (225 ILCS 110/8)

Temporary licenses may be renewed one time only for a 12-month period for individuals serving full-time in the Armed Forces; in an incapacitating illness documented by a currently licensed physician; or any other similar extenuating circumstances. (225 ILCS 1465.41)

In 2019, the Illinois Legislature passed legislation expediting professional licensure for service members and spouses who are active-duty members or whose active-duty service concluded within the preceding 2 years before application. In part, this law states that, once an active member of the military (or their spouse) has submitted all required documents and fee as part of a completed license application, it will be reviewed within 60 days. (20 ILCS 5/5-715)

State of Illinois governance citations regarding audiometric standards, equipment or practices could not be located.

Iowa: The Iowa Department of Public Health (IDPH) regulates speech pathologists and audiologists under the Board of Speech Pathology and Audiology. In Iowa, licensure is provided to those demonstrating proof of either a masters' degree in speech pathology or a doctoral degree in audiology, or the equivalent of one of these degrees and the official completion of at least 400 hours of supervised clinical training, and completion of the Praxis examination (645 IAC 645.303(147))

In Iowa, veterans with an unrestricted professional license in another jurisdiction may apply for licensure by passing any required licensure examination provided credit for examinations previously passed. Licenses are granted if the applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or criminal background. If an applicant has not passed the required examination(s) for licensure, the applicant may not be issued a provisional license, but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements. (645 IAC—20.3(272C))

State of Iowa governance citations regarding audiometric standards, equipment or practices could not be located.

Michigan: The Michigan Department of Licensing and Regulatory Affairs (MDLRA) regulates speech pathologists and audiologists under the Board of Speech-Language Pathology and the Board of Audiology, respectively. License credentials are provided to individuals who possess a master's degree in speech pathology or a master's degree or doctoral degree in audiology. Those seeking an initial speech pathology license must have performed at least 1,260 hours of postgraduate clinical experience. All those seeking speech-language and audiologist credentials must pass the Praxis examination. (MCL 338.3)

In Michigan, active-duty service members, veterans, spouses, or their qualifying dependents may obtain an initial health profession, occupational license, or certification of registration in a profession or occupation for which they hold a

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## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

license or registration in another state or country, including waiving the fee for the initial health profession license or registration fee. (MCL 339.411(11))

State of Michigan governance citations regarding audiometric standards, equipment or practices could not be located.

Minnesota: Minnesota speech pathologists and audiologists are regulated by the Minnesota Department of Health, with input from the Speech-Language Pathologist and Audiologist Advisory Council. License credentials are provided to individuals who possess a master's degree in speech pathology or a master's degree or doctoral degree in audiology, including passing the Praxis examination. (2021 MN Statutes, Section 148.515)

In Minnesota, expedited and temporary professional licenses may be provided for those who are currently active-duty members, spouses of those who are active-duty members, or veterans of the military. (MN Statutes, Section 197.4552)

In November 2020, the Minnesota Department of Health Hearing Dispenser Certification Examination adopted ANSI 3.6 guidelines for hearing screening audiometer use and calibration to allow for pure tone audiometry and threshold screening. (MN Hearing Dispenser Certification Examination Standards, 2021)

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19. Contact Name

Dana Denny

20. Contact Phone Number

(608) 287-3748

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This document can be made available in alternate formats to individuals with disabilities upon request.

## 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

---

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:
- 

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

---

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

- Yes    No
-





# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

**Scott Grosz**  
Clearinghouse Director

**Anne Sappenfield**  
Legislative Council Director

**Margit Kelley**  
Clearinghouse Assistant Director

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE **22-050**

AN ORDER to amend HAS 4.03 (1) and (Note), and 6.04 (6) (b); and to create HAS 6.07 (1) (c) and (2) (c), relating to audiometric testing and reciprocal licensure.

Submitted by **HEARING AND SPEECH EXAMINING BOARD**

06-06-2022 RECEIVED BY LEGISLATIVE COUNCIL.

06-14-2022 REPORT SENT TO AGENCY.

MSK:BL

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES  NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES  NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES  NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached YES  NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES  NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES  NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES  NO



# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

**Scott Grosz**  
Clearinghouse Director

**Anne Sappenfield**  
Legislative Council Director

**Margit Kelley**  
Clearinghouse Assistant Director

### CLEARINGHOUSE RULE 22-050

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 1. Statutory Authority

a. In the rule summary’s listing of statutory authority, it appears that the board should add a citation to s. 440.09 (5), Stats. Similarly, in the listing of statutes interpreted, it appears that the board should add a citation to s. 440.09, Stats.

b. SECTIONS 3 and 4 of the proposed rule, creating s. HAS 6.07 (1) (c) and (2) (c), specify that a reciprocal license for a service member or spouse may be “renewed indefinitely”. However, s. 440.09 (3), Stats., specifies that a reciprocal credential for a service member or spouse expires on the applicable renewal date (unless the renewal date is within 180 days after a reciprocal license is granted), and that renewal is subject to the fees and requirements that apply for renewing the credential. The board should revise the renewal provision to conform with the statutory requirements.

#### 2. Form, Style and Placement in Administrative Code

a. In the board’s summary for the proposed rule, entries should be inserted for the analysis and supporting documents used to determine the effect on small business, and for the fiscal estimate and economic impact analysis.

b. The rule summary’s listing of the deadline to submit comments should specify the date of the public hearing or how a reader could determine that date, rather than referring only generally to a “date to be determined”.

c. In SECTION 1 of the proposed rule, amending s. HAS 4.03 (1), the 1996 ANSI standard that was incorporated by reference is updated to the 2018 ANSI standard. Materials may, in certain circumstances, be incorporated or updated with the consent of the Attorney General. The rule summary should be revised to include a comment on compliance with that requirement. [s. 227.21 (2) (a), Stats.; and s. 1.14, Manual.]

d. In SECTION 1 of the proposed rule, amending s. HAS 4.03 (1) (Note), the text should be revised to accurately reflect the current text of the Note, and all proposed changes should be

shown with striking and underscoring. Additionally, inserted, underscored material should appear in sequence after stricken material. [s. 1.04 (4) (a), Manual.]

e. In the treatment clause for SECTION 2 of the proposed rule, the reference to “HAS 6.04 (b)” should be changed to “HAS 6.04 (6) (b)”.

f. In SECTION 2 of the proposed rule, which states that it is amending s. HAS 6.04 (6) (b), the text is shown without any striking or underscoring. It appears that the board intended to remove the second sentence (“A certificate of clinical competence in audiology granted by ASHA is considered equivalent.”), in order to remove the option of a certificate of clinical competence as an educational equivalent. If so, the sentence should be shown with strike-throughs.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

In SECTIONS 3 and 4 of the proposed rule, creating s. HAS 6.07 (1) (c) and (2) (c), it appears that a person seeking the reciprocal license would be required to submit an application form. Accordingly, a note referencing the availability of the form on the website, and a link address, should be inserted following both subs. (1) (c) and (2) (c), to assist those who submit an application under these provisions. [s. 1.12 (3), Manual.]

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In SECTIONS 3 and 4 of the proposed rule, creating s. HAS 6.07 (1) (c) and (2) (c), consider revising the phrasing to consistently use the singular form. As proposed, the phrasing uses both singular and plural forms to refer to the same person, within the same sentence. [s. 1.05 (1) (c), Manual.]

b. In SECTIONS 3 and 4 of the proposed rule, creating s. HAS 6.07 (1) (c) and (2) (c), consider revising the phrase “under the appropriate credential granted by the department or credentialing board” to instead specifically identify practice as a speech-language pathologist in sub. (1) (c) and as an audiologist in sub. (2) (c).

c. In SECTIONS 3 and 4 of the proposed rule, creating s. HAS 6.07 (1) (c) and (2) (c), the meaning of the phrase “renewed indefinitely” is not clear. Does this mean that a person may renew the reciprocal license without limit on the number of renewals, based only on the initial reciprocal credential, but is still subject to fees and a renewal schedule? Or that a person will be issued a reciprocal license that is valid indefinitely and is not subject to a renewal application? If the provision regarding indefinite renewal is revised in response to the statutory authority comment, above, in a manner that resolves these questions, the board may disregard this comment.

d. In SECTION 4 of the proposed rule, creating s. HAS 6.07 (2) (c), it appears that the reference to a speech-language pathology license should be revised to refer to a license to practice audiology, to be consistent with the subject matter of sub. (2).

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Dana Denny, Administrative Rules Coordinator		<b>2) Date when request submitted:</b> June 27, 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>	
<b>3) Name of Board, Committee, Council, Sections:</b> Hearing and Speech Examining Board			
<b>4) Meeting Date:</b> July 11, 2022	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rule Matters: 1. Suggested Telepractice Language for Speech Pathology-Audiology 2. Rule Project Chart 3. Pending or Possible Rulemaking Projects.	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b> HAS 5 and 6 relating to Telehealth Review Board's Current Rule Projects Attachments: <ul style="list-style-type: none"> <li>• Suggested Telepractice language related to Speech Pathology-Audiology</li> <li>• Wisconsin Administrative Code Chapters HAS 5 and 6</li> <li>• 2021 Wisconsin Act 121</li> <li>• Rule Projects Chart</li> </ul> Copies of current Board Rule Projects Can be Viewed Here: <a href="https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx">https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx</a>			
<b>11) Authorization</b>			
<i>Dana Denny</i>		June 27, 2022	
<b>Signature of person making this request</b>		<b>Date</b>	
<b>Supervisor (if required)</b>		<b>Date</b>	
<b>Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date</b>			
<b>Directions for including supporting documents:</b> 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.			

## **Limitations of Telepractice Services**

- A. Telepractice services **may not be provided by correspondence only**, e.g., mail, email, faxes, although they may be adjuncts to telepractice.
- B. Interstate and intrastate telepractice may be limited by the state, state licensure boards, federal or reimbursement laws and policies.
- C. Audio and video quality should be sufficient to deliver services that are equitable to in-person.

## **Personnel Requirements**

- A. A provider of telespeech or teleaudiology should possess an unencumbered license to practice in the state from which the speech-language pathologist or audiologist provides telepractice services and the license must be comparable to its corresponding license in this state as determined by the Board.

## **Interstate Telepractice Limitations**

- A. No person shall engage in the practice of speech-language pathology or audiology across state lines in this state, hold himself or herself out as qualified to do the same, or use any title, word, or abbreviation to indicate to or induce others to believe that he or she is licensed to practice speech-language pathology or audiology across state lines in this state.

## **Exemptions**

1. Episodic services or consultation provided by a speech-language pathologist or audiologist located outside of the state who provides such consultations or services upon request to a person licensed in this state;
2. The provision of speech-language pathology or audiology services across state lines during a declared state of emergency if no charge is made for the assistance;
3. Services provided by a speech-language pathologist or audiologist in another jurisdiction to faculty, researchers, clinicians and/or students for the purposes of research or teaching of communication disorders.
4. Informal consultation performed outside the context of a contractual relationship and on an irregular or infrequent basis without direct or indirect compensation.

## 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, AUDIOLOGISTS 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](http://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](http://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 audiologist 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).

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**Hearing and Speech Examining Board  
Rule Projects (updated 6/27/22)**

<b>Clearinghouse Rule Number</b>	<b>Scope #</b>	<b>Scope Expiration</b>	<b>Code Chapter Affected</b>	<b>Relating clause</b>	<b>Current Stage</b>	<b>Next Step</b>
21-005	079-21	03/31/2024	HAS 4 and 6	Unprofessional Conduct	Public Hearing regarding Preliminary Rule on 7/11/22	
Not Yet Assigned	108-20	02/17/2023	HAS 5 and 6	Telehealth	Scope Published on 09/20/21	Examining proposed telepractice language for incorporation into existing Code.