



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

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**TELECONFERENCE/VIRTUAL  
HEARING AND SPEECH EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Valerie Payne (608) 266-2112**  
**July 6, 2020**

*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 6, 2020 (4-6)**
- C. Administrative Matters**
  - 1) Department, Staff and Board Updates
  - 2) Board Members – Term Expiration Dates
- D. Legislative and Policy Matters – Discussion and Consideration**
  - 1) Pending or Possible Rulemaking Projects
- E. Administrative Rule Matters – Discussion and Consideration**
  - 1) Scope for HAS 5.02 and 6.18 Relating to Telehealth (7-9)
  - 2) Pending or Possible Rulemaking Projects
- F. COVID-19 – Discussion and Consideration**
- G. 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

#### H. 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.)**

#### I. Deliberation on DLSC Matters

- 1) **Case Closings**
  - a. 18 HAD 005 – P.J.D. **(10-13)**

#### J. 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

K. Consulting with Legal Counsel

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

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

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

N. **APPEARANCE: Ryan Zeinert, DSPS Licensing Examination Specialist - License Ratification**

**ADJOURNMENT**

**NEXT SCHEDULED MEETING: OCTOBER 10, 2020**

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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 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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112 or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL  
HEARING AND SPEECH EXAMINING BOARD  
MEETING MINUTES  
APRIL 6, 2020**

**PRESENT:** Robert Broeckert, Barbara Johnson, Steven Klapperich, Thomas Krier, Thomas Sather, David Seligman

**EXCUSED:** Michael Harris

**STAFF:** Valerie Payne, Executive Director; Kassandra Walbrun, Administrative Rules Coordinator; Sharon Henes, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Barbara Johnson, Chairperson, called the meeting to order at 1:03 p.m. A quorum of six (6) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Thomas Krier moved, seconded by Robert Broeckert, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF JANUARY 13, 2020**

**MOTION:** Thomas Sather moved, seconded by Steven Klapperich, to approve the Minutes of January 13, 2020 as published. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**HAS 3,6,7 & 8, Relating to Rule Revisions for Technical Changes in Response to the Board's Act 108 Report**

**MOTION:** Thomas Sather moved, seconded by Steven Klapperich, to approve the preliminary rule draft of HAS 3, 6, 7, and 8, relating to Revisions for Technical Changes in Response to the Board's Act 108 Report for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**Review of Draft Scope Statement for HAS 1 and 2, Relating to Direct Supervision of Hearing Instrument Specialists Temporary Trainees**

**MOTION:** Steven Klapperich moved, seconded by Thomas Krier, to approve the Scope Statement on HAS 1 and 2 relating to supervision of hearing instrument specialist temporary trainees for submission to the Governor's Office and publication and to

authorize the Chair or designee to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

### **TELEPRACTICE LICENSURE REQUIREMENTS**

**MOTION:** Thomas Sather moved, seconded by Robert Broeckert, to request that the Department draft a scope statement regarding telepractice. Motion carried unanimously.

### **COVID-19**

**MOTION:** Thomas Krier moved, seconded by Steven Klapperich, to request that the Department seek a suspension of the provision of HAS 2.01(4) regarding the limitation of the number of Hearing Instrument Specialist trainees that a licensee may supervise. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Thomas Sather moved, seconded by Steven Klapperich, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. 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.). Thomas Krier, Chairperson; read the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Robert Broeckert-yes; Barbara Johnson-yes; Steven Klapperich-yes; Thomas Krier-yes; Thomas Sather-yes; and David Seligman-yes. Motion carried unanimously.

The Board convened to Closed Session at 3:00 p.m.

### **DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

#### **Case Closings**

#### ***18 HAD 004 – R.T.S.***

**MOTION:** Barbara Johnson moved, seconded by Thomas Krier, to close DLSC Case Number 18 HAD 004, against R.T.S., for Insufficient Evidence. Motion carried unanimously.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Thomas Sather moved, seconded by Robert Broeckert, to reconvene to open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:22 p.m.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Thomas Sather moved, seconded by Steven Klapperich, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)*

### **ADJOURNMENT**

**MOTION:** Thomas Sather moved, seconded by Robert Broeckert, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:27 p.m.

DRAFT

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Cassandra Walbrun, Administrative Rules Coordinator		2) Date when request submitted: 06/24/2020 <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: 7/06/2020	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Item 1. Scope for HAS 5.02 and 6.18 relating to telehealth</b> <b>Item 2. Pending and Possible Rules</b>	
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 <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: Item 1. HAS Examining Board requested a draft scope related to telehealth. Item 2. Provide an update on pending scope statement for HAS 1 and 2 and progress on revision of HAS 3, 6, 7, 8.			
11) Authorization			
<i>Kassandra Walbrun</i>		6/24/2020	
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 and speech 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 and 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 and 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):**

[ENTER TEXT]

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

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Department Head or Authorized Signature

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Date Submitted