



Tony Evers, Governor
Dawn Crim, Secretary

VIRTUAL/TELECONFERENCE
HEARING AND SPEECH EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
October 4, 2021

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 July 12, 2021 (4-6)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introduction, Announcements, and Recognition**
 - 1) Introduction of Justen J. Willemon, Hearing Instrument Specialist Member
(Succeeds: Larson) – 7/1/2025
- 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. Johnson, Barbara J. – 7/1/2021
 - d. Kanter, Catherine D. – 7/1/2024
 - e. Klapperich, Steven J. – 7/1/2019
 - f. Krier, Thomas J. – 7/1/2021
 - g. Pazak, Kathleen A. – 7/1/2023
 - h. Seligman, David H. – 7/1/2023
 - i. Willemon, Justen J. – 7/1/2025
- F. Legislative and Policy Matters – Discussion and Consideration**
- G. Administrative Rule Matters – Discussion and Consideration (7-8)**
 - 1) Pending or Possible Rulemaking Projects
- H. COVID-19 – Discussion and Consideration**

- I. 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

J. **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.)

- K. 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

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

O. License Ratification – Discussion and Consideration

ADJOURNMENT

NEXT MEETING: TO BE DETERMINED (2022)

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

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

**VIRTUAL/TELECONFERENCE
HEARING AND SPEECH EXAMINING BOARD
MEETING MINUTES
JULY 12, 2021**

PRESENT: Robert Broeckert, Michael Harris (*arrived at 1:01 p.m.*) Barbara Johnson, Steven Klapperich, Thomas Krier, Kathleen Pazak, David Seligman

EXCUSED: Catherine Kanter

STAFF: Valerie Payne, Executive Director; Jon Derenne, Legal Counsel; Kimberly Wood, Program Assistant Supervisor-Adv.; Katlin Schwartz, Bureau Assistant; and other Department Staff

CALL TO ORDER

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

(*Michael Harris arrived at 1:01 p.m.*)

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF APRIL 5, 2021

MOTION: Thomas Krier moved, seconded by David Seligman, to approve the Minutes of April 5, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

HAS 3, 7, and 8, Relating to Removing Obsolete Provisions

MOTION: Kathleen Pazak moved, seconded by Michael Harris, to approve the Adoption Order for Clearinghouse Rule 20-036 on HAS 3, 7, and 8, relating to removing obsolete provisions. Motion carried unanimously.

HAS 4 and 6, Relating to Audiometric Testing and Reciprocal Licensure

MOTION: Kathleen Pazak moved, seconded by Michael Harris, to approve the Scope Statement revising HAS 4 and 6, relating to Audiometric Testing and Reciprocal Licensure, for submission to the Department of Administration and Governor’s Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

CLOSED SESSION

MOTION: Thomas Krier moved, seconded by Kathleen Pazak, 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.). Robert Broeckert, Chairperson, read the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Robert Broeckert-yes; Michael Harris-yes; Barbara Johnson-yes; Steven Klapperich-yes; Thomas Krier-yes; Kathleen Pazak-yes; and David Seligman-yes. Motion carried unanimously.

The Board convened to Closed Session at 1:51 p.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Proposed Stipulations, Final Decisions and Orders

19 HAD 004 – Matthew J. Shultz, H.I.S.

MOTION: Steven Klapperich moved, seconded by Robert Broeckert, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Matthew J. Shultz, H.I.S., DLSC Case Number 19 HAD 004. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Thomas Krier moved, seconded by Barbara Johnson, to reconvene to open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:00 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: David Seligman moved, seconded by Michael Harris, 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.)

LICENSE RATIFICATION

MOTION: Kathleen Pazak moved, seconded by Barbara Johnson, to authorize the Chairperson to ratify the scores from the July 12, 2021 examinations and to grant the licenses once requirements are met. Motion carried unanimously.

ADJOURNMENT


MOTION: Steven Klapperich moved, seconded by Thomas Krier, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:03 p.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 09/21/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Hearing and Speech Examining Board			
4) Meeting Date: 10/04/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Update on the Board’s Current Rule Projects Attachment: Rule Projects Chart Copy of Board rule projects can be found here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
		09/21/21	
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.			

**Hearing and Speech Examining Board
Rule Projects (updated 10/04/21)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
21-025	109-20	02/17/2023	HAS 1 and 2	Direct Supervision of Hearing Instrument Specialist Temporary Trainees	Assembly and Senate Standing Committee Review	JCRAR Review
21-036	014-19	09/04/2021	HAS 3, 7, and 8	Obsolete Provisions	Effective 09/01/21	N/A
Not Assigned Yet	079-21	03/31/2024	HAS 4 and 6	Audiometric Testing and Reciprocal Licensure	Scope Published on 09/13/21	Scope Approval for Implementation at least 10 Calendar Days Following Publication
Not Assigned Yet	108-20	02/17/2023	HAS 5 and 6	Telehealth	Paused Pending Results of SB 309	Depends on What Route the Board Would Like to Take after Receiving Results of SB 309