



**Tony Evers, Governor**  
**Dan Hereth, Secretary**

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**HYBRID (IN-PERSON/VIRTUAL)  
HEARING AND SPEECH EXAMINING BOARD  
Room N208, 4822 Madison Yards Way, 2<sup>nd</sup> Floor North, Madison  
Contact: Tom Ryan (608) 266-2112  
January 9, 2023**

*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. Be advised that board members may attend meetings designated as “Hybrid” in-person or virtually.*

**AGENDA**

**1:00 P.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of October 10, 2022 (4-7)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introduction, Announcements, and Recognition
- E. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) 2023 Meeting Dates **(8)**
  - 3) Annual Policy Review **(9-12)**
  - 4) Election of Officers, Appointments of Liaisons and Alternates, Delegation of Authorities **(13-21)**
  - 5) 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. Krier, Thomas J. – 7/1/2021
    - e. Meyer, Jason J. – 7/1/2025
    - f. Pazak, Kathleen A. – 7/1/2023
    - g. Seligman, David H. – 7/1/2023
    - h. Willemon, Justen J. – 7/1/2025
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (22-29)**
  - 1) Over-the-Counter Hearing Aids Scope Statement Input

2) Pending or Possible Rulemaking Projects **(30)**

H. Education and Examination Matters – Discussion and Consideration

I. COVID-19 – Discussion and Consideration

J. 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

K. **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.)**

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

- 1) **Proposed Stipulation and Final Decision and Order**
  - a. 22 HAD 002 – Debbra A. Hermann, H.I.S. **(31-36)**
  - b. 22 HAD 005 – John A. Lancette **(37-42)**

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

- 1) Education and Examination Matters
- 2) Credentialing Matters

- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N. Consulting with Legal Counsel

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

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

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

Q. Examination Ratification – Discussion and Consideration

**ADJOURNMENT**

**NEXT MEETING: APRIL 10, 2023**

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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, or the Meeting Staff at 608-267-7213.

**HYBRID (IN-PERSON/VIRTUAL)  
HEARING AND SPEECH EXAMINING BOARD  
MEETING MINUTES  
OCTOBER 10, 2022**

**PRESENT:** Robert Broeckert, Catherine Kanter, Steven Klapperich (*in-person*), Thomas Krier, Jason Meyer, Kathleen Pazak, David Seligman, Justen Willemon

**EXCUSED:** Michael Harris

**STAFF:** Tom Ryan, Executive Director; Joseph Ricker, Legal Counsel; Dana Denny, Administrative Rule Coordinator; Katlin Schwartz, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Robert Broeckert, Chairperson, called the meeting to order at 1:03 p.m. A quorum was confirmed with eight (8) members present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- OPEN SESSION: Item D. Introduction, Announcements, and Recognition ADD:
  - Recognition of Steven Klapperich, Hearing Instrument Specialist Member (Resigns: 12/31/2022)
  - Recognition of Mary Pirrello, Public Member (Resigned: 10/5/2022)

**MOTION:** Thomas Krier moved, seconded by Catherine Kanter, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JULY 11, 2022**

**MOTION:** Robert Broeckert moved, seconded by David Seligman, to approve the Minutes of July 11, 2022 as published. Motion carried unanimously.

**INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITION**

**Recognition of Steven Klapperich, Hearing Instrument Specialist Member (Resigns: 12/31/2022)**

**MOTION:** Robert Broeckert moved, seconded by Catherine Kanter, to recognize and thank Steven Klapperich for his years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

**Recognition of Mary Pirrello, Public Member (Resigned: 10/5/2022)**

**MOTION:** Thomas Krier moved, seconded by Justen Willemon, to recognize and thank Mary Pirrello for her dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE CR 22-059 (HAS 4 AND 6), RELATING TO AUDIOMETRIC TESTING AND RECIPROCAL CREDENTIALS FOR SERVICE MEMBERS, FORMER SERVICE MEMBERS, AND THEIR SPOUSES**

**Review and Respond to Preliminary Rule Public Hearing Comments and Respond to Clearinghouse Report**

**MOTION:** Steven Klapperich moved, seconded by Kathleen Pazak, to accept all Clearinghouse comments for Clearinghouse Rule 22-059 (HAS 4 and 6), relating to audiometric testing and reciprocal credentials for service members, former service members, and their spouses. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE (CR 22-058) HAS 5 AND 6, RELATING TO TELEHEALTH**

**Review and Respond to Preliminary Rule Public Hearing Comments and Respond to Clearinghouse Report**

**MOTION:** Robert Broeckert moved, seconded by Kathleen Pazak, to accept all Clearinghouse comments for Clearinghouse Rule 22-058 (HAS 5 and 6), relating to telehealth. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Pending or Possible Rulemaking Projects**

**MOTION:** Catherine Kanter moved, seconded by Kathleen Pazak, to authorize the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the Legislative Report and Draft for Clearinghouse Rule 22-059 (HAS 4 and 6), relating to audiometric testing and reciprocal credentials for service members, former service members, and their spouses and Clearinghouse Rule 22-058 (HAS 5 and 6), relating to telehealth, for submission to the Governor's Office and Legislature. Motion carried unanimously.

**FDA FINAL RULE – OVER THE COUNTER HEARING AIDS**

**MOTION:** Robert Broeckert moved, seconded by Jason Meyer, to request DSPS staff draft a Scope Statement relating to Over-the-Counter Hearing Aids. Motion carried unanimously.

## CLOSED SESSION

**MOTION:** Kathleen Pazak moved, seconded by David Seligman, 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; Catherine Kanter-yes; Steven Klapperich-yes; Thomas Krier-yes; Jason Meyer-yes; Kathleen Pazak-yes; David Seligman-yes; and Justen Willemon. Motion carried unanimously.

The Board convened to Closed Session at 1:58 p.m.

## EDUCATION AND EXAMINATION MATTERS

### Practical Exam Waiver Request

*L.G.*

**MOTION:** Robert Broeckert moved, seconded by Thomas Krier, to deny the practical exam waiver request of L.G. **Reason for Denial:** The information submitted is insufficient for the Board to determine that the applicant has completed education or training that is substantially equivalent to completing the examination. Motion carried unanimously.

## DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

### Administrative Warnings

*21 HAD 004 – B.M.T.*

**MOTION:** Thomas Krier moved, seconded by Catherine Kanter, to issue an Administrative Warning in the matter of B.M.T., DLSC Case Number 21 HAD 004. Motion carried unanimously.

### Case Closings

*21 HAD 001 – J.A.L.*

**MOTION:** Kathleen Pazak moved, seconded by Justen Willemon, to close DLSC Case Number 21 HAD 001, against J.A.L., for Insufficient Evidence. Motion carried unanimously.

**Proposed Stipulation and Final Decision and Order**

***21 HAD 002 – Michael F. Parks***

**MOTION:** Kathleen Pazak moved, seconded by Steven Klapperich, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Michael F. Parks, DLSC Case Number 21 HAD 002. Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

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

The Board reconvened into Open Session at 2:22 p.m.

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

**MOTION:** Robert Broeckert moved, seconded by David Seligman, 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:** Steven Klapperich moved, seconded by Kathleen Pazak, to ratify the scores from the October 10, 2022 examinations and to grant the licenses once requirements are met. Motion carried unanimously.

**ADJOURNMENT**

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

The meeting adjourned at 2:25 p.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Katlin Schwartz, Bureau Assistant		<b>2) Date when request submitted:</b> 12/14/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Hearing and Speech Examining Board			
<b>4) Meeting Date:</b> 1/9/2023	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> 2023 Meeting Dates	
<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> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> The Board will review and potentially make a motion to approve the following 2023 meeting dates: <ul style="list-style-type: none"> <li>• Monday, January 9, 2023 → Virtual</li> <li>• Monday, April 10, 2023 → Virtual</li> <li>• Monday, July 10, 2023 → Virtual</li> <li>• Monday, October 9, 2023 → DSPS</li> </ul>			
<b>11) Authorization</b>			
Katlin Schwartz		12/14/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			



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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Katlin Schwartz, Bureau Assistant on behalf of Division of Policy Development Executive Directors		<b>2) Date when request submitted:</b> 12/14/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> All Boards			
<b>4) Meeting Date: First Meeting of 2023</b>	<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> Annual Policy Review	
<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> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> <li>1. <b>In-Person Meeting Policy:</b> Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings.                         <ul style="list-style-type: none"> <li>• 4-5 Meetings per year = 1 in-person opportunity</li> <li>• 6-8 Meetings per year = 2 in-person opportunities</li> <li>• 12 Meetings per year = 4 in-person opportunities</li> </ul> </li> <li>2. <b>Attendance/Quorum:</b> Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law.</li> <li>3. <b>Walking Quorum:</b> Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law.</li> <li>4. <b>Mandatory Training:</b> All Board Members must complete their annual Public Records and Ethics Trainings, if not complete, the training will be done at the next meeting.</li> <li>5. <b>Agenda Deadlines:</b> Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting)</li> <li>6. <b>Travel Voucher and Per Diem Submissions:</b> Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher Example)</li> <li>7. <b>Lodging Accommodations/Hotel Cancellation Policy:</b> Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time.                         <ul style="list-style-type: none"> <li>• If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate.</li> </ul> </li> <li>8. <b>Inclement Weather Policy:</b> In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executive remotely.</li> </ol>			
<b>11) Authorization</b>			
Katlin Schwartz		12/14/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

## Timeline of a Meeting

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**8 business days prior to the meeting:** All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

**7 business days prior to the meeting:** The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

**5 business days prior to the meeting:** The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

**4 business days prior to the meeting:** Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

### Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
  - Public Hearings (on Admin Rules)
  - Administrative Matters
  - Legislation and Policy Matters
  - Administrative Rules Matters
  - Credentialing Matters
  - Education and Exam Issues
  - Public Agenda Requests
  - Current Issues Affecting the Profession
  - Public Comments
- Closed Session items
  - Deliberations on Proposed Disciplinary Actions
    - Stipulations
    - Administrative Warnings
    - Case Closings
    - Monitoring Matters
    - Professional Assistance Procedure (PAP) Issues
  - Proposed Final Decisions and Orders
  - Orders Fixing Costs/Matters Relating to Costs
  - Credentialing Matters
  - Education and Exam Issues

**Thursday of the Week Prior to the Meeting:** Agendas are published for public notice on the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).

**1 business day after the Meeting:** "Action" lists are distributed by staff detailing board actions on closed session business.

**5 business days after the Meeting:** "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).

# Department of Safety and Professional Services

## PER DIEM REPORT

**INSTRUCTIONS:** Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

**Purpose Codes:**

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

NAME OF EXAMINING BOARD OR COUNCIL <b>EXAMPLE EXAMINING BOARD</b>			BOARD OR COUNCIL MEMBER'S NAME <b>MARY SUNSHINE</b>	
Activity Date MM/DD/YY	Duration of Activity Hours/Minutes	Purpose Code A or B	Where Performed City/Location (Home, Work, DSPS)	Activity Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p><b>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</b></p> <p><b>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</b></p> <p><b>Department staff completes the fields titled "Total Days Claimed".</b></p>
<b>CLAIMANT'S CERTIFICATION</b>			Comments:	
The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.				
<i>Mary Sunshine</i>		<i>1/4/2021</i>		
Claimant's Signature	Date	Supervisor	Date	

EMPL ID: 100012345-0

To be completed by Department staff: **TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00**



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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant		2) Date when request submitted: 12/14/2022 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: 1/9/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> <li>• Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities</li> </ul>	
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 applicable: N/A	
10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> <li>1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson &amp; Secretary</li> <li>2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate</li> <li>3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations.             <ol style="list-style-type: none"> <li>a. Credentialing Delegations</li> <li>b. Monitoring Delegations</li> <li>c. Pre-Screening Delegations</li> </ol> </li> </ol>			
11) <span style="float: right;">Authorization</span> Katlin Schwartz <span style="float: right;">12/14/2022</span> <hr/> Signature of person making this request <span style="float: right;">Date</span> <hr/> Supervisor (Only required for post agenda deadline items) <span style="float: right;">Date</span> <hr/> Executive Director signature (Indicates approval for post agenda deadline items) <span style="float: right;">Date</span>			
Directions for including supporting documents: <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

## HEARING AND SPEECH EXAMINING BOARD

### 2022 Elections, Liaison and Delegations

#### Election of Officers

ELECTION RESULTS	
<b>Chairperson</b>	Robert Broeckert
<b>Vice Chairperson</b>	David Seligman
<b>Secretary</b>	Kathleen Pazak

#### Appointment of Liaison and Alternates

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

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

**Delegation of Authorities**

***Document Signature Delegations***

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

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

***Delegated Authority for Urgent Matters***

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

***Delegation to Chief Legal Counsel Due to Loss of Quorum***

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

*Monitoring Delegations*

**Delegation of Authorities for Monitoring**

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

**Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

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

*Credentialing Authority Delegations*

**Delegation of Authority to Credentialing Liaison (General)**

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

**Delegation of Authority to DSPS When Credentialing Criteria is Met**

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

**Delegation of Authority for Predetermination Reviews**

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

**Delegation of Authority for Conviction Reviews**



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

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

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

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

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

***Delegated Authority for Application Denial Reviews***

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

***Voluntary Surrenders***

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

***Continuing Education and/or Examination Liaison(s) Delegation***

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

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

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

***Optional Renewal Notice Insert Delegation***

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

***Legislative Liaison(s) Delegation***

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

***Travel Authorization Liaison(s) Delegation***

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

***Website Liaison Delegation***

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

***Practice Question Liaison Delegation***

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

## **Roles and Authorities Delegated for Monitoring**

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

### **Authorities Delegated to the Monitoring Liaison**

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
- ~~5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section ordered continuing/disciplinary/remedial education.~~
- ~~6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.~~
- ~~7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section ordered evaluation or exam.~~
5. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
6. Grant or deny a request to appear before the Board/Section in closed session.
7. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
8. *(Except Pharmacy and Medical)* Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

9. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
  - a. Initial: 49 screens (including 1 hair test, if required by original order)
  - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
  - c. 2<sup>nd</sup> Reduction: 28 screens plus 1 hair test
  - d. 3<sup>rd</sup> Reduction: 14 screens plus 1 hair test
10. (*Dentistry only*) Ability to approve or deny all requests from a respondent.

~~11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.~~

### **Authorities Delegated to the Department Monitor**

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
4. Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.

### **Authorities Delegated to Board Legal Counsel**

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

Updated 12/13/2021

2022 Roles & Authorities

**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: 12/12/2022 <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: 1/9/2023	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. Over-the-Counter Hearing Aids Scope Statement Input 2. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <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:  Attachments: •HAS 1, HAS 5, and HAS 6 •HAS Rules Project Chart  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>			
11) Authorization			
<i>Dana Denny</i>		12/12/22	
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.			

## Chapter HAS 1

### LICENSURE OF HEARING INSTRUMENT SPECIALISTS

HAS 1.005 Authority.

HAS 1.01 Definitions.

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

**HAS 1.005 Authority.** The rules in chs. HAS 1 to 5 are adopted pursuant to ss. 15.08 (5) (b), 227.11 (2) and 459.12 (1), Stats.

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

**HAS 1.01 Definitions.** As used in chs. HAS 1 to 5, unless the context otherwise requires:

(1a) “Board” means the hearing and speech examining board.

(2) “Department” means the department of safety and professional services.

(2a) “Direct supervision” means being physically present at the time the trainee makes ear impressions or measurements of human hearing for the purpose of fitting or selling a hearing instrument or fits or sells a hearing instrument.

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

(2n) “Hearing instrument” means a hearing aid, as defined in s. 459.01 (2), Stats.

(3) “License” means a license issued by the department under s. 459.05, Stats., to hearing instrument specialists.

(5) “Practice” means the practice of fitting and dealing in hearing instruments, as defined in s. 459.01 (5), Stats.

(5m) “Seller’s guarantee” means a promise made by a hearing instrument specialist to a hearing instrument purchaser to provide the minimum product warranty offered by a manufacturer.

(5n) “Sufficient cause” means illness or other hardship.

(6) “Trainee” means the holder of a permit.

(7) “Trainee permit” has the meaning given in s. 459.01 (7), Stats.

**History:** Cr. Register, March, 1975, No. 231, eff. 4-1-75; correction in (1) made under s. 13.93 (2m) (b) 6., Stats., Register, April, 1992, No. 436; am. (intro.), (2) to (5), Register, July, 1992, No. 439, eff. 8-1-92; am. (intro.), Register, January, 1994, No. 457, eff. 2-1-94; cr. (2m), (5m), Register, January, 1995, No. 469, eff. 2-1-95; renum. (1) to be (1a), cr. (1) and (2a), Register, August, 1995, No. 476, eff. 9-1-95; am. (1), (2a) (a), (b), (2m), (3) and (5m), cr. (2n) and (5n), renum. (4) to be (7) and am., Register, July, 1998, No. 511, eff. 8-1-98; r. (1), (2a) (b), renum. and am. (2a) (intro.) and (a) to be (2a) and am. (5n), Register, February, 1999, No. 518, eff. 3-1-99; **correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register February 2012 No. 674.**

## Chapter HAS 5

### HEARING INSTRUMENT SPECIALISTS UNPROFESSIONAL CONDUCT

HAS 5.01 Authority.

HAS 5.02 Unprofessional conduct.

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

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

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

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

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

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

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

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

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

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



## Chapter HAS 6

### LICENSURE OF SPEECH–LANGUAGE PATHOLOGISTS, AUDIOLGISTS AND TEMPORARY LICENSEES

#### Subchapter I — Speech–Language Pathologists and Audiologists

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

#### Subchapter II — Temporary Licensees

HAS 6.09	Definitions.
HAS 6.10	Temporary licenses.

HAS 6.12	Use of titles.
HAS 6.13	Discipline.

#### Subchapter III — Unlicensed Individuals

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

#### Subchapter IV — Discipline

HAS 6.175	Definitions.
HAS 6.18	Grounds for discipline.

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

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

#### Subchapter I — Speech–Language Pathologists and Audiologists

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

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

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

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

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

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

- (1) An application on a form provided by the board.  
**Note:** Applications are available on the website at [dps.wi.gov](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.

**Hearing and Speech Examining Board  
Rule Projects (updated 01/03/23)**

<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>
22-059	079-21	03/13/2024	HAS 4 and 6	Audiometric Testing and Reciprocal Licensure	Public Hearing at 10/11/22 Meeting	Legislative Report and Final Rule Draft Completed and Submitted to Governor's Office for Approval
22-058	108-20	05/02/2023	HAS 5 and 6	Telehealth	Public Hearing at 10/11/22 Meeting	Legislative Report and Final Rule Draft Completed and Submitted to Governor's Office for Approval