



Tony Evers, Governor
Dan Hereth, Secretary

HYBRID (IN-PERSON/VIRTUAL)
HEARING AND SPEECH EXAMINING BOARD
Room N208, 4822 Madison Yards Way, 2nd Floor North, Madison
Contact: Tom Ryan (608) 266-2112
April 10, 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 January 9, 2023 (4-11)**
- 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) 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 (12)**
 - 1) HAS 5 and 6, Germane Modification **(13-16)**
 - 2) Scope of Practice for Audiologists, Speech-Language Pathologists and Hearing Instrument Specialist – Discussion
 - 3) HAS 1, 5, and 6, Over-the-Counter Hearing Aids – Discussion
 - 4) Pending or Possible Rulemaking Projects **(17)**

H. Education and Examination Matters – 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) Public Health Emergencies
- 15) Informational Items
- 16) Division of Legal Services and Compliance (DLSC) Matters
- 17) Presentations of Petitions for Summary Suspension
- 18) Petitions for Designation of Hearing Examiner
- 19) Presentation of Stipulations, Final Decisions and Orders
- 20) Presentation of Proposed Final Decisions and Orders
- 21) Presentation of Interim Orders
- 22) Petitions for Re-Hearing
- 23) Petitions for Assessments
- 24) Petitions to Vacate Orders
- 25) Requests for Disciplinary Proceeding Presentations
- 26) Motions
- 27) Petitions
- 28) Appearances from Requests Received or Renewed
- 29) 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. Examination Ratification – Discussion and Consideration

ADJOURNMENT

NEXT MEETING: JULY 10, 2023

 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://dps.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
JANUARY 9, 2023**

PRESENT: Robert Broeckert (*in-person*), Michael Harris, Catherine Kanter, Jason Meyer, Kathleen Pazak, Justen Willemon (*in-person*)

EXCUSED: Thomas Krier, David Seligman

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 six (6) members present.

ADOPTION OF AGENDA

MOTION: Justen Willemon moved, seconded by Kathleen Pazak, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 10, 2022

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

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

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

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

Kathleen Pazak was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Robert Broeckert nominated Justen Willemon for the Office of Vice Chairperson. Justen Willemon accepted the nomination.

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

Justen Willemon was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Kathleen Pazak nominated Catherine Kanter for the Office of Secretary. Catherine Kanter accepted the nomination.

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

Catherine Kanter was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Kathleen Pazak
Vice Chairperson	Justen Willemon
Secretary	Catherine Kanter

Appointment of Liaison and Alternates

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

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

Delegation of Authorities

Document Signature Delegations

MOTION: Robert Broeckert moved, seconded by Justen Willemon, 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: Kathleen Pazak moved, seconded by Michael Harris, 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: Robert Broeckert moved, seconded by Justen Willemon, 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: Kathleen Pazak moved, seconded by Catherine Kanter, 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.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Justen Willemon moved, seconded by Kathleen Pazak, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Robert Broeckert moved, seconded by Catherine Kanter, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the January 9, 2023 agenda materials on pages 19-21. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Kathleen Pazak moved, seconded by Michael Harris, 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

MOTION: Kathleen Pazak moved, seconded by Robert Broeckert, to delegate authority to the Credentialing Liaison(s) 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, except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

Delegation of Authority to Department When Credentialing Criteria is Met

MOTION: Jason Meyer moved, seconded by Catherine Kanter, 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 Michael Harris, 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: Justen Willemon moved, seconded by Catherine Kanter, 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: Kathleen Pazak moved, seconded by Jason Meyer, 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 Justen Willemon, 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.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Catherine Kanter moved, seconded by Robert Broeckert, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Robert Broeckert moved, seconded by Kathleen Pazak, 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: Justen Willemon moved, seconded by Robert Broeckert, 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: Kathleen Pazak moved, seconded by Robert Broeckert, 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: Catherine Kanter moved, seconded by Kathleen Pazak, 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: Robert Broeckert moved, seconded by Justen Willemon, 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: Kathleen Pazak moved, seconded by Catherine Kanter, 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: Robert Broeckert moved, seconded by Catherine Kanter, 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 Robert Broeckert, 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: Robert Broeckert moved, seconded by Michael Harris, to delegate authority to the Practice Question Liaison(s) to assist the department with answering practice questions if requested. Motion carried unanimously.

CLOSED SESSION

MOTION: Robert Broeckert moved, seconded by Justen Willemon, 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.). Kathleen Pazak, Chairperson, read the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Robert Broeckert-yes; Michael Harris-yes; Catherine Kanter-yes; Jason Meyer-yes; Kathleen Pazak-yes; and Justen Willemon. Motion carried unanimously.

The Board convened to Closed Session at 2:00 p.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Proposed Stipulation and Final Decision and Order

MOTION: Robert Broeckert moved, seconded by Kathleen Pazak, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 22 HAD 002 – Debra A. Hermann, H.I.S.
2. 22 HAD 005 – John A. Lancette

Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 2:04 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Justen Willemon moved, seconded by Jason Meyer, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

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

ADJOURNMENT

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

The meeting adjourned at 2:07 p.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny, Administrative Rules Coordinator		2) Date when request submitted: March 27, 2023 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Hearing and Speech Examining Board			
4) Meeting Date: April 10, 2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and Consideration 1. HAS 5 and 6 – Germane Modification 2. Scope of Practice for Audiologists, Speech-Language Pathologists and Hearing Instrument Specialists - Discussion 3. HAS 1, 5 and 6 – Over-the-Counter Hearing Aids - Discussion 4. 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: Attachments: <ul style="list-style-type: none"> • HAS 5 and 6 Updated Rule Draft • Rule Project Chart 			
11) Authorization			
Dana Denny		March 24, 2023	
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.			

STATE OF WISCONSIN
HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	HEARING AND SPEECH
HEARING AND SPEECH	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 22-058)

PROPOSED ORDER

An order of the Hearing and Speech Examining Board to amend HAS 5.01, and to create HAS 5.013, 5.015, 5.02 (2) and (3), 6.015 and 6.02 (9m), relating to telehealth.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 459.12, Stats.

Statutory authority: Sections 15.08 (5) (b), 459.12 (1), and 459.34 (2) h, Stats.

Explanation of agency authority:

Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession. [s. 15.08 (5) (b), Stats.]

The examining board may make rules not inconsistent with the laws of this state which are necessary to carry out the intent of this chapter. [s. 459.12 (1), Stats.]

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

Related statute or rule: Chapters HAS 5 and 6

Plain language analysis:

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

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

In the Illinois Compiled Statutes Chapter 225, the Telehealth Act provides a definition for “Health care professional” which includes speech-language pathologists, audiologists, and hearing instrument dispensers. This Act also provides a definition of “Telehealth” as “the evaluation, diagnosis, or interpretation of electronically transmitted patient-specific data between a remote location and a licensed health care professional that generates interaction or treatment recommendations. ‘Telehealth’ includes telemedicine and the delivery of health care services provided by way of an interactive telecommunications system, as defined in subsection (a) of Section 356z.22 of the Illinois Insurance Code.” If the patient being treated is in Illinois, then the healthcare professional providing treatment via telehealth must be licensed to practice in Illinois (225 ILCS 150).

Illinois Executive Order 2020-09 expanded the definition of “Telehealth Services” to include provision of healthcare to a patient in any location through electronic or telephonic methods, in response to the COVID-19 pandemic for the duration of the Illinois Gubernatorial Disaster Proclamation. Executive Order 2021-14 re-issued Executive Order 2020-09 and extended it through at least July 24, 2021.

Iowa:

The Iowa Administrative Code Chapter 300, rule 645.300.2 includes that the provision of speech pathology or audiology services in Iowa via telephonic, electronic, or other methods, requires an Iowa license (IAC 645.300.2(147)).

Michigan:

The Michigan Compiled Laws, Chapter 333, Act 368 provides that Telehealth is defined as long-distance health care through telecommunication technologies. Telehealth may include telemedicine, which is defined in MCL 500.3476 (MCL 300.26283). Act 368 includes Michigan laws relating to the practice of speech-language pathology and audiology.

Minnesota:

The practice of speech-language pathology and audiology are provided for in Minnesota Statutes ss.148.511 to 148.5198. Telehealth, telemedicine, or telepractice is not specifically mentioned.

The Minnesota Department of Health provides the following definition related to Telehealth: “The provision of speech-pathology or audiology services in Minnesota through telepractice, electronic, or other means, regardless of the location of the speech-language pathologist or audiologist, shall constitute the practice of speech-language pathology or audiology and shall require Minnesota licensure.” (source: <https://www.health.state.mn.us/facilities/providers/slpa/telepractice.html>)

Summary of factual data and analytical methodologies:

The Board reviewed chs. HAS 5 and HAS 6 to clarify the provision of telehealth services. The Board also referenced Wisconsin Administrative Code s. Med 24.02 when creating a definition of Telehealth specifically for the practice of speech-language pathology and audiology in the state. The Board also reviewed and considered the definition relating to telehealth provided by the American Speech-Language- Hearing Association (ASHA) and the Wisconsin Speech-Language Pathology and Audiology Association (WSHA).

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov.

Agency contact person:

Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; telephone 608-287-3748; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, to be held on October 10, 2022, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. HAS 5.01 is amended to read:

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), and 459.34 (2) (h), Stats.

SECTION 2. HAS 5.013 is created to read:

HAS 5.013 Scope. The standards of practice and professional conduct in this chapter apply to a licensee regardless of whether services are provided in person or by telehealth.

SECTION 3. HAS 5.015 is created to read:

HAS 5.015 In this chapter, “telehealth” has the meaning given in s. 440.01 (1) (hm), Stats.

SECTION 4. HAS 5.02 (2) (i) and 5.02 (3) are created to read:

HAS 5.02 (2) (i) Failing to utilize equipment and technology to provide telehealth services which enable the hearing instrument specialist to meet or exceed the standard of minimally competent practice.

(3) A person engaging in the practice of selling or fitting hearing aids to a patient located in this state, whether in-person or via telehealth, shall be licensed under ch. 459, Stats., as a hearing instrument specialist or audiologist.

SECTION 5. HAS 6.015 is created to read:

HAS 6.015 Scope: The licensure and conduct rules in this chapter and ch. 459, Stats., apply to any person providing services to patients located in this state without regard to whether services are provided in person or via telehealth.

SECTION 6. HAS 6.02 (9m) is created to read:

HAS 6.02 (9m) “Telehealth” has the meaning given in s. 440.01 (1) (hm), Stats.

SECTION 7. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Hearing and Speech Examining Board is approved for submission to the Governor and Legislature.

Dated _____

Chair
Hearing and Speech Examining Board

**Hearing and Speech Examining Board
Rule Projects (updated 3/30/23)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
22-059	079-21	03/13/2024	HAS 4 and 6	Audiometric Testing and Reciprocal Licensure	Letter of Incorporation submitted to DOJ Attorney General's Office.	Legislative Review.
22-058	108-20	05/02/2023	HAS 5 and 6	Telehealth	Germane Modification draft to JCRAR.	Legislative Review.
	Not yet assigned.		HAS 1, 5, and 6	Over-the-counter Hearing Aids		