



Tony Evers, Governor
Dan Hereth, Secretary

**TELECONFERENCE/VIRTUAL
HEARING AND SPEECH EXAMINING BOARD**
Virtual, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Tom Ryan (608) 266-2112
January 24, 2024

The following agenda describes the issues that the Board, Committee, Council, Section 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, Committee, Council, Section.

AGENDA

8:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. **Adoption of Agenda (1-3)**
- B. **Approval of Minutes of November 27, 2023 (4-6)**
- 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) 2024 Meeting Dates (7)
 - 3) Annual Policy Review (8-10)
 - 4) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities (11-27)
 - 5) Board Members – Term Expiration Dates
 - a. Broeckert, Robert R. – 7/1/2024
 - b. Harris, Michael S. – 7/1/2027
 - 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. – 7/1/2027
 - g. Willemon, Justen J. – 7/1/2025
- F. **Legislative and Policy Matters – Discussion and Consideration**
 - 1) Senate Bill 197/Assembly Bill 208, relating to the Audiology Compact (28-43)
 - 2) Senate Bill 419/Assembly Bill 431, relating to Hearing Aids (44-50)
- G. **Administrative Rule Matters – Discussion and Consideration (51)**
 - 1) Adoption Order: HAS 4 and 6, relating to Audiometric Testing and Reciprocal Licensure (52-58)

- 2) 2023 Wisconsin Act 56: HAS 6 and 8, Relating to Implementation of the Audiology and Speech-Language Pathology Licensure Compact (59-73)
- 3) 2023 Wisconsin Act 82: HAS 1, 4, 5, and 9, Relating to Cerumen Management (74-77)
- 4) Pending or Possible Rulemaking Projects (78)

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 on Credentialing Matters

L. Deliberation on Division of Legal Services and Compliance Matters

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, 2024

 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.

**VIRTUAL/TELECONFERENCE
HEARING AND SPEECH EXAMINING BOARD
MEETING MINUTES
NOVEMBER 27, 2023**

- PRESENT:** Robert Broeckert, Michael Harris, Thomas Krier, Jason Meyer, Kathleen Pazak, Justen Willemon
- EXCUSED:** Catherine Kanter, David Seligmann
- STAFF:** Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rule Coordinator; Tracy Drinkwater, Board Administration Specialist; and other Department Staff

CALL TO ORDER

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

ADOPTION OF AGENDA

- MOTION:** Robert Broeckert moved, seconded by Michael Harris, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 10, 2023

- MOTION:** Justen Willemon moved, seconded by Thomas Krier, to approve the Minutes of April 10, 2023, as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Order: HAS 5 and 6, relating to Telehealth

- MOTION:** Robert Broeckert moved, seconded by Jason Meyer, to approve the Adoption Order for Clearinghouse Rule 22-058 (HAS 5 and 6), relating to Telehealth. Motion carried unanimously.

CLOSED SESSION

- MOTION:** Robert Broeckert moved, seconded by Justen Willamon, 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; Thomas Krier-yes; Jason Meyer-yes; Kathleen Pazak-yes; and Justen Willemon-yes. Motion carried unanimously.

The Board convened to Closed Session at 2:36 p.m.

**DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE
(DLSC) MATTERS**

Credentialing Matters

Alison Stich – Reciprocity Application Review

MOTION: Robert Broeckert moved, seconded by Thomas Krier, to deny the application of Alison Stich for licensure by reciprocity. Reason for denial: failure to demonstrate that the requirements for licensure in the applicant’s other jurisdiction of licensure are substantially equivalent to Wisconsin requirements as specified in Wis. Stats. section 459.28(1)(a) and Wis. Admin. Code section HAS 6.07(2). Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

22 HAD 006 – Rebecca R. Kornstedt, S.L.P.

MOTION: Thomas Krier moved, seconded by Justen Willemon, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Rebecca R. Kornstedt, S.L.P, DLSC Case Number 22 HAD 006. Motion carried unanimously.

Case Closings

MOTION: Thomas Krier moved, seconded by Kathleen Pazak, to close the following DLSC Cases for the reasons outlined below:
23 HAD 001 – S.E.S, H.I.S – Insufficient Evidence
22 HAD 007 – J.R.B – No Violation
Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 3:00 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Kathleen Pazak moved, seconded by Robert Broeckert, 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.)

EXAMINATION RATIFICATION

MOTION: Robert Broeckert moved, seconded by Kathleen Pazak to ratify examination scores and to grant the licenses once requirements are met. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 3:18 p.m.

DRAFT

HEARING AND SPEECH EXAMINING BOARD
2024 Meeting Dates

Meeting Date		<i>Start time</i>	Agenda item deadline
Wednesday, January 24, 2024	Virtual	<i>8:30 AM</i>	1/11/2024
Wednesday, April 10, 2024	Virtual	<i>8:30 AM</i>	3/29/2024
Wednesday, June 26, 2024	Virtual	<i>8:30 AM</i>	6/14/2024
Wednesday, October 30, 2024	Virtual	<i>8:30 AM</i>	10/18/2024

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Brenda Taylor, Board Services Supervisor		2) Date when request submitted: 12/14/2023	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date: First Meeting of 2024	5) Attachments: <input checked="" type="checkbox"/> Yes	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session	8) Is an appearance before the Board being scheduled? <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: Board SharePoint Site: https://dsps.boards.wisconsin.gov/			
<p>Please be advised of the following Policy Items:</p> <ol style="list-style-type: none"> 1. In-Person Meeting Policy: 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"> • 4-5 Meetings per year = 1 in-person opportunity • 6-8 Meetings per year = 2 in-person opportunities • 12 Meetings per year = 4 in-person opportunities 2. Attendance/Quorum: Thank you for your service and commitment to meeting attendance. If you cannot attend a meeting or have scheduling conflicts impacting your attendance, please let us know as soon as possible. Timely notification is appreciated as a quorum is required for Boards, Sections, and Councils to meet pursuant to Open Meetings Law. 3. Walking Quorum: Board/Section/Council members must not collectively discuss the body's business outside a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law. 4. Mandatory Training: All Board Members must complete Public Records and Ethics Training, annually. Register to set up an account in the Cornerstone LearnCenter online portal or Log in to an existing account. 5. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting) 6. Per Diem and Reimbursement Claims: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachment: Per Diem Example) 7. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: the member must leave home before 6:00 am to attend a meeting by the scheduled start time. <ol style="list-style-type: none"> a. If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. b. If a meeting is changed to occur remotely, is canceled, or rescheduled, DSPS staff will cancel or modify reservations as appropriate. 8. Inclement Weather Policy: In the event of inclement weather, the DSPS may change a meeting from an in-person venue to hosted as virtual/teleconference only. 			
11)		Authorization	
<i>Brenda Taylor</i>		<i>12/14/2023</i>	
<p>Directions for including supporting documents:</p> <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director 			

Timeline of a Meeting

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 Board Administration Specialist 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 previous meeting Minutes
- Open Session Items
 - Public Hearings (relating to Administrative 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.

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.

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			BOARD OR COUNCIL MEMBER'S NAME	
EXAMPLE EXAMINING BOARD			MARY SUNSHINE	
Activity Date	Duration of Activity	Purpose Code	Where Performed	Activity
MM/DD/YY	Hours/Minutes	A or B	City/Location (Home, Work, DSPS)	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>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.</p> <p>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.</p> <p>Department staff completes the fields titled "Total Days Claimed".</p>
CLAIMANT'S CERTIFICATION			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>		1/4/2021		
Claimant's Signature	Date	Supervisor	Date	

EMPL ID: 100012345-0

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

**HEARING AND SPEECH EXAMINING BOARD
ELECTIONS AS ON 12/31/2023**

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

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:</i> Justen Willemon
Legislative Liaison(s)	Robert Broeckert, Kathleen Pazak, Michael Harris <i>Alternate:</i> Justen Willemon
Travel Authorization Liaison(s)	Robert Broeckert, Kathleen Pazak <i>Alternate:</i> David Seligman
Website Liaison(s)	Robert Broeckert, Thomas Krier, Kathleen Pazak <i>Alternate:</i> Jason Meyer
Practice Questions Liaison(s)	Catherine Kanter, Robert Broeckert <i>Alternate:</i> Kathleen Pazak
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



State of Wisconsin
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
CORRESPONDENCE / MEMORANDUM

DATE: January 9, 2024

TO: Board, Council, and Committee Members

FROM: Legal Counsel

SUBJECT: Liaison Definitions and Delegations Explanations

Overall Purpose of Liaison Appointments

Each Board/Section (Board) has inherent authority that is established in our Wisconsin Statutes. This authority may change from Board to Board. For further information on your Board's authority review Wis. Stat. ch. 15. Generally, each Board has authority to grant credentials, discipline credential holders, and set standards for education and examinations. Additionally, Liaisons assist with the operations of the Boards purpose by weighing in on legislative matters, traveling to national conferences, or communicating with stakeholders.

The Department asks that each year the Boards make liaison appointments to assist the Board and Department to accomplish these tasks in an efficient manner. Your practical knowledge and experience, as an appointed member of a professional board, are essential in making determinations regularly. The Liaison positions below assist the Department to complete operations between Board meetings. In most cases, Liaisons can make decisions for the full Board in their designated area. These are determined through the delegation process. However, a Liaison may also decide to send the delegated issue to the full Board for consideration as appropriate. Delegations assist the Board in defining the roles and authorities of each Liaison.

Liaison Definitions

Credentialing Liaison: The Credentialing Liaison is empowered by the Board to review and make determinations regarding certain applications for credentials. The Credentialing Liaison may be called on by Department staff to answer questions that pertain to qualifications for licensure, which may include whether a particular degree is suitable for the application requirements, whether an applicant's specific work experience satisfies the requirements in statute or rule for licensure, or whether an applicant's criminal or disciplinary history is substantially related to the practice of the profession in such a way that granting the applicant a credential would create a risk of harm to the public. Questions will likely be sent by Department

staff to the Credentialing Liaison via email and may include application materials. The Credentialing Liaison serves a very important role in the credentialing process.

Monitoring Liaison: The Monitoring Liaison is empowered by the Board to make decisions on any credential that is limited either through a disciplinary order or initial licensure. The Department Monitors will send requests from credential holders to the Monitoring Liaison. These requests vary wildly. A common request could be to remove a limitation that has been placed on a credential or to petition for full licensure. The Monitoring Liaison can review these requests and make decisions on behalf of the Board. The Board has the authority to grant decision making latitude to their liaison to any degree. The specific monitoring delegations are found in the Monitoring Document attached to the agenda. If the Monitoring Liaison has a question on a request, it is advisable for the Liaison to consult further with Department staff or bring the matter to the full Board for consideration.

Professional Assistance Procedure (PAP) Liaison: PAP is a voluntary program open to credential holders with substance abuse issues who wish to seek help by being held accountable through treatment and monitoring by the Department and Board. As part of PAP, the credential holder enters into an agreement with the Department to undergo testing, counseling, or other rehabilitation. The PAP Liaison's role includes responding to credential holders' requests for modifications and terminations of provisions of the agreement. Similar to the Monitoring Liaison, the Department Monitors will send requests from credential holders to the PAP Liaison for further review.

Education and Examination Liaison: Some Boards are required by statute or rule to approve qualifying education and examinations. The Education and Examination Liaison provides guidance to Department staff to exercise authority of the Board to approve or decline examinations and educational programs. This determination requires a level of professional expertise and should be performed by a professional member of the Board. For some Boards, the Education and Examination Liaison will also be tasked with approving continuing education programs and courses.

Legislative Liaison: The Legislative Liaison is permitted to act and speak on the Board's behalf regarding pending and enacted legislation or actions being considered by the legislature outside of Board meetings. The Legislative Liaison is not the Board's designated lobbyist and should exercise their delegated authority carefully.

Travel Authorization Liaison: The Travel Authorization Liaison is authorized to approve a Board member to travel to events and speak or act on the Board's behalf between Board meetings. The Travel Authorization Liaison is called upon to make decisions when sufficient notice was not received, and the full Board could not determine a representative to travel. The Travel Authorization Liaison is tasked with making determinations if the Board appointed representative is not able to attend or if the Board becomes authorized to send additional members. As scholarship and funding streams can be unpredictable.

Communication Liaison: The Communication Liaison responds on behalf of the Board when questions arise that require a response from the Board. The Communication Liaison works with

the Department to cultivate an appropriate response. The Communication Liaison can be responsible for all types of communication on behalf of the Board. However, the Board can appoint a separate **Website Liaison** to work with DSPS staff to make changes and ensure the Board webpage contains updated and accurate information. Additionally, for the Boards that are required by statute to produce a newsletter or digest. The Board can appoint a separate **Newsletter/Digest Liaison** to assemble and approve content for those communications.

Screening Panel Members: The duties of the Screening panel are to review incoming complaints against credential holders and determine which complaints should be opened for investigation and which complaints should be closed without further action. The complexity and amount of work in this role depends substantially on your particular Board. As a member of the Screening panel you are asked to apply your professional expertise to determine if a complaint alleges unprofessional conduct.

Delegations Explanations

Credentialing Delegations

The overall purpose of credentialing delegations is to allow the credentialing process to proceed as efficiently and effectively as possible.

Delegation of Authority to Credentialing Liaison (Generic)

MOTION EXAMPLE: to delegate authority to the Credentialing Liaison(s) 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.

PURPOSE: To permit one representative of the Board to assist Department staff with credentialing applications and eliminate the need for the entire Board to convene to consider credential application content or questions. Additionally, it is most efficient to have the designated liaison who has assisted with the credentialing process to be able to effectuate decisions which require a signature.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION EXAMPLE: 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.

PURPOSE: To permit Department staff to efficiently issue credentials and eliminate the need for Board/Section/Liaison review when all credentialing legal requirements are met in an application.

Delegation of Authority for Predetermination Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

PURPOSE: In general, the Wisconsin Fair Employment Act (codified in Wis. Stat. Ch. 111) prohibits licensing agencies from discriminating against applicants because of their arrest and/or conviction record. However, there are exceptions which permit denial of a license in certain circumstances. Individuals who do not possess a license have a legal right to apply for a determination of whether they are disqualified from obtaining a license due to their conviction record. This process is called “Predetermination”. Predeterminations must be completed within 30 days. This delegation allows Department Attorneys to conduct predetermination reviews and efficiently make these legal determinations without need for Board/Section/Liaison review.

Delegation of Authority for Conviction Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice.

PURPOSE: As used here, “substantially related” is a legal standard that is used in the Wisconsin Fair Employment Act. The concept of what is “substantially related” is informed by case law. This delegation permits Department Attorneys to independently conduct conviction reviews and efficiently approve applications if convictions are not substantially related to the practice of the profession. Applications that contain conviction records that may be substantially related to the practice of a profession will still be submitted to the Credentialing Liaison for input.

Delegation to DSPS When Applicant’s History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison for a lower-level credential.

Delegation to DSPS When Applicant’s Conviction History Has Been Previously Reviewed

MOTION EXAMPLE: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record.

PURPOSE: Some Boards offer progressive levels of credentials. This delegation eliminates the need for a re-review of conviction history that has already been reviewed and approved for a lower-level credential.

Delegation of Authority for Reciprocity Reviews

MOTION EXAMPLE: to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements meet Wisconsin license requirements. (specific legal standards are referenced in the motion depending on credential/profession type).

PURPOSE: Applications via reciprocity or endorsement require comparison of Wisconsin licensing requirements to the licensing requirements of another jurisdiction. These reviews consider the legal standard for reciprocity, which varies by profession, as well as the specified legal requirements to obtain licensure in the profession. This delegation permits Department Attorneys to independently conduct reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Military Reciprocity Reviews

MOTION EXAMPLE: 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.

PURPOSE: The law permits service members, former service members, and their spouses to be licensed if they hold licensure in other jurisdictions that qualify them to perform acts authorized by the credential they are seeking in Wisconsin. This is a shortened path to licensure that does not require meeting the specific requirements/standards for licensure/reciprocity in a profession. By law, the Department/Board must expedite the issuance of a reciprocal license via military reciprocity. This delegation permits Department Attorneys to independently conduct military reciprocity reviews and efficiently approve applications if legal standards and requirements are met for licensure. Applications for which reciprocity may not be available will still be submitted to the Credentialing Liaison for input.

Delegation of Authority for Application Denial Reviews

MOTION EXAMPLE: to delegate authority to the Department's Attorney Supervisors to serve as the Board designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

PURPOSE: When an application is denied, the applicant has a legal right to appeal the denial determination. Applicants must meet a specified legal standard in order to have an appeal granted. Additionally, Wisconsin law sets specific time frames for appeal decisions. This delegation permits Department Attorney Supervisors to independently review and efficiently act on requests for hearing as a result of a denial of a credential.

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION EXAMPLE: to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed

by the Board and there are no new legal issues for that credential holder. Motion carried unanimously.

PURPOSE: The intent of this delegation is to be able to approve prior discipline by the Board for the renewal applicant. This delegation eliminates the need for a re-review of discipline that has already been considered and approved by the Board/Section/Liaison.

Monitoring Delegations

The overall purpose of monitoring delegations is to be able to enforce the Boards orders and limited licenses as efficiently and effectively as possible. Monitoring delegations have two categories: delegations to the monitoring liaison and delegations to the Department Monitor.

Delegation of Authority to Department Monitor

MOTION EXAMPLE: to delegate authority to the Department Monitor

- a. to grant full reinstatement of licensure if education is the only limitation and credential holder has submitted the required proof of course completion.
- b. to suspend the credential if the credential holder has not completed Board ordered education, paid costs, paid forfeitures, within the time specified by the Board Order.
- c. to lift a suspension when compliance with education and costs provisions have been met.

PURPOSE: These delegations allow for the Department Monitor to automatically act on requests when certain criteria are met or not met without needing to burden the Board Monitoring Liaison. The Board can set their own criteria for what actions they would like to be handled by the Department, the Monitoring Liaison and the full Board.

Delegation of Authority to Monitoring Liaison

MOTION EXAMPLE: to delegate authority to the Monitoring Liaison to approve or deny all requests received by the credential holder.

PURPOSE: These delegations allow the Board to set criteria for what decisions can be made by the Board member(s) serving as the Monitoring Liaison and what matters should be decided by the full Board. The Board has the authority to set specific criteria or to permit the liaison to make all determinations at their discretion.

Education and Exam Delegations

MOTION EXAMPLE: to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously. (Differs by Board)

PURPOSE: Some Boards are responsible for approving qualifying educational programs or continuing education courses. A delegation is executed in order for a Board member to make

these determinations on behalf of the Boards and with assistance of the Department. Additionally, some Boards review examinations and individual scores to qualify for a credential.

Miscellaneous Delegations

Document Signature

MOTION EXAMPLE: 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 EXAMPLE: 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, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

PURPOSE: In order to take the action approved at Board meetings, the Department may need to draft correspondence and/or Orders after the meetings have adjourned. These actions then need to be signed by a Board Member. This interaction usually takes place over email and a Board member can authorize the use of his/her signature that is kept on file.

Urgent Matters

MOTION EXAMPLE: 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.

PURPOSE: Allows for quick responses to urgent matters that may need Board approval or for which the Department requires guidance from the Board.

Delegation to Chief Legal Counsel

Due to Loss of Quorum

MOTION EXAMPLE: 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.

PURPOSE: Sometimes Boards can struggle to meet quorum necessary to conduct business. This happens for a multitude of reasons but this delegation allows for the Boards to have disciplinary cases decided by Chief Legal Counsel if the Board fails to meet quorum for two consecutive meetings.

Stipulated Resolutions

MOTION EXAMPLE: to delegate to the Department's Chief Legal Counsel (CLC) 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.

PURPOSE: For matters of public safety, it may be necessary to take immediate action on a stipulated agreement rather than allowing a credential holder to continue practicing unencumbered until the next scheduled meeting. This delegation allows CLC to act on behalf of the Board when there is a stipulated agreement. A stipulated agreement is an agreement to which all relevant parties have consented to the terms.

Voluntary Surrenders

MOTION: 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: to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19.

PURPOSE: Credential holders can ask the Boards to surrender their credentials at any time. These delegations are in place for the different situations that arise from those requests. If a credential holder is seeking to surrender their credential because they wish to leave the profession that can be processed with this delegation by the Department if they have no pending disciplinary complaints. If the credential holder wishes to surrender while they have a pending disciplinary complaint that request is reviewed by the individual Board member assigned to the case.

DLSC Pre-screening

MOTION EXAMPLE: to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases where the credential holder has failed to respond to allegations contained in the complaint when requested by intake (Case will be opened on failure to respond and the merits of the complaint).

PURPOSE: Pre-Screening delegations exist so the Board can define specific parameters where the Department can review disciplinary complaints and open those cases if they meet certain criteria. Boards also have the authority to set certain criteria that would allow the Department to review and close a case if the criteria is met.

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 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. 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. (Except PHM, MED)

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. 2nd Reduction: 28 screens plus 1 hair test
 - d. 3rd 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. (Applies only to these Boards: Dietitians, Massage/Bodywork Therapy Board, DEN, PAB, CHI, MED, RAD)
12. **The Liaison may have full authority to approve or deny a request from a Respondent that otherwise would require the approval of the full Board if the request cannot be heard and voted on due to lack of/loss of quorum.**
13. **The Liaison may have full authority to terminate any treatment ONLY upon written request from Respondent and written recommendation from Respondents treater.**

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. (Except for MED)
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.
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Updated 03/13/2023

2022 Roles & Authorities

HEARING AND SPEECH EXAMINING BOARD

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.

State of Wisconsin



2023 Senate Bill 197

Date of enactment: **December 6, 2023**
Date of publication*: **December 7, 2023**

2023 WISCONSIN ACT 56

AN ACT to renumber and amend 440.03 (13) (c) and 459.24 (3m); to amend 45.40 (1g) (a), 46.297 (2) (a), 46.298, 146.81 (1) (hm), 146.997 (1) (d) 12., 252.14 (1) (ar) 8., 440.03 (9) (a) (intro.), 440.03 (9) (a) 2., 440.03 (13) (b) (intro.), 440.15, 450.10 (3) (a) 11., 459.22 (2) (b), 459.24 (1) (a), 459.24 (1) (b), 459.34 (2) (intro.), 459.34 (2m) (a) (intro.), 459.34 (2m) (b), 459.34 (2m) (c), 459.34 (3) and 632.895 (16) (b) 1. a.; and to create 14.897, 440.03 (11m) (c) 2w., 440.03 (13) (c) 1. i., 459.20 (2k), 459.20 (2m), 459.20 (3v), 459.24 (3c), 459.24 (3e), 459.30 and subchapter III of chapter 459 [precedes 459.70] of the statutes; relating to: ratification of the Audiology and Speech–Language Pathology Interstate Compact, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule–making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council’s Study Committee on Occupational Licenses.

This bill ratifies and enters Wisconsin into the Audiology and Speech–Language Pathology Interstate Compact (compact), which allows a speech–language pathologist or audiologist licensed in one member state (licensee) to obtain a “compact privilege” to practice in a remote state without obtaining a license in that remote state. Significant provisions of the compact include the following:

1. Creation of an Audiology and Speech–Language Pathology Compact Commission (commission), which includes two members of the licensure boards of each member state. The commission oversees administration of the compact, enforces the compact, adopts bylaws, promulgates binding rules for the compact, hires employees and elects or appoints officers, establishes and elects an executive committee, and has various other powers and duties. The commission may levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff.

2. A process by which a licensee may obtain a compact privilege in another member state, which is also referred to in the compact as a privilege to practice. A licensee practicing

in a remote state under a compact privilege is subject to that state’s regulatory authority. A remote state may take action against a licensee’s compact privilege in the remote state, at which point the licensee is not eligible for a compact privilege in any state until certain criteria are met. The state of the licensee’s primary residence, however, has the exclusive authority to impose adverse action against a license issued by that state. Member states may charge a fee for granting a compact privilege.

3. The ability for member state licensure boards to conduct joint investigations of licensees and the ability of member states to issue subpoenas that are enforceable in other states.

4. Creation of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable.

5. Various provisions regarding resolutions of disputes between member states and between member and nonmember states.

Since the compact has already been enacted by the minimum number of states required for it to become active, the compact becomes effective in this state upon enactment of the bill. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

authorizing the compact, but the compact provides that a withdrawal does not take effect until six months after the effective date of that repeal.

SECTION 1. 14.897 of the statutes is created to read:

14.897 Audiology and speech–language pathology licensure compact. There is created an audiology and speech–language pathology compact commission as specified in s. 459.70. The delegates of the commission representing this state shall be individuals described in s. 459.70 (8) (b) 1. The commission has the powers and duties granted and imposed under s. 459.70.

SECTION 2. 45.40 (1g) (a) of the statutes is amended to read:

45.40 (1g) (a) “Health care provider” means an advanced practice nurse prescriber certified under s. 441.16 (2), an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, a dentist licensed under ch. 447, an optometrist licensed under ch. 449, a physician licensed under s. 448.02, or a podiatrist licensed under s. 448.63.

SECTION 3. 46.297 (2) (a) of the statutes is amended to read:

46.297 (2) (a) The person is certified as deaf or severely hearing impaired by a physician, an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or the department.

SECTION 4. 46.298 of the statutes is amended to read:

46.298 Vehicle sticker for the hearing impaired. Upon the request of a person who is certified as hearing impaired by the department, by a physician, by a hearing instrument specialist licensed under subch. I of ch. 459, or by an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, the department shall issue to the person a decal or sticker for display on a motor vehicle owned or frequently operated by the person to apprise law enforcement officers of the fact that the vehicle is owned or operated by a hearing–impaired person. No charge shall be made for issuance of the decal or sticker. The department shall specify the design of the decal or sticker. The department shall designate the location on the vehicle at which the decal or sticker shall be affixed by its own adhesive.

SECTION 5. 146.81 (1) (hm) of the statutes is amended to read:

146.81 (1) (hm) A speech–language pathologist or audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or a speech and language pathologist licensed by the department of public instruction.

SECTION 6. 146.997 (1) (d) 12. of the statutes is amended to read:

146.997 (1) (d) 12. A speech–language pathologist or audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or a speech and language pathologist licensed by the department of public instruction.

SECTION 7. 252.14 (1) (ar) 8. of the statutes is amended to read:

252.14 (1) (ar) 8. A speech–language pathologist or audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or a speech and language pathologist licensed by the department of public instruction.

SECTION 8. 440.03 (9) (a) (intro.) of the statutes is amended to read:

440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5), the department shall, biennially, determine each fee for an initial credential for which no examination is required, for a reciprocal credential, and for a credential renewal and any fees imposed under ss. 448.986 (2) ~~and~~, 448.9875 (2), and 459.71 (2) by doing all of the following:

SECTION 9. 440.03 (9) (a) 2. of the statutes is amended to read:

440.03 (9) (a) 2. Not later than January 31 of each odd–numbered year, adjusting for the succeeding fiscal biennium each fee for an initial credential for which an examination is not required, for a reciprocal credential, and, subject to s. 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 448.986 (2) ~~and~~, 448.9875 (2), and 459.71 (2), if an adjustment is necessary to reflect the approximate administrative and enforcement costs of the department that are attributable to the regulation of the particular occupation or business during the period in which the initial or reciprocal credential, credential renewal, or compact privilege is in effect and, for purposes of each fee for a credential renewal, to reflect an estimate of any additional moneys available for the department’s general program operations as a result of appropriation transfers that have been or are estimated to be made under s. 20.165 (1) (i) during the fiscal biennium in progress at the time of the deadline for an adjustment under this subdivision or during the fiscal biennium beginning on the July 1 immediately following the deadline for an adjustment under this subdivision.

SECTION 10. 440.03 (11m) (c) 2w. of the statutes is created to read:

440.03 (11m) (c) 2w. The coordinated database and reporting system under s. 459.70 (9), if such disclosure

is required under the audiology and speech-language pathology interstate compact under s. 459.70.

SECTION 11. 440.03 (13) (b) (intro.) of the statutes is amended to read:

440.03 (13) (b) (intro.) The department may investigate whether an applicant for or holder of any of the following credentials has been charged with or convicted of a crime only pursuant to rules promulgated by the department under this paragraph, including rules that establish the criteria that the department will use to determine whether an investigation under this paragraph is necessary, except as provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., ~~and~~ 455.50 (3) (e) 4. and (f) 4., and 459.70 (3) (b) 2.:

SECTION 12. 440.03 (13) (c) of the statutes is renumbered 440.03 (13) (c) 1. (intro.) and amended to read:

440.03 (13) (c) 1. (intro.) The department shall require ~~an~~ all of the following to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints:

a. An applicant for a private detective license or a private security permit under s. 440.26, ~~an~~

b. An applicant for a juvenile martial arts instructor permit under sub. (17), ~~an~~

c. An applicant for a real estate appraiser certification under s. 458.06 or license under s. 458.08, ~~an~~

d. An applicant for a multistate license under s. 441.06 (1c) or 441.10 (1c), ~~an~~

e. An applicant for a compact license under s. 448.05 (2) (f), ~~an~~

f. An applicant for a physical therapist license under s. 448.53 or physical therapist assistant license under s. 448.535, ~~an~~

g. An applicant for an occupational therapist or occupational therapy assistant compact privilege under s. 448.987 (4), and an applicant for an occupational therapist or occupational therapy assistant license described in s. 448.987 (5) (b) 2. a., ~~an~~

h. An applicant for a psychologist license under s. 455.04, ~~and a~~

z. A person for whom the department conducts an investigation under par. (b), ~~to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints.~~

2. The department of justice may submit the finger-print cards, and the department of

justice shall submit the fingerprint cards of all applicants ~~for a real estate appraiser certification under s. 458.06 or license under s. 458.08, of all applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants for a compact license under s. 448.05 (2) (f), of all applicants for a physical therapist license under s. 448.53 or a physical therapist assistant license under s. 448.535, and of all applicants for a psychologist license under s. 455.04~~ identified in subd. 1. c. to i., to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

3. Information obtained from the federal bureau of investigation may be shared with the department or the appropriate credentialing board, but shall otherwise be kept confidential and is not subject to disclosure under s.

19.35.

SECTION 13. 440.03 (13) (c) 1. i. of the statutes is created to read:

440.03 (13) (c) 1. i. An applicant for an audiologist or speech-language pathologist license or compact privilege under s. 459.24 when required pursuant to the audiology and speech-language pathology interstate compact under s. 459.70.

SECTION 14. 440.15 of the statutes is amended to read:

440.15 No fingerprinting. Except as provided under ss. 440.03 (13) (c), 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., 450.071 (3) (c) 9., 450.075 (3) (c) 9., ~~and~~ 455.50 (3) (e) 4. and (f) 4., and 459.70 (3) (b) 1., the department or a credentialing board may not require that an applicant for a credential or a credential holder be fingerprinted or submit fingerprints in connection with the department's or the credentialing board's credentialing.

SECTION 15. 450.10 (3) (a) 11. of the statutes is amended to read:

450.10 (3) (a) 11. A speech-language pathologist or audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or a speech and language pathologist licensed by the department of public instruction.

SECTION 16. 459.20 (2k) of the statutes is created to read:

459.20 (2k) "Compact" means the audiology and speech-language pathology interstate compact.

SECTION 17. 459.20 (2m) of the statutes is created to read:

459.20 (2m) “Compact privilege” means a compact privilege, as defined in s. 459.70 (2) (h), that is granted under the audiology and speech–language pathology interstate compact under s. 459.70 to an individual to practice in this state.

SECTION 18. 459.20 (3v) of the statutes is created to read:

459.20 (3v) “Single–state license” has the meaning given in s. 459.70 (2) (t).

SECTION 19. 459.22 (2) (b) of the statutes is amended to read:

459.22 (2) (b) Authorize a speech–language pathologist who is licensed under this subchapter or who holds a valid compact privilege to dispense or sell hearing aids without obtaining a hearing instrument specialist license under subch. I.

SECTION 20. 459.24 (1) (a) of the statutes is amended to read:

459.24 (1) (a) Engage in the practice of speech–language pathology or use the title “speech–language pathologist” or any similar title unless the person holds a current speech–language pathologist license granted by the examining board under sub. (2) or (6) (a) or holds a valid compact privilege.

SECTION 21. 459.24 (1) (b) of the statutes is amended to read:

459.24 (1) (b) Engage in the practice of audiology or use the title “audiologist,” “clinical audiologist,” or any similar title unless the person holds a current audiologist license granted by the examining board under sub. (3) or (6) (b) or holds a valid compact privilege.

SECTION 22. 459.24 (3c) of the statutes is created to read:

459.24 (3c) TYPES OF LICENSES. (a) A license granted under sub. (2) or (3) may be either of the following:

1. A license that, subject to s. 459.70 (4), entitles theholder to obtain and exercise a compact privilege in other states that are parties to the compact.

2. A single–state license, which only entitles theholder to practice in this state. Nothing in the compact applies to the holder of a single–state license unless otherwise applicable under this subchapter.

(b) When applying for a license under sub. (2) or (3), an individual shall specify whether he or she is applying for a license under par. (a) 1. or 2.

SECTION 23. 459.24 (3e) of the statutes is created to read:

459.24 (3e) COMPACT PRIVILEGE. The examining board shall grant to any individual to whom all of the

following apply an audiologist or speech–language pathologist, whichever is applicable, compact privilege:

(a) The individual holds an unencumbered homestate license in another state that is a party to the compact and satisfies all other requirements under s. 459.70 (4).

(b) The individual applies for the compact privilegein the manner prescribed by the department.

(c) The individual pays any fee established by thedepartment under s. 459.71 (2).

SECTION 24. 459.24 (3m) of the statutes is renumbered 459.30 (2), and 459.30 (2) (intro.) and (a), as renumbered, are amended to read:

459.30 (2) FITTING AND SALE OF HEARING AIDS. (intro.) An audiologist licensed under this subchapter, an audiologist who holds a valid compact privilege, or an individual granted a permit to practice audiology under this subchapter who engages in the practice of fitting and dealing in hearing aids shall do all of the following:

(a) Deliver to each person supplied with a hearing aid a receipt. The receipt shall contain the signature and show the business address, license or permit title, and number of the licensee, compact privilege holder, or permittee, together with specifications as to the make and model of the hearing aid and full terms of sale clearly stated. If a hearing aid that is not new is sold, the receipt and the container must be clearly marked as “used” or “reconditioned”, whichever is applicable. The terms of the guarantee, if there is any given, shall be set out in not less than 8–point type.

SECTION 25. 459.30 of the statutes is created to read:

459.30 Practice. (1) PRACTICE UNDER COMPACT. (a) *Audiology.* An individual who holds a valid audiologist compact privilege may, subject to s. 459.71 (3), do any of the following:

1. Practice audiology in this state, subject to s. 459.70

(4).

2. Practice audiology in this state via telehealth, asdefined in s. 459.70 (2) (y), subject to s. 459.70 (5).

(b) *Speech–language pathology.* An individual who holds a valid speech–language pathologist compact privilege may, subject to s. 459.71 (3), do any of the following:

1. Practice speech–language pathology in this state,subject to s. 459.70 (4).

2. Practice speech–language pathology in this statevia telehealth, as defined in s. 459.70 (2) (y), subject to s. 459.70 (5).

SECTION 26. 459.34 (2) (intro.) of the statutes is amended to read:

459.34 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may reprimand a licensee, compact privilege holder, or permittee or deny, limit, suspend, or revoke a license or permit under this subchapter or a compact privilege if it finds that the applicant, licensee, compact privilege holder, or permittee has done any of the following:

SECTION 27. 459.34 (2m) (a) (intro.) of the statutes is amended to read:

459.34 (2m) (a) (intro.) An individual whose license, compact privilege, or limited permit is limited by the examining board under this subchapter may continue to practice under the license, compact privilege, or permit if the individual does all of the following:

SECTION 28. 459.34 (2m) (b) of the statutes is amended to read:

459.34 (2m) (b) The examining board may, as a condition of removing a limitation on a license, compact privilege, or limited permit issued under this subchapter or of reinstating a license, compact privilege, or limited permit that has been suspended or revoked under this subchapter, require the license, compact privilege, or permit holder to obtain minimum results specified by the examining board on one or more physical, mental, or professional competency examinations if the examining board determines that obtaining the minimum results is related to correcting one or more of the bases upon which the limitation, suspension, or revocation was imposed.

SECTION 29. 459.34 (2m) (c) of the statutes is amended to read:

459.34 (2m) (c) The examining board may, as a condition of reinstating a license or compact privilege that has been suspended under this subchapter, require the license or compact privilege holder to pass an examination required for initial licensure under s. 459.26 (2).

SECTION 30. 459.34 (3) of the statutes is amended to read:

459.34 (3) In addition to or in lieu of a reprimand or denial, limitation, suspension, or revocation of a license, compact privilege, or permit under sub. (2), the examining board may assess against an applicant, licensee, compact privilege holder, or permittee a forfeiture of not less than \$100 nor more than \$2,500 for each violation enumerated under sub. (2).

SECTION 31. Subchapter III of chapter 459 [precedes 459.70] of the statutes is created to read:

CHAPTER 459
SUBCHAPTER III

**AUDIOLOGY AND SPEECH-LANGUAGE
PATHOLOGY INTERSTATE COMPACT**

459.70 Audiology and speech-language pathology interstate compact. (1) PURPOSE.

(a) The purpose of this compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient/client/student is located at the time of the patient/ client/student encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

(b) This compact is designed to achieve all of the following objectives:

1. Increase public access to audiology and speech- language pathology services by providing for the mutual recognition of other member state licenses.
2. Enhance the states' ability to protect the public's health and safety.
3. Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice.
4. Support spouses of relocating active duty military personnel.
5. Enhance the exchange of licensure, investigative, and disciplinary information between member states.
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.
7. Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

(2) DEFINITIONS. As used in this compact, and except as otherwise provided, the following definitions shall apply:

(a) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 USC 1209 and 1211.

(b) "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an

individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

(c) "Alternative program" means a nondisciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.

(d) "Audiologist" means an individual who is licensed by a state to practice audiology.

(e) "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.

(f) "Audiology and speech-language pathology compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.

(g) "Audiology and speech-language pathology licensing board," "audiology licensing board," "speech-language pathology licensing board," or "licensing board" means the agency of a state that is responsible for the licensing and regulation of audiologists and/or speech-language pathologists.

(h) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient/client/student is located at the time of the patient/client/student encounter.

(i) "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

(j) "Data system" means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege, and adverse action.

(k) "Encumbered license" means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB).

(L) "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(m) "Home state" means the member state that is the licensee's primary state of residence.

(n) "Impaired practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

(o) "Licensee" means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.

(p) "Member state" means a state that has enacted the compact.

(q) "Privilege to practice" means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.

(r) "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

(s) "Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.

(t) "Single-state license" means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

(u) "Speech-language pathologist" means an individual who is licensed by a state to practice speech-language pathology.

(v) "Speech-language pathology" means the care and services provided by a licensed speech-language pathologist as set forth in the member state's statutes and rules.

(w) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of audiology and speech-language pathology.

(x) "State practice laws" means a member state's laws, rules, and regulations that govern the practice of audiology or speech-language pathology, define the scope

of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline.

(y) "Telehealth" means the application of telecommunication technology to deliver audiology or speech-language pathology services at a distance for assessment, intervention, and/or consultation.

(3) STATE PARTICIPATION IN THE COMPACT. (a) A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state.

(b) 1. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records.

2. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions.

3. Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under P.L. 92-544.

(c) Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, and whether any adverse action has been taken against any license or privilege to practice held by the applicant.

(d) Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of

licensure, as well as, all other applicable state laws.

(e) For an audiologist:

1. Must meet one of the following educational requirements:

a. On or before, December 31, 2007, has graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the U.S. department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

b. On or after, January 1, 2008, has graduated with a doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the U.S. department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

c. Has graduated from an audiology program that is housed in an institution of higher education outside of the United States for which the program and institution have been approved by the authorized accrediting body in the applicable country and the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

2. Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the commission.

3. Has successfully passed a national examination approved by the commission.

4. Holds an active, unencumbered license.

5. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law.

6. Has a valid U.S. social security or national practitioner identification number.

(f) For a speech-language pathologist:

1. Must meet one of the following educational requirements:

a. Has graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the U.S. department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

b. Has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States for which the program and institution have been approved by the authorized accrediting body in the applicable country and the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

2. Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the commission.

3. Has completed a supervised postgraduate professional experience as required by the commission.

4. Has successfully passed a national examination approved by the commission.

5. Holds an active, unencumbered license.

6. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law.

7. Has a valid U.S. social security or national practitioner identification number.

(g) The privilege to practice is derived from the home state license.

(h) An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts, and the laws of the member state in which the client is located at the time service is

provided. (i) Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

(j) Member states may charge a fee for granting a compact privilege.

(k) Member states must comply with the bylaws and rules and regulations of the commission.

(4) COMPACT PRIVILEGE. (a) To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech-language pathologist shall:

1. Hold an active license in the home state.

2. Have no encumbrance on any state license.

3. Be eligible for a compact privilege in any member state in accordance with sub. (3).

4. Have not had any adverse action against any license or compact privilege within the previous 2 years from date of application.

5. Notify the commission that the licensee is seeking the compact privilege within a remote state.

6. Pay any applicable fees, including any state fee, for the compact privilege.

7. Report to the commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.

(b) For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one home state license at a time.

(c) Except as provided in sub. (6), if an audiologist or speech-language pathologist changes primary state of residence by moving between 2 member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.

(d) The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

(e) A license shall not be issued by the new homestate until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

(f) If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a nonmember state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state.

(g) The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of par. (a) to maintain the compact privilege in the remote state.

(h) A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(i) A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens.

(j) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until all of the following occur:

- 1. The home state license is no longer encumbered.
- 2. Two years have elapsed from the date of the adverse action.

(k) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of par. (a) to obtain a compact privilege in any remote state.

(L) Once the requirements of par. (j) have been met, the licensee must meet the requirements in par. (a) to obtain a compact privilege in a remote state.

(5) COMPACT PRIVILEGE TO PRACTICE TELEHEALTH. Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with sub. (3) and under rules promulgated by the commission, to practice audiology or speech-language pathology in

any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

(6) ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES. Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

(7) ADVERSE ACTIONS. (a) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do any of the following:

- 1. Take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state.
- 2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.
- 3. Only the home state shall have the power to take adverse action against a audiologist's or speech-language pathologist's license issued by the home state.

(b) For purposes of taking adverse action, the homestate shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(c) The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action

and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

(d) If otherwise permitted by state law, the memberstate may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

(e) The member state may take adverse action basedon the factual findings of the remote state, provided that the member state follows the member state's own procedures for taking the adverse action.

(f) 1. In addition to the authority granted to a memberstate by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(g) If adverse action is taken by the home stateagainst an audiologist's or speech language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

(h) If a member state takes adverse action, it shallpromptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

(i) Nothing in this compact shall override a memberstate's decision that participation in an alternative program may be used in lieu of adverse action.

(8) ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION. (a) 1. The

compact member states hereby create and establish a joint public agency known as the audiology and speech-language pathology compact commission.

2. The commission is an instrumentality of the compact states.

3. Venue is proper and judicial proceedings by oragainst the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

4. Nothing in this compact shall be construed to bea waiver of sovereign immunity.

(b) 1. Each member state shall have 2 delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech-language pathologist.

2. An additional 5 delegates, who are either a publicmember or board administrator from a state licensing board, shall be chosen by the executive committee from a pool of nominees provided by the commission at large.

3. Any delegate may be removed or suspended fromoffice as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancyoccurring on the commission, within 90 days.

5. Each delegate shall be entitled to one vote withregard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

6. A delegate shall vote in person or by other meansas provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The commission shall meet at least once duringeach calendar year. Additional meetings shall be held as set forth in the bylaws.

(c) The commission shall have the following powers and duties:

1. Establish the fiscal year of the commission.

2. Establish bylaws.

3. Establish a code of ethics.

4. Maintain its financial records in accordance with the bylaws.

5. Meet and take actions as are consistent with the provisions of this compact and the bylaws.

6. Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

7. Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected.

8. Purchase and maintain insurance and bonds.

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state.

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest.

12. Lease, purchase, and accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety.

13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

14. Establish a budget and make expenditures.

15. Borrow money.

16. Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this compact and the bylaws.

17. Provide and receive information from, and cooperate with, law enforcement agencies.

18. Establish and elect an executive committee.

19. Perform other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

(d) 1. The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

2. The executive committee shall be composed of the following 10 members:

a. Seven voting members who are elected by the commission from the current membership of the commission.

b. Two ex-officios, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech-language pathology association.

c. One ex-officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

(e) 1. The ex-officio members shall be selected by their respective organizations.

2. The commission may remove any member of the executive committee as provided in bylaws.

3. The executive committee shall meet at least annually.

4. The executive committee shall have the following duties and responsibilities:

a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege.

b. Ensure compact administration services are appropriately provided, contractual or otherwise.

c. Prepare and recommend the budget.

d. Maintain financial records on behalf of the commission.

e. Monitor compact compliance of member states and provide compliance reports to the commission.

f. Establish additional committees as necessary.

g. Other duties as provided in rules or bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be

given in the same manner as required under the rule-making provisions in sub. (10).

6. The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

- a. Noncompliance of a member state with its obligations under the compact.
- b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.
- c. Current, threatened, or reasonably anticipated litigation.
- d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.
- e. Accusing any person of a crime or formally censuring any person.
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential.
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.
- h. Disclosure of investigative records compiled for law enforcement purposes.
- i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.
- j. Matters specifically exempted from disclosure by federal or member state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

8. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall

be identified in minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

9. a. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

b. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

c. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

10. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

11. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(f) 1. The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this subdivision shall be construed to protect

any person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(9) DATA SYSTEM. (a) The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

1. Identifying information.
2. Licensure data.
3. Adverse actions against a license or compact privilege.
4. Nonconfidential information related to alternative program participation.
5. Any denial of application for licensure, and the reason for denial.

6. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) Investigative information pertaining to a licensee in any member state shall only be available to other member states.

(d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

(10) RULE MAKING. (a) The commission shall exercise its rule-making powers pursuant to the criteria set forth in this subsection and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rule making:

1. On the website of the commission or other publicly accessible platform.
2. On the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rule making shall include:

1. The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon.

2. The text of the proposed rule or amendment and thereason for the proposed rule.

3. A request for comments on the proposed rule fromany interested person.

4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to the adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for public hearing before it adopts a rule or amendment if a hearing is requested by any of the following:

1. At least 25 persons.
2. A state or federal government subdivision or agency.
3. An association having at least 25 members.

(h) 1. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

2. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing.

3. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

4. All hearings shall be recorded. A copy of the recording shall be made available on request.

5. Nothing in this subsection shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this subsection.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(k) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rule-making record and the full text of the rule.

(L) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rule-making procedures provided in the compact and in this subsection shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this paragraph, an emergency rule is one that must be adopted immediately in order to do any of the following:

1. Meet an imminent threat to public health, safety, or welfare.
2. Prevent a loss of commission or member state funds.
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(11) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. (a) 1. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(b) 1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. Notwithstanding s. 814.04 (1), in the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney’s fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

(12) DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH–LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT. (a) The compact shall come into effect on the date on which the compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rule-making powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission’s initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) 1. Any member state may withdraw from this compact by enacting a statute repealing the same.

2. A member state’s withdrawal shall not take effect until 6 months after enactment of the repealing statute.

3. Withdrawal shall not affect the continuing requirement of the withdrawing state’s audiology or speech–language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any

audiology or speech– language pathology licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

(13) CONSTRUCTION AND SEVERABILITY. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

(14) BINDING EFFECT OF COMPACT AND OTHER LAWS. (a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

(d) All agreements between the commission and the member states are binding in accordance with their terms. (e) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

459.71 Implementation of the audiology and speech–language pathology interstate compact. (1)
In this section:

(a) “Compact privilege” means a compact privilege, as defined in s. 459.70 (2) (h), that is granted under the audiology and speech–language pathology interstate compact under s. 459.70 to an individual to practice in this state.

(b) “Examining board” means the hearing and speech examining board.

(2) The department may impose a fee for an individual to receive a compact privilege as provided under s. 459.70 (3) (j).

(3) (a) An individual who holds a compact privilege shall comply with s. 440.03 (13) (am).

(b) Subject to s. 459.70 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who holds a compact privilege in the same manner that they apply to holders of licenses and permits issued under subch. II.

SECTION 32. 632.895 (16) (b) 1. a. of the statutes is amended to read:

632.895 (16) (b) 1. a. Coverage of the cost of hearing aids and cochlear implants that are prescribed by a physician, or by an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, in accordance with accepted professional medical or audiological standards, for a child covered under the policy or plan who is under 18 years of age and who is certified as deaf or hearing impaired by a physician or by an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459.

SECTION 33. Nonstatutory provisions.

(1) The hearing and speech examining board and the department of safety and professional services may promulgate emergency rules under s. 227.24 necessary to implement this act. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until September 1, 2024, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), neither the board nor the department is required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare or provide a finding of emergency for a rule promulgated under this subsection.

State of Wisconsin



2023 Senate Bill 419

Date of enactment: **December 6, 2023**
Date of publication*: **December 7, 2023**

2023 WISCONSIN ACT 82

AN ACT *to amend* 459.01 (5) and 459.10 (1) (intro.); and *to create* 459.01 (1b) and 459.115 of the statutes; **relating to**: practice of fitting and dealing in hearing aids, certification of hearing instrument specialists to engage in cerumen management, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 459.01 (1b) of the statutes is created to read:

459.01 (1b) "Cerumen" means a wax-like secretion from glands in the external auditory canal.

SECTION 2. 459.01 (5) of the statutes is amended to read:

459.01 (5) "Practice of fitting and dealing in hearing aids" means the measurement of human hearing by means of an audiometer or by any other means accepted by the examining board solely for the purpose of making selections, adaptations, or sales of prescription hearing aids intended to compensate for impaired hearing. This term also includes making impressions for ear molds and includes cerumen management in the course of examining ears, taking ear impressions, or fitting prescription hearing aids by an individual who holds a certificate to engage in cerumen management under s. 459.115.

SECTION 3. 459.10 (1) (intro.) of the statutes is amended to read:

459.10 (1) (intro.) Subject to subch. II of ch. 111 and the rules adopted under s. 440.03 (1), the examining board may reprimand the licensee or permit holder or revoke, suspend, limit or deny the trainee permit or license, or certificate to engage in cerumen management

under s. 459.115, or any combination thereof, of any person who has done any of the following:

SECTION 4. 459.115 of the statutes is created to read:
459.115 Cerumen management. (1) The examining board shall issue a certificate to engage in cerumen management to a person licensed under this subchapter who completes a course on cerumen management identified by the department under sub. (3).

(2) No person licensed under this subchapter may engage in cerumen management unless he or she holds a valid certificate issued under sub. (1).

(3) The examining board shall identify cerumen management courses for which completion qualifies a person licensed under this subchapter for a certificate under sub. (1). In identifying cerumen management courses, the examining board shall select cerumen management courses that consist of at least 6 hours of instruction in removing cerumen from an ear canal using a variety of safe techniques and that includes a final examination on proper cerumen management procedures.

(4) The examining board shall promulgate rules necessary to administer this section, including rules for all of the following:

(a) Defining the scope of cerumen management.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(b) Establishing contraindications for which a person licensed under this subchapter shall refer a patient to an otolaryngologist or a physician for cerumen management.

(c) Establishing proper infection control practices.

(5) A certificate issued under this section is permanent unless revoked and is not subject to periodic

renewal.

(6) Every person licensed under this subchapter who is certified to engage in cerumen management shall annually submit to the examining board evidence satisfactory to the examining board that he or she has in effect malpractice liability coverage in the minimum amounts required by the examining board by rule.



DONNA M. ROZAR

STATE REPRESENTATIVE • 69TH ASSEMBLY DISTRICT

Office: (608) 267-0280
Toll Free: (888) 534-0069
Rep.Rozar@legis.wi.gov

P.O. Box 8953
Madison, WI 53708-8953

Testimony before the Assembly Committee on Health, Aging and Long-Term Care

Assembly Bill 431

October 10, 2023

Thank you Chair Moses and members of the Assembly Committee on Health, Aging and Long-Term Care for holding this hearing on Assembly Bill (AB) 431, relating to practice of fitting and dealing in hearing aids, certification of hearing instrument specialists to engage in cerumen management, and granting rule-making authority.

AB 431 expands the scope of practice for hearing instruments specialists to include the administration of cerumen management. Cerumen is another name for ear wax, which, over time, accumulates within the ear canal. Excess cerumen has negative effects on the results of hearing tests administered by hearing instrument specialists, as well as the fitting of prescription hearing aids. Under current law and the current scope of practice for these professionals, a client must be sent away to another healthcare provider for cerumen extraction. This causes an inconvenience and added expense to patients as they must schedule an extra appointment to see this additional provider, when their hearing instrument specialist is available at the time of their original appointment.

AB 431 does require those hearing instrument specialists who choose to practice cerumen management to complete a certification course identified by the Hearing and Speech Examining Board. Upon certification, hearing instrument specialists will be more than qualified to serve their clients in an effective and efficient manner.

Thank you for your kind consideration of this Bill. I am happy to answer any questions you may have.



RACHAEL A. CABRAL-GUEVARA

STATE SENATOR • 19TH SENATE DISTRICT

Testimony before the Assembly Committee on Health, Aging and Long-Term Care

Senator Rachael Cabral-Guevara

October 10, 2023

Hello, members of the Assembly Committee on Health, Aging and Long-Term Care. Thank you for allowing me to provide testimony on Assembly Bill 431, an important bill clarifying who can practice cerumen management.

To briefly explain, cerumen is ear wax. Currently, hearing instrument specialists cannot engage in managing the removal of it, which has resulted in over-burdensome patient referrals and unnecessary delays in fitting and prescribing hearing aids. This bill intends to allow hearing instrument specialists to practice cerumen management as well.

On several occasions, I have been met with this frustrating roadblock while trying to care for patients, resulting in unnecessary delays in them receiving hearing aids for weeks in certain instances.

Additionally, there are currently too many restrictions on fitting and dealing in hearing aids. With new federal regulations surrounding over-the-counter (OTC) hearing aids, it's important we clarify that audiologists and hearing instrument specialists are only needed to prescribe hearing aids. This complements a bill I am working on to remove receipt requirements from audiologists and hearing instrument specialists for OTC hearing aid sales.

I am hopeful you will be able to support this important step in cutting red tape around hearing aid regulations and delays in care for patients.

October 10, 2023

On behalf the Wisconsin Alliance of Hearing Professionals (Alliance) and the International Hearing Society (IHS), which represent hearing instrument professionals in Wisconsin and worldwide, I would like to thank Chair Moses, Vice-Chair Rozar, and Committee members for this opportunity to submit comments on Assembly Bill 431 (An Act to amend 459.01 (5) and 459.10 (1) (intro.); and to create 459.01 (1b) and 459.115 of the statutes; Relating to: practice of fitting and dealing in hearing aids, certification of hearing instrument specialists to engage in cerumen management, and granting rule-making authority).

Additionally, we applaud and thank Vice-Chair Rozar and Senator Chair Cabral-Guevara for their leadership in sponsoring this important bill.

Assembly Bill 431 will make the process of obtaining hearing aids more efficient and seamless for consumers in Wisconsin, as well as less expensive. According to the Centers for Disease Control (CDC) 5 percent (over 290,000) Wisconsin's residents have a hearing disability. This is not just an older adult population's health concern. Younger people are also at risk of hearing loss, with the CDC estimating that about a 20% of Americans 30 and under have had their hearing.

Hearing impaired patients often present with cerumen (earwax), which can cause hearing problems, limit a prescription hearing aid's effectiveness, prevent the assessment of an ear, or all three. Presently, many consumers must be unnecessarily referred to a physician to first clean the outer ear despite licensed hearing instrument specialists with proper training being qualified to do so in a safe and effective manner. This is costly, unnecessary, and time consuming for patients.

It is the position of the Alliance and IHS that the removal of cerumen should be within the scope of practice in Wisconsin's licensed hearing instrument specialist as it is in many other states, and it is a necessary component of the practice of licensed hearing aid specialists as proper cerumen management ensures optimal outcomes for the hearing aid user and the operation of a hearing aid.

For example, IHS' "Professional Practice Profile for Hearing Health Professionals" depicts the scope and components of a hearing aid specialists' practice. The basis of the document was the 1999 National Board for Certification in Hearing Instrument Sciences Role Delineation Study of Hearing Aid Dispensers, which surveyed one hundred licensed and active hearing aid specialists to capture the frequency of tasks performed. The results indicated there are sixteen broad procedures that are commonly performed. One of the procedures is "Administer cerumen

management in the course of examining ears, taking ear impressions and/or fitting of hearing instruments.”

Continuing to unnecessarily limit a licensed hearing instrument specialist’s ability to provide these hearing healthcare services continues the unfortunate scenario where a licensed hearing instrument specialist is required to send their patient to another hearing healthcare provider to remove cerumen. Preventing a licensed hearing instrument specialist from providing cerumen management to their patient is highly anti-competition and drastically restricts needed services to patients rather than increase hearing healthcare accessibility. Furthermore, by not authorizing licensed hearing instrument specialists to remove cerumen, Wisconsin’s hearing-impaired patients will suffer by requiring them to schedule additional medical appointments, thus incurring unexpected expenses and adding weeks or months to the process towards attaining hearing healthcare services. Office visit costs range between \$5 and \$75, depending upon one’s health plan. The average insured individual in the U.S. has a \$15 to \$25 office visit copay, in-network.

In April 2018, the U.S. Department of Labor (DOL) adopted national guidelines for a hearing aid specialists apprenticeship program. Within the DOL guidelines, the DOL explained the profession as: “In a manner consistent with the individual licensee’s state law: Elicit patient case histories; perform otoscopy for the purpose of identifying contraindications to testing or ear impression; administer cerumen management if properly trained; perform audiometric testing to determine candidacy for hearing aids or assistive devices; take ear impressions; refer to other healthcare providers for appropriate clinical, rehabilitative, or medical interventions; select and fit appropriate hearing aids and assistive devices; assess hearing aid efficacy; design and modify ear molds and auditory equipment; provide counseling and aural rehabilitative services; provide tinnitus management to clients who exhibit symptoms of tinnitus during an evaluation of hearing loss conducted for the purpose of determining the appropriateness of hearing aids and/or tinnitus devices; provide supervision and in-service training of those entering the dispensing profession; and provide ongoing hearing aid care and repair services.”

Additionally, this bill attempts to address training concerns by requiring the examining board to identify cerumen management courses that consist of at least 6 hours of instruction in removing cerumen from an ear canal using a variety of safe techniques and that includes a final examination on proper cerumen management procedures. There are cerumen management programs currently available. With proper training, basic, cerumen management is a skill that should be within the scope of practice for licensed hearing instrument specialists in Wisconsin.

We would be remissive if we didn’t mention the obvious, at any time a licensed hearing instrument specialist encounters a “red flag” circumstance, they will immediately stop what they are doing and refer their patient to an ENT physician (Otolaryngologist).

Most states do not specifically mention cerumen management in their statutes; however, licensing laws, in general, authorize the performance of services that involve at least a limited degree of cerumen management in the performance of said services, such as otoscopic

evaluation, taking ear impressions for ear molds, and cleaning hearing aids. The following states include a specific reference and/or authorize hearing aid specialists to perform cerumen management: Alabama, Arizona, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, North Carolina, Tennessee, and Utah.

As previously mentioned, [5 percent](#) (over 290,000) Wisconsin's residents have a hearing disability. Hearing loss can affect a person in three main ways:

- Fewer educational and job opportunities due to impaired communication.
- Social withdrawal due to reduced access to services and difficulties communicating with others.
- Emotional problems caused by a drop in self-esteem and confidence.

Additionally, recent research from Johns Hopkins reveals that hearing loss is also linked with walking problems, falls and even dementia. The Johns Hopkins research found that mild hearing loss doubled dementia risk. Moderate loss tripled dementia risk, and people with a severe hearing impairment were five times more likely to develop dementia. In addition, those who are hesitant about getting hearing aids may give up because of the cost or hassle of seeing a second healthcare provider.

It is for these reasons that we respectfully ask you to vote in support of this bill, which will help thousands of Wisconsin residents with hearing loss receive more efficient and less expensive access to hearing healthcare services and hearing aids. This is a good health care policy for Wisconsin's hearing-impaired residents.

Thank you Chair, Vice-Chair and Committee members for this opportunity and considering Assembly Bill 431 to authorize licensed hearing instrument specialists to provide trained cerumen management for their patients.

Todd M Beyer
Board Certified Hearing Instrument Specialist
License #1175-060
Marshfield, WI 54449
715-486-5202

Founded in 1951, IHS represents hearing aid dispensing professionals worldwide, including hearing aid dealers and dispensers (known federally as hearing aid specialists), dispensing audiologists, and dispensing physicians. Hearing aid dealers and dispensers dispense about half of hearing aids delivered in the public market and operate in both urban and rural areas. IHS promotes and maintains the highest possible standards for its members in the best interests of the hearing-impaired population they serve by conducting programs in competency accreditation, testing, education, and training, and encourages continued growth and education for its members through advanced certification programs.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 1/10/24 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: 1/24/24	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 <ol style="list-style-type: none"> 1. Adoption Order: HAS 4 and 6, Relating to Audiometric Testing and Reciprocal Licensure 2. 2023 Wisconsin Act 56: HAS 6 to 8, Relating to Implementation of the Audiology and Speech-Language Pathology Licensure Compact 3. 2023 Wisconsin Act 82: HAS 1, 4, 5, and 9, Relating to Cerumen Management 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: Act on a Preliminary Rule Draft and Drafting of a New Rule; Review Board’s Current Rule Projects Attachments: <ul style="list-style-type: none"> • HAS 4 and 6 Adoption Order • 2023 WI Act 56: Act, HAS 6 to 8 Scope Statement • 2023 WI Act 82: Act, HAS 1,4,5,9 Scope Statement • Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
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: <ol style="list-style-type: none"> 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	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	HEARING AND SPEECH
HEARING AND SPEECH	:	EXAMINING BOARD
EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 22-059)

ORDER

An order of the Hearing and Speech Examining Board to amend HAS 4.03 (1) and (Note), and 6.04 (6) (b), and to repeal and recreate HAS 6.07, relating to audiometric testing and reciprocal licensure.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections s. 440.09, 459.085, 459.26 (2) (am), and 459.28 (2) Stats.

Statutory authority: Sections s. 15.08 (5) (b), 227.21 (2) (a), 440.09 (5), 459.085, 459.12 (1), 459.26 (2) (am), and 459.28 (2) Stats.

Explanation of agency authority:

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

227.21 (2) (a), Stats. “Except as provided in s. 601.41 (3) (b), to avoid unnecessary expense an agency may, with the consent of the attorney general, adopt standards established by technical societies and organizations of recognized national standing by incorporating the standards in its rules by reference to the specific issue or issues of the publication in which they appear, without reproducing the standards in full.”

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

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

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

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

459.28 (2), Stats.: “The examining board may enter into reciprocal agreements with officials of other states or territories of the United States for licensing speech-language pathologists and audiologists and grant licenses to applicants who are licensed in those states or territories according to the terms of the reciprocal agreements.”

Related statute or rule: None.

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

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

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

Comparison with rules in adjacent states:

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary of factual data and analytical methodologies:

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

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

The department posted the draft rule on its website to solicit input from small businesses, local units of government, and individuals for use in completing the economic impact analysis. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator, Jennifer Garrett, may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

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

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

Note: A copy of Standard ANSI S3.6 may be obtained ~~by writing to:~~ from the American National Standards Institute, ~~11 West 42nd Street, New York, NY 10036~~ website at www.ANSI.org. ~~Copies~~ A copy of the Standard ~~are~~ is on file at ~~the office of the Department of Safety and Professional Services and the Legislative Reference Bureau.~~

SECTION 2. HAS 6.04 (6) (b) is amended to read:

HAS 6.04 (6) (b) Completed education or training that the board determines is substantially equivalent to passing the Praxis Audiology examination. ~~A certificate of clinical competence in audiology granted by ASHA is considered equivalent.~~

SECTION 3. HAS 6.07 is repealed and recreated to read:

HAS 6.07 Reciprocal license. (1) RECIPROCAL LICENSES GENERALLY.

(a) *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:

1. The applicant has a current license to practice speech-language pathology in good standing in another state or territory of the United States.
2. The requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24 (2), Stats.

(b) *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:

1. 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.
2. 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:
 - a. 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.

- b. 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.
- (c) *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.

(2) RECIPROCAL LICENSES FOR SERVICE MEMBERS, FORMER SERVICE MEMBERS, AND THEIR SPOUSES.

(a) Notwithstanding the requirements in s. HAS 6.07 (1) (a), the board shall grant a license to practice speech-language pathology to an applicant who is a service member, former service member, or the spouse of a service member or former service member as defined in s. 440.09 (1), Stats. who submits all the following:

1. A completed application form with the signature of the applicant and date of signature.
Note: Applications are available on the website at dsps.wi.gov or by calling (608) 266-2112.
2. Fees as determined by the department under s. 440.05 (2), Stats.
3. A statement that the applicant resides in this state.
4. Documentation that the applicant is a service member, former service member, or the spouse of a service member or former service member. If an applicant is unable to provide the documentation, the applicant may submit an affidavit to the board stating that the applicant is a service member, former service member, or the spouse of a service member or former service member.
5. Evidence that the individual holds a license, certification, registration, or permit that was granted by a governmental authority in a jurisdiction outside this state that qualifies the individual to perform the acts authorized under the appropriate credential granted by the department or credentialing board.
6. Evidence that the applicant is in good standing with the governmental authorities in every jurisdiction outside this state that have granted the applicant a license, certification, registration, or permit that qualifies the individual to perform acts authorized under a speech-language pathology license granted by the board.

(b) Notwithstanding the requirements in s. HAS 6.07 (1) (b), the board shall grant a license to practice audiology to an applicant who is a service member, former service member, or the spouse of a service member or former service member as defined in s. 440.09 (1), Stats. who pays the fee required by s. 440.05 (2), Stats., and submits all the following:

1. A completed application form with the signature of the applicant and date of signature.
Note: Applications are available on the website at dsps.wi.gov or by calling (608) 266-2112.
2. Fees as determined by the department under s. 440.05 (2), Stats.
3. A statement that the applicant resides in this state.

4. Documentation that the applicant is a service member, former service member, or the spouse of a service member or former service member. If an applicant is unable to provide the documentation, the applicant may submit an affidavit to the board stating that the applicant is a service member, former service member, or the spouse of a service member or former service member.
5. Evidence that the individual holds a license, certification, registration, or permit that was granted by a governmental authority in a jurisdiction outside this state that qualifies the individual to perform the acts authorized under the appropriate credential granted by the department or credentialing board.
6. Evidence that the applicant is in good standing with the governmental authorities in every jurisdiction outside this state that have granted the applicant a license, certification, registration, or permit that qualifies the individual to perform acts authorized under an audiology license granted by the board.

(c) *Renewal.*

1. A license granted under this subsection expires on the renewal date specified in s. 440.08 (2) (a), Stats., except that if the first renewal date specified in s. 440.08 (2) (a), Stats., after the date on which the license is granted is within 180 days of the date on which the license is granted, the license expires on the 2nd renewal date specified in s. 440.08 (2) (a), Stats., after the date on which the license is granted.
2. The credentialing board shall grant a renewed reciprocal credential to an applicant who pays the renewal fee specified under s. 440.05 (2) and satisfies the requirements that apply for renewing that credential.

SECTION 4. 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)

Dated _____ Agency _____

Chairperson
 Hearing and Speech Examining Board

State of Wisconsin



2023 Senate Bill 197

Date of enactment: **December 6, 2023**

Date of publication*: **December 7, 2023**

2023 WISCONSIN ACT 56

AN ACT to renumber and amend 440.03 (13) (c) and 459.24 (3m); **to amend** 45.40 (1g) (a), 46.297 (2) (a), 46.298, 146.81 (1) (hm), 146.997 (1) (d) 12., 252.14 (1) (ar) 8., 440.03 (9) (a) (intro.), 440.03 (9) (a) 2., 440.03 (13) (b) (intro.), 440.15, 450.10 (3) (a) 11., 459.22 (2) (b), 459.24 (1) (a), 459.24 (1) (b), 459.34 (2) (intro.), 459.34 (2m) (a) (intro.), 459.34 (2m) (b), 459.34 (2m) (c), 459.34 (3) and 632.895 (16) (b) 1. a.; and **to create** 14.897, 440.03 (11m) (c) 2w., 440.03 (13) (c) 1. i., 459.20 (2k), 459.20 (2m), 459.20 (3v), 459.24 (3c), 459.24 (3e), 459.30 and subchapter III of chapter 459 [precedes 459.70] of the statutes; **relating to:** ratification of the Audiology and Speech–Language Pathology Interstate Compact, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule–making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council’s Study Committee on Occupational Licenses.

This bill ratifies and enters Wisconsin into the Audiology and Speech–Language Pathology Interstate Compact (compact), which allows a speech–language pathologist or audiologist licensed in one member state (licensee) to obtain a “compact privilege” to practice in a remote state without obtaining a license in that remote state. Significant provisions of the compact include the following:

1. Creation of an Audiology and Speech–Language Pathology Compact Commission (commission), which includes two members of the licensure boards of each member state. The commission oversees administration of the compact, enforces the compact, adopts bylaws, promulgates binding rules for the compact, hires employees and elects or appoints officers, establishes and elects an executive committee, and has various other powers and duties. The commission may levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff.

2. A process by which a licensee may obtain a compact privilege in another member state, which is also referred to in the compact as a privilege to practice. A licensee practicing

in a remote state under a compact privilege is subject to that state’s regulatory authority. A remote state may take action against a licensee’s compact privilege in the remote state, at which point the licensee is not eligible for a compact privilege in any state until certain criteria are met. The state of the licensee’s primary residence, however, has the exclusive authority to impose adverse action against a license issued by that state. Member states may charge a fee for granting a compact privilege.

3. The ability for member state licensure boards to conduct joint investigations of licensees and the ability of member states to issue subpoenas that are enforceable in other states.

4. Creation of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable.

5. Various provisions regarding resolutions of disputes between member states and between member and nonmember states.

Since the compact has already been enacted by the minimum number of states required for it to become active, the compact becomes effective in this state upon enactment of the bill. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

authorizing the compact, but the compact provides that a withdrawal does not take effect until six months after the effective date of that repeal.

SECTION 1. 14.897 of the statutes is created to read:

14.897 Audiology and speech–language pathology licensure compact. There is created an audiology and speech–language pathology compact commission as specified in s. 459.70. The delegates of the commission representing this state shall be individuals described in s. 459.70 (8) (b) 1. The commission has the powers and duties granted and imposed under s. 459.70.

SECTION 2. 45.40 (1g) (a) of the statutes is amended to read:

45.40 (1g) (a) “Health care provider” means an advanced practice nurse prescriber certified under s. 441.16 (2), an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, a dentist licensed under ch. 447, an optometrist licensed under ch. 449, a physician licensed under s. 448.02, or a podiatrist licensed under s. 448.63.

SECTION 3. 46.297 (2) (a) of the statutes is amended to read:

46.297 (2) (a) The person is certified as deaf or severely hearing impaired by a physician, an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or the department.

SECTION 4. 46.298 of the statutes is amended to read:

46.298 Vehicle sticker for the hearing impaired. Upon the request of a person who is certified as hearing impaired by the department, by a physician, by a hearing instrument specialist licensed under subch. I of ch. 459, or by an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, the department shall issue to the person a decal or sticker for display on a motor vehicle owned or frequently operated by the person to apprise law enforcement officers of the fact that the vehicle is owned or operated by a hearing–impaired person. No charge shall be made for issuance of the decal or sticker. The department shall specify the design of the decal or sticker. The department shall designate the location on the vehicle at which the decal or sticker shall be affixed by its own adhesive.

SECTION 5. 146.81 (1) (hm) of the statutes is amended to read:

146.81 (1) (hm) A speech–language pathologist or audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or a speech and language pathologist licensed by the department of public instruction.

SECTION 6. 146.997 (1) (d) 12. of the statutes is amended to read:

146.997 (1) (d) 12. A speech–language pathologist or audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch.

459, or a speech and language pathologist licensed by the department of public instruction.

SECTION 7. 252.14 (1) (ar) 8. of the statutes is amended to read:

252.14 (1) (ar) 8. A speech–language pathologist or audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or a speech and language pathologist licensed by the department of public instruction.

SECTION 8. 440.03 (9) (a) (intro.) of the statutes is amended to read:

440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5), the department shall, biennially, determine each fee for an initial credential for which no examination is required, for a reciprocal credential, and for a credential renewal and any fees imposed under ss. 448.986 (2) ~~and~~, 448.9875 (2), ~~and~~ 459.71 (2) by doing all of the following:

SECTION 9. 440.03 (9) (a) 2. of the statutes is amended to read:

440.03 (9) (a) 2. Not later than January 31 of each odd–numbered year, adjusting for the succeeding fiscal biennium each fee for an initial credential for which an examination is not required, for a reciprocal credential, and, subject to s. 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 448.986 (2) ~~and~~, 448.9875 (2), ~~and~~ 459.71 (2), if an adjustment is necessary to reflect the approximate administrative and enforcement costs of the department that are attributable to the regulation of the particular occupation or business during the period in which the initial or reciprocal credential, credential renewal, or compact privilege is in effect and, for purposes of each fee for a credential renewal, to reflect an estimate of any additional moneys available for the department’s general program operations as a result of appropriation transfers that have been or are estimated to be made under s. 20.165 (1) (i) during the fiscal biennium in progress at the time of the deadline for an adjustment under this subdivision or during the fiscal biennium beginning on the July 1 immediately following the deadline for an adjustment under this subdivision.

SECTION 10. 440.03 (11m) (c) 2w. of the statutes is created to read:

440.03 (11m) (c) 2w. The coordinated database and reporting system under s. 459.70 (9), if such disclosure is required under the audiology and speech–language pathology interstate compact under s. 459.70.

SECTION 11. 440.03 (13) (b) (intro.) of the statutes is amended to read:

440.03 (13) (b) (intro.) The department may investigate whether an applicant for or holder of any of the following credentials has been charged with or convicted of a crime only pursuant to rules promulgated by the department under this paragraph, including rules that establish

the criteria that the department will use to determine whether an investigation under this paragraph is necessary, except as provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., and 455.50 (3) (e) 4. and (f) 4., and 459.70 (3) (b) 2.:

SECTION 12. 440.03 (13) (c) of the statutes is renumbered 440.03 (13) (c) 1. (intro.) and amended to read:

440.03 (13) (c) 1. (intro.) The department shall require an all of the following to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints:

a. An applicant for a private detective license or a private security permit under s. 440.26, ~~and~~

b. An applicant for a juvenile martial arts instructor permit under sub. (17), ~~and~~

c. An applicant for a real estate appraiser certification under s. 458.06 or license under s. 458.08, ~~and~~

d. An applicant for a multistate license under s. 441.06 (1c) or 441.10 (1c), ~~and~~

e. An applicant for a compact license under s. 448.05 (2) (f), ~~and~~

f. An applicant for a physical therapist license under s. 448.53 or physical therapist assistant license under s. 448.535, ~~and~~

g. An applicant for an occupational therapist or occupational therapy assistant compact privilege under s. 448.987 (4), and an applicant for an occupational therapist or occupational therapy assistant license described in s. 448.987 (5) (b) 2. a., ~~and~~

h. An applicant for a psychologist license under s. 455.04, ~~and a~~

z. A person for whom the department conducts an investigation under par. (b), ~~to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints.~~

2. The department of justice may submit the fingerprint cards, and the department of justice shall submit the fingerprint cards of all applicants ~~for a real estate appraiser certification under s. 458.06 or license under s. 458.08, of all applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants for a compact license under s. 448.05 (2) (f), of all applicants for a physical therapist license under s. 448.53 or a physical therapist assistant license under s. 448.535, and of all applicants for a psychologist license under s. 455.04~~ identified in subd. 1. c. to i., to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

3. Information obtained from the federal bureau of investigation may be shared with the department or the appropriate credentialing board, but shall otherwise be kept confidential and is not subject to disclosure under s. 19.35.

SECTION 13. 440.03 (13) (c) 1. i. of the statutes is created to read:

440.03 (13) (c) 1. i. An applicant for an audiologist or speech–language pathologist license or compact privilege under s. 459.24 when required pursuant to the audiology and speech–language pathology interstate compact under s. 459.70.

SECTION 14. 440.15 of the statutes is amended to read:

440.15 No fingerprinting. Except as provided under ss. 440.03 (13) (c), 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., 450.071 (3) (c) 9., 450.075 (3) (c) 9., ~~and 455.50 (3) (e) 4. and (f) 4., and 459.70 (3) (b) 1.~~, the department or a credentialing board may not require that an applicant for a credential or a credential holder be fingerprinted or submit fingerprints in connection with the department's or the credentialing board's credentialing.

SECTION 15. 450.10 (3) (a) 11. of the statutes is amended to read:

450.10 (3) (a) 11. A speech–language pathologist or audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, or a speech and language pathologist licensed by the department of public instruction.

SECTION 16. 459.20 (2k) of the statutes is created to read:

459.20 (2k) “Compact” means the audiology and speech–language pathology interstate compact.

SECTION 17. 459.20 (2m) of the statutes is created to read:

459.20 (2m) “Compact privilege” means a compact privilege, as defined in s. 459.70 (2) (h), that is granted under the audiology and speech–language pathology interstate compact under s. 459.70 to an individual to practice in this state.

SECTION 18. 459.20 (3v) of the statutes is created to read:

459.20 (3v) “Single–state license” has the meaning given in s. 459.70 (2) (t).

SECTION 19. 459.22 (2) (b) of the statutes is amended to read:

459.22 (2) (b) Authorize a speech–language pathologist who is licensed under this subchapter or who holds a valid compact privilege to dispense or sell hearing aids without obtaining a hearing instrument specialist license under subch. I.

SECTION 20. 459.24 (1) (a) of the statutes is amended to read:

459.24 (1) (a) Engage in the practice of speech–language pathology or use the title “speech–language pathologist” or any similar title unless the person holds a current speech–language pathologist license granted by the examining board under sub. (2) or (6) (a) or holds a valid compact privilege.

SECTION 21. 459.24 (1) (b) of the statutes is amended to read:

459.24 (1) (b) Engage in the practice of audiology or use the title “audiologist,” “clinical audiologist,” or any similar title unless the person holds a current audiologist license granted by the examining board under sub. (3) or (6) (b) or holds a valid compact privilege.

SECTION 22. 459.24 (3c) of the statutes is created to read:

459.24 (3c) TYPES OF LICENSES. (a) A license granted under sub. (2) or (3) may be either of the following:

1. A license that, subject to s. 459.70 (4), entitles the holder to obtain and exercise a compact privilege in other states that are parties to the compact.

2. A single–state license, which only entitles the holder to practice in this state. Nothing in the compact applies to the holder of a single–state license unless otherwise applicable under this subchapter.

(b) When applying for a license under sub. (2) or (3), an individual shall specify whether he or she is applying for a license under par. (a) 1. or 2.

SECTION 23. 459.24 (3e) of the statutes is created to read:

459.24 (3e) COMPACT PRIVILEGE. The examining board shall grant to any individual to whom all of the following apply an audiologist or speech–language pathologist, whichever is applicable, compact privilege:

(a) The individual holds an unencumbered home state license in another state that is a party to the compact and satisfies all other requirements under s. 459.70 (4).

(b) The individual applies for the compact privilege in the manner prescribed by the department.

(c) The individual pays any fee established by the department under s. 459.71 (2).

SECTION 24. 459.24 (3m) of the statutes is renumbered 459.30 (2), and 459.30 (2) (intro.) and (a), as renumbered, are amended to read:

459.30 (2) FITTING AND SALE OF HEARING AIDS. (intro.) An audiologist licensed under this subchapter, an audiologist who holds a valid compact privilege, or an individual granted a permit to practice audiology under this subchapter who engages in the practice of fitting and dealing in hearing aids shall do all of the following:

(a) Deliver to each person supplied with a hearing aid a receipt. The receipt shall contain the signature and show the business address, license or permit title, and number of the licensee, compact privilege holder, or permittee, together with specifications as to the make and model of the hearing aid and full terms of sale clearly stated. If a hearing aid that is not new is sold, the receipt and the container must be clearly marked as “used” or “reconditioned”, whichever is applicable. The terms of the guarantee, if there is any given, shall be set out in not less than 8–point type.

SECTION 25. 459.30 of the statutes is created to read:

459.30 Practice. (1) PRACTICE UNDER COMPACT. (a) *Audiology.* An individual who holds a valid audiologist compact privilege may, subject to s. 459.71 (3), do any of the following:

1. Practice audiology in this state, subject to s. 459.70 (4).

2. Practice audiology in this state via telehealth, as defined in s. 459.70 (2) (y), subject to s. 459.70 (5).

(b) *Speech–language pathology.* An individual who holds a valid speech–language pathologist compact privilege may, subject to s. 459.71 (3), do any of the following:

1. Practice speech–language pathology in this state, subject to s. 459.70 (4).

2. Practice speech–language pathology in this state via telehealth, as defined in s. 459.70 (2) (y), subject to s. 459.70 (5).

SECTION 26. 459.34 (2) (intro.) of the statutes is amended to read:

459.34 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may reprimand a licensee, compact privilege holder, or permittee or deny, limit, suspend, or revoke a license or permit under this subchapter or a compact privilege if it finds that the applicant, licensee, compact privilege holder, or permittee has done any of the following:

SECTION 27. 459.34 (2m) (a) (intro.) of the statutes is amended to read:

459.34 (2m) (a) (intro.) An individual whose license, compact privilege, or limited permit is limited by the examining board under this subchapter may continue to practice under the license, compact privilege, or permit if the individual does all of the following:

SECTION 28. 459.34 (2m) (b) of the statutes is amended to read:

459.34 (2m) (b) The examining board may, as a condition of removing a limitation on a license, compact privilege, or limited permit issued under this subchapter or of reinstating a license, compact privilege, or limited permit that has been suspended or revoked under this subchapter, require the licensee, compact privilege, or permit holder to obtain minimum results specified by the examining board on one or more physical, mental, or professional competency examinations if the examining board determines that obtaining the minimum results is related to correcting one or more of the bases upon which the limitation, suspension, or revocation was imposed.

SECTION 29. 459.34 (2m) (c) of the statutes is amended to read:

459.34 (2m) (c) The examining board may, as a condition of reinstating a license or compact privilege that has been suspended under this subchapter, require the licensee or compact privilege holder to pass an examination required for initial licensure under s. 459.26 (2).

SECTION 30. 459.34 (3) of the statutes is amended to read:

459.34 (3) In addition to or in lieu of a reprimand or denial, limitation, suspension, or revocation of a license, compact privilege, or permit under sub. (2), the examining board may assess against an applicant, licensee, compact privilege holder, or permittee a forfeiture of not less than \$100 nor more than \$2,500 for each violation enumerated under sub. (2).

SECTION 31. Subchapter III of chapter 459 [precedes 459.70] of the statutes is created to read:

CHAPTER 459

SUBCHAPTER III

AUDIOLOGY AND SPEECH–LANGUAGE

PATHOLOGY INTERSTATE COMPACT

459.70 Audiology and speech–language pathology interstate compact. (1) **PURPOSE.** (a) The purpose of this compact is to facilitate interstate practice of audiology and speech–language pathology with the goal of improving public access to audiology and speech–language pathology services. The practice of audiology and speech–language pathology occurs in the state where the patient/client/student is located at the time of the patient/client/student encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

(b) This compact is designed to achieve all of the following objectives:

1. Increase public access to audiology and speech–language pathology services by providing for the mutual recognition of other member state licenses.
2. Enhance the states’ ability to protect the public’s health and safety.
3. Encourage the cooperation of member states in regulating multistate audiology and speech–language pathology practice.
4. Support spouses of relocating active duty military personnel.
5. Enhance the exchange of licensure, investigative, and disciplinary information between member states.
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state’s practice standards.
7. Allow for the use of telehealth technology to facilitate increased access to audiology and speech–language pathology services.

(2) **DEFINITIONS.** As used in this compact, and except as otherwise provided, the following definitions shall apply:

(a) “Active duty military” means full–time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 USC 1209 and 1211.

(b) “Adverse action” means any administrative, civil, equitable, or criminal action permitted by a state’s laws which is imposed by a licensing board or other authority

against an audiologist or speech–language pathologist, including actions against an individual’s license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee’s practice.

(c) “Alternative program” means a nondisciplinary monitoring process approved by an audiology or speech–language pathology licensing board to address impaired practitioners.

(d) “Audiologist” means an individual who is licensed by a state to practice audiology.

(e) “Audiology” means the care and services provided by a licensed audiologist as set forth in the member state’s statutes and rules.

(f) “Audiology and speech–language pathology compact commission” or “commission” means the national administrative body whose membership consists of all states that have enacted the compact.

(g) “Audiology and speech–language pathology licensing board,” “audiology licensing board,” “speech–language pathology licensing board,” or “licensing board” means the agency of a state that is responsible for the licensing and regulation of audiologists and/or speech–language pathologists.

(h) “Compact privilege” means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech–language pathologist in the remote state under its laws and rules. The practice of audiology or speech–language pathology occurs in the member state where the patient/client/student is located at the time of the patient/client/student encounter.

(i) “Current significant investigative information” means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech–language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

(j) “Data system” means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege, and adverse action.

(k) “Encumbered license” means a license in which an adverse action restricts the practice of audiology or speech–language pathology by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB).

(L) “Executive committee” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(m) “Home state” means the member state that is the licensee’s primary state of residence.

(n) “Impaired practitioner” means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health–related conditions.

(o) “Licensee” means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech–language pathologist.

(p) “Member state” means a state that has enacted the compact.

(q) “Privilege to practice” means a legal authorization permitting the practice of audiology or speech–language pathology in a remote state.

(r) “Remote state” means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

(s) “Rule” means a regulation, principle, or directive promulgated by the commission that has the force of law.

(t) “Single–state license” means an audiology or speech–language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

(u) “Speech–language pathologist” means an individual who is licensed by a state to practice speech–language pathology.

(v) “Speech–language pathology” means the care and services provided by a licensed speech–language pathologist as set forth in the member state’s statutes and rules.

(w) “State” means any state, commonwealth, district, or territory of the United States of America that regulates the practice of audiology and speech–language pathology.

(x) “State practice laws” means a member state’s laws, rules, and regulations that govern the practice of audiology or speech–language pathology, define the scope of audiology or speech–language pathology practice, and create the methods and grounds for imposing discipline.

(y) “Telehealth” means the application of telecommunication technology to deliver audiology or speech–language pathology services at a distance for assessment, intervention, and/or consultation.

(3) STATE PARTICIPATION IN THE COMPACT. (a) A license issued to an audiologist or speech–language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech–language pathologist to practice audiology or speech–language pathology, under a privilege to practice, in each member state.

(b) 1. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric–based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records.

2. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions.

3. Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under P.L. 92–544.

(c) Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, and whether any adverse action has been taken against any license or privilege to practice held by the applicant.

(d) Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state’s qualifications for licensure or renewal of licensure, as well as, all other applicable state laws.

(e) For an audiologist:

1. Must meet one of the following educational requirements:

a. On or before, December 31, 2007, has graduated with a master’s degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the U.S. department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

b. On or after, January 1, 2008, has graduated with a doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the U.S. department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

c. Has graduated from an audiology program that is housed in an institution of higher education outside of the United States for which the program and institution have been approved by the authorized accrediting body in the applicable country and the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board–approved program.

2. Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the commission.

3. Has successfully passed a national examination approved by the commission.

4. Holds an active, unencumbered license.

5. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law.

6. Has a valid U.S. social security or national practitioner identification number.

(f) For a speech–language pathologist:

1. Must meet one of the following educational requirements:

a. Has graduated with a master’s degree from a speech–language pathology program that is accredited by an organization recognized by the U.S. department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

b. Has graduated from a speech–language pathology program that is housed in an institution of higher education outside of the United States for which the program and institution have been approved by the authorized accrediting body in the applicable country and the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board–approved program.

2. Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the commission.

3. Has completed a supervised postgraduate professional experience as required by the commission.

4. Has successfully passed a national examination approved by the commission.

5. Holds an active, unencumbered license.

6. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech–language pathology, under applicable state or federal criminal law.

7. Has a valid U.S. social security or national practitioner identification number.

(g) The privilege to practice is derived from the home state license.

(h) An audiologist or speech–language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech–language pathology shall include all audiology and speech–language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech–language pathology in a member state under a privilege to practice shall subject an audiologist or speech–language pathologist to the jurisdiction of the licensing board, the courts, and the laws of the member state in which the client is located at the time service is provided.

(i) Individuals not residing in a member state shall continue to be able to apply for a member state’s single–state license as provided under the laws of each member state. However, the single–state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech–language pathology in any other member state. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single–state license.

(j) Member states may charge a fee for granting a compact privilege.

(k) Member states must comply with the bylaws and rules and regulations of the commission.

(4) COMPACT PRIVILEGE. (a) To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech–language pathologist shall:

1. Hold an active license in the home state.

2. Have no encumbrance on any state license.

3. Be eligible for a compact privilege in any member state in accordance with sub. (3).

4. Have not had any adverse action against any license or compact privilege within the previous 2 years from date of application.

5. Notify the commission that the licensee is seeking the compact privilege within a remote state.

6. Pay any applicable fees, including any state fee, for the compact privilege.

7. Report to the commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.

(b) For the purposes of the compact privilege, an audiologist or speech–language pathologist shall only hold one home state license at a time.

(c) Except as provided in sub. (6), if an audiologist or speech–language pathologist changes primary state of residence by moving between 2 member states, the audiologist or speech–language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.

(d) The audiologist or speech–language pathologist may apply for licensure in advance of a change in primary state of residence.

(e) A license shall not be issued by the new home state until the audiologist or speech–language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

(f) If an audiologist or speech–language pathologist changes primary state of residence by moving from a member state to a nonmember state, the license issued by the prior home state shall convert to a single–state license, valid only in the former home state.

(g) The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of par. (a) to maintain the compact privilege in the remote state.

(h) A licensee providing audiology or speech–language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(i) A licensee providing audiology or speech–language pathology services in a remote state is subject to that state’s regulatory authority. A remote state may, in accordance with due process and that state’s laws, remove a licensee’s compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens.

(j) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until all of the following occur:

1. The home state license is no longer encumbered.
2. Two years have elapsed from the date of the adverse action.

(k) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of par. (a) to obtain a compact privilege in any remote state.

(L) Once the requirements of par. (j) have been met, the licensee must meet the requirements in par. (a) to obtain a compact privilege in a remote state.

(5) COMPACT PRIVILEGE TO PRACTICE TELEHEALTH. Member states shall recognize the right of an audiologist or speech–language pathologist, licensed by a home state in accordance with sub. (3) and under rules promulgated by the commission, to practice audiology or speech–language pathology in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

(6) ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES. Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

(7) ADVERSE ACTIONS. (a) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do any of the following:

1. Take adverse action against an audiologist’s or speech–language pathologist’s privilege to practice within that member state.
2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas

issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

3. Only the home state shall have the power to take adverse action against a audiologist’s or speech–language pathologist’s license issued by the home state.

(b) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(c) The home state shall complete any pending investigations of an audiologist or speech–language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

(d) If otherwise permitted by state law, the member state may recover from the affected audiologist or speech–language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech–language pathologist.

(e) The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state’s own procedures for taking the adverse action.

(f) 1. In addition to the authority granted to a member state by its respective audiology or speech–language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(g) If adverse action is taken by the home state against an audiologist’s or speech language pathologist’s license, the audiologist’s or speech–language pathologist’s privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist’s or speech language pathologist’s license shall include a statement that the audiologist’s or speech–lan-

guage pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

(h) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

(i) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

(8) ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION. (a) 1. The compact member states hereby create and establish a joint public agency known as the audiology and speech-language pathology compact commission.

2. The commission is an instrumentality of the compact states.

3. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

4. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) 1. Each member state shall have 2 delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech-language pathologist.

2. An additional 5 delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the executive committee from a pool of nominees provided by the commission at large.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring on the commission, within 90 days.

5. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

6. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(c) The commission shall have the following powers and duties:

1. Establish the fiscal year of the commission.
2. Establish bylaws.
3. Establish a code of ethics.

4. Maintain its financial records in accordance with the bylaws.

5. Meet and take actions as are consistent with the provisions of this compact and the bylaws.

6. Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

7. Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected.

8. Purchase and maintain insurance and bonds.

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state.

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest.

12. Lease, purchase, and accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety.

13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

14. Establish a budget and make expenditures.

15. Borrow money.

16. Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this compact and the bylaws.

17. Provide and receive information from, and cooperate with, law enforcement agencies.

18. Establish and elect an executive committee.

19. Perform other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

(d) 1. The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

2. The executive committee shall be composed of the following 10 members:

a. Seven voting members who are elected by the commission from the current membership of the commission.

b. Two ex-officios, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech-language pathology association.

c. One ex-officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

(e) 1. The ex-officio members shall be selected by their respective organizations.

2. The commission may remove any member of the executive committee as provided in bylaws.

3. The executive committee shall meet at least annually.

4. The executive committee shall have the following duties and responsibilities:

a. Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege.

b. Ensure compact administration services are appropriately provided, contractual or otherwise.

c. Prepare and recommend the budget.

d. Maintain financial records on behalf of the commission.

e. Monitor compact compliance of member states and provide compliance reports to the commission.

f. Establish additional committees as necessary.

g. Other duties as provided in rules or bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rule-making provisions in sub. (10).

6. The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

a. Noncompliance of a member state with its obligations under the compact.

b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.

c. Current, threatened, or reasonably anticipated litigation.

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

e. Accusing any person of a crime or formally censuring any person.

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

h. Disclosure of investigative records compiled for law enforcement purposes.

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.

j. Matters specifically exempted from disclosure by federal or member state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

8. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

9. a. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

b. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

c. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

10. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

11. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the

report of the audit shall be included in and become part of the annual report of the commission.

(f) 1. The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this subdivision shall be construed to protect any person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(9) DATA SYSTEM. (a) The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

1. Identifying information.
2. Licensure data.
3. Adverse actions against a license or compact privilege.

4. Nonconfidential information related to alternative program participation.

5. Any denial of application for licensure, and the reason for denial.

6. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) Investigative information pertaining to a licensee in any member state shall only be available to other member states.

(d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

(10) RULE MAKING. (a) The commission shall exercise its rule-making powers pursuant to the criteria set forth in this subsection and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rule making:

1. On the website of the commission or other publicly accessible platform.

2. On the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rule making shall include:

1. The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon.

2. The text of the proposed rule or amendment and the reason for the proposed rule.

3. A request for comments on the proposed rule from any interested person.

4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to the adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following:

1. At least 25 persons.
2. A state or federal government subdivision or agency.
3. An association having at least 25 members.

(h) 1. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

2. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing.

3. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

4. All hearings shall be recorded. A copy of the recording shall be made available on request.

5. Nothing in this subsection shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this subsection.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(k) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rule-making record and the full text of the rule.

(L) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rule-making procedures provided in the compact and in this subsection shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this paragraph, an emergency rule is one that must be adopted immediately in order to do any of the following:

1. Meet an imminent threat to public health, safety, or welfare.

2. Prevent a loss of commission or member state funds.

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(11) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. (a) 1. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(b) 1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. Notwithstanding s. 814.04 (1), in the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

(12) DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT. (a) The compact shall come into effect on the date on which the compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rule-making powers

necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) 1. Any member state may withdraw from this compact by enacting a statute repealing the same.

2. A member state's withdrawal shall not take effect until 6 months after enactment of the repealing statute.

3. Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech–language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any audiology or speech–language pathology licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

(13) CONSTRUCTION AND SEVERABILITY. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

(14) BINDING EFFECT OF COMPACT AND OTHER LAWS.

(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

(d) All agreements between the commission and the member states are binding in accordance with their terms.

(e) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

459.71 Implementation of the audiology and speech–language pathology interstate compact. (1) In this section:

(a) “Compact privilege” means a compact privilege, as defined in s. 459.70 (2) (h), that is granted under the audiology and speech–language pathology interstate compact under s. 459.70 to an individual to practice in this state.

(b) “Examining board” means the hearing and speech examining board.

(2) The department may impose a fee for an individual to receive a compact privilege as provided under s. 459.70 (3) (j).

(3) (a) An individual who holds a compact privilege shall comply with s. 440.03 (13) (am).

(b) Subject to s. 459.70 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who holds a compact privilege in the same manner that they apply to holders of licenses and permits issued under subch. II.

SECTION 32. 632.895 (16) (b) 1. a. of the statutes is amended to read:

632.895 (16) (b) 1. a. Coverage of the cost of hearing aids and cochlear implants that are prescribed by a physician, or by an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, in accordance with accepted professional medical or audiological standards, for a child covered under the policy or plan who is under 18 years of age and who is certified as deaf or hearing impaired by a physician or by an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459.

SECTION 33. Nonstatutory provisions.

(1) The hearing and speech examining board and the department of safety and professional services may promulgate emergency rules under s. 227.24 necessary to implement this act. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until September 1, 2024, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), neither the board nor the department is required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare or provide a finding of emergency for a rule promulgated under this subsection.

STATEMENT OF SCOPE

HEARING AND SPEECH EXAMINING BOARD

Rule No.: HAS 6 to 8

Relating to: Implementation of the Audiology and Speech-Language Pathology Licensure Compact

Rule Type: Both Permanent and Emergency

1. Finding/nature of emergency (Emergency Rule only):

Pursuant to 2023 Wisconsin Act 56 Section 33 Subsection 1, the Hearing and Speech Examining Board may promulgate emergency rules to allow for implementation of this act. The Board is not required to provide a finding of an emergency or provide evidence that an emergency rule is necessary for the preservation of the public health, peace, safety, or welfare.

2. Detailed description of the objective of the proposed rule:

The objective of this rule is to implement the statutory changes from 2023 Wisconsin Act 56.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Wisconsin Administrative Code Chapters 6 to 8 currently include requirements for Wisconsin state licensure of Audiologists and Speech Language Pathologists. The proposed rule would add requirements for compact licensure to those chapters as well. The alternative to the proposed rule is that the statute will govern the terms of Audiologist and Speech Language Pathologists, with no further clarification written in the Administrative Code.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats.: “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.”

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

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

Section 459.28 (2), Stats.: “The examining board may enter into reciprocal agreements with officials of other states or territories of the United States for licensing speech-language pathologists and audiologists and grant licenses to applicants who are licensed in those states or territories according to the terms of the reciprocal agreements.”

2021 Wisconsin Act 56 Section 33: “(1) The hearing and speech examining board and the department of safety and professional services may promulgate emergency rules under s. 227.24 necessary to implement this act...”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

120 hours

6. List with description of all entities that may be affected by the proposed rule:

Audiologist and Speech-Language Pathologist Credential holder and those seeking credentials as Audiologists or Speech-Language Pathologists in Wisconsin.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Nilajah Hardin, (608) 267-7139, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

State of Wisconsin



2023 Senate Bill 419

Date of enactment: **December 6, 2023**
Date of publication*: **December 7, 2023**

2023 WISCONSIN ACT 82

AN ACT *to amend* 459.01 (5) and 459.10 (1) (intro.); and *to create* 459.01 (1b) and 459.115 of the statutes; **relating to:** practice of fitting and dealing in hearing aids, certification of hearing instrument specialists to engage in cerumen management, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 459.01 (1b) of the statutes is created to read:

459.01 (1b) "Cerumen" means a wax-like secretion from glands in the external auditory canal.

SECTION 2. 459.01 (5) of the statutes is amended to read:

459.01 (5) "Practice of fitting and dealing in hearing aids" means the measurement of human hearing by means of an audiometer or by any other means accepted by the examining board solely for the purpose of making selections, adaptations, or sales of prescription hearing aids intended to compensate for impaired hearing. This term also includes making impressions for ear molds and includes cerumen management in the course of examining ears, taking ear impressions, or fitting prescription hearing aids by an individual who holds a certificate to engage in cerumen management under s. 459.115.

SECTION 3. 459.10 (1) (intro.) of the statutes is amended to read:

459.10 (1) (intro.) Subject to subch. II of ch. 111 and the rules adopted under s. 440.03 (1), the examining board may reprimand the licensee or permit holder or revoke, suspend, limit or deny the trainee permit or license, or certificate to engage in cerumen management

under s. 459.115, or any combination thereof, of any person who has done any of the following:

SECTION 4. 459.115 of the statutes is created to read:
459.115 Cerumen management. (1) The examining board shall issue a certificate to engage in cerumen management to a person licensed under this subchapter who completes a course on cerumen management identified by the department under sub. (3).

(2) No person licensed under this subchapter may engage in cerumen management unless he or she holds a valid certificate issued under sub. (1).

(3) The examining board shall identify cerumen management courses for which completion qualifies a person licensed under this subchapter for a certificate under sub. (1). In identifying cerumen management courses, the examining board shall select cerumen management courses that consist of at least 6 hours of instruction in removing cerumen from an ear canal using a variety of safe techniques and that includes a final examination on proper cerumen management procedures.

(4) The examining board shall promulgate rules necessary to administer this section, including rules for all of the following:

(a) Defining the scope of cerumen management.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(b) Establishing contraindications for which a person licensed under this subchapter shall refer a patient to an otolaryngologist or a physician for cerumen management.

(c) Establishing proper infection control practices.

(5) A certificate issued under this section is permanent unless revoked and is not subject to periodic

renewal.

(6) Every person licensed under this subchapter who is certified to engage in cerumen management shall annually submit to the examining board evidence satisfactory to the examining board that he or she has in effect malpractice liability coverage in the minimum amounts required by the examining board by rule.

STATEMENT OF SCOPE

HEARING AND SPEECH EXAMINING BOARD

Rule No.: HAS 1, 4, 5, and 9

Relating to: Cerumen Management

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective of this rule is to implement the statutory changes from 2023 Wisconsin Act 82, which enables Hearing Instrument Specialists to perform cerumen management under certain circumstances.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Wisconsin Administrative Code chapters HAS 1, 4, and 5, currently outline requirements for licensure of hearing, measurement of human hearing and unprofessional conduct for Hearing Instrument Specialists. In order to implement 2023 Wisconsin Act 82, a new chapter, HAS 9, will potentially be needed, in addition to updates to the requirements in HAS 1, 4, and 5. The alternative to the proposed rule is that the statute will determine the practice of cerumen management by Hearing Instrument Specialists, and there will be no detailed guidance in the Administrative Code.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats.: "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."

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

Section 459.115 (4), Stats as quoted in 2023 Wisconsin Act 82: "The examining board shall promulgate rules necessary to administer this section, including rules for all of the following:

- (a) Defining the scope of cerumen management.
- (b) Establishing contraindications for which a person licensed under this subchapter shall refer a patient to an otolaryngologist or a physician for cerumen management.
- (c) Establishing proper infection control practices."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours

6. List with description of all entities that may be affected by the proposed rule:

Hearing Instrument Specialists credentialed in Wisconsin.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Nilajah Hardin, (608) 267-7139, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

Authorized Signature

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Date Submitted

Date Submitted

**Hearing and Speech Examining Board
Rule Projects (updated 01/10/24)**

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	Adoption Order Reviewed at 1/24/24 Meeting	Submission for Publication; Anticipated Rule Effective Date of 04/01/24
22-058	108-20	02/17/2023	HAS 5 and 6	Telehealth	Rule Effective 02/01/24	N/A
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	HAS 1, 4, 5, and 9	Cerumen Management	Scope Statement Reviewed at 1/24/24 Meeting	Board Approval for Submission to Governor's Office and for Publication
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	HAS 1, 5, and 6	Over-the-counter Hearing Aids	Project on hold pending legislative updates.	TBD
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	HAS 6 to 8	Implementation of the Audiology and Speech-Language Pathology Licensure Compact	Scope Statement Reviewed at 1/24/24 Meeting	Board Approval for Submission to Governor's Office and for Publication