

CHAPTER 459

HEARING AND SPEECH EXAMINING BOARD

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Cross-reference: See definitions in s. 440.01.

SUBCHAPTER I

LICENSURE OF HEARING INSTRUMENT SPECIALISTS

459.01 Definitions. As used in this subchapter, unless the context clearly indicates a different meaning:

(1b) “Cerumen” means a wax–like secretion from glands in the external auditory canal.

(1d) “Deceptive advertising” means creating, using, or promoting the use of any advertising material, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, false, or untruthful.

(1m) “Examining board” means the hearing and speech examining board.

(2) “Hearing aid” means any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories of such an instrument or device, except batteries and cords.

(3) “Hearing instrument specialist” means any person who is or is required to be licensed under s. 459.05 to engage in the practice of ordering, fitting, and dealing in hearing aids.

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

(5) “Practice of ordering, 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 ordering the use of hearing aids or 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.

(6) “Sell” or “sale” means a transfer for a consideration of title or of the right to use.

(7) “Trainee permit” means a temporary permit issued while the applicant is in training to become a licensed hearing instrument specialist.

History: 1983 a. 189; 1989 a. 316; 1995 a. 170; 2009 a. 356; 2023 a. 82, 179.

459.02 License required to sell and fit hearing aids.

(1) No person may engage in the practice of ordering, fitting, and dealing in hearing aids or display a sign or in any other way advertise or represent himself or herself as a person who engages in the practice of ordering, fitting, and dealing in hearing aids unless he or she holds a valid license issued under this subchapter or a valid license or permit to practice audiology issued under subch. II. The license required by s. 459.05 shall be conspicuously posted in his or her office or place of business as registered with the department at all times. Duplicate licenses shall be issued by the department under this subchapter to valid license holders operating more than one office without additional payment.

(2) Nothing in this subchapter or subch. II shall prohibit any corporation or mercantile establishment which maintains an established business address from engaging in the business of selling or offering for sale hearing aids at retail without a license, provided that for the purpose of ordering and fitting hearing aids it employs persons licensed under this subchapter or persons issued licenses or permits to practice audiology under subch. II.

(3) No license is required under this subchapter or subch. II to sell or fit an over–the–counter hearing aid, as defined in 21 USC 360j (q).

History: 1979 c. 162; 1989 a. 316; 1997 a. 49; 2009 a. 356; 2023 a. 179.

459.03 Receipt required to be furnished to a person supplied with hearing aid.

(1) Except as provided in sub. (1m), a hearing instrument specialist who engages in the practice of ordering, fitting, and dealing in hearing aids shall deliver to each person supplied with a hearing aid a receipt. The receipt shall contain the signature and show the business address and license title and number of the hearing instrument specialist, together with specifications as to the make and model of the hearing aid furnished and full terms of sale clearly stated. If a hearing aid which is not new is sold, the receipt and the container thereof must be clearly marked as “used” or “reconditioned” whichever is applicable.

(1m) A hearing instrument specialist is not required to deliver a receipt to a person supplied with a hearing aid if the supplied hearing aid is an over–the–counter hearing aid, as defined in 21 USC 360j (q).

(2) The receipt shall contain all of the following information, that shall be set out in not less than 8–point type:

(a) The terms of the guarantee, if there is any given; and

(b) A statement that the purchaser has been advised by the hearing instrument specialist that any examination or representa-

tion made by the hearing instrument specialist in connection with the fitting and selling of this hearing aid is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and therefore must not be regarded as medical opinion or advice.

History: 1989 a. 316; 1991 a. 32; 1997 a. 49; 2003 a. 270; 2009 a. 356; 2023 a. 179.

459.035 Medical exam before being fitted. A hearing aid shall not be fitted for or sold to a person 17 years of age or younger unless within 90 days prior to the fitting the person to be fitted has been examined by a physician to determine whether or not he or she has any physical deficiencies that would prohibit the effective use of a hearing aid.

History: 1979 c. 162 s. 38 (4); 2003 a. 270.

459.04 Seller's guarantee. The seller of a hearing aid shall give to the purchaser a personal guarantee that is at least identical in its terms to the guarantee of the manufacturer of the hearing aid.

459.05 Issuance of license. (1) The department shall issue to each applicant who passes an examination under s. 459.06 and pays the fee specified in s. 440.05 (1) a license.

(1m) Whenever the examining board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect in the state for the practice of ordering, fitting, and dealing in hearing aids, and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants in this state are qualified to engage in the practice of ordering, fitting, and dealing in hearing aids, the department may issue a license by reciprocity to applicants who hold valid licenses to order, deal in, or fit hearing aids in such other state or jurisdiction, who pay the fee specified in s. 440.05 (2), and who are otherwise qualified for licensure. No applicant for a license by reciprocity under this subsection shall be required to submit to or undergo a qualifying examination, if the applicant personally appears at the next meeting of the examining board after filing the application to answer any questions the examining board has.

History: 1975 c. 224; 1977 c. 29, 418; 1979 c. 162 s. 38 (4); 1991 a. 39; 2003 a. 270; 2023 a. 179.

Cross-reference: See also ch. HAS 7, Wis. adm. code.

459.06 License by examination. (1) Applicants may obtain a license by successfully passing a qualifying examination, provided the applicant is 18 years of age or older, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, and has an education equivalent to a 4-year course in an accredited high school.

(2) The examination shall include but not be limited to:

(a) Tests of knowledge in the following areas as they pertain to the fitting of hearing aids:

1. Basic physics of sound.
2. The anatomy and physiology of the ear.
3. The function of hearing aids.

(b) Practical tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:

1. Pure tone audiometry, including air conduction testing and bone conduction testing.
2. Live voice or recorded voice speech audiometry including speech reception threshold testing and most comfortable loudness measurements and measurements of tolerance thresholds.
3. Masking when indicated.
4. Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaption of a hearing aid.
5. Taking ear mold impressions.

(3) The applicant for license by examination shall appear at a time and place as the examining board designates, to be examined by means of written and practical tests in order to demonstrate that he or she is qualified to engage in the practice of ordering, fitting, and dealing in hearing aids. Such examinations shall be con-

ducted at least twice a year and at such other times and places designated by the examining board.

(4) Applications for examinations shall be submitted to the examining board at least 30 days before the date set for the examination and shall be accompanied by the examination fee specified under s. 440.05 (1).

History: 1975 c. 224; 1977 c. 29; 1979 c. 162 s. 38 (4); 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 229; 2023 a. 179.

459.07 Temporary trainee permit. (1) An applicant who fulfills the requirements regarding age, character and high school education as set forth in s. 459.06, may obtain a trainee permit upon application to the examining board. The name of the licensee who is supervising the trainee shall appear on the face of the permit.

(2) Upon receiving an application under this section, accompanied by the fee under s. 440.05 (6), the examining board may grant a trainee permit which may entitle the applicant to engage in the practice of ordering, fitting, and dealing in hearing aids for a period of one year. A person holding a valid hearing instrument specialist license issued under this subchapter or a valid license to practice audiology issued under s. 459.24 (3) shall be responsible for the direct supervision and training of the applicant and shall be liable for all negligent acts and omissions of the trainee in the practice of ordering, fitting, and dealing in hearing aids.

(3) A trainee permit may be renewed or regranted once if the trainee shows that he or she had sufficient cause for being unable to complete the requirements for permanent licensure.

(4) The examining board shall encourage the establishment of educational courses for the training of all persons wishing to become licensed hearing instrument specialists.

History: 1977 c. 29; 1979 c. 162 s. 38 (4); 1995 a. 170; 2003 a. 270; 2023 a. 179.

459.08 Notice to department of place of practice; notice to holders of license; how given. (1) A person who holds a license shall notify the department in writing or in accordance with other notification procedures approved by the department of the regular address of the places where he or she engages or intends to engage in the practice of ordering, fitting, and dealing in hearing aids. The licensee shall inform the board of any changes in these addresses within 30 days of the change.

(2) The department shall keep a record of the places of practice of persons who hold licenses.

(3) Any notice required to be given by the department to a person who holds a license shall be mailed to the person by registered or certified mail at the address of the last place of practice of which he or she has notified the department.

History: 1979 c. 162 ss. 37, 38 (4); 1983 a. 289; 1997 a. 27; 2023 a. 179.

459.085 Calibration of audiometric equipment. 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.

History: 1995 a. 170; 2003 a. 270; 2009 a. 356.

459.09 Renewal and posting of license. (1) Each person issued a license under this subchapter shall, on or before the applicable renewal date specified under s. 440.08 (2) (a), do all of the following:

(a) Pay to the department the applicable renewal fee determined by the department under s. 440.03 (9) (a).

(b) Submit with the renewal application proof that he or she completed, within the 2 years immediately preceding the date of his or her application, 20 hours of continuing education programs or courses of study approved or required under rules promulgated under s. 459.095. This paragraph does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the examining board initially granted the license.

(2) A licensee shall keep a license issued under this subchapter conspicuously posted in his or her office or place of busi-

ness at all times. Where more than one office is operated by the licensee, duplicate licenses shall be issued by the department for posting in each location.

History: 1977 c. 29; 1991 a. 39; 1997 a. 49; 1999 a. 9; 2003 a. 270; 2007 a. 20.

459.095 Continuing education. The examining board shall do all of the following:

(1) Promulgate rules establishing the criteria for approval of continuing education programs or courses of study required for renewal of a license under s. 459.09 and for approval of the sponsors and cosponsors of continuing education programs or courses of study.

(2) Approve continuing education programs and courses of study in accordance with the criteria established under sub. (1).

(3) In consultation with the department, promulgate rules that require each person issued a license under this subchapter to whom s. 459.09 (1) (b) applies to complete a specified continuing education program or course of study to ensure competence with respect to a matter related to the practice of ordering, fitting, and dealing in hearing aids if the examining board has received a significant number of consumer complaints about the matter or if the examining board otherwise determines that there is a need for such a requirement. Rules promulgated under this subsection shall establish criteria for the examining board's approval of the continuing education program or course of study and of sponsors and cosponsors of the continuing education program or course of study. The rules shall also require the examining board to administer, prior to the continuing education program or course of study, an examination on the matter that is the subject of the continuing education program or course of study and to waive a requirement to complete the continuing education program or course of study if a person granted a license under this subchapter passes the examination. A person who takes an examination specified in this subsection shall pay the fee specified in s. 440.05 (1) (b).

History: 1997 a. 49; 2003 a. 270; 2023 a. 179.

Cross-reference: See also ch. HAS 8, Wis. adm. code.

459.10 Disciplinary grounds. (1) 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, 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:

(a) Made any false statement or given any false information in connection with an application for a license or trainee permit or for renewal or reinstatement of a license or trainee permit.

(b) Been issued a license or trainee permit through error.

(c) Been adjudicated mentally incompetent by a court.

(d) Been found guilty of an offense the circumstances of which substantially relate to the practice of ordering, fitting, and dealing in hearing aids.

(e) Violated this subchapter or ch. 440 or any federal or state statute or rule which relates to the practice of ordering, fitting, and dealing in hearing aids.

(f) Practiced as a hearing instrument specialist while the person's ability to practice was impaired by alcohol or other drugs or physical or mental disability or disease.

(g) Engaged in deceptive advertising.

(h) Made a substantial misrepresentation in the course of practice which was relied upon by a client or patient.

(i) Failed to conduct a direct observation of the ear canal of a person for whom a hearing aid is purchased.

(j) Engaged in conduct which evidenced a lack of knowledge or ability to apply principles or skills of the practice of ordering, fitting, and dealing in hearing aids.

(k) Engaged in unprofessional conduct. In this subsection, "unprofessional conduct" means the violation of any standard of professional behavior which through experience, state statute, or

administrative rule has become established in the practice of ordering, fitting, and dealing in hearing aids.

(L) Obtained or attempted to obtain compensation by fraud or deceit.

(m) Violated any order of the examining board.

(n) Knowingly employed directly or indirectly, to perform any work regulated under this subchapter, any person not licensed or not holding a trainee permit under this subchapter, or whose license or trainee permit has been suspended or revoked.

(o) Permitted another person to use his or her license or trainee permit.

(p) Sold a hearing aid for use by a person who was not given tests by a hearing instrument specialist or an audiologist licensed under this chapter or in another state using appropriate procedures and instrumentation or without proper measurement of the functional intensity and range of the person's hearing.

(q) Intentionally or negligently misrepresented the cause of a hearing impairment or the cure of a hearing impairment by the use of a hearing aid.

(r) Made an intentional or negligent misrepresentation regarding a hearing aid or services.

(2) (a) An individual whose license or trainee permit is limited by the examining board under this subchapter may continue to practice under the license or permit if the individual does all of the following:

1. Refrains from engaging in unprofessional conduct.

2. Appears before the examining board or its officers or agents upon each request of the examining board.

3. Fully discloses to the examining board or its officers or agents the nature of the individual's practice and conduct.

4. Fully complies with the limits placed on his or her practice and conduct by the examining board.

5. Obtains any additional training, education or supervision required by the examining board.

6. Cooperates with all reasonable requests of the examining board.

(b) The examining board may, as a condition of removing a limitation on a license or trainee permit issued under this subchapter or of reinstating a license or trainee permit that has been suspended or revoked under this subchapter, require the license 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.

(c) The examining board may, as a condition of reinstating a license that has been suspended under this subchapter, require the license holder to pass the examination required for initial licensure under s. 459.06.

History: 1983 a. 229; 1989 a. 316; 1997 a. 191; 2003 a. 270; 2009 a. 356; 2023 a. 82, 179.

Cross-reference: See also ch. HAS 5, Wis. adm. code.

459.105 Injunction. If it appears upon complaint to the examining board by any person or is known to the examining board that any person is practicing as a hearing instrument specialist without a license or trainee permit, the examining board, the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of this state against the person to enjoin the person from practice.

History: 1983 a. 229; 1989 a. 316.

459.11 Testing equipment. The examining board may, in addition to any other powers granted, purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for licenses.

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.

(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.

History: 2023 a. 82.

459.12 Rules. (1) 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.

(2) The examining board shall promulgate rules establishing the frequency of the calibrations, the standards for the calibrations and the standards for the certifications required by s. 459.085.

(3) The examining board shall by rule prescribe the number of trainees a licensee may supervise under s. 459.07.

History: 1989 a. 316; 1995 a. 170; 2011 a. 146.

Cross-reference: See also HAS, Wis. adm. code.

459.13 Penalty. Any person violating this subchapter or any rule promulgated under this subchapter shall forfeit not more than \$500.

History: 1989 a. 316.

459.14 Exemptions. (1) This subchapter does not apply to a physician licensed by the medical examining board.

(2) This subchapter does not apply to a person engaged in the practice of measuring human hearing for selecting hearing aids or any other purpose if the person or the organization employing such person does not sell hearing aids or hearing accessories.

History: 1989 a. 316.

SUBCHAPTER II

LICENSURE OF SPEECH–LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

459.20 Definitions. In this subchapter:

(1) “Audiologist” means an individual engaged in the practice of audiology.

(2) “Audiology” means all of the following:

(a) Applying principles, methods or procedures of prevention, identification, evaluation, consultation, intervention, instruction or research related to hearing, vestibular function, or any abnormal condition related to tinnitus, auditory sensitivity, acuity, func-

tion or processing, speech, language or other aberrant behavior resulting from hearing loss.

(b) Engaging in the practice of ordering, fitting, and dealing in hearing aids.

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

(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.

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

(3g) “Hearing aid” means any wearable or implantable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories of such an instrument or device, except batteries and cords.

(3m) “Licensee” means an individual licensed under this subchapter.

(3p) “Practice of ordering, 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 for the purpose of ordering the use of hearing aids or making selections, adaptations, or sales of hearing aids intended to compensate for impaired hearing. This term also includes making impressions for ear molds.

(3t) “Sell” or “sale” means a transfer for a consideration of title or of the right to use.

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

(4) “Speech–language pathologist” means an individual engaged in the practice of speech–language pathology.

(5) “Speech–language pathology” means applying principles, methods or procedures of prevention, identification, evaluation, consultation, intervention, instruction or research related to speech, language, cognition or swallowing or any abnormal condition involving speech, articulation, fluency, voice, verbal or written language, auditory comprehension, cognition or communication or oral, pharyngeal or laryngeal sensorimotor competencies.

History: 1989 a. 316; 1997 a. 49; 2023 a. 56, 179.

459.22 Applicability. (1) This subchapter applies after June 30, 1993.

(2) This subchapter does not do any of the following:

(a) Authorize an individual licensed under this subchapter to engage in any practice for which a license is required under ch. 448.

(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.

(c) Require a hearing instrument specialist licensed under subch. I to be licensed as an audiologist under this subchapter to engage in the testing of hearing or in other practices or procedures solely for the purpose of fitting or selling hearing aids.

(d) Require an individual who engages in the practice of speech–language pathology or audiology as part of a supervised course of study, including an internship or clinical practicum, leading to a degree in speech–language pathology or audiology at a college or university to be licensed under this subchapter if the individual is designated by a title which clearly indicates status as a student or trainee.

(e) Require an individual to be licensed under this subchapter to assist in the practice of speech–language pathology or audiology under the direct supervision of the speech–language pathologist or audiologist.

(f) Require an individual to be licensed under this subchapter to engage in the practice of speech–language pathology or audiol-

ogy, other than engaging in the practice of ordering, fitting, and dealing in hearing aids, in a position for which the department of public instruction requires licensure as a speech and language pathologist or audiologist, if the individual's entire practice of speech–language pathology or audiology, other than engaging in the practice of ordering, fitting, and dealing in hearing aids, is limited to the duties of that position.

History: 1989 a. 316; 1995 a. 27 s. 9145 (1); 1997 a. 27, 49; 1999 a. 9; 2003 a. 270; 2023 a. 56, 179.

459.24 Licensure. (1) LICENSE REQUIRED. Except as provided under s. 459.22, no person may do any of the following:

(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.

(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.

(1m) PROHIBITED TITLES. No person may use the title “certified hearing aid audiologist,” “certified hearing instrument audiologist,” “licensed hearing instrument audiologist,” or “licensed hearing aid audiologist.”

(2) SPEECH–LANGUAGE PATHOLOGIST LICENSE. The examining board shall grant a speech–language pathologist license to an individual who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the examining board that he or she does not have a conviction record.

(d) Submits evidence satisfactory to the examining board that he or she has completed a supervised clinical practicum and received a master's degree in speech–language pathology 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.

(e) Submits evidence satisfactory to the examining board that he or she has passed the examination required for certification as a speech–language pathologist by the American Speech–Language–Hearing Association or passes an examination under s. 459.26 (2) (a) to determine fitness as a speech–language pathologist or has completed education or training that the examining board determines is substantially equivalent to passing one of those examinations in determining fitness as a speech–language pathologist.

(f) Submits evidence satisfactory to the examining board that he or she has completed a postgraduate clinical fellowship in speech–language pathology approved by the examining board or has completed education or training that the examining board determines is substantially equivalent to the completion of such a fellowship.

(3) AUDIOLOGIST LICENSE. The examining board shall grant an audiologist license to an individual who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the examining board that he or she does not have a conviction record.

(d) Submits evidence satisfactory to the examining board that he or she has completed a supervised clinical practicum and satisfied one of the following:

1. 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. This subdivision does not apply to applications received after December 31, 2009.

2. Submits evidence satisfactory to the examining board that he or she possesses a doctoral degree in audiology from an accredited academic institution approved by the examining board by rule. The doctoral degree program must consist of not less than 3 years of educational course work and not less than 12 months of clinical rotation or externship. This subdivision applies to applications received after December 31, 2009.

3. Submits evidence satisfactory to the examining board that he or she has completed education or training that the examining board determines is substantially equivalent to the requirements under subd. 2. This subdivision applies to applications received after December 31, 2009.

(e) Submits evidence satisfactory to the examining board that he or she has passed the examinations selected or approved by the examining board by rule under s. 459.26 (2) (am), or has completed education or training that the examining board determines is substantially equivalent to the examinations selected or approved by the examining board under s. 459.26 (2) (am).

(em) Passes an examination under s. 459.26 (2) (b).

(f) Submits evidence satisfactory to the examining board that he or she has completed a postgraduate clinical fellowship in audiology approved by the examining board or has completed education or training that the examining board determines is substantially equivalent to the completion of such a fellowship. This paragraph applies to applications received on or before December 31, 2009.

(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.

(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).

(4) POSTING OF LICENSE. Each person issued a license under this subchapter to practice speech–language pathology or audiology shall post the license in a conspicuous place in the licensee's place of business.

(5) EXPIRATION AND RENEWAL. The renewal dates for licenses granted under this subchapter, other than temporary licenses granted under sub. (6), are specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include all of the following:

(a) The renewal fee determined by the department under s. 440.03 (9) (a).

(b) Proof that the applicant completed, within the 2 years immediately preceding the date of his or her application, 20 hours of continuing education programs or courses of study approved or required under rules promulgated under sub. (5m). This para-

graph does not apply to an applicant for renewal of a license that expires on the first renewal date after the date on which the examining board initially granted the license.

(5m) CONTINUING EDUCATION. (a) The examining board shall do all of the following:

1. Promulgate rules establishing the criteria for approval of continuing education programs or courses of study required for renewal of a license under sub. (5) and the criteria for approval of the sponsors and cosponsors of continuing education programs or courses of study.

2. Approve continuing education programs and courses of study in accordance with the criteria established under subd. 1.

3. In consultation with the department, promulgate rules that do each of the following:

a. Require each person granted a speech–language pathologist license to whom sub. (5) (b) applies to complete a specified continuing education program or course of study to ensure competence with respect to a matter related to the practice of speech–language pathology if the examining board has received a significant number of consumer complaints about the matter or if the examining board otherwise determines there is a need for such a requirement.

b. Require each person granted an audiologist license to whom sub. (5) (b) applies to complete a specified continuing education program or course of study to ensure competence with respect to a matter related to the practice of audiology if the examining board has received a significant number of consumer complaints about the matter or if the examining board determines there is a need for such a requirement.

(b) Rules promulgated under par. (a) 3. shall establish criteria for the examining board’s approval of the specified continuing education program or course of study and of sponsors and cosponsors of the continuing education program or course of study. The rules shall also require the examining board to administer, prior to the continuing education program or course of study, an examination on the matter that is the subject of the continuing education program or course of study and to waive a requirement to complete the continuing education program or course of study if a person granted a license under this subchapter passes the examination. A person who takes an examination specified in this paragraph shall pay the fee specified in s. 440.05 (1) (b).

(6) TEMPORARY LICENSE. (a) Upon application, the examining board may grant a temporary license to practice speech–language pathology during the completion of the postgraduate fellowship required under sub. (2) (f) if the applicant practices under the supervision of a speech–language pathologist licensed under sub. (2), satisfies the requirements under sub. (2) (a) to (d) and has submitted an application to take the next available examination for licensure as a speech–language pathologist under s. 459.26 (2) (a).

(b) 1. Upon application, the examining board may grant a temporary license to practice audiology during the completion of the postgraduate fellowship required under sub. (3) (f) if the applicant practices under the supervision of an audiologist licensed under sub. (3), satisfies the requirements under sub. (3) (a) to (d), and has submitted an application to take the next available examinations for licensure as an audiologist under s. 459.26 (2) (b). No license may be issued under this paragraph after December 31, 2009.

2. The examining board may grant a temporary license to practice audiology to an individual who satisfies the requirements under sub. (3) (a) to (e).

(c) A temporary license granted under this subsection is valid for a period designated in rules promulgated by the examining board. The rules may designate a period that terminates if an applicant fails to take the next available examination under s. 459.26 (2) (a) or (b) for reasons other than inaction by the examining board or hardship. A temporary license granted under par. (a) may be renewed once by the examining board. A temporary license granted under par. (b) may be renewed once by the examining board if the applicant fails an examination for audiologist

licensure under s. 459.26 (2) (b) and applies to take the next available examination or if the applicant shows, to the satisfaction of the examining board, sufficient cause for the renewal. An applicant for a temporary license shall pay the fee specified in s. 440.05 (6).

History: 1989 a. 316; 1993 a. 16, 66; 1997 a. 49; 1999 a. 9; 2003 a. 270; 2007 a. 20; 2009 a. 356; 2023 a. 56, 179; s. 13.92 (1) (bm) 2.

Cross-reference: See also chs. HAS 6, 7, and 8, Wis. adm. code.

459.26 Examination. (1) The examining board shall conduct examinations for speech–language pathologist and audiologist licensure at least semiannually and at times and places determined by the examining board. The examining board shall provide public notice of each examination at least 60 days before the date of the examination.

(2) (a) Examinations for speech–language pathologists shall consist of the examinations required for certification as a speech–language pathologist by the American speech–language–hearing association or may consist of other written tests that require applicants to demonstrate minimum competency in services and subjects substantially related to the practice of speech–language pathology and that are substantially equivalent to the examinations required for such certification.

(am) The examining board shall by rule select and approve examinations for audiology.

(b) An applicant for an audiologist license shall also complete an examination administered by the examining board that consists of practical tests of proficiency in techniques that pertain to the fitting of hearing aids, including the following:

1. Pure tone audiometry, including air conduction testing and bone conduction testing.

2. Live voice or recorded voice speech audiometry including speech reception threshold testing and most comfortable loudness measurements and measurements of tolerance thresholds.

3. Masking when indicated.

4. Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaptation of a hearing aid.

5. Taking ear mold impressions.

(c) The examining board may waive the requirement to complete the examination specified in par. (b) if it determines that an applicant for an audiologist license has completed education or training that is substantially equivalent to completing the examination.

(3) An individual is not eligible for examination unless he or she, at least 30 days before the date of examination, submits an application for examination to the department on a form provided by the department and pays the fee specified in s. 440.05 (1).

History: 1989 a. 316; 1991 a. 39; 1997 a. 49; 2009 a. 356; 2013 a. 114.

Cross-reference: See also ch. HAS 6, Wis. adm. code.

459.28 Licensees of other jurisdictions. (1) Upon application and payment of the fee specified in s. 440.05 (2), the examining board shall do the following:

(a) Grant a license to practice speech–language pathology or audiology under s. 459.24 (2) or (3) to an applicant who holds a current speech–language pathologist or audiologist license in another state or territory of the United States if the examining board determines that the requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24 (2) or (3).

(b) Notwithstanding s. 459.24 (3) (d), grant a license to practice audiology under s. 459.24 (3) to an applicant who holds a current audiologist license in another state or territory of the United States if the examining board determines all of the following:

1. The requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24 (3) (c), (e), and (em).

2. The applicant has submitted evidence satisfactory to the examining board that he or she has completed a supervised clinical

cal 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.

(2) 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.

History: 1989 a. 316; 1993 a. 16; 2009 a. 356.

Cross-reference: See also chs. HAS 6 and 7, Wis. adm. code.

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).

(2) FITTING AND SALE OF HEARING AIDS. 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 ordering, fitting, and dealing in hearing aids shall do all of the following:

(a) Except as provided in sub. (3r), 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.

(b) Give to a purchaser of a hearing aid a personal guarantee that is at least identical in its terms to the guarantee given by the manufacturer of the hearing aid.

(3r) DELIVERY OF RECEIPT. An audiologist is not required to deliver a receipt to a person supplied with a hearing aid if the supplied hearing aid is an over–the–counter hearing aid, as defined in 21 USC 360j (q).

NOTE: Sub. (3r) was created as s. 459.24 (3r) by 2023 Wis. Act 179 and renumbered to sub. (3r) by the legislative reference bureau under s. 13.92 (1) (bm) 2.

History: 2023 a. 56 ss. 24, 25; 2023 a. 179; s. 13.92 (1) (bm) 2.

459.32 Limited permit. (1) Upon application, the examining board shall grant a permit to practice speech–language pathology in association with a speech–language pathologist licensed under s. 459.24 (2), or to practice audiology in association with an audiologist licensed under s. 459.24 (3), to an individual who is not a resident of this state if the individual submits evidence satisfactory to the examining board of having satisfied the requirements for licensure under s. 459.24 (2) (c) and (d) or (3) (c) and (d). The permit shall be valid for the period designated by the examining board, not to exceed 10 days in any calendar year.

(2) Upon application, the examining board shall grant a permit to practice speech–language pathology or audiology to an individual who is not a resident of this state if the individual holds a current speech–language pathologist or audiologist license in another state or territory of the United States and the examining

board determines that the requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24 (2) or (3). The permit shall be valid for the period designated by the examining board, not to exceed 45 days in any calendar year.

(3) An applicant for a limited permit under sub. (1) or (2) shall pay the fee specified in s. 440.05 (6) and, if applicable, an applicant for a limited permit under sub. (2) shall also pay the fee specified in s. 440.05 (1) (b).

History: 1989 a. 316; 1993 a. 16; 1997 a. 49.

Cross-reference: See also ch. HAS 6, Wis. adm. code.

459.34 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred.

(2) 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:

(a) Made a material misstatement in an application for a license or permit or for renewal of a license.

(b) Engaged in conduct in the practice of speech–language pathology or audiology which evidences a lack of knowledge or ability to apply professional principles or skills.

(c) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of speech–language pathology or audiology.

(ce) Violated any federal or state statute, rule or regulation that relates to the practice of ordering, fitting, and dealing in hearing aids. This paragraph does not apply to speech–language pathologists.

(cm) Failed to conduct a direct observation of the ear canal of a person for whom a hearing aid is purchased. This paragraph does not apply to speech–language pathologists.

(cs) Sold a hearing aid for use by a person who was not given tests by a hearing instrument specialist or audiologist licensed under this chapter or in another state using appropriate procedures and instrumentation or without proper measurement of the functional intensity and range of the person's hearing. This paragraph does not apply to speech–language pathologists.

(d) Engaged in deceptive advertising.

(e) Advertised, practiced or attempted to practice under another's name.

(f) Subject to ss. 111.321, 111.322 and 111.34, practiced speech–language pathology or audiology while the individual's ability to practice was impaired by alcohol or other drugs.

(g) Violated this subchapter or any rule promulgated under this subchapter.

(h) Engaged in unprofessional conduct as defined by rule by the examining board.

(i) Intentionally or negligently misrepresented the cause of a hearing impairment or the cure of a hearing impairment by the use of a hearing aid.

(j) Made an intentional or negligent misrepresentation regarding a hearing aid or services.

(k) Misused the words “doctor,” “clinic,” “clinical,” or other words, abbreviations, or symbols that imply the involvement of the medical or audiology professions in the absence of such involvement.

(2m) (a) 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:

1. Refrains from engaging in unprofessional conduct.

2. Appears before the examining board or its officers or agents upon each request of the examining board.
3. Fully discloses to the examining board or its officers or agents the nature of the individual's practice and conduct.
4. Fully complies with the limits placed on his or her practice and conduct by the examining board.
5. Obtains any additional training, education or supervision required by the examining board.
6. Cooperates with all reasonable requests of the examining board.

(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.

(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).

(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).

History: 1989 a. 316; 1997 a. 49, 191; 2003 a. 270; 2009 a. 356; 2023 a. 56, 179.
Cross-reference: See also ch. HAS 6, Wis. adm. code.

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 non-member 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–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 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.

History: 2023 a. 56.

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.

History: 2023 a. 56.