



State of Wisconsin
1997 - 1998 LEGISLATURE

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1997 ASSEMBLY BILL 915

March 17, 1998 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Consumer Affairs.

1 **AN ACT to repeal** 15.405 (6m) (c) 1., 15.405 (6m) (d) 1., 15.407 (4) (b) 1., 440.04
2 (8), 440.08 (2) (a) 2., 442.03 (2), 442.04 (3), 442.06, 442.11 (3), 442.11 (4), 442.11
3 (6), 458.08 (5), 459.22 (1) and subchapter III of chapter 459 [precedes 459.40];
4 **to renumber and amend** 15.405 (6m) (c) 2. and 15.405 (6m) (d) 2.; **to amend**
5 15.405 (6m) (e), 15.407 (4) (b) 2., 29.09 (9) (a) 1., 29.405 (1) (a), 45.353 (3), 49.45
6 (8) (a) 7., 66.044 (3), 77.54 (22) (b), 100.03 (1) (bm), 100.03 (1) (ym) 2., 102.01 (2)
7 (c), 127.01 (1r), 127.01 (25m) (b), 127.06 (1) (e), 127.06 (1m) (e), 149.14 (3) (k),
8 149.14 (4) (h) and (i), 440.05 (intro.), 440.08 (2) (a) (intro.), 440.23 (1), 440.963
9 (1), 442.02 (7), 442.02 (9), 442.03 (3), 442.07 (title), 442.07 (1), 442.07 (2), 442.07
10 (3), 442.08, 442.10 (1), 442.11 (7), 442.11 (8), 442.11 (9), 442.11 (10), 442.11 (13),
11 442.13, 448.13 (1), 449.18 (7), 458.09 (2) (intro.), 459.01 (2), (3) and (5), 459.02,
12 459.03 (title), 459.03 (1), 459.03 (2) (b), 459.035, 459.04, 459.05 (1m), 459.06 (2)
13 (a) (intro.) and 3. and (b) (intro.) and 4. and (3), 459.07 (2), 459.08 (1), 459.085,
14 459.09, 459.10 (1) (d), (e), (j), (k) and (p), 459.14 (2), 459.22 (2) (b), 459.22 (2) (c),

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1 459.24 (1m) and 968.27 (7) (b); **to repeal and recreate** 459.02, 459.03 (1),
2 459.09 and 459.22 (2) (b); and **to create** 448.03 (2) (L) of the statutes; **relating**
3 **to:** eliminating outdated references to certificates of registration to practice
4 audiology and speech-language pathology, and replacing the term “hearing
5 aid” with “hearing instrument”; eliminating outdated references to transitional
6 appraiser licenses; exempting certain persons who assist occupational
7 therapists from licensure and certification requirements; use of titles and
8 representations regarding Wisconsin registered interior designers by firms,
9 partnerships and corporations; continuing education requirements for
10 physicians and podiatrists; allowing the optometry examining board to deny,
11 limit, suspend or revoke a certificate authorizing an optometrist to use topical
12 ocular diagnostic or therapeutic pharmaceutical agents or to remove foreign
13 bodies from an eye, and continuing education requirements for optometrists
14 certified to use therapeutic pharmaceutical agents or to remove foreign bodies
15 from an eye; and public accountants practicing under a certificate of authority
16 and qualifications for applicants for a certificate as a certified public accountant
17 (suggested as remedial legislation by the department of regulation and
18 licensing).

Analysis by the Legislative Reference Bureau

Under current law, a person is not allowed to use a title related to audiology or speech-language pathology, or practice audiology or speech-language pathology, unless he or she is granted a license by the hearing and speech examining board (board). Prior to July 1, 1993, such persons were granted certificates of registration by the board. This bill eliminates all outdated references to audiology and speech-language pathology certificates of registration.

Under current law, a person may not fit or sell hearing aids unless he or she is granted a license by the board to practice as a hearing instrument specialist. “Hearing aid” is defined as a device that aids or compensates for impaired hearing.

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In addition, certain requirements apply to the fitting and sale of hearing aids by a person who is licensed by the board. This bill replaces the term "hearing aid" with the term "hearing instrument", which the bill defines to have the same meaning as "hearing aid" under current law.

This bill eliminates outdated references in state law to transitional appraiser licenses. Under current law, no transitional appraiser license granted by the department of regulation and licensing is valid after January 1, 1996.

Under current law, the medical examining board grants licenses and certificates that allow a person to engage in the following professions: occupational therapist, occupational therapy assistant, physician, physician assistant, podiatrist and respiratory care practitioner. A license or certificate is not required for a person who assists a respiratory care practitioner in practice under the direct, immediate and on-premises supervision of the respiratory care practitioner.

This bill exempts a person from the requirement to be licensed or certified by the medical examining board if he or she assists an occupational therapist or occupational therapy assistant in practice under the direct, immediate and on-premises supervision of the occupational therapist or occupational therapy assistant.

Under current law, a firm, partnership or corporation may use the term "Wisconsin registered interior designer" or "Wisconsin registered interior designers" and may advertise or represent that it provides the services of a Wisconsin registered interior designer only if at least one principal, partner or officer is an interior designer registered with the department of regulation and licensing and if he or she is responsible for the interior design services provided by the firm, partnership or corporation.

This bill allows a firm, partnership or corporation to use the term and advertise or make the representation if at least one employee meets these requirements.

Under current law, a physician or podiatrist must renew his or her certificate of registration on November 1 of each odd-numbered year. When a physician or podiatrist applies for renewal, he or she must submit proof that he or she attended and completed at least 30 hours of continuing education courses within the 2 calendar years preceding the calendar year for which his or her certificate of registration is effective.

This bill requires a physician or podiatrist to attend and complete the courses within the 2-year period preceding the date of his or her application for renewal, instead of within the 2 calendar years preceding the calendar year for which his or her certificate of registration is effective.

Under current law, a person may not practice optometry unless he or she is issued a license and a certificate of registration by the optometry examining board. An optometrist may not use topical ocular diagnostic pharmaceutical agents unless he or she is issued an additional certificate by the department of regulation and licensing specifically allowing him or her to do so. In addition, an optometrist may not use therapeutic pharmaceutical agents or remove foreign bodies from an eye unless he or she is issued an additional certificate by the board specifically allowing him or her to do so. The optometry examining board may deny, limit, suspend or

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revoke a license or certificate of registration, but not the other 2 certificates, if an optometrist engages in certain prohibited activities.

This bill provides that, if an optometrist engages in any of the prohibited activities, the optometry examining board may also deny, limit, suspend or revoke a certificate allowing him or her to use topical ocular diagnostic pharmaceutical agents or a certificate allowing him or her to use therapeutic pharmaceutical agents or to remove foreign bodies from an eye.

Also, under current law, a certificate that allows an optometrist to use therapeutic pharmaceutical agents or remove foreign bodies from an eye expires on January 1 of each even-numbered year. An optometrist who applies for renewal of this certificate must satisfy continuing education requirements established in rules promulgated by the optometry examining board. The rules may not require an optometrist to complete more than 30 hours of continuing education courses within the 2 calendar years immediately preceding the expiration date of the certificate.

This bill requires an optometrist who applies for renewal of the certificate to complete the continuing education courses within the 2 years immediately preceding the date of his or her application for renewal, instead of within the 2 calendar years immediately preceding the expiration date of the certificate.

Under current law, the accounting examining board regulates both public accountants and certified public accountants. A person may not practice as a public accountant unless he or she holds both a certificate of authority as a public accountant that is issued by the accounting examining board and a license. A person may not practice as a certified public accountant unless he or she holds a certificate as a certified public accountant that is issued by the accounting examining board and a license. The accounting examining board may issue a certificate of authority as a public accountant only to a person who applied for the certificate before December 1, 1935. This bill eliminates the certificate of authority as a public accountant.

Current law also provides that a person who applied for a certificate as a certified public accountant before July 1, 1968, must satisfy certain education and experience requirements. This bill eliminates these requirements.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of regulation and licensing and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

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1 **SECTION 2.** 15.405 (6m) (c) 2. of the statutes is renumbered 15.405 (6m) (c) and
2 amended to read:

3 15.405 **(6m)** (c) One audiologist licensed under subch. II of ch. 459. ~~This~~
4 ~~subdivision applies after June 30, 1993.~~

5 **SECTION 3.** 15.405 (6m) (d) 1. of the statutes is repealed.

6 **SECTION 4.** 15.405 (6m) (d) 2. of the statutes is renumbered 15.405 (6m) (d) and
7 amended to read:

8 15.405 **(6m)** (d) One speech-language pathologist licensed under subch. II of
9 ch. 459. ~~This subdivision applies after June 30, 1993.~~

10 **SECTION 5.** 15.405 (6m) (e) of the statutes is amended to read:

11 15.405 **(6m)** (e) Two public members. One of the public members shall be a
12 hearing aid instrument user.

13 **SECTION 6.** 15.407 (4) (b) 1. of the statutes is repealed.

14 **SECTION 7.** 15.407 (4) (b) 2. of the statutes is amended to read:

15 15.407 **(4)** (b) 2. Two audiologists licensed under subch. II of ch. 459. ~~This~~
16 ~~subdivision applies after June 30, 1993.~~

17 **SECTION 8.** 29.09 (9) (a) 1. of the statutes is amended to read:

18 29.09 **(9)** (a) 1. "Accompanied" means being subject to continuous visual or
19 voice contact without the aid of any mechanical or electronic amplifying device other
20 than a hearing aid instrument.

21 **SECTION 9.** 29.405 (1) (a) of the statutes is amended to read:

22 29.405 **(1)** (a) "Contact" means visual or voice contact without the aid of any
23 mechanical or electronic amplifying device other than a hearing aid instrument.

24 **SECTION 10.** 45.353 (3) of the statutes is amended to read:

ASSEMBLY BILL 915**SECTION 10**

1 45.353 (3) Application by any such state veterans organization shall be filed
2 annually with the department for the 12-month period commencing on April 1 and
3 ending on March 31 of the year in which it is filed. An application shall contain a
4 statement of salaries and travel expenses paid to employes engaged in veterans
5 claims service maintained at the regional office by such state veterans organization
6 covering the period for which application for a grant is made, which statement has
7 been certified as correct by ~~an~~ a certified public accountant certified licensed under
8 ch. 442 and sworn to as correct by the adjutant or principal officer of the state
9 veterans organization. The application shall also contain the state organization's
10 financial statement for its last completed fiscal year and such evidence of claims
11 service activity as the department requires. Sufficient evidence shall be submitted
12 with an initial application to establish that the state veterans organization, or its
13 national organization, or both, has maintained a full-time service office at the
14 regional office without interruption throughout 5 years out of the 10-year period
15 immediately preceding such application. Subsequent applications must be
16 accompanied by an affidavit by the adjutant or principal officer of such state veterans
17 organization stating that a full-time service office was maintained at the regional
18 office by such state veterans organization, or by such state organization and its
19 national organization, for the entire 12-month period for which application for a
20 grant is made.

21 **SECTION 11.** 49.45 (8) (a) 7. of the statutes is amended to read:

22 49.45 (8) (a) 7. "Speech-language pathologist" ~~means an individual engaged~~
23 ~~in the practice of speech-language pathology, as regulated under ch. 459~~ has the
24 meaning given in s. 459.20 (4).

25 **SECTION 12.** 66.044 (3) of the statutes is amended to read:

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1 66.044 (3) The ordinance shall provide that the governing body of the city or
2 village shall authorize an annual detailed audit of its financial transactions and
3 accounts by a certified public accountant licensed under ch. 442 and designated by
4 the governing body.

5 **SECTION 13.** 77.54 (22) (b) of the statutes is amended to read:

6 77.54 (22) (b) Artificial limbs, artificial eyes, hearing aids instruments and
7 other equipment worn as a correction or substitute for any functioning portion of the
8 body.

9 **SECTION 14.** 100.03 (1) (bm) of the statutes is amended to read:

10 100.03 (1) (bm) "Audited financial statement" means a financial statement
11 that, in the accompanying opinion of an independent certified public accountant ~~or~~
12 ~~a public accountant holding a certificate of authority~~ licensed under ch. 442, fairly
13 and in all material respects represents the financial position of the contractor, the
14 results of the contractor's operations and the contractor's cash flows in conformity
15 with generally accepted accounting principles.

16 **SECTION 15.** 100.03 (1) (ym) 2. of the statutes is amended to read:

17 100.03 (1) (ym) 2. Reviewed according to generally accepted accounting
18 principles by an independent certified public accountant ~~or a public accountant~~
19 ~~holding a certificate of authority~~ licensed under ch. 442.

20 **SECTION 16.** 102.01 (2) (c) of the statutes is amended to read:

21 102.01 (2) (c) "Injury" means mental or physical harm to an employe caused
22 by accident or disease, and also means damage to or destruction of artificial
23 members, dental appliances, teeth, hearing aids instruments and eyeglasses, but, in
24 the case of hearing aids instruments or eyeglasses, only if such damage or

ASSEMBLY BILL 915**SECTION 16**

1 destruction resulted from accident which also caused personal injury entitling the
2 employe to compensation therefor either for disability or treatment.

3 **SECTION 17.** 127.01 (1r) of the statutes is amended to read:

4 127.01 (1r) "Audited financial statement" means a financial statement on
5 which an independent certified public accountant, ~~or an independent public~~
6 ~~accountant holding a certificate of authority~~ licensed under ch. 442, has expressed
7 an opinion according to generally accepted accounting principles and has conducted
8 an audit according to generally accepted auditing standards.

9 **SECTION 18.** 127.01 (25m) (b) of the statutes is amended to read:

10 127.01 (25m) (b) The financial statement is reviewed according to generally
11 accepted accounting principles by an independent certified public accountant ~~or an~~
12 ~~independent public accountant who holds a certificate of authority~~ licensed under ch.
13 442.

14 **SECTION 19.** 127.06 (1) (e) of the statutes is amended to read:

15 127.06 (1) (e) The department may extend the filing deadline under par. (a) 2.
16 by up to 30 days in response to a written request from a warehouse keeper or an
17 independent certified public accountant, ~~or an independent public accountant~~
18 ~~holding a certificate of authority~~ licensed under ch. 442, that is auditing or reviewing
19 the financial statement for a warehouse keeper if the department receives the
20 request on or before the 5th day of the 4th month beginning after the close of the
21 warehouse keeper's fiscal year and if the request states the reason for the extension.

22 **SECTION 20.** 127.06 (1m) (e) of the statutes is amended to read:

23 127.06 (1m) (e) The department may extend the filing deadline under par. (b)
24 2. by up to 30 days in response to a written request from a grain dealer or an
25 independent certified public accountant, ~~or an independent public accountant who~~

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1 holds a certificate of authority licensed under ch. 442, that is auditing or reviewing
2 the financial statement for a grain dealer, if the department receives the written
3 request on or before the 5th day of the 4th month beginning after the close of the grain
4 dealer's fiscal year and if the request states the reason for the extension.

5 **SECTION 21.** 149.14 (3) (k) of the statutes, as affected by 1997 Wisconsin Act
6 27, is amended to read:

7 149.14 (3) (k) Rental or purchase, as appropriate, of durable medical
8 equipment or disposable medical supplies, other than eyeglasses and hearing aids
9 instruments.

10 **SECTION 22.** 149.14 (4) (h) and (i) of the statutes, as affected by 1997 Wisconsin
11 Act 27, are amended to read:

12 149.14 (4) (h) Eyeglasses and hearing aids instruments.

13 (i) Routine physical examinations, including routine examinations to
14 determine the need for eyeglasses and hearing aids instruments.

15 **SECTION 23.** 440.04 (8) of the statutes is repealed.

16 **SECTION 24.** 440.05 (intro.) of the statutes, as affected by 1997 Wisconsin Act
17 (Assembly Bill 273), is amended to read:

18 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
19 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, ~~442.06~~, 444.03,
20 444.05, 444.11, 447.04 (2) (c) 2., 449.17, and 449.18 ~~and 459.46~~:

21 **SECTION 25.** 440.08 (2) (a) (intro.) of the statutes, as affected by 1997 Wisconsin
22 Act (Assembly Bill 273), is amended to read:

23 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
24 ~~442.06~~, 444.03, 444.05, 444.11, 447.04 (2) (c) 2., ~~448.065~~, 447.04 (2) (e) 2., 449.17, and
25 449.18 ~~and 459.46~~, the renewal dates and renewal fees for credentials are as follows:

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1 **SECTION 26.** 440.08 (2) (a) 2. of the statutes is repealed.

2 **SECTION 27.** 440.23 (1) of the statutes is amended to read:

3 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
4 or (6), 440.08, 444.03, 444.05, or 444.11 ~~or 459.46 (2) (b)~~ by check and the check is not
5 paid by the bank upon which the check is drawn, the department may cancel the
6 credential on or after the 60th day after the department receives the notice from the
7 bank, subject to sub. (2).

8 **SECTION 28.** 440.963 (1) of the statutes is amended to read:

9 440.963 (1) A firm, partnership or corporation may use the term “Wisconsin
10 registered interior designer” or “Wisconsin registered interior designers”, or may
11 advertise or make representations that it provides the services of a Wisconsin
12 registered interior designer, only if at least one principal, partner ~~or~~, officer or
13 employe who is in responsible charge of the interior design services provided by the
14 firm, partnership or corporation is a Wisconsin registered interior designer.

NOTE: 1995 Wisconsin Act 322 restricted the use of the title “Wisconsin registered interior designer”. This title may not be used by a firm, partnership or corporation unless at least one principal, partner or officer who is in responsible charge of the interior design services provided by the firm, partnership or corporation is a Wisconsin registered interior designer. According to the department of regulation and licensing, this limitation should be revised to permit a firm, partnership or corporation to advertise that it is a “Wisconsin registered interior designer” if the business provides interior design services under the supervision of a registered interior designer employe who is not a principal, partner or officer of the business entity.

15 **SECTION 29.** 442.02 (7) of the statutes is amended to read:

16 442.02 (7) Nothing contained in this chapter shall prevent the employment by
17 a certified public accountant, ~~or by a public accountant,~~ or by a firm or corporation,
18 furnishing public accounting services as principal, of persons to serve as accountants
19 in various capacities, as needed; provided, that such persons work under the control
20 and supervision of certified public accountants ~~or accountants with certificates of~~

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1 authority as hereinafter provided, that such employes shall not issue any statements
2 or reports over their own names except such office reports to their employer as are
3 customary and that such employes are not in any manner held out to the public as
4 certified public accountants as described in this chapter.

5 **SECTION 30.** 442.02 (9) of the statutes is amended to read:

6 442.02 (9) Nothing contained in this chapter shall apply to any persons who
7 may be employed by more than one person, partnership or corporation, for the
8 purpose of keeping books, making trial balances or statements, and preparing audits
9 or reports, provided such audits or reports are not used or issued by the employers
10 as having been prepared by a certified public accountant and provided such persons
11 do not do any of the things enumerated in sub. (5m) (a), without complying with sub.
12 (5m) (b).

13 **SECTION 31.** 442.03 (2) of the statutes is repealed.

14 **SECTION 32.** 442.03 (3) of the statutes is amended to read:

15 442.03 (3) No corporation or other entity and no officer, partner, stockholder
16 or employe thereof may lawfully practice in this state as a ~~public accountant~~ or a
17 certified public accountant either in the entity's or person's name, or as an employe
18 or under an assumed name, unless the natural person has been granted by this
19 examining board a certificate of authority as a certified public accountant and unless
20 the person or entity, jointly and severally, has complied with all the provisions of this
21 chapter, including licensure.

22 **SECTION 33.** 442.04 (3) of the statutes is repealed.

23 **SECTION 34.** 442.06 of the statutes is repealed.

24 **SECTION 35.** 442.07 (title) of the statutes is amended to read:

ASSEMBLY BILL 915**SECTION 35**

1 **442.07** (title) **Requirements for practice as certified public accountant**
2 **or public accountant.**

3 **SECTION 36.** 442.07 (1) of the statutes is amended to read:

4 **442.07 (1)** Any person who has been issued a certificate of the person's
5 qualifications to practice as a certified public accountant, shall be styled and known
6 as a "certified public accountant" and no other person shall assume to use such title
7 or the abbreviation "C.P.A." or any other word, words, letters or figures to indicate
8 that the person using the same is a certified public accountant. The terms "chartered
9 accountant", "public accountant" and "certified accountant" and the abbreviation
10 "C.A." are specifically prohibited to such other persons as being prima facie
11 misleading to the public. ~~Any person who has been issued a certificate of authority,~~
12 ~~as herein provided, shall be styled and known as a "public accountant" and no other~~
13 ~~person, other than a certified public accountant, shall assume to use such~~
14 ~~designation or any other word, words, letters or figures to indicate that such person~~
15 ~~is entitled to practice as a public accountant.~~

16 **SECTION 37.** 442.07 (2) of the statutes is amended to read:

17 **442.07 (2)** No person may practice in this state as a certified public accountant
18 or a public accountant, either in the person's name, under an assumed name, or as
19 a member of a partnership, except as provided in s. 442.02 (10), unless the person has
20 been granted a certificate by the examining board and secured a license for the
21 current licensure period. No person may practice in this state as a certified public
22 accountant, as an officer or director of a corporation engaged in the practice of public
23 accounting, unless the corporation has secured a license for the current licensure
24 period.

25 **SECTION 38.** 442.07 (3) of the statutes is amended to read:

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1 442.07 (3) Any partnership, which is entitled to practice as certified public
2 accountants in this state or any other state, every resident member and resident
3 manager of which is a certified public accountant of this state, after registering the
4 partnership name with the examining board, may use the designation “certified
5 public accountants” in connection with the partnership name. Any partnership,
6 every member and resident manager of which is a certified public accountant of this
7 state or any other state ~~or holds a certificate of authority under this chapter~~, after
8 registering the partnership name with the examining board, may use the
9 designation “certified public accountants” in connection with the partnership name.
10 An assumed name, in use prior to September 21, 1935, may be used the same as a
11 partnership name, provided the individual persons practicing as principals under
12 that name hold certificates granted by the examining board and register the name
13 with the examining board.

14 **SECTION 39.** 442.08 of the statutes is amended to read:

15 **442.08 Licensure.** Upon application by a holder of an unrevoked Wisconsin
16 certificate as a certified public accountant ~~or an unrevoked Wisconsin certificate of~~
17 ~~authority as provided for in this chapter~~, the department shall issue a license to the
18 holder. A license shall also be issued to any partnership or corporation, upon
19 application, which has complied with this chapter. The renewal date and renewal
20 fee for licenses issued under this chapter are specified under s. 440.08 (2) (a).

21 **SECTION 40.** 442.10 (1) of the statutes is amended to read:

22 442.10 (1) Whenever any person, as a certified public accountant ~~or public~~
23 ~~accountant~~, signs or certifies any report, schedule or statement relative to the affairs
24 of any corporation, association or partnership in which the person is financially
25 interested or by which the person is regularly engaged as an officer or employe, the

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1 signature or certification shall be accompanied by a specific statement setting forth
2 the fact that the person is financially interested in or is an officer or regular employe
3 of the corporation, association or partnership. If the person is both financially
4 interested and an officer or regular employe, the statement shall cover both financial
5 interest and employment. In the case of a corporation holding a certificate of
6 authority signing or certifying as above, the interest of any of its stockholders shall
7 be disclosed.

8 **SECTION 41.** 442.11 (3) of the statutes is repealed.

9 **SECTION 42.** 442.11 (4) of the statutes is repealed.

10 **SECTION 43.** 442.11 (6) of the statutes is repealed.

11 **SECTION 44.** 442.11 (7) of the statutes is amended to read:

12 442.11 (7) Who shall practice as a certified public accountant ~~or as a public~~
13 ~~accountant~~ after his or her certificate has been revoked; or

14 **SECTION 45.** 442.11 (8) of the statutes is amended to read:

15 442.11 (8) Who shall as an individual, or, as a member of a partnership or as
16 an officer or director of a corporation, practice or permit the partnership or
17 corporation to practice as a certified public accountant ~~or as a public accountant~~
18 unless a license has been secured for the current licensure period; or

19 **SECTION 46.** 442.11 (9) of the statutes is amended to read:

20 442.11 (9) Who shall sell, buy, give or obtain an alleged certificate as a certified
21 public accountant, ~~or a certificate of authority,~~ or a license in any other manner than
22 is provided for by this chapter; or

23 **SECTION 47.** 442.11 (10) of the statutes is amended to read:

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1 442.11 (10) Who attempts to practice as a certified public accountant ~~or as a~~
2 ~~public accountant~~ under guise of a certificate not granted by the examining board,
3 or under cover of a certificate obtained illegally or fraudulently; or

4 **SECTION 48.** 442.11 (13) of the statutes is amended to read:

5 442.11 (13) Who shall, as an individual, or as a member of a partnership or as
6 an officer of a corporation, permit to be announced by printed or written statement
7 that any report, certificate, exhibit, schedule or statement has been prepared by or
8 under supervision of a certified public accountant ~~or by or under supervision of a~~
9 ~~public accountant~~ when the person who prepared the same was not such certified
10 public accountant ~~or public accountant~~.

11 **SECTION 49.** 442.13 of the statutes is amended to read:

12 **442.13 Ownership of accountant's working papers.** All statements,
13 records, schedules, working papers and memoranda made by a certified public
14 accountant ~~or public accountant~~ incident to or in the course of professional service
15 to clients by such accountant, except reports submitted by a certified public
16 accountant ~~or public accountant~~ to a client, shall be and remain the property of such
17 accountant, in the absence of an express agreement between such accountant and
18 the client to the contrary. No such statement, record, schedule, working paper or
19 memorandum shall be sold, transferred or bequeathed, without the consent of the
20 client or the client's personal representative or assignee, to anyone other than one
21 or more surviving partners or new or successor partners of such accountant.

NOTE: SECTIONS 10, 12, 14, 15, 17 to 20, 24 (as it relates to striking "442.06"), 25 (as it relates to striking "442.06"), 26 and 29 to 49 eliminate outdated references to certificates of authority issued by the accounting examining board to practice as a public accountant, because they were granted to persons who applied for them before December 1, 1935. In addition, this bill eliminates outdated provisions that specify that a person who applied for a certificate as a certified public accountant before July 1, 1968, must satisfy certain education and experience requirements.

ASSEMBLY BILL 915**SECTION 50**

1 **SECTION 50.** 448.03 (2) (L) of the statutes is created to read:

2 448.03 (2) (L) Any person assisting an occupational therapist or occupational
3 therapy assistant in practice under the direct, immediate, on-premises supervision
4 of the occupational therapist or occupational therapy assistant.

NOTE: Under current law, certain health care professionals; including respiratory care practitioners, physicians and podiatrists; may use unlicensed health care aides, if those aides act under the direct supervision of the health care professional. This SECTION permits occupational therapists or occupational therapy assistants to use the assistance of unlicensed persons, if those persons are under the direct, immediate, on-premises supervision of the occupational therapist or occupational therapy assistant.

5 **SECTION 51.** 448.13 (1) of the statutes is amended to read:

6 448.13 (1) Each physician and each podiatrist shall, in each 2nd year at the
7 time of application for a certificate of registration under s. 448.07, submit proof of
8 attendance at and completion of continuing education programs or courses of study
9 approved for at least 30 hours of credit by the board within the 2 calendar years
10 immediately preceding the calendar year for which the registration is effective date
11 of his or her application for a certificate of registration. The board may waive this
12 requirement if it finds that exceptional circumstances such as prolonged illness,
13 disability or other similar circumstances have prevented a physician or a podiatrist
14 from meeting the requirement.

NOTE: The provisions in this SECTION clarify the certificate of registration renewal requirements for physicians so that a physician applying for the renewal of a certificate of registration must submit proof that he or she has completed at least 30 hours of continuing education during the 2 years immediately preceding the date of the physician's application for renewal, rather than in the 2 calendar years immediately preceding the calendar year for which the registration is effective.

15 **SECTION 52.** 449.18 (7) of the statutes is amended to read:

16 449.18 (7) The examining board shall promulgate rules requiring applicants
17 for renewal under sub. (4) to attend continuing education courses approved by the
18 examining board. The rules shall establish criteria for the approval of such courses
19 and may not require an applicant for renewal to attend more than 30 hours of courses

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1 within the 2 calendar years immediately preceding the expiration date specified in
2 sub. (4) of his or her application for renewal.

NOTE: The provisions in this SECTION clarify certification renewal requirements for optometrists, so that an optometrist applying for the renewal of a certificate of registration must submit proof that he or she has completed at least 30 hours of continuing education during the 2 years immediately preceding the date of the application for renewal, rather than in the 2 calendar years immediately preceding the calendar year for which the registration is effective.

3 **SECTION 53.** 458.08 (5) of the statutes is repealed.

4 **SECTION 54.** 458.09 (2) (intro.) of the statutes is amended to read:

5 458.09 (2) (intro.) If an applicant for a certificate under s. 458.06 (3) or (4) or
6 458.08 (3) ~~or (5) (a)~~ or for renewal of that certificate under s. 458.11 is an assessor,
7 all of the following apply:

NOTE: The provisions in SECTIONS 53 and 54 eliminate outdated references to transitional real estate appraiser licenses. No transitional real estate appraiser license granted by the department of regulation and licensing is valid after January 1, 1996.

8 **SECTION 55.** 459.01 (2), (3) and (5) of the statutes are amended to read:

9 459.01 (2) "Hearing aid instrument" means any wearable instrument or device
10 designed for or offered for the purpose of aiding or compensating for impaired human
11 hearing and any parts, attachments or accessories of such an instrument or device,
12 except batteries and cords.

13 (3) "Hearing instrument specialist" means any person who is or is required to
14 be licensed under s. 459.05 to engage in the practice of dealing in or fitting hearing
15 aids instruments.

16 (5) "Practice of fitting and dealing in hearing aids instruments" means the
17 measurement of human hearing by means of an audiometer or by any other means
18 accepted by the examining board solely for the purpose of making selections,
19 adaptations or sales of hearing aids instruments intended to compensate for
20 impaired hearing. This term also includes making impressions for ear molds.

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1 **SECTION 56.** 459.02 of the statutes is amended to read:

2 **459.02** (title) **License required to sell and fit hearing aids instruments.**

3 **(1)** No person may engage in the practice of selling or fitting hearing aids
4 instruments or display a sign or in any other way advertise or represent himself or
5 herself as a person who practices the fitting or sale of hearing aids instruments
6 unless he or she holds a valid license issued under this subchapter. The license
7 required by s. 459.05 shall be conspicuously posted in his or her office or place of
8 business as registered with the department at all times. Duplicate licenses shall be
9 issued by the department to valid license holders operating more than one office
10 without additional payment.

11 **(2)** Nothing in this subchapter shall prohibit any corporation or mercantile
12 establishment which maintains an established business address from engaging in
13 the business of selling or offering for sale hearing aids instruments at retail without
14 a license, provided that for the purpose of selling and fitting hearing aids
15 instruments it employs persons licensed under this subchapter. Such corporation or
16 mercantile establishment shall annually file with the examining board a list of all
17 persons employed for the purpose of selling and fitting hearing aids instruments.

18 **SECTION 57.** 459.02 of the statutes, as affected by 1997 Wisconsin Acts 49 and
19 (this act), is repealed and recreated to read:

20 **459.02 License required to sell and fit hearing instruments.** **(1)** No
21 person may engage in the practice of selling or fitting hearing instruments or display
22 a sign or in any other way advertise or represent himself or herself as a person who
23 practices the fitting or sale of hearing instruments unless he or she holds a valid
24 license issued under this subchapter or a valid license or permit to practice audiology
25 issued under subch. II. The license required by s. 459.05 shall be conspicuously

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1 posted in his or her office or place of business as registered with the department at
2 all times. Duplicate licenses shall be issued by the department under this
3 subchapter to valid license holders operating more than one office without additional
4 payment.

5 (2) Nothing in this subchapter or subch. II shall prohibit any corporation or
6 mercantile establishment which maintains an established business address from
7 engaging in the business of selling or offering for sale hearing instruments at retail
8 without a license, provided that for the purpose of selling and fitting hearing
9 instruments it employs persons licensed under this subchapter or persons issued
10 licenses or permits to practice audiology under subch. II. Such corporation or
11 mercantile establishment shall annually file with the examining board a list of all
12 persons employed for the purpose of selling and fitting hearing instruments.

13 **SECTION 58.** 459.03 (title) of the statutes is amended to read:

14 **459.03 (title) Receipt required to be furnished to a person supplied**
15 **with hearing aid instrument.**

16 **SECTION 59.** 459.03 (1) of the statutes is amended to read:

17 459.03 (1) Whoever practices fitting or sale of hearing aids instruments shall
18 deliver to each person supplied with a hearing aid instrument a receipt. The receipt
19 shall contain the licensee's signature and show the licensee's business address and
20 certificate number, together with specifications as to the make and model of the
21 hearing aid instrument furnished and full terms of sale clearly stated. If a hearing
22 aid instrument which is not new is sold, the receipt and the container thereof must
23 be clearly marked as "used" or "reconditioned" whichever is applicable.

24 **SECTION 60.** 459.03 (1) of the statutes, as affected by 1997 Wisconsin Acts 49
25 and ... (this act), is repealed and recreated to read:

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1 459.03 (1) Whoever practices fitting or selling of hearing instruments under
2 this subchapter shall deliver to each person supplied with a hearing instrument a
3 receipt. The receipt shall contain the licensee's signature and show the licensee's
4 business address and certificate number, together with specifications as to the make
5 and model of the hearing instrument furnished and full terms of sale clearly stated.
6 If a hearing instrument which is not new is sold, the receipt and the container thereof
7 must be clearly marked as "used" or "reconditioned" whichever is applicable.

8 **SECTION 61.** 459.03 (2) (b) of the statutes is amended to read:

9 459.03 (2) (b) A statement that the purchaser has been advised at the outset
10 of the purchaser's relationship with the hearing instrument specialist that any
11 examination or representation made by a hearing instrument specialist in
12 connection with the fitting and selling of this hearing aid instrument is not an
13 examination, diagnosis or prescription by a person licensed to practice medicine in
14 this state and therefore must not be regarded as medical opinion or advice.

15 **SECTION 62.** 459.035 of the statutes is amended to read:

16 **459.035 Medical exam before being fitted.** A hearing aid instrument shall
17 not be fitted for or sold to a child 16 years of age or younger unless within 90 days
18 prior to the fitting the person to be fitted has been examined by a physician to
19 determine whether or not he or she has any physical deficiencies that would prohibit
20 the effective use of a hearing aid instrument.

21 **SECTION 63.** 459.04 of the statutes is amended to read:

22 **459.04 Seller's guarantee.** The seller of a hearing aid instrument shall give
23 to the purchaser a personal guarantee that is at least identical in its terms to the
24 guarantee of the manufacturer of the hearing aid instrument.

25 **SECTION 64.** 459.05 (1m) of the statutes is amended to read:

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1 459.05 **(1m)** Whenever the examining board determines that another state or
2 jurisdiction has requirements equivalent to or higher than those in effect in the state
3 for the practice of fitting and selling hearing aids instruments, and that such state
4 or jurisdiction has a program equivalent to or stricter than the program for
5 determining whether applicants in this state are qualified to fit and sell hearing aids
6 instruments, the department may issue a license by reciprocity to applicants who
7 hold valid certificates or licenses to deal in or fit hearing aids instruments in such
8 other state or jurisdiction, who pay the fee specified in s. 440.05 (2) and who are
9 otherwise qualified for licensure. No applicant for a license by reciprocity under this
10 subsection shall be required to submit to or undergo a qualifying examination, if the
11 applicant personally appears at the next meeting of the examining board after filing
12 the application to answer any questions the examining board has.

13 **SECTION 65.** 459.06 (2) (a) (intro.) and 3. and (b) (intro.) and 4. and (3) of the
14 statutes are amended to read:

15 459.06 **(2)** (a) (intro.) Tests of knowledge in the following areas as they pertain
16 to the fitting of hearing aids instruments:

17 3. The function of hearing aids instruments.

18 (b) (intro.) Practical tests of proficiency in the following techniques as they
19 pertain to the fitting of hearing aids instruments:

20 4. Recording and evaluation of audiograms and speech audiometry to
21 determine proper selection and adaption of a hearing aid instrument.

22 **(3)** The applicant for license by examination shall appear at a time and place
23 as the examining board designates, to be examined by means of written and practical
24 tests in order to demonstrate that he or she is qualified to practice the fitting of

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1 hearing aids instruments. Such examinations shall be conducted at least twice a
2 year and at such other times and places designated by the examining board.

3 **SECTION 66.** 459.07 (2) of the statutes is amended to read:

4 459.07 (2) Upon receiving an application under this section, accompanied by
5 the fee under s. 440.05 (6), the examining board may grant a trainee permit which
6 may entitle the applicant to practice fitting of hearing aids instruments for a period
7 of one year. A person holding a valid hearing instrument specialist license shall be
8 responsible for the direct supervision and training of the applicant and shall be liable
9 for all negligent acts and omissions of the trainee in the fitting of hearing aids
10 instruments.

11 **SECTION 67.** 459.08 (1) of the statutes, as affected by 1997 Wisconsin Act 27,
12 is amended to read:

13 459.08 (1) A person who holds a license shall notify the department in writing
14 or in accordance with other notification procedures approved by the department of
15 the regular address of the places where he or she engages or intends to engage in the
16 practice of fitting or selling hearing aids instruments. The licensee shall inform the
17 board of any changes in these addresses within 30 days of the change.

18 **SECTION 68.** 459.085 of the statutes is amended to read:

19 **459.085 Calibration of audiometric equipment.** Audiometric equipment
20 used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids
21 instruments shall be calibrated periodically, as specified by rule by the examining
22 board. Certification of these calibrations shall be sent to the examining board with
23 the renewal fee required in s. 459.09.

24 **SECTION 69.** 459.09 of the statutes is amended to read:

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1 **459.09 Renewal of license; fees; effect of failure to renew.** Each person
2 who practices dealing in or fitting hearing aids instruments shall, on or before the
3 applicable renewal date specified under s. 440.08 (2) (a), pay to the department the
4 applicable renewal fee specified under s. 440.08 (2) (a) and keep the certificate
5 conspicuously posted in the person's office or place of business at all times. Where
6 more than one office is operated by the licensee, duplicate certificates shall be issued
7 by the department for posting in each location.

8 **SECTION 70.** 459.09 of the statutes, as affected by 1997 Wisconsin Acts 49 and
9 (this act), is repealed and recreated to read:

10 **459.09 Renewal of license.** Each person issued a license under this
11 subchapter shall, on or before the applicable renewal date specified under s. 440.08
12 (2) (a), pay to the department the applicable renewal fee specified under s. 440.08 (2)
13 (a) and submit with the renewal application proof that he or she completed, within
14 the 2 years immediately preceding the date of his or her application, 20 hours of
15 continuing education programs or courses of study approved or required under rules
16 promulgated under s. 459.095. A licensee shall keep the certificate conspicuously
17 posted in his or her office or place of business at all times. Where more than one office
18 is operated by the licensee, duplicate certificates shall be issued by the department
19 for posting in each location.

20 **SECTION 71.** 459.10 (1) (d), (e), (j), (k) and (p) of the statutes are amended to
21 read:

22 459.10 (1) (d) Been found guilty of an offense the circumstances of which
23 substantially relate to the practice of fitting and dealing in hearing aids instruments.

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

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

3 (k) Engaged in unprofessional conduct. In this subsection, “unprofessional
4 conduct” means the violation of any standard of professional behavior which through
5 experience, state statute or administrative rule has become established in the
6 practice of fitting and dealing in hearing aids instruments.

7 (p) Sold a hearing aid instrument to a person who was not given tests using
8 appropriate procedures and instrumentation or without proper measurement of the
9 functional intensity and range of the person’s hearing.

10 **SECTION 72.** 459.14 (2) of the statutes is amended to read:

11 459.14 (2) This subchapter does not apply to a person engaged in the practice
12 of measuring human hearing for selecting hearing aids instruments or any other
13 purpose if the person or the organization employing such person does not sell hearing
14 aids instruments or hearing accessories.

15 **SECTION 73.** 459.22 (1) of the statutes is repealed.

16 **SECTION 74.** 459.22 (2) (b) of the statutes is amended to read:

17 459.22 (2) (b) Authorize an individual licensed under this subchapter to
18 dispense or sell hearing aids instruments without obtaining a hearing instrument
19 specialist license under subch. I.

20 **SECTION 75.** 459.22 (2) (b) of the statutes, as affected by 1997 Wisconsin Acts
21 49 and (this act), is repealed and recreated to read:

22 459.22 (2) (b) Authorize a speech-language pathologist licensed under this
23 subchapter to dispense or sell hearing instruments without obtaining a hearing
24 instrument specialist license under subch. I.

25 **SECTION 76.** 459.22 (2) (c) of the statutes is amended to read:

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1 459.22 (2) (c) Require a hearing instrument specialist licensed under subch.
2 I to be licensed as an audiologist under this subchapter to engage in the testing of
3 hearing or in other practices or procedures solely for the purpose of fitting or selling
4 hearing aids instruments.

5 **SECTION 77.** 459.24 (1m) of the statutes is amended to read:

6 459.24 (1m) PROHIBITED TITLES. No person may use the title “certified hearing
7 aid audiologist” or, “certified hearing instrument audiologist”, “licensed hearing aid
8 audiologist” or “licensed hearing instrument audiologist”.

9 **SECTION 78.** Subchapter III of chapter 459 [precedes 459.40] of the statutes, as
10 affected by 1997 Wisconsin Act 27, is repealed.

NOTE: The provisions in SECTIONS 1 to 4, 6, 7, 11, 23, 24 (as it relates to the striking of “459.46”), 25 (as it relates to the striking of “459.46”), 27, 70, 73, 75 and 78 remove outdated provisions of subch. III of ch. 459 of the statutes and s. 440.04 (8) of the statutes, relating to the registration of speech and language pathologists and audiologists. Currently these professionals must be licensed under subch. II of ch. 459 of the statutes. These licensing requirements became effective on July 1, 1993.

11 **SECTION 79.** 968.27 (7) (b) of the statutes is amended to read:

12 968.27 (7) (b) A hearing aid instrument or similar device being used to correct
13 subnormal hearing to not better than normal.

NOTE: The provisions in SECTIONS 5, 8, 9, 13, 16, 21, 22, 55 to 69, 71, 72, 74, 76, 77 and 79 change outdated statutory references to “hearing aid” to the new term “hearing instruments”.

14 **SECTION 80. Initial applicability; regulation and licensing.**

15 (1) PHYSICIAN AND PODIATRIST CONTINUING EDUCATION. The treatment of section
16 448.13 (1) of the statutes first applies to applications that are submitted to renew
17 licenses that expire on November 1, 1999.

18 **SECTION 81. Effective dates.** This act takes effect on the day after
19 publication, except as follows:

