

1989 Assembly Bill 175

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1989 WISCONSIN ACT 316

AN ACT *to renumber and amend* 459.10; *to amend* 15.08 (1m) (b), 46.92 (2) (a), 46.925, 48.981 (2), 121.76 (1) (c), 141.15 (1) (b) 2, 146.81 (1), 440.05 (intro.), 440.05 (3) (h) (title) and 1, 450.10 (3) (a), 459.01 (intro.), 459.01 (1), (3) and (7), 459.02, 459.03 (2) (b), 459.105, 459.12 (1), 459.13, 459.14 and 632.895 (1) (b) 3; *to repeal and recreate* 15.405 (6m) and chapter 459 (title); and *to create* 15.08 (3) (c), 15.407 (4), 440.04 (8), 459.10 (2), subchapter I (title) of chapter 459 and subchapters II and III of chapter 459 of the statutes, **relating to:** the regulation of speech–language pathologists and audiologists, creating a council on speech–language pathology and audiology, changing the name of and disciplinary proceedings of the hearing aid dealers and fitters examining board, granting rule–making authority and providing a penalty.

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

SECTION 1. 15.08 (1m) (b) of the statutes is amended to read:

15.08 (**1m**) (b) The public members of the chiropractic examining board, the dentistry examining board, the hearing aid dealers and fitters speech examining board, the medical examining board and its physical therapists examining council, podiatry examining council, occupational therapy examining council and council on physician’s assistants, the board of nursing, the nursing home administrator examining board, the veterinary examining board, the optometry examining board, the pharmacy examining board and the psychology examining board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

SECTION 2. 15.08 (3) (c) of the statutes is created to read:

15.08 (**3**) (c) The hearing and speech examining board shall meet at least once every 3 months.

SECTION 3. 15.405 (6m) of the statutes is repealed and recreated to read:

15.405 (**6m**) **HEARING AND SPEECH EXAMINING BOARD.** There is created a hearing and speech examining

board in the department of regulation and licensing consisting of the following members appointed for 4–year terms:

(a) Three hearing instrument specialists licensed under subch. I of ch. 459.

(b) One otolaryngologist.

(c) 1. One audiologist registered under subch. III of ch. 459. This subdivision applies during the period beginning on December 1, 1990, and ending on June 30, 1993.

2. One audiologist licensed under subch. II of ch. 459. This subdivision applies after June 30, 1993.

(d) 1. One speech–language pathologist registered under subch. III of ch. 459. This subdivision applies during the period beginning on December 1, 1990, and ending on June 30, 1993.

2. One speech–language pathologist licensed under subch. II of ch. 459. This subdivision applies after June 30, 1993.

(e) Two public members. One of the public members shall be a hearing aid user.

SECTION 4. 15.407 (4) of the statutes is created to read:

15.407 (**4**) **COUNCIL ON SPEECH–LANGUAGE PATHOLOGY AND AUDIOLOGY.** There is created a council on speech–language pathology and audiology in the depart-

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ment of regulation and licensing and serving the hearing and speech examining board in an advisory capacity. The council shall consist of the following members appointed for 3-year terms:

(a) 1. Three speech-language pathologists registered under subch. III of ch. 459. This subdivision applies during the period beginning on December 1, 1990, and ending on June 30, 1993.

2. Three speech-language pathologists licensed under subch. II of ch. 459. This subdivision applies after June 30, 1993.

(b) 1. Two audiologists registered under subch. III of ch. 459. This subdivision applies during the period beginning on December 1, 1990, and ending on June 30, 1993.

2. Two audiologists licensed under subch. II of ch. 459. This subdivision applies after June 30, 1993.

SECTION 5. 46.92 (2) (a) of the statutes is amended to read:

46.92 (2) (a) The person is certified as deaf or severely hearing impaired by a licensed physician, an audiologist certified by the American speech-language-hearing association licensed under subch. II of ch. 459 or the department.

SECTION 6. 46.925 of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

46.925 Vehicle sticker for the hearing impaired.

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

SECTION 7. 48.981 (2) of the statutes, as affected by 1989 Wisconsin Acts 31 and 102, section 12, is amended to read:

48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or mental health professional, social or public assistance worker, school teacher, administrator or counselor, mediator under s. 767.11, child care worker in a day care center or child caring institution, day care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a county department under s. 46.23, 51.42 or 51.437, physical therapist, occupational therapist, speech thera-

pist speech-language pathologist, audiologist, emergency medical technician or police or law enforcement officer having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under sub. (2m), report as provided in sub. (3). Any other person, including an attorney, having reason to suspect that a child has been abused or neglected or reason to believe that a child has been threatened with abuse or neglect and that abuse or neglect of the child will occur may make such a report. No person making a report under this subsection may be discharged from employment for so doing.

SECTION 8. 121.76 (1) (c) of the statutes is amended to read:

121.76 (1) (c) "Specified services" means social work; guidance; health; psychological, speech ~~speech-language~~ pathology and audiology services; supervision; coordination; and transportation.

SECTION 9. 141.15 (1) (b) 2. of the statutes is amended to read:

141.15 (1) (b) 2. Physical, or occupational therapy or speech therapy ~~speech-language pathology~~;

SECTION 10. 146.81 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

146.81 (1) "Health care provider" means a nurse licensed under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, podiatrist or physical therapist licensed or an occupational therapist or occupational therapy assistant certified under ch. 448, an optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a speech-language pathologist or audiologist licensed under subch. II of ch. 459, a partnership thereof, a corporation thereof that provides health care services, an operational cooperative sickness care plan organized under ss. 185.981 to 185.985 that directly provides services through salaried employees in its own facility, or an inpatient health care facility or community-based residential facility, as defined in s. 140.85 (1) or 140.86.

SECTION 11. 440.04 (8) of the statutes is created to read:

440.04 (8) Collect data related to the registration of speech-language pathologists and audiologists under subch. III of ch. 459 and, on January 15, 1993, report the data and recommendations on whether the licensure of speech-language pathologists and audiologists under subch. II of ch. 459 is appropriate to the chief clerk of each house of the legislature for distribution in the manner provided under s. 13.172 (2).

SECTION 12. 440.05 (intro.) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

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440.05 Standard fees. (intro.) The following standard fee schedule applies to all licenses, permits, registrations and certificates issued under chs. 440 to 459, except ss. 440.41, 440.62, 440.72, 440.85, 444.03, 444.05 and 444.11 and 459.33 or unless otherwise specifically provided by statute:

SECTION 13. 440.05 (3) (h) (title) and 1 of the statutes are amended to read:

440.05 (3) (h) (title) *Hearing and speech examining board.*

1. Hearing aid dealer or fitter instrument specialist, \$119.

SECTION 14. 450.10 (3) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

450.10 (3) (a) In this subsection, "health care professional" means a pharmacist licensed under this chapter, a nurse licensed under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, a podiatrist or physical therapist licensed or occupational therapist or occupational therapy assistant certified under ch. 448, an optometrist licensed under ch. 449, an acupuncturist certified under ch. 451, a veterinarian licensed under ch. 453 or, a psychologist licensed under ch. 455 or a speech-language pathologist or audiologist licensed under subch. II of ch. 459.

SECTION 15. Chapter 459 (title) of the statutes is repealed and recreated to read:

CHAPTER 459

HEARING AND SPEECH EXAMINING BOARD

SECTION 16. Subchapter I (title) of chapter 459 of the statutes is created to read:

CHAPTER 459

SUBCHAPTER I

LICENSURE OF HEARING INSTRUMENT SPECIALISTS (TO PRECEDE S. 459.01)

SECTION 17. 459.01 (intro.) of the statutes is amended to read:

459.01 Definitions. (intro.) As used in this ~~chapter~~ subchapter, unless the context clearly indicates a different meaning:

SECTION 18. 459.01 (1), (3) and (7) of the statutes are amended to read:

459.01 (1) "Examining board" means the hearing aid dealers and fitters speech examining board.

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

(7) "Trainee permit" means a temporary permit issued while the applicant is in training to become a licensed hearing aid dealer or fitter instrument specialist.

SECTION 19. 459.02 of the statutes is amended to read:

459.02 License required to sell and fit hearing aids. (1) No person may engage in the practice of selling

or fitting hearing aids or display a sign or in any other way advertise or represent himself or herself as a person who practices the fitting or sale of hearing aids unless he or she holds a valid license issued under this ~~chapter~~ subchapter. 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 to valid license holders operating more than one office without additional payment.

(2) Nothing in this ~~chapter~~ subchapter 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 selling and fitting hearing aids it employs persons licensed under this ~~chapter~~ subchapter. Such corporation or mercantile establishment shall annually file with the examining board a list of all persons employed for the purpose of selling and fitting hearing aids.

SECTION 20. 459.03 (2) (b) of the statutes is amended to read:

459.03 (2) (b) A statement that the purchaser has been advised at the outset of his relationship with the hearing aid ~~dealer~~ instrument specialist that any examination or representation made by a licensed hearing aid dealer and fitter 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.

SECTION 21g. 459.10 of the statutes is renumbered 459.10 (1), and 459.10 (1) (e), (f) and (n), as renumbered, are amended to read:

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

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

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

SECTION 21r. 459.10 (2) of the statutes is created to read:

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

1. Refrains from engaging in unprofessional conduct.

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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.

SECTION 22. 459.105 of the statutes is amended to read:

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 aid dealer or fitter 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.

SECTION 23. 459.12 (1) of the statutes is amended to read:

459.12 (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~~ subchapter.

SECTION 24. 459.13 of the statutes is amended to read:

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

SECTION 25. 459.14 of the statutes is amended to read:

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

(2) This ~~chapter~~ 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 per-

son or the organization employing such person does not sell hearing aids or hearing accessories.

SECTION 26. Subchapters II and III of chapter 459 of the statutes are created to read:

CHAPTER 459

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

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

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

(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.

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 an individual licensed under this subchapter 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.

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(e) Require an employe of a speech–language pathologist or audiologist 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 audiology in a position for which the department of public instruction requires licensure as a speech and language pathologist.

459.23 Duties of council on speech–language pathology and audiology. The council on speech–language pathology and audiology shall advise the examining board on matters pertaining to the establishment of codes of ethics, the imposition of discipline, the granting of licenses and the formulation of proposed rules relating to licensees and, upon request of the examining board, on any other matter relating to licensees.

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.

(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.

(1m) PROHIBITED TITLES. No person may use the title “certified hearing aid 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 to determine 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.

(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 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.

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

(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.

(4) POSTING OF LICENSE CERTIFICATE. The department shall issue a certificate to each licensee, certifying that the holder is licensed to practice speech–language pathology or audiology. The licensee shall post the certificate in a conspicuous place in the licensee’s place of business.

(5) EXPIRATION AND RENEWAL. Licenses issued under this subchapter expire on February 1 of each odd–numbered year. Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee specified in the rules promulgated under s. 459.33.

(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.

(b) 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 examination for licensure as an audiologist under s. 459.26.

(c) A temporary license granted under this subsection is valid for a period designated by the examining board, not to exceed 9 months, and may be renewed once by the examining board. An applicant for a temporary license shall pay the temporary license fee specified in the rules promulgated under s. 459.33.

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) Examinations shall consist of the examinations required for certification as a speech–language pathologist or as an audiologist 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 or audiology and that are substantially equivalent to the examinations required for such certification.

(3) An individual is not eligible for examination unless he or she has satisfied the requirements for licensure under s. 459.24 (2) (a) to (d) and, 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 specified fee in s. 440.05 (1).

459.28 Licensees of other jurisdictions. (1) Upon application and payment of the reciprocal license fee specified in the rules promulgated under s. 459.33, the examining board shall 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).

(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.

459.30 Restoration of license. Any individual licensed as a speech–language pathologist or audiologist who fails to renew the license before its expiration date may renew the license as follows:

(1) If the application for renewal is submitted to the department not more than 2 years after the expiration of the applicant’s license, by payment of the renewal fee specified in the rules promulgated under s. 459.33 and the fee specified in s. 440.05 (4) or (5).

(2) If the application for renewal is submitted to the department more than 2 years after the expiration of the applicant’s license, by payment of the fee specified in s. 440.05 (1) and successful completion of the appropriate examination under s. 459.26.

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 limited permit fee specified in the rules promulgated under s. 459.33.

459.33 Fees. The department shall, by rule, establish the amount of the fees required under ss. 459.24 (5) and (6) (c), 459.28 (1), 459.30 (1) and 459.32 (3). The fees shall be based on the approximate cost of the regulation.

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 or permittee or deny, limit, suspend or revoke a license or permit under this subchapter if it finds that the applicant, licensee or permittee has done any of the following:

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(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.

(d) Advertised in a manner which is false, deceptive or misleading.

(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.

(2m) (a) An individual whose license or limited permit is limited by the examining board 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 limited permit issued under this subchapter or of reinstating a license or limited 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. 459.26.

(3) In addition to or in lieu of a reprimand or denial, limitation, suspension or revocation of a license or permit under sub. (2), the examining board may assess against an applicant, licensee or permittee a forfeiture of not less

than \$100 nor more than \$2,500 for each violation enumerated under sub. (2).

SUBCHAPTER III**REGISTRATION OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**

459.40 Definitions. In this subchapter:

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

(2) "Audiology" means 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, function or processing, speech, language or other aberrant behavior resulting from hearing loss.

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

(3m) "Registrant" means an individual registered under this subchapter.

(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.

459.42 Applicability. **(1)** This subchapter applies during the period beginning on December 1, 1990, and ending on June 30, 1993.

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

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

(b) Authorize an individual registered under this subchapter 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 registered 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 registered under this subchapter if the individual is designated by a title which clearly indicates status as a student or trainee.

(e) Require an employe of a speech-language pathologist or audiologist to be registered 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 registered under this subchapter to engage in the practice of speech–language pathology or audiology in a position for which the department of public instruction requires licensure as a speech and language pathologist.

459.44 Duties of council on speech–language pathology and audiology. The council on speech–language pathology and audiology shall advise the examining board on matters pertaining to the establishment of codes of ethics, the imposition of discipline, the granting of certificates of registration and the formulation of proposed rules relating to registrants and, upon request of the examining board, on any other matter relating to registrants.

459.46 Registration. (1) REGISTRATION REQUIRED. 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 is registered as a speech–language pathologist under this section.

(b) Engage in the practice of audiology or use the title “audiologist”, “clinical audiologist” or any similar title unless the person is registered as an audiologist under this section.

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

(2) SPEECH–LANGUAGE PATHOLOGIST OR AUDIOLOGIST CERTIFICATE. The examining board shall grant a certificate of registration as a speech–language pathologist or as an audiologist to an individual who does all of the following:

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

(b) Pays a \$50 registration fee.

(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.

(3) POSTING OF CERTIFICATE. The department shall issue a certificate to each registrant, certifying that the holder is registered to practice speech–language pathology or audiology. The registrant shall post the certificate in a conspicuous place in the registrant’s place of business.

(4) EXPIRATION OF CERTIFICATE. Certificates issued under this section expire on July 1, 1993, and may not be renewed.

(5) DISCIPLINARY PROCEEDINGS AND ACTIONS. (a) 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 section or any rule promulgated under this section has occurred.

(b) Subject to the rules promulgated under s. 440.03 (1), the examining board may reprimand a registrant or deny, limit, suspend or revoke a certificate under this section if it finds that the applicant or registrant has done any of the following:

1. Made a material misstatement in an application for a certificate.

2. 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.

3. 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.

4. Advertised in a manner which is false, deceptive or misleading.

5. Advertised, practiced or attempted to practice under another’s name.

6. 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.

7. Violated this section or any rule promulgated under this section.

(c) In addition to or in lieu of a reprimand or denial, limitation, suspension or revocation of a certificate under par. (b), the examining board may assess against an applicant or registrant a forfeiture of not less than \$100 nor more than \$2,500 for each violation enumerated under par. (b).

SECTION 27. 632.895 (1) (b) 3. of the statutes is amended to read:

632.895 (1) (b) 3. Physical, respiratory, or occupational therapy or ~~speech–therapy~~ speech–language pathology.

SECTION 28. Nonstatutory provisions. (1) HEARING AND SPEECH EXAMINING BOARD; APPOINTMENTS. (a) Except as provided in paragraph (b), the members of the hearing aid dealers and fitters examining board on November 30, 1990, shall continue to serve on the hearing and speech examining board after November 30, 1990, as the members appointed under section 15.405 (6m) (a) to (c) and (e) of the statutes, as affected by this act.

(b) The audiologist member of the hearing aid dealers and fitters examining board on November 30, 1990, must be registered under subchapter III of chapter 459 of the statutes, as created by this act, on December 1, 1990, to serve on the hearing and speech examining board after November 30, 1990. If that member is not registered under subchapter III of chapter 459 of the statutes, as created by this act, on December 1, 1990, his or her term expires on that date and another audiologist who is registered under subchapter III of chapter 459 of the statutes,

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as created by this act, shall be appointed to the hearing and speech examining board to serve the remainder of the term of the member whose term has expired.

(c) Notwithstanding section 15.405 (6m) of the statutes, as affected by this act, the initial speech–language pathologist member of the hearing and speech examining board who is appointed under section 15.405 (6m) (d) 1. of the statutes, as created by this act, shall be appointed by April 1, 1991, for a term expiring on July 1, 1994.

(d) The audiologist member of the hearing and speech examining board on June 30, 1993, who was appointed under section 15.405 (6m) (c) 1. of the statutes, as affected by this act, shall continue to serve on the examining board after June 30, 1993, as the audiologist member appointed under section 15.405 (6m) (c) 2. of the statutes, as affected by this act, if he or she is licensed under subchapter II of chapter 459 of the statutes, as created by this act, on July 1, 1993. If that member is not licensed under subchapter II of chapter 459 of the statutes, as created by this act, on July 1, 1993, his or her term on the examining board expires on that date and another audiologist who is licensed under subchapter II of chapter 459 of the statutes, as created by this act, shall be appointed to the examining board to serve the remainder of the term of the member whose term has expired.

(e) The speech–language pathologist member of the hearing and speech examining board on June 30, 1993, who was appointed under section 15.405 (6m) (d) 1. of the statutes, as affected by this act, shall continue to serve on the examining board after June 30, 1993, as the speech–language pathologist member appointed under section 15.405 (6m) (d) 2. of the statutes, as affected by this act, if he or she is licensed under subchapter II of chapter 459 of the statutes, as created by this act, on July 1, 1993. If that member is not licensed under subchapter II of chapter 459 of the statutes, as created by this act, on July 1, 1993, his or her term on the examining board expires on that date and another speech–language pathologist who is licensed under subchapter II of chapter 459 of the statutes, as created by this act, shall be appointed to the examining board to serve the remainder of the term of the member whose term has expired.

(2) COUNCIL ON SPEECH–LANGUAGE PATHOLOGY AND AUDIOLOGY; APPOINTMENTS. (a) Notwithstanding section 15.407 (4) of the statutes, as created by this act, the initial members of the council on speech–language pathology and audiology appointed under section 15.407 (4) of the statutes, as created by this act, shall be appointed by April 1, 1991, for the following terms:

1. Two speech–language pathologists, for terms expiring on July 1, 1991.

2. One speech–language pathologist and one audiologist, for terms expiring on July 1, 1992.

3. One audiologist, for a term expiring on July 1, 1993.

(b) The speech–language pathologist and audiologist members of the council on speech–language pathology and audiology on June 30, 1993, who were appointed to the council under section 15.407 (4) (a) 1. and (b) 1. of the statutes, as created by this act, must be licensed under subchapter II of chapter 459 of the statutes, as created by this act, on July 1, 1993, to serve after June 30, 1993. If a speech–language pathologist or audiologist member of the council is not licensed under subchapter II of chapter 459 of the statutes, as created by this act, on July 1, 1993, his or her term on the council expires on that date and another speech–language pathologist or audiologist who is licensed under subchapter II of chapter 459 of the statutes, as created by this act, shall be appointed to the council to serve the remainder of the term of the member whose term has expired.

(3) DEPARTMENT OF REGULATION AND LICENSING; POSITION AUTHORIZATION. The authorized FTE positions for the department of regulation and licensing are increased by 1.0 PR position, to be funded from the appropriation under section 20.165 (1) (g) of the statutes, for the purpose of performing the administrative responsibilities of the department under this act.

SECTION 29. Effective dates. This act takes effect on December 1, 1990, except as follows:

(1) The treatment of sections 46.92 (2) (a), 46.925, 146.81 (1) and 450.10 (3) (a) of the statutes takes effect on July 1, 1993.