

2003 DRAFTING REQUEST

Bill

Received: **05/08/2003**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Regulation and Licensing**

By/Representing: **Chris Klein**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies: **PJH**

Submit via email: **YES**

Requester's email: **christopher.klein@drl.state.wi.us**

Carbon copy (CC:) to: **william.dusso@drl.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Hearing and Speech Examining Board changes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/P1	mkunkel 07/14/2003	wjackson 07/15/2003	jfrantze 07/15/2003	_____	amentkow 07/15/2003		State
/1	mkunkel 12/03/2003	wjackson 12/03/2003	pgreensl 12/03/2003	_____	sbasford 12/03/2003	mbarman 02/04/2004	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

→ 02-13-2004
("1")

Requested By
Randy Thorson
of Underheim's
Office

↙ Rush

2003 DRAFTING REQUEST

Bill

Received: **05/08/2003**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Regulation and Licensing**

By/Representing: **Chris Klein**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies: **PJH**

Submit via email: **YES**

Requester's email: **christopher.klein@drl.state.wi.us**

Carbon copy (CC:) to: **william.dusso@drl.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Hearing and Speech Examining Board changes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/P1	mkunkel 07/14/2003	wjackson 07/15/2003	jfrantze 07/15/2003		amentkow 07/15/2003		State
/1	mkunkel 12/03/2003	wjackson 12/03/2003	pgreensl 12/03/2003		sbasford 12/03/2003		

Per

Jacketed

for Rep. Underheim (Assm) *Rush

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **05/08/2003**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Regulation and Licensing**

By/Representing: **Chris Klein**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies: **PJH**

Submit via email: **YES**

Requester's email: **christopher.klein@drl.state.wi.us**

Carbon copy (CC:) to: **william.dusso@drl.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Hearing and Speech Examining Board changes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							State
/P1	mkunkel 07/14/2003	wjackson 07/15/2003	jfrantze 07/15/2003		amentkow 07/15/2003		

FE Sent For:

1/2 w/ 12/3

<END>

2003 DRAFTING REQUEST

Bill

Received: 05/08/2003

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Regulation and Licensing

By/Representing: Chris Klein

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Occupational Reg. - misc

Extra Copies: PJH

Submit via email: YES

Requester's email: christopher.klein@drl.state.wi.us

Carbon copy (CC:) to: william.dusso@drl.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Hearing and Speech Examining Board changes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	mkunkel	/pl wlj 7/15	7/1/15	7/1/15			

FE Sent For:

<END>

Jim Doyle
Governor

WISCONSIN DEPARTMENT OF
REGULATION & LICENSING

1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935

Donsia Strong Hill
Secretary



Email: web@drf.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

- 2943

Mark Kunkel
Legislative Reference Bureau
100 North Hamilton Street
Madison, WI 53703-2307


May 8, 2003

Dear Mr. Kunkel:

Mark, please find the attached drafting request for the Hearing and Speech Examining Board. If you have any questions, please feel free to contact me at (608) 266-8608.

Thank you.

Sincerely,


Christopher Klein

REQUEST FOR LEGISLATION

DRAFT the following
11 Hearing & Speech Proposals
as one (1) Bill Draft

#1

PLEASE SUBMIT REQUEST TO EXECUTIVE ASSISTANT WHEN COMPLETED FOR FURTHER PROCESSING. THANK YOU.

Date: 4/15/03

Person or Body requesting draft: Hearing and Speech Examining Board

Name, address and telephone number of board member to contact if there are questions about the proposal
Gerard Kupperman, Board Chair; - (262) 567-7639
888 Thackeray Trail, Suite 107; Oconomowoc, WI 53066
Or,
Ruby Jefferson-Moore, Board Legal Counsel - (608) 266-3679

Describe the problem to be corrected by the legislation.

Clarification is needed that no one may practice Speech-Language Pathology or Audiology without obtaining either a permanent or temporary license.

How should the problem be corrected?

With a legislative change as proposed to s.459.24(1) and/or (6), Stats..

Has this proposal been introduced as legislation before? If so, when and under what bill number?

No

What is the likely fiscal effect of the proposal?

None

Attach copies of any correspondence or other material that may assist in the drafting of the legislation.

Licensure of Temporary Licensees

The Board has requested that s.459.24,(1) Stats., be amended to state specifically that no person may engage in the practice of speech-language pathology or audiology without obtaining a license under subs. 459.24 (2), 459.24 (3) or 459.24 (6), Stats., as appropriate. Many new graduates practice speech-language pathology or Audiology while completing their postgraduate clinical fellowship without obtaining a temporary license. The Board is requesting that language be included in the statutes stating specifically that prior to commencing a postgraduate clinical fellowship an individual must obtain a temporary license under s. 459.24 (6), Stats.

REQUEST FOR LEGISLATION

PLEASE SUBMIT REQUEST TO EXECUTIVE ASSISTANT WHEN COMPLETED FOR FURTHER PROCESSING. THANK YOU.

Date: April 15, 2003

Person or Body requesting draft: Hearing and Speech Examining Board

Name, address and telephone
number of board member to
contact if there are questions
about the proposal

Gerard Kupperman, Board Chair; - (262) 567-7639
888 Thackeray Trail, Suite 107; Oconomowoc, WI 53066
Or,
Ruby Jefferson-Moore, Board Legal Counsel - (608) 266-3679

Describe the problem to be corrected by the legislation.

Would allow the Board to impose discipline upon an Audiologist who also may fit and dispense hearing aids as it now is able to upon Hearing Instrument Specialists.

How should the problem be corrected?

With a legislative change as proposed.

Has this proposal been introduced as legislation before? If so, when and under what bill number?

No.

What is the likely fiscal effect of the proposal?

None

Attach copies of any correspondence or other material that may assist in the drafting of the legislation.

See attached

REQUEST FOR LEGISLATION # 2

Examining Clients and Fitting Hearing Instruments

Section 459.10, Stats., sets forth the bases and procedures for investigating and prosecuting complaints filed against hearing instrument specialists. A similar provision relating to disciplinary matters involving audiologists is set forth in 459.34, Stats.

Subsections 459.10(1)(p) and 459.34 (2)(cs), Stats., provide that the Board may impose discipline against a licensee or permittee if it finds that the licensee or permittee has "sold a hearing aid to a person who was not given tests using appropriate procedures and instrumentation or without proper measurement of the functional intensity and range of the person's hearing." These provisions can be interpreted to mean that hearing instrument specialists and audiologists who sell hearing instruments to clients must also examine and fit the clients. This interpretation would not permit a licensee to sell a hearing instrument to a client based upon an examination and fitting performed by another licensee. The Board is requesting that the statute be revised to reflect that hearing instrument specialists and audiologists may sell hearing instruments to clients based upon their own examinations and fitting or based upon examination and fitting performed by some other hearing instrument specialist or audiologist.

[Note: The Board has a rule in effect already that establishes the appropriate time frame for the performance of hearing tests prior to the selling and fitting of a hearing instrument and would like to continue establishing that requirement by rule. See, s. HAS 4.04.]

REQUEST FOR LEGISLATION

PLEASE SUBMIT REQUEST TO EXECUTIVE ASSISTANT WHEN COMPLETED FOR FURTHER PROCESSING. THANK YOU.

Date: April 15, 2003

Person or Body requesting draft: Hearing and Speech Examining Board

Name, address and telephone number of board member to contact if there are questions about the proposal

Gerard Kupperman, Board Chair; - (262) 567-7639
888 Thackeray Trail, Suite 107; Oconomowoc, WI 53066
Or,
Ruby Jefferson-Moore, Board Legal Counsel - (608) 266-3679

Describe the problem to be corrected by the legislation.

Repeal Subchapter III Registration of Speech-Language Pathologists and Audiologists. This provision of the law is no longer necessary, as the Board no longer registers but licenses Speech-Language Pathologists *and Audiologists*.

*RP 15.405(6m)(c) 1. (AM. 2.)
440.04(8) (d) 1. (AM. 2.)*

How should the problem be corrected?

By amending the statutes.

*AM 440.05 (intro.)
440.08(8)(a) (intro.)
440.23(c)*

Has this proposal been introduced as legislation before? If so, when and under what bill number?

No.

What is the likely fiscal effect of the proposal?

None

Attach copies of any correspondence or other material that may assist in the drafting of the legislation.

None

REQUEST FOR LEGISLATION

PLEASE SUBMIT REQUEST TO EXECUTIVE ASSISTANT WHEN COMPLETED FOR FURTHER PROCESSING. THANK YOU.

Date: April 15, 2003

Person or Body requesting draft: Hearing and Speech Examining Board

Name, address and telephone number of board member to contact if there are questions about the proposal Gerard Kupperman, Board Chair; - (262) 567-7639
888 Thackeray Trail, Suite 107; Oconomowoc, WI 53066
Or,
Ruby Jefferson-Moore, Board Legal Counsel - (608) 266-3679

Describe the problem to be corrected by the legislation.

Create a provision in subs. 459.34 (2), to include "unprofessional conduct" as a basis for disciplinary action by the Board. The Board has authority under subs. 459.10 (1)(k), to discipline Hearing Instrument Specialists who engage in unprofessional conduct, but it does not have similar authority under subs. 459.34 (2), to discipline Audiologists and Speech-Language Pathologists who engage in such conduct.

How should the problem be corrected?

By amending statutes.

Has this proposal been introduced as legislation before? If so, when and under what bill number?

No

What is the likely fiscal effect of the proposal?

None

Attach copies of any correspondence or other material that may assist in the drafting of the legislation.

None

REQUEST FOR LEGISLATION

PLEASE SUBMIT REQUEST TO EXECUTIVE ASSISTANT WHEN COMPLETED FOR FURTHER PROCESSING. THANK YOU.

Date: April 15, 2003

Person or Body requesting draft: Hearing and Speech Examining Board

Name, address and telephone number of board member to contact if there are questions about the proposal

Gerard Kupperman, Board Chair; - (262) 567-7639
888 Thackeray Trail, Suite 107; Oconomowoc, WI 53066
Or,
Ruby Jefferson-Moore, Board Legal Counsel - (608) 266-3679

Describe the problem to be corrected by the legislation.

Section 459.24(6) (c) should be amended to allow the Board to designate by rule, the length of time of a temporary credential for Speech Language Pathologists & Audiologists. Current law requires this length of time be only 9 months. The Board & applicants have experienced problems with the 9-month time period. It is felt this time should be longer & it would be better to specify this in rule rather than statutes.

In addition, the Board proposes to amend subs. 459.24 (6)^(a) to state that a temporary licensee must not only submit an application to take the next available examination, but must, in fact, take the next available examination. S.459.24 (6) (a) (b) and (c), Stats., state, in part, that a temporary licensee must submit an "application to take the next available examination" for licensure. In the past, some temporary licensees have signed up to take the examination, but failed to show up to take the examination. The Board is requesting that the Statutes be revised to state that temporary licensees must "take" the next available examination, not just sign up to take the next available examination.

How should the problem be corrected?

The Board is proposing to revise statutes, s. ~~549~~⁵⁴⁹.26(6) (c), Stats., to remove the reference to the 9 months and to indicate that the time period will be established by the Board by rule.

Has this proposal been introduced as legislation before? If so, when and under what bill number?

No

What is the likely fiscal effect of the proposal?

None

Attach copies of any correspondence or other material that may assist in the drafting of the legislation.

None

REQUEST FOR LEGISLATION

PLEASE SUBMIT REQUEST TO EXECUTIVE ASSISTANT WHEN COMPLETED FOR FURTHER PROCESSING. THANK YOU.

Date: April 15, 2003

Person or Body requesting draft: Hearing and Speech Examining Board
Name, address and telephone Gerard Kupperman, Board Chair; - (262) 567-7639
number of board member to 888 Thackeray Trail, Suite 107; Oconomowoc, WI 53066
contact if there are questions Or,
about the proposal Ruby Jefferson-Moore, Board Legal Counsel - (608) 266-3679

Describe the problem to be corrected by the legislation.

Amend Section 459.24 (2)(f) to add an equivalency provision for the fellowship for Speech-Language Pathologists similar to what is contained in s. 459.24(3)(f).

How should the problem be corrected?

By amending the statutes.

Has this proposal been introduced as legislation before? If so, when and under what bill number?

No

What is the likely fiscal effect of the proposal?

Attach copies of any correspondence or other material that may assist in the drafting of the legislation.

None

REQUEST FOR LEGISLATION

PLEASE SUBMIT REQUEST TO EXECUTIVE ASSISTANT WHEN COMPLETED FOR FURTHER PROCESSING. THANK YOU.

Date: April 15, 2003

Person or Body requesting draft: Hearing and Speech Examining Board

Name, address and telephone number of board member to contact if there are questions about the proposal	<u>Gerard Kupperman, Board Chair: - (262) 567-7639</u> <u>888 Thackeray Trail, Suite 107; Oconomowoc, WI 53066</u> <u>Or,</u> <u>Ruby Jefferson-Moore, Board Legal Counsel - (608) 266-3679</u>
---	--

Describe the problem to be corrected by the legislation.

Amend Section 459.22 (2)(f) to provide an exemption from licensure for Audiologists [add the word "audiologists" after speech-language pathologists"]. The Board also requests that s. 459.22(2) (f) be revised to clarify that speech and language pathologists and audiologists who are licensed solely by DPI may practice only in a school setting (they may not practice outside the school setting) In addition, the Statutes should be revised to clarify that audiologists licensed by DPI may not engage in the practice of fitting and dealing in hearing instruments unless they are also licensed by the Board.

How should the problem be corrected?

By amending statutes.

Has this proposal been introduced as legislation before? If so, when and under what bill number?

No.

What is the likely fiscal effect of the proposal?

None

Attach copies of any correspondence or other material that may assist in the drafting of the legislation.

None

PLEASE SUBMIT REQUEST TO EXECUTIVE ASSISTANT WHEN COMPLETED FOR FURTHER PROCESSING. THANK YOU.

Date: April 15, 2003

Person or Body requesting draft: Hearing and Speech Examining Board

Name, address and telephone number of board member to contact if there are questions about the proposal

Gerard Kupperman, Board Chair; - (262) 567-7639
888 Thackeray Trail, Suite 107; Oconomowoc, WI 53066
Or,
Ruby Jefferson-Moore, Board Legal Counsel - (608) 266-3679

Describe the problem to be corrected by the legislation.

Section 459.09 and 459.095 and 459.24 (5) and (5m) needs to be amended so that Hearing Instrument Specialists, Speech-Language Pathologists and Audiologists who are licensed are not required to complete the continuing education requirement until after the first renewal of their license.

How should the problem be corrected?

By amending the statutes.

Has this proposal been introduced as legislation before? If so, when and under what bill number?

As part of the budget repair bill.

What is the likely fiscal effect of the proposal?

None

Attach copies of any correspondence or other material that may assist in the drafting of the legislation.

None

REQUEST FOR LEGISLATION

PLEASE SUBMIT REQUEST TO EXECUTIVE ASSISTANT WHEN COMPLETED FOR FURTHER PROCESSING. THANK YOU.

Date: April 15, 2003

Person or Body requesting draft Hearing and Speech Examining Board

Name, address and telephone number of board member to contact if there are questions about the proposal: Gerard Kupperman, Board Chair; - (262) 567-7639
888 Thackeray Trail, Suite 107; Oconomowoc, WI 53066
Or,
Ruby Jefferson-Moore, Board Legal Counsel - (608) 266-3679

Describe the problem to be corrected by the legislation.

Section 459.035 states that a hearing aid shall not be fitted for or sold to a child 16 years of age or younger unless within 90 days prior to the fitting the person to be fitted has been examined by a physician to determine whether he or she has any physical deficiencies that would prohibit the effective use of a hearing aid. The Board requests that s. 459.035 be amended to change "16 years of age or younger" to "18 years of age or younger."

How should the problem be corrected?

By amending the statutes.

Has this proposal been introduced as legislation before? If so, when and under what bill number?

No

What is the likely fiscal effect of the proposal?

None

Attach copies of any correspondence or other material that may assist in the drafting of the legislation.

None

REQUEST FOR LEGISLATION

PLEASE SUBMIT REQUEST TO EXECUTIVE ASSISTANT WHEN COMPLETED FOR FURTHER PROCESSING. THANK YOU.

Date: April 15, 2003

Person or Body requesting draft: Hearing and Speech Examining Board

Name, address and telephone number of board member to contact if there are questions about the proposal Gerard Kupperman, Board Chair; - (262) 567-7639
888 Thackeray Trail, Suite 107; Oconomowoc, WI 53066
Or,
Ruby Jefferson-Moore, Board Legal Counsel - (608) 266-3679

Describe the problem to be corrected by the legislation.

The Board is requesting that subs. 15.405 (6m) be amended to increase the number of audiologist and speech-language pathologist members on the Board from 1 to 2.

How should the problem be corrected?

By statute.

Has this proposal been introduced as legislation before? If so, when and under what bill number?

No

What is the likely fiscal effect of the proposal?

A slight increase in travel and per diem expenses for the additional board members.

Attach copies of any correspondence or other material that may assist in the drafting of the legislation.

None

PLEASE SUBMIT REQUEST TO EXECUTIVE ASSISTANT WHEN COMPLETED FOR FURTHER PROCESSING. THANK YOU.

Date: April 15, 2003

Person or Body requesting draft: Hearing and Speech Examining Board

Name, address and telephone number of board member to contact if there are questions about the proposal Gerard Kupperman, Board Chair; - (262) 567-7639
888 Thackeray Trail, Suite 107; Oconomowoc, WI 53066
Or,
Ruby Jefferson-Moore, Board Legal Counsel - (608) 266-3679

Describe the problem to be corrected by the legislation.

The Board would like to revise Section 459.07 of the statutes to state that a hearing instrument specialist trainee may be supervised by an audiologist or hearing instrument specialist.

How should the problem be corrected?

By amending the statutes.

Has this proposal been introduced as legislation before? If so, when and under what bill number?

No.

What is the likely fiscal effect of the proposal?

None

Attach copies of any correspondence or other material that may assist in the drafting of the legislation.

None



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2943/P1

MDK:/:....

Wlj

D-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

By WED
7/16 PM

See CMH or PG
with questions,
if I'm not
AVAILABLE
- MDT

- 1 AN ACT GEN relating to: various changes to the regulation of hearing instrument
- 2 specialists, speech-language pathologists, and audiologists.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be prepared for a subsequent version of this draft.

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:

- 3 SECTION 1. 15.405 (6m) (c) 1. of the statutes is repealed.
- 4 SECTION 2. 15.405 (6m) (c) 2. of the statutes is renumbered 15.405 (6m) (c) and
- 5 amended to read:
- 6 15.405 (6m) (c) ~~One audiologist~~ Two audiologists licensed under subch. II of ch.
- 7 459. ~~This subdivision applies after June 30, 1993.~~

History: 1973 c. 90, 156; 1975 c. 39, 86, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221, 304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316, 340; 1991 a. 39, 78, 160, 189, 269; 1993 a. 16, 102, 463, 465, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225; 1995 a. 305 s. 1; 1995 a. 321, 417; 1997 a. 96, 252, 300; 2001 a. 16, 80.

- 8 SECTION 3. 15.405 (6m) (d) 1. of the statutes is repealed.

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

3 15.405 (6m) (d) ~~One~~ Two speech-language pathologist pathologists licensed
4 under subch. II of ch. 459. ~~This subdivision applies after June 30, 1993.~~

History: 1973 c. 90, 156; 1975 c. 39, 86, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221, 304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316, 340; 1991 a. 39, 78, 160, 189, 269; 1993 a. 16, 102, 463, 465, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225; 1995 a. 305 s. 1; 1995 a. 321, 417; 1997 a. 96, 252, 300; 2001 a. 16, 80.

5 **SECTION 5.** 440.04 (8) of the statutes is repealed.

6 **SECTION 6.** 440.05 (intro.) [✓]of the statutes is amended to read:

7 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
8 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.05,
9 444.11, 447.04 (2) (c) 2., 449.17, and 449.18 ~~and~~ 459.46:

History: 1977 c. 29, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1983 a. 27; 1985 a. 29; 1987 a. 264, 265, 329, 399, 403; 1989 a. 31, 229, 307, 316, 336, 340, 341, 359; 1991 a. 39, 269, 278, 315; 1993 a. 16; 1995 a. 27; 1997 a. 27, 96; 1999 a. 9; 2001 a. 16.

10 **SECTION 7.** 440.08 (2) (a) (intro.) [✓]of the statutes is amended to read:

11 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
12 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, and 449.18 ~~and~~ 459.46, the
13 renewal dates and renewal fees for credentials are as follows:

History: 1991 a. 39 ss. 3305, 3313; 1991 a. 78, 160, 167, 269, 278, 315; 1993 a. 3, 16, 102, 105, 107, 443, 463, 465; 1993 a. 490 ss. 228 to 230, 274, 275; 1995 a. 27, 233, 321, 322, 461; 1997 a. 27, 75, 81, 96, 156, 191, 237, 261, 300; 1999 a. 9, 32; 2001 a. 16, 70, 74, 80, 89.

14 **SECTION 8.** 440.23 (1) [✓]of the statutes is amended to read:

15 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
16 or (6), 440.08, 444.03, 444.05, or 444.11 ~~or~~ 459.46 (2) (b) by check or debit or credit
17 card and the check is not paid by the financial institution upon which the check is
18 drawn or if the demand for payment under the debit or credit card transaction is not
19 paid by the financial institution upon which demand is made, the department may
20 cancel the credential on or after the 60th day after the department receives the notice
21 from the financial institution, subject to sub. (2).

History: 1989 a. 31; 1991 a. 39, 189, 269, 278, 315; 1993 a. 16; 1995 a. 27; 1999 a. 9.

22 **SECTION 9.** 459.035 of the statutes is amended to read:

1 **459.035 Medical exam before being fitted.** A hearing aid shall not be fitted
2 for or sold to a ~~child 16~~ person 18 years of age or younger unless within 90 days prior
3 to the fitting the person to be fitted has been examined by a physician to determine
4 whether or not he or she has any physical deficiencies that would prohibit the
5 effective use of a hearing aid.

6 History: 1979 c. 162 s. 38 (4).

SECTION 10. 459.07 (1) ✓ of the statutes is amended to read:

7 459.07 (1) An applicant who fulfills the requirements regarding age, character
8 and high school education as set forth in s. 459.06, may obtain a trainee permit upon
9 application to the examining board. The name of the licensee person who is
10 supervising the trainee shall appear on the face of the permit.

11 History: 1977 c. 29; 1979 c. 162 s. 38 (4); 1995 a. 170.

SECTION 11. 459.07 (2) ✓ of the statutes is amended to read:

12 459.07 (2) Upon receiving an application under this section, accompanied by
13 the fee under s. 440.05 (6), the examining board may grant a trainee permit which
14 may entitle the applicant to practice fitting of hearing aids for a period of one year.
15 A person holding a valid hearing instrument specialist license issued under this
16 subchapter or a valid license or permit to practice audiology issued under subch. II ✓
17 shall be responsible for the direct supervision and training of the applicant and shall
18 be liable for all negligent acts and omissions of the trainee in the fitting of hearing
19 aids.

INSERT 3-19

20 History: 1977 c. 29; 1979 c. 162 s. 38 (4); 1995 a. 170.

SECTION 12. 459.09 ✓ of the statutes is renumbered 459.09 (1) (intro.) ✓ and

21 amended to read:

22 459.09 **Renewal of license.** (1) (intro.) Each person issued a license under
23 this subchapter shall, on or before the applicable renewal date specified under s.
24 440.08 (2) (a), pay do all of the following:

1 (a) Pay to the department the applicable renewal fee specified under s. 440.08

2 ~~(2) (a) and, for a license that expires on or after February 1, 2001, submit.~~

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

9 (2) A licensee shall keep ~~the~~ a certificate of renewal issued by the department
10 conspicuously posted in his or her office or place of business at all times. Where more
11 than one office is operated by the licensee, duplicate certificates shall be issued by
12 the department for posting in each location.

History: 1977 c. 29; 1991 a. 39; 1997 a. 49; 1999 a. 9.

13 **SECTION 13.** 459.095 (3)[✓] of the statutes is amended to read:

14 459.095 (3) In consultation with the department, promulgate rules that
15 require each person issued a license under this subchapter to whom s. 459.09 (1) (b)[✓]
16 applies to complete a specified continuing education program or course of study to
17 ensure competence with respect to a matter related to the practice of fitting and
18 dealing in hearing aids if the examining board has received a significant number of
19 consumer complaints about the matter or if the examining board otherwise
20 determines that there is a need for such a requirement. Rules promulgated under
21 this subsection shall establish criteria for the examining board's approval of the
22 continuing education program or course of study and of sponsors and cosponsors of
23 the continuing education program or course of study. The rules shall also require the
24 examining board to administer, prior to the continuing education program or course

1 of study, an examination on the matter that is the subject of the continuing education
2 program or course of study and to waive a requirement to complete the continuing
3 education program or course of study if a person granted a license under this
4 subchapter passes the examination. A person who takes an examination specified
5 in this subsection shall pay the fee specified in s. 440.05 (1) (b).

History: 1997 a. 49.

6 **SECTION 14.** 459.10 (1) (p)[✓] of the statutes is amended to read:

7 459.10 (1) (p) Sold a hearing aid to a ~~person~~ purchaser who was not given tests
8 by the person or any other person using appropriate procedures and instrumentation
9 or without proper measurement by the person or any other person of the functional
10 intensity and range of the ~~person's~~ purchaser's hearing.

History: 1983 a. 229; 1989 a. 316; 1997 a. 191.

11 **SECTION 15.** 459.22 (2) (f)[✓] of the statutes is amended to read:

12 459.22 (2) (f) Require an individual to be licensed under this subchapter to
13 engage in the practice of speech–language pathology or audiology, other than
14 engaging in the practice of fitting and dealing in hearing aids, in a position for which
15 the department of public instruction requires licensure as a speech and language
16 pathologist or audiologist, if the individual's entire practice of speech–language
17 pathology or audiology, other than engaging in the practice of fitting and dealing in
18 hearing aids, is limited to the duties of that position.

History: 1989 a. 316; 1995 a. 27 s. 9145 (1); 1997 a. 27, 49; 1999 a. 9[✓]

19 **SECTION 16.** 459.24 (1) (a)[✓] of the statutes is amended to read:

20 459.24 (1) (a) Engage in the practice of speech–language pathology or use the
21 title “speech–language pathologist” or any similar title unless the person holds a
22 current speech–language pathologist license granted by the examining board under
23 sub. (2)[✓] or (6) (a).[✓]

History: 1989 a. 316; 1993 a. 16, 66; 1997 a. 49; 1999 a. 9.

1 SECTION 17. 459.24 (1) (b)[✓] of the statutes is amended to read:

2 459.24 (1) (b) Engage in the practice of audiology or use the title "audiologist",[✓]
3 "clinical audiologist" or any similar title unless the person holds a current audiologist
4 license granted by the examining board under sub. (3)[✓] or (6) (b).[✓]

History: 1989 a. 316; 1993 a. 16, 66; 1997 a. 49; 1999 a. 9.

5 SECTION 18. 459.24 (2) (f)[✓] of the statutes is amended to read:

6 459.24 (2) (f) Submits evidence satisfactory to the examining board that he or
7 she has completed a postgraduate clinical fellowship in speech-language pathology
8 approved by the examining board or has completed education or training that the
9 examining board determines is substantially equivalent to the completion of such a
10 fellowship.

History: 1989 a. 316; 1993 a. 16, 66; 1997 a. 49; 1999 a. 9.

11 SECTION 19. 459.24 (5)[✓] of the statutes is renumbered 459.24 (5) (intro.) and
12 amended to read:

13 459.24 (5) EXPIRATION AND RENEWAL. (intro.) The renewal dates for licenses
14 granted under this subchapter, other than temporary licenses granted under sub.
15 (6), are specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the
16 department on a form provided by the department and shall include the all of the
17 following:

18 (a) The renewal fee specified in s. 440.08 (2) (a) and, for licenses that expire on
19 or after February 1, 2001, proof.

20 (b) Proof that the applicant completed, within the 2 years immediately
21 preceding the date of his or her application, 20 hours of continuing education
22 programs or courses of study approved or required under rules promulgated under
23 sub. (5m). This paragraph does not apply to an applicant for renewal of a license that

1 expires on the first renewal date after the date on which the examining board
2 initially granted the license.

3 History: 1989 a. 316; 1993 a. 16, 66; 1997 a. 49; 1999 a. 9.

3 **SECTION 20.** 459.24 (5m) (a) 3. a. of the statutes is amended to read:

4 459.24 (5m) (a) 3. a. Require each person granted a speech-language
5 pathologist license to whom sub. (5) (b) applies to complete a specified continuing
6 education program or course of study to ensure competence with respect to a matter
7 related to the practice of speech-language pathology if the examining board has
8 received a significant number of consumer complaints about the matter or if the
9 examining board otherwise determines there is a need for such a requirement.

10 History: 1989 a. 316; 1993 a. 16, 66; 1997 a. 49; 1999 a. 9.

10 **SECTION 21.** 459.24 (5m) (a) 3. b. of the statutes is amended to read:

11 459.24 (5m) (a) 3. b. Require each person granted an audiologist license to
12 whom sub. (5) (b) applies to complete a specified continuing education program or
13 course of study to ensure competence with respect to a matter related to the practice
14 of audiology if the examining board has received a significant number of consumer
15 complaints about the matter or if the examining board determines there is a need for
16 such a requirement.

17 History: 1989 a. 316; 1993 a. 16, 66; 1997 a. 49; 1999 a. 9.

17 **SECTION 22.** 459.24 (6) (c) of the statutes is amended to read:

18 459.24 (6) (c) A temporary license granted under this subsection is valid for a
19 period designated by the examining board, ~~not to exceed 9 months~~ except that a
20 temporary license is invalid if the applicant fails to take the next available
21 examinations specified in par. (a) or (b). A temporary license granted under par. (a)
22 may be renewed once by the examining board. A temporary license granted under
23 par. (b) may be renewed once by the examining board if the applicant fails an
24 examination for audiologist licensure under s. 459.26 (2) (a) or (b) and applies to take

1 the next available examination or if the applicant shows, to the satisfaction of the
 2 examining board, sufficient cause for the renewal. An applicant for a temporary
 3 license shall pay the fee specified in s. 440.05 (6).

4 History: 1989 a. 316; 1993 a. 16, 66; 1997 a. 49; 1999 a. 9.

4 **SECTION 23.** 459.34 (2) (cs) of the statutes is amended to read:

5 459.34 (2) (cs) Sold a hearing aid to a person purchaser who was not given tests
 6 by the applicant, licensee, permittee, or any other person using appropriate
 7 procedures and instrumentation or without proper measurement by the applicant,
 8 licensee, permittee, ^{or} any other person of the functional intensity and range of the
 9 person's purchaser's hearing. This paragraph does not apply to speech-language
 10 pathologists.

11 History: 1989 a. 316; 1997 a. 49, 191.

11 **SECTION 24.** 459.34 (2) (h) of the statutes is created to read:

12 459.34 (2) (h) Engaged in unprofessional conduct. In this paragraph,
 13 "unprofessional conduct" means the violation of any standard of professional
 14 behavior ~~which~~ ^{that} through experience, state statute, or administrative rule has become
 15 established in the practice of speech-language pathology or audiology.

16 **SECTION 25.** Subchapter III of chapter 459 [precedes section 459.40] of the
 17 statutes is repealed.

18 **SECTION 26. Nonstatutory provisions.**

19 (1) NEW MEMBERS OF HEARING AND SPEECH EXAMINING BOARD. Notwithstanding
 20 the length of term specified in section 15.405 (6m) (intro.) of the statutes, the
 21 additional members of the hearing and speech examining board under this act shall
 22 be initially appointed for the following terms:

23 (a) One speech-language pathologist member, for a term expiring on July 1,
 24 2007.

LPS:
Please
check
spacing.

1 (b) One audiologist member, for a term expiring on July 1, 2008.

2 (END)

INSERT 3-19

#. AM; 459.085

~~459.087~~

459.085 Calibration of audiometric equipment. Audiometric equipment used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids shall be calibrated periodically, as specified by rule by the examining board. Certification of these calibrations shall be sent to the examining board with the renewal fee required in s. 459.09. (1)(a)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2943/P1dn

MDK:1....

Wlj

Christopher Klein:

Please note the following about this preliminary draft:

1. The Hearing and Speech Examining Board (board) requested that current law be clarified so that it is clear that graduates must obtain a temporary license while completing their post-graduate fellowships. I'm not sure whether such clarification is necessary. Current law clearly states that you can't practice without a license and specifically provides for temporary licenses to be granted during the completion of a post-graduate fellowship. Nevertheless, I amended ss. 4~~4~~⁵9.24 (1) (a) and (b), stats., so that they specifically refer to permanent and temporary licenses. Does the amendment address the board's concerns?
2. The board requested that an applicant for a temporary license must take the next available examinations for licensure, in addition to signing up for them. However, unless I don't understand your intent, I don't think it makes sense to condition the granting of a license on something (i.e., taking examinations) that occurs in the future after the license is granted. Therefore, this bill provides instead that a temporary license is invalid if the applicant fails to take the examinations. Is that okay?
3. Is my reference to certificates of renewal in proposed s. 459.09 (2)[✓] okay? (Current law refers only to "certificates" and does not specify what they are.)

Please contact me if you have any questions. I will add an analysis and prepare a bill that may be introduced after the above issues are resolved.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2943/P1dn
MDK:wljjf

July 15, 2003

Christopher Klein:

Please note the following about this preliminary draft:

1. The Hearing and Speech Examining Board (board) requested that current law be clarified so that it is clear that graduates must obtain a temporary license while completing their post-graduate fellowships. I'm not sure whether such clarification is necessary. Current law clearly states that you can't practice without a license and specifically provides for temporary licenses to be granted during the completion of a post-graduate fellowship. Nevertheless, I amended ss. 459.24 (1) (a) and (b), stats., so that they specifically refer to permanent and temporary licenses. Does the amendment address the board's concerns?
2. The board requested that an applicant for a temporary license must take the next available examinations for licensure, in addition to signing up for them. However, unless I don't understand your intent, I don't think it makes sense to condition the granting of a license on something (i.e., taking examinations) that occurs in the future after the license is granted. Therefore, this bill provides instead that a temporary license is invalid if the applicant fails to take the examinations. Is that okay?
3. Is my reference to certificates of renewal in proposed s. 459.09 (2) okay? (Current law refers only to "certificates" and does not specify what they are.)

Please contact me if you have any questions. I will add an analysis and prepare a bill that may be introduced after the above issues are resolved.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us



State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE / MEMORANDUM

DATE: September 8, 2003
TO: Mark D. Kunkel
Senior Legislative Attorney
Legislative Reference Bureau
FROM: Ruby Jefferson-Moore *RJM*
Office of Legal Counsel
SUBJECT: Hearing and Speech Examining Board Proposed Legislation (LRB-2943/P1)
Response to Clearinghouse Report – Rule 03-025

Your July 15, 2003 memorandum to Christopher Klein relating to the Hearing and Speech Examining Board's proposed legislation has been forwarded to me for response. Based upon consultations with Dr. Gerard Kupperman, Chairman of the Board, and Dr. Michael Thelen, the Board's Secretary, the Board's response is as follows:

Question: 1. The Hearing and Speech Examining Board (board) requested that current law be clarified so that it is clear that graduates must obtain a temporary license while completing their post-graduate fellowships. I am not sure whether such clarification is necessary. Current law clearly states that you can't practice without a license and specifically provides for temporary licenses to be granted during the completion of a post-graduate fellowship. Nevertheless, I amended ss. 459.24 (1) (a) and (b), stats., so that they specifically refer to permanent and temporary licenses. Does the amendment address the board's concerns?

Response: Yes, the proposed amendment addresses the board's concerns. The ideal amendment would also include a specific reference to the requirement in s. 459.24 (6), Stats. Note that the board concurs with your conclusion that the current statutes can be interpreted to mean that an individual must obtain a temporary license prior to commencing a post-graduate fellowship. In fact, the Board's interpretation of the statutes is reflected in subs. HAS 6.10 (1), Code. The Board's concern is that over the years, it has disciplined many individuals for practicing speech-language pathology and/or audiology without a temporary license during the completion of their post graduate fellowship. Hopefully, the amendment will make it clear to new graduates, and their supervisors, that the new graduates must obtain a temporary license prior to commencing a post graduate fellowship.

sub (6)
is referenced
in the
revised
language.
D-note
to point
this
out?

Question: 2. The board requested that an applicant for a temporary license must take the next available examinations for licensure, in addition to signing up for them. However, unless I don't understand your intent, I don't think it makes sense to condition the granting of a license on something (i.e., taking examinations) that occurs in the future after the license is granted. Therefore, this bill provides instead that a temporary license is invalid if the applicant fails to take the examinations. Is that okay?

Response: Page 7, Section 23: In reference to the Board's request to revise the statutes to require temporary licensees to take the next available examination for licensure, it is recommended that the "exception" be omitted from the statutes and that the statutes state only that the license is valid for a period designated by the examining board. Then, the Board could establish the time period by rule. For example, the Board could state in its rules that "a temporary license is valid for one year, except that if the applicant fails to take the next available examinations specified in s. 459.26 (2) (a) or (b), for reasons other than hardship or inaction by the Board, the temporary license shall expire on the fifth (?) calendar day following the administration of the next available examinations".

If the exception is retained, the following language is recommended:

459.24 (6) (c) A temporary license granted under this subsection is valid for a period designated by the examining board, ~~not to exceed 9 months~~ except that if the applicant fails to take the next available examinations specified in par. (a) or (b), for reasons other than hardship or inaction by the Board, the temporary license shall expire on the fifth (?) calendar day following the administration of the next available examinations.

*-d-note:
my
approach
is different
because it
lets the
Bd's rules
specify
the #
of days*

Question: Is my reference to certificates of renewal in proposed s. 459.09 (2) okay? (Current law refers only to "certificates" and does not specify what they are.)

Response: 3. Page 4, Section 13: In reference to certificates of renewal in proposed s. 459.09 (2), it is recommended that the language be changed to read "license issued by the department". Note that the term "certificate" is also used in other parts of subch. I and II of ch. 459 [see, s. 459.03, 459.05 (1m), 459.24 (3m) (a) and (4)]. It is recommended that the term "certificate" be replaced with the term "license" wherever it is used in the statutes.

Additional Comments:

X (1) Throughout the revision, the word "person" has been changed to "purchaser". However, the person who uses the hearing instrument is frequently not the purchaser. For example, children may be the users of the hearing aids, but their parents are the purchasers. Similarly, Wisconsin Medical Assistance purchases hearing aids, but they are not the user. "Person" is the correct term and should be retained.

~~(2)~~ Page 3, Section 9: The language should be changed to "17 or younger".

~~(3)~~ Page 3, Section 10: It is recommended that the term "licensee" be retained.

~~(4)~~ Page 3, Section 11: It is assumed that the reference to "permit" relates to the limited permits granted to out-of-state audiologists under s. 459.32. Since those credentials are granted for such a short period of time (up to 45 days), those audiologists would not have sufficient time to provide any type of meaningful supervision. Therefore, the reference to "permit" should be omitted from the draft. To avoid any questions regarding whether "audiologist trainees" will be authorized to supervise hearing instrument specialist trainees, it is recommended that the reference to "subch. II" be omitted and that a specific reference to 459.24 (3) be included instead. That change would make it clear that only hearing instrument specialists and audiologists will be permitted to supervise hearing instrument specialist trainees.

~~(5)~~ Page 5, Section 15 and page 8, Section 24: It is recommended that the language "by any other person" be removed wherever it is used in Sections 15 and 24. As written, the change could be interpreted to permit "any other person" to do a legal hearing test. In Wisconsin, any audiologist should have the discretion to accept the test of any other audiologist or Wisconsin licensed hearing instrument specialist; any hearing instrument specialists should have the discretion to accept the test of any other licensed hearing instrument specialist or licensed audiologist, and both groups should have the discretion to accept the tests of out-of-state licensed audiologists and licensed hearing instrument specialists. It is recommended that the text be revised to read as follows:

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

~~(6)~~ Page 8, Section 25: It is recommended that the definition of "unprofessional conduct" be omitted and that the Board be permitted to define the term by rule.

If you have any questions, please contact me at 266-3679.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2943/P1dn
MDK:wlj:jf

July 15, 2003

Christopher Klein:

Please note the following about this preliminary draft:

1. The Hearing and Speech Examining Board (board) requested that current law be clarified so that it is clear that graduates must obtain a temporary license while completing their post-graduate fellowships. I'm not sure whether such clarification is necessary. Current law clearly states that you can't practice without a license and specifically provides for temporary licenses to be granted during the completion of a post-graduate fellowship. Nevertheless, I amended ss. 459.24 (1) (a) and (b), stats., so that they specifically refer to permanent and temporary licenses. Does the amendment address the board's concerns?
2. The board requested that an applicant for a temporary license must take the next available examinations for licensure, in addition to signing up for them. However, unless I don't understand your intent, I don't think it makes sense to condition the granting of a license on something (i.e., taking examinations) that occurs in the future after the license is granted. Therefore, this bill provides instead that a temporary license is invalid if the applicant fails to take the examinations. Is that okay?
3. Is my reference to certificates of renewal in proposed s. 459.09 (2) okay? (Current law refers only to "certificates" and does not specify what they are.)

Please contact me if you have any questions. I will add an analysis and prepare a bill that may be introduced after the above issues are resolved.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2943/P1

MDK:wlj:jjf

↓
stays

(1)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RM
has been
run

Today by
4:00 PM

INSERT 1A ↓

Regen cat

1 AN ACT *to repeal* 15.405 (6m) (c) 1., 15.405 (6m) (d) 1., 440.04 (8) and subchapter
 2 III of chapter 459 [precedes 459.40]; *to renumber and amend* 15.405 (6m) (c)
 3 2., 15.405 (6m) (d) 2., 459.09 and 459.24 (5); *to amend* 440.05 (intro.), 440.08
 4 (2) (a) (intro.), 440.23 (1), 459.035, 459.07 (1), 459.07 (2), 459.085, 459.095 (3),
 5 459.10 (1) (p), 459.22 (2) (f), 459.24 (1) (a), 459.24 (1) (b), 459.24 (2) (f), 459.24
 6 (5m) (a) 3. a., 459.24 (5m) (a) 3. b., 459.24 (6) (c) and 459.34 (2) (cs); and *to create*
 7 459.34 (2) (h) of the statutes; **relating to:** various changes to the regulation of
 8 hearing instrument specialists, speech-language pathologists, and
 9 audiologists *and granting rule-making authority*

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be prepared for a subsequent version of this draft.

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:

1 **SECTION 1.** 15.405 (6m) (c) 1. of the statutes is repealed.

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

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

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

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

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

11 **SECTION 5.** 440.04 (8) of the statutes is repealed.

12 **SECTION 6.** 440.05 (intro.) of the statutes is amended to read:

13 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial
14 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 444.03, 444.05,
15 444.11, 447.04 (2) (c) 2., 449.17, and 449.18 ~~and 459.46~~:

16 **SECTION 7.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

17 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
18 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, and 449.18 ~~and 459.46~~, the
19 renewal dates and renewal fees for credentials are as follows:

20 **SECTION 8.** 440.23 (1) of the statutes is amended to read:

21 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)
22 or (6), 440.08, 444.03, 444.05, or 444.11 ~~or 459.46 (2) (b)~~ by check or debit or credit
23 card and the check is not paid by the financial institution upon which the check is
24 drawn or if the demand for payment under the debit or credit card transaction is not
25 paid by the financial institution upon which demand is made, the department may

INSERT 3-2 ✓

17

1 cancel the credential on or after the 60th day after the department receives the notice
2 from the financial institution, subject to sub. (2).

3 SECTION 9. 459.035 of the statutes is amended to read:

4 459.035 Medical exam before being fitted. A hearing aid shall not be fitted
5 for or sold to a child 16 ~~person~~ ~~16~~ years of age or younger unless within 90 days prior
6 to the fitting the person to be fitted has been examined by a physician to determine
7 whether or not he or she has any physical deficiencies that would prohibit the
8 effective use of a hearing aid.

INSERT
3-6
7

9 SECTION 10. 459.07 (1) of the statutes is amended to read:

10 459.07 (1) An applicant who fulfills the requirements regarding age, character
11 and high school education as set forth in s. 459.06, may obtain a trainee permit upon
12 application to the examining board. The name of the licensee person who is
13 supervising the trainee shall appear on the face of the permit.

14 SECTION 11. 459.07 (2) of the statutes is amended to read:

15 459.07 (2) Upon receiving an application under this section, accompanied by
16 the fee under s. 440.05 (6), the examining board may grant a trainee permit which
17 may entitle the applicant to practice fitting of hearing aids for a period of one year.
18 A person holding a valid hearing instrument specialist license issued under this
19 subchapter or a valid license of ~~person~~ to practice audiology issued under ~~subchapter~~
20 shall be responsible for the direct supervision and training of the applicant and shall
21 be liable for all negligent acts and omissions of the trainee in the fitting of hearing
22 aids.

23 SECTION 12. 459.085 of the statutes is amended to read:

24 459.085 Calibration of audiometric equipment. Audiometric equipment
25 used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids

S. 459.24 (3) ✓

1 shall be calibrated periodically, as specified by rule by the examining board.
2 Certification of these calibrations shall be sent to the examining board with the
3 renewal fee required in s. 459.09 (1) (a).

4 SECTION 13. 459.09 of the statutes is renumbered 459.09 (1) (intro.) and
5 amended to read:

and posting *BT*

6 459.09 **Renewal of license.** (1) (intro.) Each person issued a license under
7 this subchapter shall, on or before the applicable renewal date specified under s.
8 440.08 (2) (a), pay do all of the following:

9 (a) Pay to the department the applicable renewal fee specified under s. 440.08
10 (2) (a) ~~and, for a license that expires on or after February 1, 2001, submit.~~

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

17 (2) A licensee shall keep the ~~certificate~~ *certificate* ~~issued by the department~~ *a license*
18 conspicuously posted in his or her office or place of business at all times. Where more
19 than one office is operated by the licensee, duplicate ~~certificates~~ *licenses* shall be issued by
20 the department for posting in each location.

21 SECTION 14. 459.095 (3) of the statutes is amended to read:

22 459.095 (3) In consultation with the department, promulgate rules that
23 require each person issued a license under this subchapter to whom s. 459.09 (1) (b)
24 applies to complete a specified continuing education program or course of study to
25 ensure competence with respect to a matter related to the practice of fitting and

under this subchapter

INSERT 5-13

1 dealing in hearing aids if the examining board has received a significant number of
2 consumer complaints about the matter or if the examining board otherwise
3 determines that there is a need for such a requirement. Rules promulgated under
4 this subsection shall establish criteria for the examining board's approval of the
5 continuing education program or course of study and of sponsors and cosponsors of
6 the continuing education program or course of study. The rules shall also require the
7 examining board to administer, prior to the continuing education program or course
8 of study, an examination on the matter that is the subject of the continuing education
9 program or course of study and to waive a requirement to complete the continuing
10 education program or course of study if a person granted a license under this
11 subchapter passes the examination. A person who takes an examination specified
12 in this subsection shall pay the fee specified in s. 440.05 (1) (b).

13 **SECTION 15.** 459.10 (1) (p) of the statutes is amended to read:

14 ~~459.10 (1) (p) Sold a hearing aid to a person purchaser who was not given tests~~
15 ~~by the person or any other person using appropriate procedures and instrumentation~~
16 ~~or without proper measurement by the person or any other person of the functional~~
17 ~~intensity and range of the person's purchaser's hearing.~~

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

19 459.22 (2) (f) Require an individual to be licensed under this subchapter to
20 engage in the practice of speech-language pathology or audiology, other than
21 engaging in the practice of fitting and dealing in hearing aids, in a position for which
22 the department of public instruction requires licensure as a speech and language
23 pathologist or audiologist, if the individual's entire practice of speech-language
24 pathology or audiology, other than engaging in the practice of fitting and dealing in
25 hearing aids, is limited to the duties of that position.

1 **(b)** Proof that the applicant completed, within the 2 years immediately
 2 preceding the date of his or her application, 20 hours of continuing education
 3 programs or courses of study approved or required under rules promulgated under
 4 sub. (5m). This paragraph does not apply to an applicant for renewal of a license that
 5 expires on the first renewal date after the date on which the examining board
 6 initially granted the license.

7 **SECTION 21.** 459.24 (5m) (a) 3. a. of the statutes is amended to read:

8 459.24 **(5m)** (a) 3. a. Require each person granted a speech-language
 9 pathologist license to whom sub. (5) (b) applies to complete a specified continuing
 10 education program or course of study to ensure competence with respect to a matter
 11 related to the practice of speech-language pathology if the examining board has
 12 received a significant number of consumer complaints about the matter or if the
 13 examining board otherwise determines there is a need for such a requirement.

14 **SECTION 22.** 459.24 (5m) (a) 3. b. of the statutes is amended to read:

15 459.24 **(5m)** (a) 3. b. Require each person granted an audiologist license to
 16 whom sub. (5) (b) applies to complete a specified continuing education program or
 17 course of study to ensure competence with respect to a matter related to the practice
 18 of audiology if the examining board has received a significant number of consumer
 19 complaints about the matter or if the examining board determines there is a need for
 20 such a requirement.

21 **SECTION 23.** 459.24 (6) (c) of the statutes is amended to read:

22 459.24 **(6)** (c) A temporary license granted under this subsection is valid for a
 23 period designated by the examining board ~~not to exceed 9 months except that a~~
 24 ~~temporary license is invalid if the applicant fails to take the next available~~
 25 ~~examinations specified in par. (b) or (b).~~ A temporary license granted under par. (a)

struck

in rules promulgated

INSERT 7-25

INSERT 8-6 ✓

1 may be renewed once by the examining board. A temporary license granted under
2 par. (b) may be renewed once by the examining board if the applicant fails an
3 examination for audiologist licensure under s. 459.26 (2) (a) or (b) and applies to take
4 the next available examination or if the applicant shows, to the satisfaction of the
5 examining board, sufficient cause for the renewal. An applicant for a temporary
6 license shall pay the fee specified in s. 440.05 (6).

7 **SECTION 24.** 459.34 (2) (cs) of the statutes is amended to read:

8 459.34 (2) (cs) Sold a hearing aid to a person purchaser who was not given tests
9 by the applicant, licensee, permittee, or any other person using appropriate
10 procedures and instrumentation or without proper measurement by the applicant,
11 licensee, permittee, or any other person of the functional intensity and range of the
12 person's purchaser's hearing. This paragraph does not apply to speech-language
13 pathologists.

14 **SECTION 25.** 459.34 (2) (h) of the statutes is created to read:

15 459.34 (2) (h) Engaged in unprofessional conduct. ~~In this paragraph,~~
16 ~~“unprofessional conduct” means the violation of any standard of professional~~
17 ~~behavior that through experience, state statute, or administrative rule has become~~
18 ~~established in the practice of speech-language pathology or audiology.~~

19 **SECTION 26.** Subchapter III of chapter 459 [precedes 459.40] of the statutes is
20 repealed.

21 **SECTION 27. Nonstatutory provisions.**

22 (1) NEW MEMBERS OF HEARING AND SPEECH EXAMINING BOARD. Notwithstanding
23 the length of term specified in section 15.405 (6m) (intro.) of the statutes, the
24 additional members of the hearing and speech examining board under this act shall
25 be initially appointed for the following terms:

as defined by
rule by the examining board

1 (a) One speech–language pathologist member, for a term expiring on July 1,
2 2007.

3 (b) One audiologist member, for a term expiring on July 1, 2008.

4

(END)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

INSERT 1A:

This bill makes the following changes to the regulation of hearing instrument specialists, audiologists, and speech-language pathologists by the Hearing and Speech Examining Board (board):

1. Under current law, a person may not engage in the practice of dealing in or fitting hearing aids unless he or she has a hearing instrument specialist license or training permit issued by the board. In addition, a person who is issued a training permit must be supervised by a licensed hearing instrument specialist. Under this bill, a person ^{licensed as an audiologist may also supervise a person} with a training permit ~~may also be supervised by a person licensed as an audiologist~~ by the board.

2. Under current law, persons ^a who ^{is} ~~are~~ ^a licensed as hearing instrument specialists, ^{an} audiologists, or ^a speech-language pathologists ^{is} must renew the license every ^{two} ~~2~~ years. In addition, a person must complete 20 hours of continuing education to renew a license. Under this bill, a person does not have to complete continuing education the first time he or she applies to renew a license, but must complete continuing education for each subsequent renewal.

3. Current law specifies various grounds for which the board may discipline a person licensed as a hearing instrument specialist, ^a speech-language pathologist, or ^{an} audiologist. This bill allows the board to discipline a speech-language pathologist or ^{an} audiologist who engages in unprofessional conduct as defined by rule by the board. Under current law, the board may discipline a hearing instrument specialist for unprofessional conduct.

Analysis -
delete
line
numbers
and
single
space
please.

1 4. Under current law, the board may issue a temporary license that allows a
 2 person to practice as an audiologist or ^o speech-language pathologist for a period of
 3 no more than ⁹ ~~9~~ ^{nine} months. This bill eliminates the ~~9~~ ^{nine} ~~month~~ ^{limit} and allows the board
 4 to promulgate rules that designate the period of a temporary license. The rules may
 5 designate a period that terminates if an applicant fails to take the next available
 6 examination that is required for a license for reasons other than inaction by the board
 7 or hardship.

8 5. Under current law, a hearing instrument specialist or ^{an} audiologist must test
 9 the hearing or observe the ear canal of a person who purchases a hearing aid. This
 10 bill also requires ^{the} ~~such~~ testing or observation for a person for whom a hearing aid is
 11 purchased.

12 6. The bill prohibits a hearing instrument specialist or audiologist from fitting
 13 or selling a hearing aid for a person ^{STET 9 11/4} ~~17~~ years or younger unless the person has been
 14 examined by a physician within the previous 90 days. Under current law, the
 15 prohibition applies to a person who is ^{STET 11/4} ~~16~~ years or younger.

16 7. Under current law, persons who are licensed by the Department of Public
 17 Instruction (DPI) as speech-language pathologists are exempt from the board's
 18 licensing requirements. This bill also exempts persons licensed as audiologists by
 19 DPI. In addition, the bill clarifies that the exemptions apply only if a person's entire
 20 practice of speech-language pathology or audiology is limited to the position for
 21 which the person is licensed by DPI.

22 8. Under current law, a person may be licensed by the board as a
 23 speech-language pathologist if he or she satisfies certain requirements, including
 24 completion of a postgraduate clinical fellowship. ^{This} ~~The~~ bill provides that a person may

Analysis -
delete
line
its
and
single
space,
please.

Analysis
delete
line #s
and
single
space,
please.

1 also complete education or training that the board determines is substantially
2 similar to such a fellowship.

3 9. Under current law, a person is not allowed to use a title related to audiology
4 or speech-language pathology, or practice audiology or speech-language pathology,
5 unless he or she is issued a license by the board. Prior to July 1, 1993, such persons
6 were issued certificates of registration by the board. This bill eliminates all outdated
7 references to audiology and speech-language pathology certificates of registration.

8 **INSERT 3-2:**

9 **SECTION ~~4~~[#] 459.03 (1)** of the statutes is amended to read:

10 459.03 (1) Whoever practices fitting or selling of hearing aids under this
11 subchapter shall deliver to each person supplied with a hearing aid a receipt. The
12 receipt shall contain the licensee's signature and show the licensee's business
13 address and ~~certificate~~ license number, together with specifications as to the make
14 and model of the hearing aid furnished and full terms of sale clearly stated. If a
15 hearing aid which is not new is sold, the receipt and the container thereof must be
16 clearly marked as "used" or "reconditioned" whichever is applicable.

History: 1989 a. 316; 1991 a. 32; 1997 a. 49.

17 **INSERT 3-8:**

18 **SECTION ~~A~~[#] 459.05 (1m)** of the statutes is amended to read:

19 459.05 (1m) Whenever the examining board determines that another state or
20 jurisdiction has requirements equivalent to or higher than those in effect in the state
21 for the practice of fitting and selling hearing aids, and that such state or jurisdiction
22 has a program equivalent to or stricter than the program for determining whether
23 applicants in this state are qualified to fit and sell hearing aids, the department may
24 issue a license by reciprocity to applicants who hold valid ~~certificates~~ or licenses to

1 deal in or fit hearing aids in such other state or jurisdiction, who pay the fee specified
2 in s. 440.05 (2) and who are otherwise qualified for licensure. No applicant for a
3 license by reciprocity under this subsection shall be required to submit to or undergo
4 a qualifying examination, if the applicant personally appears at the next meeting of
5 the examining board after filing the application to answer any questions the
6 examining board has.

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

INSERT 5-13:

8 ~~SECTION 459.10~~ [#] 459.10 (1) (i) of the statutes is amended to read:

9 459.10 (1) (i) Failed to conduct a direct observation of the purchaser's ear canal
10 of a person for whom a hearing aid is purchased.

11 History: 1983 a. 229; 1989 a. 316; ~~1997~~ [#] a. 191.

12 ~~SECTION 459.10~~ [#] 459.10 (1) (p) of the statutes is amended to read:

13 459.10 (1) (p) Sold a hearing aid to for use by a person who was not given tests
14 by a hearing instrument specialist or ^{an} audiologist licensed under this chapter or in
15 another state using appropriate procedures and instrumentation or without proper
measurement of the functional intensity and range of the person's hearing.

16 History: 1983 a. 229; 1989 a. 316; 1997 a. 191.

INSERT 6-15:

17 ~~SECTION 459.24~~ [#] 459.24 (3m) (a) [✓] of the statutes is amended to read:

18 459.24 (3m) (a) Deliver to each person supplied with a hearing aid a receipt.
19 The receipt shall contain the signature and show the business address and ~~certificate~~
20 license or permit number of the licensee or permittee, together with specifications
21 as to the make and model of the hearing aid and full terms of sale clearly stated. If
22 a hearing aid that is not new is sold, the receipt and the container must be clearly

1 **SECTION 17.** 459.24 (1) (a) of the statutes is amended to read:

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

6 **SECTION 18.** 459.24 (1) (b) of the statutes is amended to read:

7 459.24 (1) (b) Engage in the practice of audiology or use the title “audiologist”,
8 “clinical audiologist” or any similar title unless the person holds a current audiologist
9 license granted by the examining board under sub. (3) or (6) (b).

10 **SECTION 19.** 459.24 (2) (f) of the statutes is amended to read:

11 459.24 (2) (f) Submits evidence satisfactory to the examining board that he or
12 she has completed a postgraduate clinical fellowship in speech–language pathology
13 approved by the examining board or has completed education or training that the
14 examining board determines is substantially equivalent to the completion of such a
15 fellowship.

16 **SECTION 20.** 459.24 (5) of the statutes is renumbered 459.24 (5) (intro.) and
17 amended to read:

18 459.24 (5) EXPIRATION AND RENEWAL. (intro.) The renewal dates for licenses
19 granted under this subchapter, other than temporary licenses granted under sub.
20 (6), are specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the
21 department on a form provided by the department and shall include the all of the
22 following:

23 (a) The renewal fee specified in s. 440.08 (2) (a) and, for licenses that expire on
24 or after February 1, 2001, proof.

INSERT 6-15 ✓

1 marked as "used" or "reconditioned", whichever is applicable. The terms of the
2 guarantee, if there is any given, shall be set out in not less than 8-point type.

3 History: 1989 a. 316; 1993 a. 16, 66; 1997 a. 49; 1999 a. 9.

SECTION ~~6~~ 459.24 (4) of the statutes is amended to read:

4 459.24 (4) POSTING OF LICENSE CERTIFICATE. ~~The department shall issue a~~

5 ~~certificate to each licensee, certifying that the holder is licensed~~ ^{QAA} ~~Each person issued~~

6 a license under this subchapter to practice speech-language pathology or audiology.

7 ~~The licensee shall post the certificate~~ license in a conspicuous place in the licensee's

8 place of business.

9 History: 1989 a. 316; 1993 a. 16, 66; 1997 a. 49; 1999 a. 9.

INSERT 7-25:

S. 459.26

^{QAA}
/

10 The rules may designate a period that terminates if an applicant fails to take the next

11 available examination under ~~sub. (2) or (b)~~ for reasons other than inaction by the

12 examining board or hardship.

INSERT 8-6:

(a)

14 SECTION ~~6~~ [#] 459.34 (2) (cm) of the statutes is amended to read:

15 459.34 (2) (cm) Failed to conduct a direct observation of the ear canal of a

16 ~~purchaser of person for whom~~ a hearing aid is purchased. This paragraph does not

17 apply to speech-language pathologists.

18 History: 1989 a. 316; 1997 a. 49, [#]

SECTION ~~6~~ 459.34 (2) (cs) of the statutes is amended to read:

19 459.34 (2) (cs) Sold a hearing aid ~~to~~ for use by a person who was not given tests

20 by a hearing instrument specialist or audiologist licensed under this chapter or in

21 another state using appropriate procedures and instrumentation or without proper

22 measurement of the functional intensity and range of the person's hearing. This

23 paragraph does not apply to speech-language pathologists.

History: 1989 a. 316; 1997 a. 49, 191.

Emery, Lynn

From: Klein, Christopher

Sent: Wednesday, February 04, 2004 1:36 PM

To: Kunkel, Mark; Emery, Lynn

Subject: LRB 2943

Please email to Randy in Rep. Underheim's office the final version of LRB 2943. If Underheim's office wants any additional information regarding LRB2943, I authorize the release of that as well. Thank you.

Christopher P. Klein
Executive Assistant,
Legislative Liaison
Wisconsin Department of Regulation & Licensing
608-266-8609

02/04/2004

Emery, Lynn

From: Emery, Lynn
Sent: Wednesday, February 04, 2004 1:36 PM
To: Thorson, Randy
Subject: LRB-2943/1 (attached as requested)



03-2943/1

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
lynn.emery@legis.state.wi.us

Barman, Mike

From: Klein, Christopher

Sent: Friday, February 13, 2004 8:59 AM

To: Barman, Mike

Cc: Kunkel, Mark

Could you please have LRB 2943 the hearing and speech draft placed on the Fiscal Estimate system?
Thank you. Our budget office is requesting this.

Christopher P. Klein
Executive Assistant,
Legislative Liaison
Wisconsin Department of Regulation & Licensing
608-266-8609