

2009 DRAFTING REQUEST

Bill

Received: **04/23/2009**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **John Lehman (608) 266-1832**

By/Representing: **Mike Browne**

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

Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lehman@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

regulation of audiology

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> |
|--------------|------------------------|----------------------|------------------------|----------------|------------------------|-----------------|-----------------|
| /? | tkuczens 06/18/2009 | jdye 06/19/2009 | | _____ | | | State |
| /P1 | tkuczens 07/09/2009 | bkraft 07/10/2009 | rschluet 06/22/2009 | _____ | sbasford 06/22/2009 | | State |
| /P2 | tkuczens 09/17/2009 | jdye 09/17/2009 | phenry 07/10/2009 | _____ | cdurst 07/10/2009 | | State |
| /1 | | | mduchek | _____ | cdurst | lparisi | |

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| | | | 09/17/2009 _____ | | 09/17/2009 | 10/14/2009 | |

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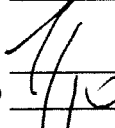
regulation of audiology

Instructions:

See attached




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| /? | tkuczens | PI 6/18 jld | 6-19-09 | 6/22 | | | |

FE Sent For:

<END>

Kuczenski, Tracy

From: Browne, Michael
Sent: Thursday, April 23, 2009 10:02 AM
To: Kuczenski, Tracy
Subject: drafting request

Attachments: 2009 LRB 1345_1_draft changes_questions.doc

Tracy –

I believe you should have received a request from Rep. Newcomer for Sen. Lehman to have authorization to request drafting modifications to LRB 1345 relating to audiology. Please find attached a number of requested modifications to and some questions regarding the /1.

Please give a call if you have any questions.

Thanks.

Mike Browne
Office of Senator John Lehman
310 South, State Capitol
(608) 266-1832
michael.browne@legis.wisconsin.gov



2009 LRB
15_1_draft changes.

4/21/2009

Changes requested by WSHA-P to LRB 1345/1 prior to circulation

1) Eliminate request to change hearing aid to hearing instrument in all sections. WSHA-P recommends keeping the hearing aid terminology so that we are consistent with the FDA regulations and with other state regulations.

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

3) Please verify this applies to both hearing instrument specialists and audiologists licensed under this chapter. **SECTION 29.** 459.10 (1) (q) and (r) of the statutes are created to read: 459.10 (1) (q) Intentionally or negligently misrepresented the cause of a hearing impairment or the cure of a hearing impairment, by the use of a hearing instrument.

4) **Section 36** (459.24 (1m) lines 13-14 delete "or any similar title without limitation by enumeration"

5) **Section 45:** Create Section 45 to read as follows:

459.28 Licensees of other jurisdictions. (1) Except as provided in sub. 2, upon ~~Upon~~ application and payment of the fee specified in s. 440.05 (2), 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) Notwithstanding s. 459.24 (3) (d) 2. and 3., the examining board may grant a license to an audiologist who completed requirements in another state that were substantially equivalent to the requirements for licensure under s. 459.24 (3), in effect on December 31, 2010.

~~(2)~~ **(3)** 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.

6) **Section 39**: Lines 13 and 18, add an "s" after "examination"

7) **Section 49**: Change Misused to Used (if appropriate)

8) Questions for drafting attorney:

a) Can effective date be December 31, 2009

b) Does the elimination of the temporary license in its entirety create a problem with individuals applying who have to wait for the testing cycle and licensure to be granted? Should there be a clause that allows applicants who have completed all requirements (degree completion etc) with exception of the state's test to have a limited temporary license (or call it something else) so that they can be actively employed and not have to wait for up to 3-4 months for a test and license to be granted?

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2009 BILL

6/18/09
SOON

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Reyer

1 AN ACT *to repeal* 15.407 (4) and 459.23; *to renumber* 459.01 (1); *to renumber*
2 *and amend* 459.24 (3) (d); *to amend* 15.405 (6m) (e), 29.193 (2) (a) 1., 29.324
3 (1) (a), 45.40 (2) (a), 50.065 (1) (cr) 2. d., 77.54 (22) (b), 102.01 (2) (c), 102.555 (12)
4 (a), 149.14 (3) (k), 459.01 (2), (3) and (5), 459.02, 459.03 (title), 459.03 (1), 459.03
5 (2) (b), 459.035, 459.04, 459.05 (1m), 459.06 (2) (a) (intro.) and 3. and (b) (intro.)
6 and 4. and (3), 459.07 (2), 459.08 (1), 459.085, 459.095 (3), 459.10 (1) (d) and (e),
7 459.10 (1) (g), 459.10 (1) (i), (j), (k) and (p), 459.14 (2), 459.20 (2) (b), (3g) and
8 (3p), 459.22 (2) (b), (c) and (f), 459.24 (1) (a), 459.24 (1) (b), 459.24 (1m), 459.24
9 (3) (e), 459.24 (3) (f), 459.24 (3m), 459.24 (6) (b), 459.26 (2) (a), 459.26 (2) (b)
10 (intro.) and 4., 459.34 (2) (ce), (cm) and (cs), 459.34 (2) (d) and 968.27 (7) (b); and
11 *to create* 459.01 (1d), 459.10 (1) (q) and (r), 459.24 (3) (d) 2. and 3., 459.34 (2)
12 (i) and 459.34 (2) (j) of the statutes; **relating to:** replacing the term hearing aid
13 with hearing instrument, creating new grounds for discipline of hearing
14 instrument specialists, audiologists, and speech-language pathologists,

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1 changing licensing requirements for audiologists, and granting rule-making
2 authority.✓

Analysis by the Legislative Reference Bureau

This bill makes the following changes to the regulation of speech-language pathologists and audiologists.✓

Prohibited conduct.

1. Deceptive advertising. Under current law, the Hearing and Speech Examining Board (board) in the Department of Regulation and Licensing (department) may reprimand the holder of a license or permit issued by the board or revoke, suspend, limit, or deny a license or permit if the holder or applicant engages in certain prohibited conduct, including false, misleading, or deceptive advertising. The bill prohibits deceptive advertising instead of false, misleading, or deceptive advertising. In addition, the bill creates a definition for “deceptive advertising,” which includes creating or using promotional literature, testimonials, insignia, or other representation which is misleading, false, or untruthful.

2. Misrepresentation. The bill prohibits the holder of a license or permit from making an intentional or negligent representation regarding a hearing instrument or services.✓ The bill also prohibits the holder of a license or permit from misusing words that imply the involvement of the medical or audiology professions when there is no such involvement. Finally, the bill prohibits a hearing instrument specialist from intentionally or negligently misrepresenting the cause of a hearing impairment, or the cure of a hearing impairment by the use of a hearing instrument.

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Audiologist license. Under current law, a person seeking an audiologist license must have received a master’s degree in audiology or completed education or training that the board determines is substantially equivalent. The person must also complete a postgraduate clinical fellowship in audiology approved by the board or substantially equivalent education or training. The person must also pass an examination required for certification by the American Speech–Language–Hearing Association or a substantially equivalent exam, as well as practical techniques tests administered by the board.

The bill changes the requirements for audiologist licensure effective January 1, 2011. Beginning on that date, to obtain an audiologist license a person must do all of the following:

1. Either possess a doctoral degree in audiology or submit evidence of substantially equivalent education or training. The doctoral degree program must consist of not less than three years of educational course work and not less than 12 months of clinical rotation or externship.

2. Pass an exam selected or approved by the board as well as practical techniques tests administered by the board. The bill requires the board to select and approve examinations for audiology by rule.

Temporary license to practice audiology. Under current law, the board may grant a temporary license to practice audiology to a person who is completing a

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postgraduate fellowship if the person practices under the supervision of a licensed audiologist and satisfies other requirements. The bill eliminates temporary licensure for audiologists effective January 1, 2011. ✓

Other changes. Under current law, a corporation or mercantile establishment that sells or offers to sell hearing aids must employ a person licensed by the department ✓ as a hearing aid specialist or licensed or permitted by the ✓ board to practice audiology. The corporation or mercantile establishment must annually file with the board a list of persons employed to sell or fit hearing aids. ✓ This bill eliminates the annual filing requirement.

Under current law, persons who use audiometric equipment to evaluate hearing sensitivity for the fitting and sale of hearing aids must periodically calibrate the equipment and send certification of the calibration to the board. This bill eliminates the requirement that a certificate of calibration be sent to the board. ✓

Under current law, a Council on Speech Language Pathology and Audiology (council) in the department serves the board in an advisory capacity. This bill eliminates the council. ✓

The bill also eliminates all statutory references to "hearing aid" and substitutes the term "hearing instrument." ✓

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) (e) of the statutes is amended to read:

2 15.405 **(6m)** (e) Two public members. One of the public members shall be a
3 hearing aid instrument user.

4 **SECTION 2.** 15.407 (4) ✓ of the statutes is repealed.

5 **SECTION 3.** 29.193 (2) (a) 1. of the statutes is amended to read:

6 29.193 **(2)** (a) 1. "Accompanied" means being subject to continuous visual or
7 voice contact without the aid of any mechanical or electronic amplifying device other
8 than a hearing aid instrument.

9 **SECTION 4.** 29.324 (1) (a) of the statutes is amended to read:

10 29.324 **(1)** (a) "Contact" means visual or voice contact without the aid of any
11 mechanical or electronic amplifying device other than a hearing aid instrument.

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1 **SECTION 5.** 45.40 (2) (a) of the statutes is amended to read:

2 45.40 (2) (a) The department may provide health care aid to a veteran for
3 dental care, including dentures; vision care, including eyeglass frames and lenses;
4 and hearing care, including hearing aids instruments.

5 **SECTION 6.** 50.065 (1) (cr) 2. d. of the statutes is amended to read:

6 50.065 (1) (cr) 2. d. Routine care of vision aids or hearing aids instruments.

7 **SECTION 7.** 77.54 (22) (b) of the statutes is amended to read:

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

11 **SECTION 8.** 102.01 (2) (c) of the statutes is amended to read:

12 102.01 (2) (c) "Injury" means mental or physical harm to an employee caused
13 by accident or disease, and also means damage to or destruction of artificial
14 members, dental appliances, teeth, hearing aids instruments and eyeglasses, but, in
15 the case of hearing aids instruments or eyeglasses, only if such damage or
16 destruction resulted from accident which also caused personal injury entitling the
17 employee to compensation therefor either for disability or treatment.

18 **SECTION 9.** 102.555 (12) (a) of the statutes is amended to read:

19 102.555 (12) (a) An employer or the department is not liable for the expense
20 of any examination or test for hearing loss, any evaluation of such an exam or test,
21 any medical treatment for improving or restoring hearing, or any hearing aid
22 instrument to relieve the effect of hearing loss unless it is determined that
23 compensation for occupational deafness is payable under sub. (3), (4), or (11).

24 **SECTION 10.** 149.14 (3) (k) of the statutes is amended to read:

BILL

1 149.14 (3) (k) Rental or purchase, as appropriate, of durable medical
2 equipment or disposable medical supplies, other than eyeglasses and hearing aids
3 instruments.

4 **SECTION 11.** 459.01 (1) of the statutes is renumbered 459.01 (1m).

5 **SECTION 12.** 459.01 (1d) of the statutes is created to read:

6 459.01 (1d) “Deceptive advertising” means creating, using, or promoting the
7 use of any advertising material, promotional literature, testimonial, guarantee,
8 warranty, label, brand, insignia, or other representation, however disseminated or
9 published, which is misleading, false, or untruthful.

10 **SECTION 13.** 459.01 (2), (3) and (5) of the statutes are amended to read:

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

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

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

23 **SECTION 14.** 459.02 of the statutes is amended to read:

24 **459.02 License required to sell and fit hearing aids instruments.** (1)

25 No person may engage in the practice of selling or fitting hearing aids instruments

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1 or display a sign or in any other way advertise or represent himself or herself as a
 2 person who practices the fitting or sale of hearing aids instruments unless he or she
 3 holds a valid license issued under this subchapter or a valid license or permit to
 4 practice audiology issued under subch. II. The license required by s. 459.05 shall be
 5 conspicuously posted in his or her office or place of business as registered with the
 6 department at all times. Duplicate licenses shall be issued by the department under
 7 this subchapter to valid license holders operating more than one office without
 8 additional payment.

9 ^{459.02} (2) Nothing in this subchapter or subch. II shall prohibit any corporation or
 10 mercantile establishment which maintains an established business address from
 11 engaging in the business of selling or offering for sale hearing aid instruments at
 12 retail without a license, provided that for the purpose of selling and fitting hearing
 13 aid instruments it employs persons licensed under this subchapter or persons
 14 issued licenses or permits to practice audiology under subch. II. Such corporation
 15 or mercantile establishment shall annually file with the examining board a list of all
 16 persons employed for the purpose of selling and fitting hearing aids.

17 SECTION 15. 459.03 (title) of the statutes is amended to read:

18 **459.03 (title) Receipt required to be furnished to a person supplied**
 19 **with hearing aid instrument.**

20 SECTION 16. 459.03 (1) of the statutes is amended to read.

21 459.03 (1) Whoever practices fitting or selling of hearing aid instruments
 22 under this subchapter shall deliver to each person supplied with a hearing aid
 23 instrument a receipt. The receipt shall contain the licensee's signature and show the
 24 licensee's business address and license title and number, together with specifications
 25 as to the make and model of the hearing aid instrument furnished and full terms of

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1 sale clearly stated. If a hearing aid instrument which is not new is sold, the receipt
 2 and the container thereof must be clearly marked as "used" or "reconditioned"
 3 whichever is applicable.

INSERT 7-4

4 SECTION 17. 459.03 (2) (b) of the statutes is amended to read:

5 459.03 (2) (b) A statement that the purchaser has been advised at the outset
 6 of the purchaser's relationship with the hearing instrument specialist that any
 7 examination or representation made by a hearing instrument specialist in
 8 connection with the fitting and selling of this hearing aid instrument is not an
 9 examination, diagnosis or prescription by a person licensed to practice medicine or
 10 audiology in this state and therefore must not be regarded as medical or audiological
 11 opinion or advice.

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12 SECTION 18. 459.035 of the statutes is amended to read:

13 **459.035 Medical exam before being fitted.** A hearing aid instrument shall
 14 not be fitted for or sold to a person 17 years of age or younger unless within 90 days
 15 prior to the fitting the person to be fitted has been examined by a physician to
 16 determine whether or not he or she has any physical deficiencies that would prohibit
 17 the effective use of a hearing aid instrument.

18 SECTION 19. 459.04 of the statutes is amended to read:

19 **459.04 Seller's guarantee.** The seller of a hearing aid instrument shall give
 20 to the purchaser a personal guarantee that is at least identical in its terms to the
 21 guarantee of the manufacturer of the hearing aid instrument.

22 SECTION 20. 459.05 (1m) of the statutes is amended to read:

23 459.05 (1m) Whenever the examining board determines that another state or
 24 jurisdiction has requirements equivalent to or higher than those in effect in the state
 25 for the practice of fitting and selling hearing aids instruments, and that such state

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

10 SECTION 21. 459.06 (2) (a) (intro.) and 3. and (b) (intro.) and 4. and (3) of the
11 statutes are amended to read:

12 459.06 (2) (a) (intro.) Tests of knowledge in the following areas as they pertain
13 to the fitting of hearing aids instruments:

14 3. The function of hearing aids instruments.

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

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

19 (3) The applicant for license by examination shall appear at a time and place
20 as the examining board designates, to be examined by means of written and practical
21 tests in order to demonstrate that he or she is qualified to practice the fitting of
22 hearing aids instruments. Such examinations shall be conducted at least twice a
23 year and at such other times and places designated by the examining board.

24 SECTION 22. 459.07 (2) of the statutes is amended to read:

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1 459.07 (2) Upon receiving an application under this section, accompanied by
 2 the fee under s. 440.05 (6), the examining board may grant a trainee permit which
 3 may entitle the applicant to practice fitting of hearing aids instruments for a period
 4 of one year. A person holding a valid hearing instrument specialist license issued
 5 under this subchapter or a valid license to practice audiology issued under s. 459.24
 6 (3) shall be responsible for the direct supervision and training of the applicant and
 7 shall be liable for all negligent acts and omissions of the trainee in the fitting of
 8 hearing aids instruments.

9 SECTION 23. 459.08 (1) of the statutes is amended to read:

10 459.08 (1) A person who holds a license shall notify the department in writing
 11 or in accordance with other notification procedures approved by the department of
 12 the regular address of the places where he or she engages or intends to engage in the
 13 practice of fitting or selling hearing aids instruments. The licensee shall inform the
 14 board of any changes in these addresses within 30 days of the change.

15 SECTION 24. 459.085 of the statutes is amended to read:

16 **459.085 Calibration of audiometric equipment.** Audiometric equipment
 17 used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids ^{plain}
 18 instruments shall be calibrated periodically, as specified by rule by the examining
 19 board. Certification of these calibrations shall be sent to the examining board with
 20 the renewal fee required in s. 459.09 (1) (a).

21 SECTION 25. 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

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

13 **SECTION 26.** 459.10 (1) (d) and (e) of the statutes are amended to read:

14 459.10 (1) (d) Been found guilty of an offense the circumstances of which
15 substantially relate to the practice of fitting and dealing in hearing aids instruments.

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

18 **SECTION 27.** 459.10 (1) (g) of the statutes is amended to read:

19 459.10 (1) (g) Engaged in false, misleading or deceptive advertising. ✓

20 **SECTION 28.** 459.10 (1) (i), (j), (k) and (p) of the statutes are amended to read:

21 459.10 (1) (i) Failed to conduct a direct observation of the ear canal of a person
22 for whom a hearing aid instrument is purchased.

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

BILL

le 1 (k) Engaged in unprofessional conduct. In this subsection, "unprofessional
 2 conduct" means the violation of any standard of professional behavior which through
 3 experience, state statute or administrative rule has become established in the
 4 practice of fitting and dealing in hearing aids instruments.

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

9 SECTION 29. 459.10 (1) (q) and (r) of the statutes are created to read:

10 459.10 (1) (q) Intentionally or negligently misrepresented the cause of a
 11 hearing impairment or the cure of a hearing impairment by the use of a hearing
 12 instrument ^{aid} ✓

13 (r) Made an intentional or negligent misrepresentation regarding a hearing
 14 instrument ^{aid} or services. ✓

15 SECTION 30. 459.14 (2) of the statutes is amended to read:

le 16 459.14 (2) This subchapter does not apply to a person engaged in the practice
 17 of measuring human hearing for selecting hearing aids instruments or any other
 18 purpose if the person or the organization employing such person does not sell hearing
 19 aids instruments or hearing accessories.

20 SECTION 31. 459.20 (2) (b), (3g) and (3p) of the statutes are amended to read:

21 459.20 (2) (b) Engaging in the practice of fitting and dealing in hearing aids
 22 instruments.

23 (3g) "Hearing aid instrument" means any wearable or implantable instrument
 24 or device designed for or offered for the purpose of aiding or compensating for

BILL**SECTION 31**

1 impaired human hearing and any parts, attachments or accessories of such an
2 instrument or device, except batteries and cords.

3 **(3p)** “Practice of fitting and dealing in hearing aids instruments” means the
4 measurement of human hearing by means of an audiometer or by any other means
5 accepted by the examining board for the purpose of making selections, adaptations
6 or sales of hearing aids instruments intended to compensate for impaired hearing,
7 and includes making impressions for ear molds.

8 **SECTION 32.** 459.22 (2) (b), (c) and (f) of the statutes are amended to read:

9 459.22 (2) (b) Authorize a speech–language pathologist licensed under this
10 subchapter to dispense or sell hearing aids instruments without obtaining a hearing
11 instrument specialist license under subch. I.

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

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

23 **SECTION 33.** 459.23 of the statutes is repealed.

24 **SECTION 34.** 459.24 (1) (a) of the statutes is amended to read:

BILL

1 459.24 (1) (a) Engage in the practice of speech-language pathology or use the
2 title "speech-language pathologist" or any similar title without limitation by
3 enumeration unless the person holds a current speech-language pathologist license
4 granted by the examining board under sub. (2) or (6) (a).

5 SECTION 35. 459.24 (1) (b) of the statutes is amended to read:

6 459.24 (1) (b) Engage in the practice of audiology or use the title "audiologist,"
7 "clinical audiologist," or any similar title without limitation by enumeration unless
8 the person holds a current audiologist license granted by the examining board under
9 sub. (3) or (6) (b).

10 SECTION 36. 459.24 (1m) of the statutes is amended to read:

11 459.24 (1m) PROHIBITED TITLES. No person may use the title "certified hearing
12 aid audiologist," "certified hearing instrument audiologist," "licensed hearing
13 instrument audiologist," or "licensed hearing aid audiologist," or any similar title
14 without limitation by enumeration.

15 SECTION 37. 459.24 (3) (d) of the statutes is renumbered 459.24 (3) (d) (intro.)
16 and amended to read:

17 459.24 (3) (d) (intro.) Submits evidence satisfactory to the examining board
18 that he or she has completed a supervised clinical practicum and received satisfied
19 one of the following:

20 1. Received a master's degree in audiology from a college or university
21 approved by the examining board, or has completed education or training that the
22 examining board determines is substantially equivalent to the completion of those
23 requirements. This subdivision applies to applications received on or before
24 December 31, 2010.

25 SECTION 38. 459.24 (3) (d) 2. and 3. of the statutes are created to read:

Except for applications received under § 459.28(1)

Handwritten annotations: "move" with arrow pointing to "certified hearing instrument audiologist"; "strike" with arrow pointing to "or any similar title"; "score period & quotation mark" with arrow pointing to "without limitation by enumeration"; "strike period" with arrow pointing to "or any similar title".

Handwritten annotation: "score quotation mark" with arrow pointing to "SECTION 37".

Handwritten annotation: "score period & quotation mark" with arrow pointing to "without limitation by enumeration".

Handwritten annotation: "after score" with arrow pointing up.

BILL

1 459.24 (3) (d) 2. Submits evidence satisfactory to the examining board that he
2 or she possesses a doctoral degree in audiology from an accredited academic
3 institution approved by the examining board by rule. The doctoral degree program
4 must consist of not less than 3 years of educational course work and not less than 12
5 months of clinical rotation or externship. This subdivision applies to applications
6 received after December 31, 2010. ✓

7 3. Submits evidence satisfactory to the examining board that he or she has
8 completed education or training that the examining board determines is
9 substantially equivalent to the requirements under subd. 2. ✓ This subdivision applies
10 to applications received after December 31, 2010. ✓

11 SECTION 39. 459.24 (3) (e) ✓ of the statutes is amended to read:

12 459.24 (3) (e) Submits evidence satisfactory to the examining board that he or
13 she has passed the ~~examination~~ ^{STRIKE} required for certification as an audiologist by the
14 American Speech-Language-Hearing Association or passes an examination under
15 s. 459.26 (2) (a) to determine fitness as an audiologist, ^{examinations} selected or approved by the ✓
16 examining board by rule under s. 459.26 (2) (b). or has completed education or
17 training that the examining board determines is substantially equivalent to passing
18 ~~one of those examinations in determining fitness as an audiologist~~ ^{the examination} ~~selected or approved by the examining board~~ ^{selected or approved by the examining board} ~~under s. 459.26 (2) (b).~~ ✓
19 selected or approved by the examining board under s. 459.26 (2) (b).

20 SECTION 40. 459.24 (3) (f) of the statutes is amended to read:

21 459.24 (3) (f) Submits evidence satisfactory to the examining board that he or
22 she has completed a postgraduate clinical fellowship in audiology approved by the
23 examining board or has completed education or training that the examining board
24 determines is substantially equivalent to the completion of such a fellowship. This
25 paragraph applies to applications received on or before December 31, 2010.

BILL

(a)

SECTION 41. 459.24 (3m) of the statutes is amended to read:

459.24 (3m) FITTING AND SALE OF HEARING AIDS INSTRUMENTS. An audiologist licensed under this subchapter or an individual granted a permit to practice audiology under this subchapter who engages in the practice of fitting and dealing in hearing aids instruments shall do all of the following:

(a) Deliver to each person supplied with a hearing aid instrument a receipt.

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

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

SECTION 42. 459.24 (6) (b) of the statutes is amended to read:

459.24 (6) (b) Upon application, the The examining board may grant a temporary license to practice audiology to an applicant who, during the completion of the postgraduate fellowship required under sub. (3) (f) if the applicant, practices under the supervision of an audiologist licensed under sub. (3), satisfies the requirements under sub. (3) (a) to (d), and has submitted an application to take the next available examinations for licensure as an audiologist under s. 459.26 (2) (a) and (b). No license may be issued under this paragraph after December 31, 2010.

SECTION 43. 459.26 (2) (a) of the statutes is amended to read:

BILL

1 459.26 (2) (a) Examinations for speech-language pathologists shall consist of
 2 the examinations required for certification as a speech-language pathologist ~~or as~~
 3 ~~an audiologist~~ by the American speech-language-hearing association or may consist
 4 of other written tests that require applicants to demonstrate minimum competency
 5 in services and subjects substantially related to the practice of speech-language
 6 pathology ~~or audiology~~ and that are substantially equivalent to the examinations
 7 required for such certification.

8 **SECTION 44.** 459.26 (2) (b) (intro.)^x and 4.[✓] of the statutes are amended to read:

9 459.26 (2) (b) (intro.) The examining board shall by rule select and approve
 10 examinations[✓] for audiology. An applicant for an audiologist license shall also

11 complete an examination administered by the examining board that consists of
 12 practical tests of proficiency in techniques that pertain to the fitting of hearing aids^{plain}

13 instruments², including the following:

14 4. Recording and evaluation of audiograms and speech audiometry to
 15 determine proper selection and ~~adaption~~ adaptation of a hearing aid instrument^{plain}.

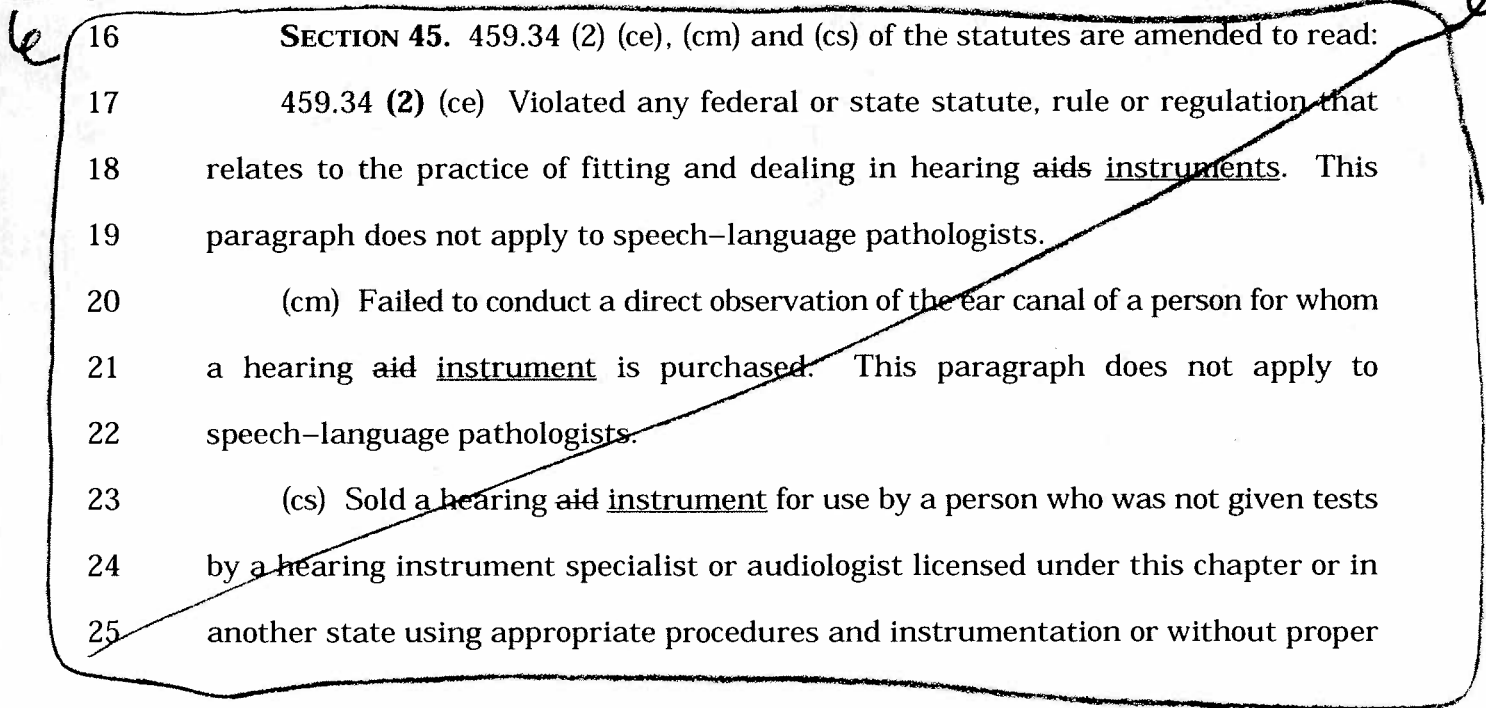
16 **SECTION 45.** 459.34 (2) (ce), (cm) and (cs) of the statutes are amended to read:

17 459.34 (2) (ce) Violated any federal or state statute, rule or regulation that
 18 relates to the practice of fitting and dealing in hearing aids instruments. This
 19 paragraph does not apply to speech-language pathologists.

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

23 (cs) Sold a hearing aid instrument for use by a person who was not given tests
 24 by a hearing instrument specialist or audiologist licensed under this chapter or in
 25 another state using appropriate procedures and instrumentation or without proper

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BILL

1 measurement of the functional intensity and range of the person's hearing. This
2 paragraph does not apply to speech-language pathologists.

3 **SECTION 46.** 459.34 (2) (d) of the statutes is amended to read:

4 459.34 (2) (d) Advertised Engaged in ~~a manner which is false, deceptive or~~
5 ~~misleading advertising.~~

6 **SECTION 47.** 459.34 (2) (i) of the statutes is created to read:

7 459.34 (2) (i) Made an intentional or negligent misrepresentation regarding a
8 hearing (instrument) or services.

9 **SECTION 48.** 459.34 (2) (j) of the statutes is created to read:

10 459.34 (2) (j) Misused the words "doctor," "clinic," "clinical," or other words,
11 abbreviations, or symbols that imply the involvement of the medical or audiology
12 professions in the absence of such involvement.

13 **SECTION 49.** 968.27 (7) (b) of the statutes is amended to read:

14 968.27 (7) (b) ~~A hearing aid instrument or similar device being used to correct~~
15 ~~subnormal hearing to not better than normal.~~

16 (END)

✓
INSERT 17-6

✓
INSERT 17-13

d-note
↓

1 **INSERT 6-17**

2 **SECTION 1.** 459.03 (1) ^x of the statutes is amended to read:

3 459.03 (1) ~~Whoever practices fitting or selling of hearing aids under this~~
4 subchapter [✓] A hearing instrument specialist who engages in the practice of fitting
5 and dealing in hearing aids [✓] shall deliver to each person supplied with a hearing aid
6 a receipt. The receipt shall contain the [✓] licensee's signature and show the licensee's
7 business address and license title and number [✓] of the hearing instrument specialist,
8 together with specifications as to the make and model of the hearing aid furnished
9 and full terms of sale clearly stated. If a hearing aid which is not new is sold, the
10 receipt and the container thereof must be clearly marked as "used" or "reconditioned"
11 whichever is applicable.

History: 1989 a. 316; 1991 a. 32; 1997 a. 49; 2003 a. 270.

12 **INSERT 7-4**

13 **SECTION 2.** 459.03 (2) (intro.) ^x of the statutes is amended to read:

14 459.03 (2) (intro.) [✓] The receipt shall contain all of the following information,
15 that shall be set out in not less than 8-point type: [✓]

History: 1989 a. 316; 1991 a. 32; 1997 a. 49; 2003 a. 270.

16 **INSERT 16-16**

17 **SECTION 3.** 459.28 (1) of the statutes is renumbered 459.28 (1) (a).

18 **SECTION 4.** ~~459.28 (1) (b)~~ of the statutes is created to read:

19 459.28 (1) (b) ~~Notwithstanding~~ the limitation under s. 459.24 (3) (d) 1., the
20 examining board may, after December 31, 2010, ~~grant~~ a license to an audiologist who
21 completed requirements in another state that are substantially ~~equivalent~~ to the
22 requirements under s. 459.24 (3) (d) 1.

23 **INSERT 17-6**



INSERT
17-6 cont

1

SECTION 5. 459.34 (2) (i) [✓] of the statutes is created to read:

2

459.34 (2) (i) Intentionally or negligently misrepresent ^{ed} the cause of a hearing

3

impairment or the cure of a hearing impairment by the use of a hearing aid. ✓

4

INSERT 17-13

5

SECTION 6. Effective date.

6

(1) This act takes effect on [✓] December 31, 2009, or ^{on} the day after publication,

7

whichever is later.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

PI
LRB-2757/8dn
TKK:.....

date

JKD

*

Senator Lehman

As requested in an e-mail from your office dated April 23, 2009, this bill makes a number of changes to 2009 LRB-1345/1. Please review the draft carefully to ensure that I have captured your intent.

Drafting instructions provided in an attachment to the e-mail, dated April 21, 2009, requested that an exemption from certain educational requirements be provided to applicants for licensure as an audiologist who hold a license to practice audiology in another state. The drafting instructions requested that I notwithstanding s. 459.24 (3) (d) 2. and 3. However, to minimize confusion generated going back and forth between the requirements under ss. 459.28 (1) and (2) and 459.24 (3) (d) 1., 2., and 3. I simply provided an exemption from the applicability of s. 459.24 (3) (d) 1. for licensees of other jurisdictions. Let me know if you have a problem with this approach.

The attachment also posed two "questions for drafting attorney" and suggested an amendment to s. 968.27 (7) (b), stats., "if appropriate." I will address the questions first:

1. Effective date. The first question asked whether the effective date could be December 31, 2009. In the event that the bill passes in calendar year 2010, I drafted an effective date provision which establishes an effective date for the bill of December 31, 2009, or the day after publication, whichever is later. Please let me know if it was your intent that the bill apply retroactively if the bill passes in calendar year 2010.

Note that certain provisions in the bill have in-text initial applicability provisions of December 31, 2010. Did you wish to change these dates to December 31, 2009, as well?

2. Temporary licensure. The second question asks whether "the elimination of the temporary license in its entirety create[s] a problem with individuals applying who have to wait for the testing cycle and licensure to be granted."

In general, whether to make a temporary license available to applicants for licensure is a policy question. Doubtless some applicants may be inconvenienced by the elimination of temporary licensure. However, whether this inconvenience to the applicant is outweighed by the inconvenience to the examining board of offering temporary licensure, particularly in the absence of the supervision afforded the holder

of a temporary license participating in a postgraduate clinical fellowship, is a decision for you and the legislature.

Definition of "electronic, mechanical or other device" in ch. 968. Regarding whether s. 968.27 (7) (b), stats., needs amending, I don't believe the proposed amendment is appropriate. The memo instructs me to "Change Misused to Used (if appropriate)." The word, "misused" does not appear in that section of the statute, which reads:

"A hearing aid or similar device being used to correct subnormal hearing to not better than normal." Wis. Stat. section 968.27(7) (b) (emphasis mine).

However, the word, "used," is appropriate. This particular provision is excepting a hearing aid from the definition of "electronic, mechanical or other device," which is, in turn, defined as as a "device or apparatus which can be used to intercept a wire, electronic or oral communication." This definition applies to ss. 968.28 to 968.37; these sections of the statutes deal with applying for, authorizing, disclosing the use of, and prosecuting improper uses of wiretaps and other means of intercepting communications. The exception as drafted is appropriate. Were the word, "used," to be replaced with "misused," the lawful use of hearing aid would not be excepted from the definition of "electronic, mechanical or other device," and a court order could be required for the otherwise lawful use of hearing aids.

Please let me know if you have any questions about the changes to this bill or wish to make additional changes.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2757/P1dn
TKK:jld:rs

June 22, 2009

Senator Lehman:

As requested in an e-mail from your office dated April 23, 2009, this bill makes a number of changes to 2009 LRB-1345/1. Please review the draft carefully to ensure that I have captured your intent.

Drafting instructions provided in an attachment to the e-mail, dated April 21, 2009, requested that an exemption from certain educational requirements be provided to applicants for licensure as an audiologist who hold a license to practice audiology in another state. The drafting instructions requested that I notwithstanding s. 459.24 (3) (d) 2. and 3. However, to minimize confusion generated going back and forth between the requirements under ss. 459.24 (3) (d) 1., 2., and 3. and 459.28 (1) and (2), I simply provided an exemption from the applicability of s. 459.24 (3) (d) 1. for licensees of other jurisdictions. Let me know if you have a problem with this approach.

The attachment also posed two "questions for drafting attorney" and suggested an amendment to s. 968.27 (7) (b), stats., "if appropriate." I will address the questions first:

1. Effective date. The first question asked whether the effective date could be December 31, 2009. In the event that the bill passes in calendar year 2010, I drafted an effective date provision that establishes an effective date for the bill of December 31, 2009, or on the day after publication, whichever is later. Please let me know if it was your intent that the bill apply retroactively if the bill passes in calendar year 2010.

Note that certain provisions in the bill have in-text initial applicability provisions of December 31, 2010. Did you wish to change these dates to December 31, 2009, as well?

2. Temporary licensure. The second question asks whether "the elimination of the temporary license in its entirety create[s] a problem with individuals applying who have to wait for the testing cycle and licensure to be granted."

In general, whether to make a temporary license available to applicants for licensure is a policy question. Doubtless some applicants may be inconvenienced by the elimination of temporary licensure. However, whether this inconvenience to the applicant is outweighed by the inconvenience to the examining board of offering temporary licensure, particularly in the absence of the supervision afforded the holder

of a temporary license participating in a postgraduate clinical fellowship, is a decision for you and the legislature.

Definition of “electronic, mechanical or other device” in ch. 968. Regarding whether s. 968.27 (7) (b), stats., needs amending, I don’t believe the proposed amendment is appropriate. The memo instructs me to “Change Misused to Used (if appropriate).” The word, “misused” does not appear in that section of the statute, which reads:

“A hearing aid or similar device being used to correct subnormal hearing to not better than normal.” Wis. Stat. section 968.27 (7) (b) (emphasis mine).

However, the word, “used,” is appropriate. This particular provision is excepting a hearing aid from the definition of “electronic, mechanical or other device,” which is, in turn, defined as as a “device or apparatus which can be used to intercept a wire, electronic or oral communication.” This definition applies to ss. 968.28 to 968.37; these sections of the statutes deal with applying for, authorizing, disclosing the use of, and prosecuting improper uses of wiretaps and other means of intercepting communications. The exception as drafted is appropriate. Were the word, “used,” to be replaced with “misused,” the lawful use of hearing aid would not be excepted from the definition of “electronic, mechanical or other device,” and a court order could be required for the otherwise lawful use of hearing aids.

Please let me know if you have any questions about the changes to this bill or wish to make additional changes.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

Date: June 27, 2009

To: Mike Browne, Office of State Senator John Lehman and Tracy Kuczynski,
Legislative Attorney

From: Ramie Zelenkova, on behalf of the Wisconsin Speech Language Pathology and
Audiology Professional Association (WSHA-P)

Re: 2009 LRB 2757/P1

Thank you for your work on LRB 2757/P1. I have reviewed the draft; on behalf of the Wisconsin Speech Language Pathology and Audiology Professional Association request the following changes:

- ✓ 1) Delete "without limitation by enumeration" (Page 5, lines 13 and 18).
- ✓ 2) Maintain effective date of December 31, 2009, or on day after publication.
- ✓ 3) Change in-text initial applicability provisions of December 31, 2010 to December 31, 2009.

- 459.24(6) ✓ 4) Temporary licensure. The intent is to eliminate temporary licensure for an ^{audiology} applicant in a postgraduate fellowship practicing under the supervision of an licensed audiologist after December 31, 2009, but to allow the board to grant temporary licensure to individuals who can submit satisfactory evidence to the examining board that he or she has completed *all* of the following: supervised clinical practicum, possesses minimum educational requirements, (either a master's degree or doctoral degree), and has passed an examination determined appropriate by the Hearing and Speech Examining Board. This person would only need the temporary license while awaiting the practical examination administered by the board quarterly.

5) At the request of the Hearing and Speech Examining Board:

- a. (Create) Licensees of other jurisdictions. (1) Except as provided in sub. 2, upon ~~Upon~~ application and payment of the fee specified in s. 440.05 (2), 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).

459.28

- b. (2) Notwithstanding s. 459.24 (3) (d) 2. and 3, the examining board may grant a license to an audiologist who completed requirements in another state that were substantially equivalent to the requirements for licensure under s. 459.24 (3), in effect on December 31, 2009.

Not really notwithstanding 459.24(3)(d) 2 or 3 but 459.24(1)

- c. (2) (3) 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.

(license of another jurisdiction)

inconsistent
w/c
s. 459.24(3)(e) and (f) are also changed.
Easier to spell out what the statute the licensee must do

7-9-09 per Dr. Laura Feldhake (873-5071) if the applicant does not have a doctorate degree but satisfies all of the other requirements of 459.24(3), the examining board should grant the audiologist license.

Kuczenski, Tracy

From: Browne, Michael
Sent: Tuesday, June 30, 2009 10:37 AM
To: Kuczenski, Tracy
Subject: requested changes to audiology draft

Attachments: 2009 LRB2757_Chapter 459 Revisions.doc

Tracy –

We've gotten some feedback from the audiologists on your draft (see attached).

Unless they raise additional questions/problems we'd like to request a redraft incorporating these items.

Thanks, let me know if you've got any ?'s.

Mike Browne
Office of Senator John Lehman
310 South, State Capitol
(608) 266-1832
michael.browne@legis.wisconsin.gov



2009
757_Chapter 459 Re



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2757/PI PZ
TKK:jld/frs e bjk
insert stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA
x-ref

Inserts

in 7/9/09 SOON
Done by 7/13/09 early a.m.
(in time for 1:30 examining board mtg.)

-regen.

1 AN ACT *to repeal* 15.407 (4) and 459.23; *to renumber* 459.01 (1); *to renumber*
2 *and amend* 459.24 (3) (d); *to amend* 459.02 (2), 459.03 (1), 459.03 (2) (intro.),
3 459.03 (2) (b), 459.085, 459.10 (1) (g), 459.24 (1) (a), 459.24 (1) (b), 459.24 (1m),
4 459.24 (3) (e), 459.24 (3) (f), 459.24 (3m) (a), 459.24 (6) (b), 459.26 (2) (a), 459.26
5 (2) (b) (intro.) and 4. and 459.34 (2) (d); and *to create* 459.01 (1d), 459.10 (1) (q)
6 and (r), 459.24 (3) (d) 2. and 3., 459.34 (2) (i), 459.34 (2) (j) and 459.34 (2) (k) of
7 the statutes; **relating to:** creating new grounds for discipline of hearing
8 instrument specialists, audiologists, and speech-language pathologists,
9 changing licensing requirements for audiologists, and granting rule-making
10 authority.

Analysis by the Legislative Reference Bureau

This bill makes the following changes to the regulation of speech-language pathologists and audiologists.

Prohibited conduct.

1. Deceptive advertising. Under current law, the Hearing and Speech Examining Board (board) in the Department of Regulation and Licensing (department) may reprimand the holder of a license or permit issued by the board

The board may grant a license to practice audiology to a person who holds a current audiology license in another state or United States territory if the board determines that the requirements for licensure are substantially equivalent to the requirements in this state.

or revoke, suspend, limit, or deny a license or permit if the holder or applicant engages in certain prohibited conduct, including false, misleading, or deceptive advertising. The bill prohibits deceptive advertising instead of false, misleading, or deceptive advertising. In addition, the bill creates a definition for "deceptive advertising," which includes creating or using promotional literature, testimonials, insignia, or other representation which is misleading, false, or untruthful.

2. **Misrepresentation.** The bill prohibits the holder of a license or permit from making an intentional or negligent representation regarding a hearing aid or services. The bill also prohibits the holder of a license or permit from misusing words that imply the involvement of the medical or audiology professions when there is no such involvement. Finally, the bill prohibits a hearing instrument specialist from intentionally or negligently misrepresenting the cause of a hearing impairment, or the cure of a hearing impairment by the use of a hearing aid.

Audiologist license. Under current law, a person seeking an audiologist license must have received a master's degree in audiology or completed education or training that the board determines is substantially equivalent. The person must also complete a postgraduate clinical fellowship in audiology approved by the board or substantially equivalent education or training. The person must also pass an examination required for certification by the American Speech-Language-Hearing Association or a substantially equivalent exam, as well as practical techniques tests administered by the board.

2010

The bill changes the requirements for audiologist licensure effective January 1, 2011. Beginning on that date, to obtain an audiologist license a person must do all of the following:

1. Either possess a doctoral degree in audiology or submit evidence of substantially equivalent education or training. The doctoral degree program must consist of not less than three years of educational course work and not less than 12 months of clinical rotation or externship.

2. Pass an exam selected or approved by the board as well as practical techniques tests administered by the board. The bill requires the board to select and approve examinations for audiology by rule.

Temporary license to practice audiology. Under current law, the board may grant a temporary license to practice audiology to a person who is completing a postgraduate fellowship if the person practices under the supervision of a licensed audiologist and satisfies other requirements. The bill eliminates temporary licensure for audiologists effective January 1, 2011.

a person completing a postgraduate fellowship

Other changes. Under current law, a corporation or mercantile establishment that sells or offers to sell hearing aids must employ a person licensed by the department as a hearing aid specialist or licensed or permitted by the board to practice audiology. The corporation or mercantile establishment must annually file with the board a list of persons employed to sell or fit hearing aids. This bill eliminates the annual filing requirement.

Under current law, persons who use audiometric equipment to evaluate hearing sensitivity for the fitting and sale of hearing aids must periodically calibrate

The bill authorizes the board to grant a license to practice audiology to a person who holds a current audiology license in another state or United States territory if the applicant received a master's degree in audiology or completed education or training that the board determines is substantially equivalent and the board determines that the requirements for licensure are

The bill permits the board to grant a temporary license to practice audiology to a person who satisfies all the requirements for licensure but who has not completed the practical techniques tests administered by the board.

the equipment and send certification of the calibration to the board. This bill eliminates the requirement that a certificate of calibration be sent to the board.

Under current law, a Council on Speech Language Pathology and Audiology (council) in the department serves the board in an advisory capacity. This bill eliminates the council.

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

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

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

2 **SECTION 2.** 459.01 (1) of the statutes is renumbered 459.01 (1m).

3 **SECTION 3.** 459.01 (1d) of the statutes is created to read:

4 459.01 (1d) "Deceptive advertising" means creating, using, or promoting the
5 use of any advertising material, promotional literature, testimonial, guarantee,
6 warranty, label, brand, insignia, or other representation, however disseminated or
7 published, which is misleading, false, or untruthful.

8 **SECTION 4.** 459.02 (2) of the statutes is amended to read:

9 459.02 (2) Nothing in this subchapter or subch. II shall prohibit any
10 corporation or mercantile establishment which maintains an established business
11 address from engaging in the business of selling or offering for sale hearing aids at
12 retail without a license, provided that for the purpose of selling and fitting hearing
13 aids it employs persons licensed under this subchapter or persons issued licenses or
14 permits to practice audiology under subch. II. ~~Such corporation or mercantile~~
15 ~~establishment shall annually file with the examining board a list of all persons~~
16 ~~employed for the purpose of selling and fitting hearing aids.~~

17 **SECTION 5.** 459.03 (1) of the statutes is amended to read:

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

10 **SECTION 6.** 459.03 (2) (intro.) of the statutes is amended to read:

11 459.03 (2) (intro.) The receipt shall contain all of the following information,
12 that shall be set out in not less than 8-point type:

13 **SECTION 7.** 459.03 (2) (b) of the statutes is amended to read:

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

21 **SECTION 8.** 459.085 of the statutes is amended to read:

22 **459.085 Calibration of audiometric equipment.** Audiometric equipment
23 used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids
24 shall be calibrated periodically, as specified by rule by the examining board.

1 ~~Certification of these calibrations shall be sent to the examining board with the~~
2 ~~renewal fee required in s. 459.09 (1) (a).~~

3 **SECTION 9.** 459.10 (1) (g) of the statutes is amended to read:

4 459.10 (1) (g) Engaged in false, misleading or deceptive advertising.

5 **SECTION 10.** 459.10 (1) (q) and (r) of the statutes are created to read:

6 459.10 (1) (q) Intentionally or negligently misrepresented the cause of a
7 hearing impairment or the cure of a hearing impairment by the use of a hearing aid.

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

10 **SECTION 11.** 459.23 of the statutes is repealed.

6 11 **SECTION 12.** 459.24 (1) (a) of the statutes is amended to read:

12 459.24 (1) (a) Engage in the practice of speech-language pathology or use the
13 title "speech-language pathologist" or any similar title without limitation by
14 enumeration unless the person holds a current speech-language pathologist license
15 granted by the examining board under sub. (2) or (6) (a).

16 **SECTION 13.** 459.24 (1) (b) of the statutes is amended to read:

17 459.24 (1) (b) Engage in the practice of audiology or use the title "audiologist,"
18 "clinical audiologist," or any similar title without limitation by enumeration unless
19 the person holds a current audiologist license granted by the examining board under
20 sub. (3) or (6) (b).

21 **SECTION 14.** 459.24 (1m) of the statutes is amended to read:

22 459.24 (1m) PROHIBITED TITLES. No person may use the title "certified hearing
23 aid audiologist" or, "certified hearing instrument audiologist," "licensed hearing
24 instrument audiologist," "licensed hearing aid audiologist."

1 SECTION 15. 459.24 (3) (d) of the statutes is renumbered 459.24 (3) (d) (intro.)
2 and amended to read:

3 459.24 (3) (d) (intro.) Submits evidence satisfactory to the examining board
4 that he or she has completed a supervised clinical practicum and ~~received~~ satisfied
5 one of the following:

6 1. Received a master's degree in audiology from a college or university
7 approved by the examining board, or has completed education or training that the
8 examining board determines is substantially equivalent to the completion of those
9 requirements. Except for applications received under s. 459.28 (1) this subdivision
10 does not apply to applications received after December 31, 2010. 2009

11 SECTION 16. 459.24 (3) (d) 2. and 3. of the statutes are created to read:

12 459.24 (3) (d) 2. Submits evidence satisfactory to the examining board that he
13 or she possesses a doctoral degree in audiology from an accredited academic
14 institution approved by the examining board by rule. The doctoral degree program
15 must consist of not less than 3 years of educational course work and not less than 12
16 months of clinical rotation or externship. This subdivision applies to applications
17 received after December 31, 2010. 2009

18 3. Submits evidence satisfactory to the examining board that he or she has
19 completed education or training that the examining board determines is
20 substantially equivalent to the requirements under subd. 2. This subdivision applies
21 to applications received after December 31, 2010. 2009

22 SECTION 17. 459.24 (3) (e) of the statutes is amended to read:

23 459.24 (3) (e) Submits evidence satisfactory to the examining board that he or
24 she has passed the ~~examination required for certification as an audiologist by the~~
25 ~~American Speech-Language-Hearing Association or passes an examination under~~

1 s. ~~459.26 (2) (a) to determine fitness as an audiologist, examinations selected or~~
 2 ~~approved by the examining board by rule under s. 459.26 (2) (b)~~ ^(am) or has completed
 3 education or training that the examining board determines is substantially
 4 equivalent to ~~passing one of those examinations in determining fitness as an~~
 5 ~~audiologist the examinations selected or approved by the examining board under s.~~
 6 ~~459.26 (2) (b)~~ ^(am)

7 SECTION 18. 459.24 (3) (f) of the statutes is amended to read:

8 459.24 (3) (f) Submits evidence satisfactory to the examining board that he or
 9 she has completed a postgraduate clinical fellowship in audiology approved by the
 10 examining board or has completed education or training that the examining board
 11 determines is substantially equivalent to the completion of such a fellowship. This
 12 paragraph applies to applications received on or before December 31, 2010. ²⁰⁰⁹

13 SECTION 19. 459.24 (3m) (a) of the statutes is amended to read:

14 459.24 (3m) (a) Deliver to each person supplied with a hearing aid a receipt.
 15 The receipt shall contain the signature and show the business address and, license
 16 or permit title, and number of the licensee or permittee, together with specifications
 17 as to the make and model of the hearing aid and full terms of sale clearly stated. If
 18 a hearing aid that is not new is sold, the receipt and the container must be clearly
 19 marked as "used" or "reconditioned", whichever is applicable. The terms of the
 20 guarantee, if there is any given, shall be set out in not less than 8-point type

21 SECTION 20. 459.24 (6) (b) of the statutes is ^{renumbered 459.24(6)(b) and} amended to read:

22 459.24 (6) (b) ^{plain} Upon application, the ^{The} examining board may grant a
 23 temporary license to practice audiology to an applicant who, during the completion
 24 of the postgraduate fellowship required under sub. (3) (f) if the applicant ^{plain} practices
 25 under the supervision of an audiologist licensed under sub. (3), satisfies the

Please change component.

INERT 8-4

1 requirements under sub. (3) (a) to (d), and has submitted an application to take the
2 next available examinations for licensure as an audiologist under s. 459.26 (2) (a) and
3 (b). No license may be issued under this paragraph after December 31, 2010.

2009

4 SECTION 21. 459.26 (2) (a) of the statutes is amended to read:

5 459.26 (2) (a) Examinations for speech-language pathologists shall consist of
6 the examinations required for certification as a speech-language pathologist ~~or as~~
7 ~~an audiologist~~ by the American speech-language-hearing association or may consist
8 of other written tests that require applicants to demonstrate minimum competency
9 in services and subjects substantially related to the practice of speech-language
10 pathology ~~or audiology~~ and that are substantially equivalent to the examinations
11 required for such certification.

12 SECTION 22. 459.26 (2) (b) (intro.) and 4. of the statutes ^{is} ~~are~~ amended to read:

INERT 8-12

13 459.26 (2) (b) (intro.) The examining board shall by rule select and approve
14 examinations for audiology. An applicant for an audiologist license shall also
15 complete an examination administered by the examining board that consists of
16 practical tests of proficiency in techniques that pertain to the fitting of hearing aids,
17 including the following:

18 ^{no} 4. Recording and evaluation of audiograms and speech audiometry to
19 determine proper selection and ~~adaption~~ adaptation of a hearing aid.

INERT 8-20

20 SECTION 23. 459.34 (2) (d) of the statutes is amended to read:

21 459.34 (2) (d) Advertised Engaged in ~~a manner which is false, deceptive or~~
22 ~~misleading advertising.~~

23 SECTION 24. 459.34 (2) (i) of the statutes is created to read:

24 459.34 (2) (i) Intentionally or negligently misrepresented the cause of a
25 hearing impairment or the cure of a hearing impairment by the use of a hearing aid.

1 **INSERT 8-4**

2 **SECTION 1.** 459.24 (6) (b) 2. of the statutes is created to read:

3 459.24 (6) (b) 2. The examining board may grant a temporary license to practice
4 audiology to an individual who satisfies the requirements under sub. (3) (a) to (e).

5 **SECTION 2.** 459.24 (6) (c) of the statutes is amended to read:

6 459.24 (6) (c) A temporary license granted under this subsection is valid for a
7 period designated in rules promulgated by the examining board. The rules may
8 designate a period that terminates if an applicant fails to take the next available
9 examination under s. 459.26 (2) (a) or (b) for reasons other than inaction by the
10 examining board or hardship. A temporary license granted under par. (a) may be
11 renewed once by the examining board. A temporary license granted under par. (b)
12 may be renewed once by the examining board if the applicant fails an examination
13 for audiologist licensure under s. 459.26 (2) ~~(a) or~~ (b) and applies to take the next
14 available examination or if the applicant shows, to the satisfaction of the examining
15 board, sufficient cause for the renewal. An applicant for a temporary license shall
16 pay the fee specified in s. 440.05 (6).

17 History: 1989 a. 316; 1993 a. 16, 66; 1997 a. 49; 1999 a. 9; 2003 a. 270; 2007 a. 20.

17 **INSERT 8-12**

18 **SECTION 3.** 459.26 (2) (am) of the statutes is created to read:

19 459.26 (2) (am) ^Δ The examining board shall by rule select and approve
20 examinations for audiology.

21 **INSERT 8-20**

22 **SECTION 4.** 459.28 (1) of the statutes is renumbered 459.28 (1) (intro) and
23 amended to read:

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

3 (a) Grant a license to practice speech-language pathology or audiology under
4 s. 459.24 (2) or (3) to an applicant who holds a current speech-language pathologist
5 or audiologist license in another state or territory of the United States if the
6 examining board determines that the requirements for licensure in the other state
7 or territory are substantially equivalent to the requirements under s. 459.24 (2) or
8 (3).

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

9 **SECTION 5.** 459.28 (1) (b) of the statutes is created to read:

10 459.28 (1) (b) Notwithstanding s. 459.28 ^{459.24} (3) (d), grant a license to practice
11 audiology under s. 459.24 (3) to an applicant who holds a current audiologist license
12 in another state or territory of the United States if the examining board determines
13 all of the following:

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

16 2. The applicant has submitted evidence satisfactory to the examining board
17 that he or she has completed a supervised clinical practicum and received a master's
18 degree in audiology from a college or university approved by the examining board,
19 or has completed education or training that the examining board determines is
20 substantially equivalent to the completion of those requirements.

Kuczenski, Tracy

From: Browne, Michael
Sent: Thursday, September 17, 2009 10:54 AM
To: Kuczenski, Tracy
Subject: audiology lrb 2757

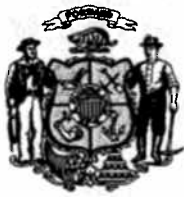
Hi Tracy –

Sen. Lehman would like to get LRB 2757 re: audiology ready for introduction.

Also, you should be getting a request from Rep Zepnick's office for an Assembly companion draft ... fine to release to them.

Thanks for your help.

Mike Browne
Office of Senator John Lehman
310 South, State Capitol
(608) 266-1832
michael.browne@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2757/P2
TKK:jld&bjk:ph

1
Stays

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

9/17/09
No changes
SOON

✓ Regen

1 AN ACT *to repeal* 15.407 (4) and 459.23; *to renumber* 459.01 (1); *to renumber*
2 *and amend* 459.24 (3) (d), 459.24 (6) (b) and 459.28 (1); *to amend* 459.02 (2),
3 459.03 (1), 459.03 (2) (intro.), 459.03 (2) (b), 459.085, 459.10 (1) (g), 459.24 (1)
4 (b), 459.24 (1m), 459.24 (3) (e), 459.24 (3) (f), 459.24 (3m) (a), 459.24 (6) (c),
5 459.26 (2) (a), 459.26 (2) (b) 4. and 459.34 (2) (d); and *to create* 459.01 (1d),
6 459.10 (1) (q) and (r), 459.24 (3) (d) 2. and 3., 459.24 (6) (b) 2., 459.26 (2) (am),
7 459.28 (1) (b), 459.34 (2) (i), 459.34 (2) (j) and 459.34 (2) (k) of the statutes;
8 **relating to:** creating new grounds for discipline of hearing instrument
9 specialists, audiologists, and speech-language pathologists, changing
10 licensing requirements for audiologists, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes the following changes to the regulation of speech-language pathologists and audiologists.

Prohibited conduct.

1. Deceptive advertising. Under current law, the Hearing and Speech Examining Board (board) in the Department of Regulation and Licensing (department) may reprimand the holder of a license or permit issued by the board

or revoke, suspend, limit, or deny a license or permit if the holder or applicant engages in certain prohibited conduct, including false, misleading, or deceptive advertising. The bill prohibits deceptive advertising instead of false, misleading, or deceptive advertising. In addition, the bill creates a definition for "deceptive advertising," which includes creating or using promotional literature, testimonials, insignia, or other representation which is misleading, false, or untruthful.

2. **Misrepresentation.** The bill prohibits the holder of a license or permit from making an intentional or negligent representation regarding a hearing aid or services. The bill also prohibits the holder of a license or permit from misusing words that imply the involvement of the medical or audiology professions when there is no such involvement. Finally, the bill prohibits a hearing instrument specialist from intentionally or negligently misrepresenting the cause of a hearing impairment, or the cure of a hearing impairment by the use of a hearing aid.

Audiologist license. Under current law, a person seeking an audiologist license must have received a master's degree in audiology or completed education or training that the board determines is substantially equivalent. The person must also complete a postgraduate clinical fellowship in audiology approved by the board or substantially equivalent education or training. The person must also pass an examination required for certification by the American Speech-Language-Hearing Association or a substantially equivalent exam, as well as practical techniques tests administered by the board. The board may grant a license to practice audiology to a person who holds a current audiologist license in another state or United States territory if the board determines that the requirements for licensure are substantially equivalent to the requirements in this state.

With certain exceptions, the bill changes the requirements for audiologist licensure effective January 1, 2010. Beginning on that date, to obtain an audiologist license a person must do all of the following:

1. Either possess a doctoral degree in audiology or submit evidence of substantially equivalent education or training. The doctoral degree program must consist of not less than three years of educational course work and not less than 12 months of clinical rotation or externship.

2. Pass an exam selected or approved by the board as well as practical techniques tests administered by the board. The bill requires the board to select and approve examinations for audiology by rule. The bill authorizes the board to grant a license to practice audiology to a person who holds a current audiologist license in another state or United States territory if the applicant received a masters degree in audiology or completed education or training that the board determines is substantially equivalent and the board determines that the requirements for licensure are substantially equivalent to the requirements in this state.

Temporary license to practice audiology. Under current law, the board may grant a temporary license to practice audiology to a person who is completing a postgraduate fellowship if the person practices under the supervision of a licensed audiologist and satisfies other requirements. The bill eliminates temporary licensure for a person completing a postgraduate fellowship effective January 1, 2010. The bill permits the board to grant a temporary license to practice audiology

to a person who satisfies all the requirements for licensure but who has not completed the practical techniques tests administered by the board.

Other changes. Under current law, a corporation or mercantile establishment that sells or offers to sell hearing aids must employ a person licensed by the department as a hearing aid specialist or licensed or permitted by the board to practice audiology. The corporation or mercantile establishment must annually file with the board a list of persons employed to sell or fit hearing aids. This bill eliminates the annual filing requirement.

Under current law, persons who use audiometric equipment to evaluate hearing sensitivity for the fitting and sale of hearing aids must periodically calibrate the equipment and send certification of the calibration to the board. This bill eliminates the requirement that a certificate of calibration be sent to the board.

Under current law, a Council on Speech Language Pathology and Audiology (council) in the department serves the board in an advisory capacity. This bill eliminates the council.

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

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

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

2 **SECTION 2.** 459.01 (1) of the statutes is renumbered 459.01 (1m).

3 **SECTION 3.** 459.01 (1d) of the statutes is created to read:

4 459.01 (1d) "Deceptive advertising" means creating, using, or promoting the
5 use of any advertising material, promotional literature, testimonial, guarantee,
6 warranty, label, brand, insignia, or other representation, however disseminated or
7 published, which is misleading, false, or untruthful.

8 **SECTION 4.** 459.02 (2) of the statutes is amended to read:

9 459.02 (2) Nothing in this subchapter or subch. II shall prohibit any
10 corporation or mercantile establishment which maintains an established business
11 address from engaging in the business of selling or offering for sale hearing aids at
12 retail without a license, provided that for the purpose of selling and fitting hearing

1 aids it employs persons licensed under this subchapter or persons issued licenses or
2 permits to practice audiology under subch. II. ~~Such corporation or mercantile~~
3 ~~establishment shall annually file with the examining board a list of all persons~~
4 ~~employed for the purpose of selling and fitting hearing aids.~~

5 **SECTION 5.** 459.03 (1) of the statutes is amended to read:

6 459.03 (1) ~~Whoever practices fitting or selling of hearing aids under this~~
7 ~~subchapter~~ A hearing instrument specialist who engages in the practice of fitting
8 and dealing in hearing aids shall deliver to each person supplied with a hearing aid
9 a receipt. The receipt shall contain the licensee's signature and show the licensee's
10 business address and license title and number of the hearing instrument specialist,
11 together with specifications as to the make and model of the hearing aid furnished
12 and full terms of sale clearly stated. If a hearing aid which is not new is sold, the
13 receipt and the container thereof must be clearly marked as "used" or "reconditioned"
14 whichever is applicable.

15 **SECTION 6.** 459.03 (2) (intro.) of the statutes is amended to read:

16 459.03 (2) (intro.) The receipt shall contain all of the following information,
17 that shall be set out in not less than 8-point type:

18 **SECTION 7.** 459.03 (2) (b) of the statutes is amended to read:

19 459.03 (2) (b) A statement that the purchaser has been advised ~~at the outset~~
20 ~~of the purchaser's relationship with~~ by the hearing instrument specialist that any
21 examination or representation made by ~~a~~ the hearing instrument specialist in
22 connection with the fitting and selling of this hearing aid is not an examination,
23 diagnosis, or prescription by a person licensed to practice medicine or audiology in
24 this state and therefore must not be regarded as medical or audiological opinion or
25 advice.

1 **SECTION 8.** 459.085 of the statutes is amended to read:

2 **459.085 Calibration of audiometric equipment.** Audiometric equipment
3 used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids
4 shall be calibrated periodically, as specified by rule by the examining board.
5 ~~Certification of these calibrations shall be sent to the examining board with the~~
6 ~~renewal fee required in s. 459.09 (1) (a).~~

7 **SECTION 9.** 459.10 (1) (g) of the statutes is amended to read:

8 459.10 (1) (g) Engaged in false, misleading or deceptive advertising.

9 **SECTION 10.** 459.10 (1) (q) and (r) of the statutes are created to read:

10 459.10 (1) (q) Intentionally or negligently misrepresented the cause of a
11 hearing impairment or the cure of a hearing impairment by the use of a hearing aid.

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

14 **SECTION 11.** 459.23 of the statutes is repealed.

15 **SECTION 12.** 459.24 (1) (b) of the statutes is amended to read:

16 459.24 (1) (b) Engage in the practice of audiology or use the title "audiologist,"
17 "clinical audiologist," or any similar title unless the person holds a current
18 audiologist license granted by the examining board under sub. (3) or (6) (b).

19 **SECTION 13.** 459.24 (1m) of the statutes is amended to read:

20 459.24 (1m) PROHIBITED TITLES. No person may use the title "certified hearing
21 aid audiologist" or, "certified hearing instrument audiologist," "licensed hearing
22 instrument audiologist," "licensed hearing aid audiologist,"

23 **SECTION 14.** 459.24 (3) (d) of the statutes is renumbered 459.24 (3) (d) (intro.)
24 and amended to read:

1 459.24 (3) (d) (intro.) Submits evidence satisfactory to the examining board
2 that he or she has completed a supervised clinical practicum and ~~received~~ satisfied
3 one of the following:

4 1. Received a master's degree in audiology from a college or university
5 approved by the examining board, or has completed education or training that the
6 examining board determines is substantially equivalent to the completion of those
7 requirements. This subdivision does not apply to applications received after
8 December 31, 2009.

9 **SECTION 15.** 459.24 (3) (d) 2. and 3. of the statutes are created to read:

10 459.24 (3) (d) 2. Submits evidence satisfactory to the examining board that he
11 or she possesses a doctoral degree in audiology from an accredited academic
12 institution approved by the examining board by rule. The doctoral degree program
13 must consist of not less than 3 years of educational course work and not less than 12
14 months of clinical rotation or externship. This subdivision applies to applications
15 received after December 31, 2009.

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

20 **SECTION 16.** 459.24 (3) (e) of the statutes is amended to read:

21 459.24 (3) (e) Submits evidence satisfactory to the examining board that he or
22 she has passed the ~~examination required for certification as an audiologist by the~~
23 ~~American Speech-Language-Hearing Association or passes an examination under~~
24 ~~s. 459.26 (2) (a) to determine fitness as an audiologist, examinations selected or~~
25 approved by the examining board by rule under s. 459.26 (2) (am), or has completed

1 education or training that the examining board determines is substantially
2 equivalent to ~~passing one of those examinations in determining fitness as an~~
3 ~~audiologist~~ the examinations selected or approved by the examining board under s.
4 459.26 (2) (am).

5 **SECTION 17.** 459.24 (3) (f) of the statutes is amended to read:

6 459.24 (3) (f) Submits evidence satisfactory to the examining board that he or
7 she has completed a postgraduate clinical fellowship in audiology approved by the
8 examining board or has completed education or training that the examining board
9 determines is substantially equivalent to the completion of such a fellowship. This
10 paragraph applies to applications received on or before December 31, 2009.

11 **SECTION 18.** 459.24 (3m) (a) of the statutes is amended to read:

12 459.24 (3m) (a) Deliver to each person supplied with a hearing aid a receipt.
13 The receipt shall contain the signature and show the business address and, license
14 or permit title, and number of the licensee or permittee, together with specifications
15 as to the make and model of the hearing aid and full terms of sale clearly stated. If
16 a hearing aid that is not new is sold, the receipt and the container must be clearly
17 marked as "used" or "reconditioned", whichever is applicable. The terms of the
18 guarantee, if there is any given, shall be set out in not less than 8-point type.

19 **SECTION 19.** 459.24 (6) (b) of the statutes is renumbered 459.24 (6) (b) 1. and
20 amended to read:

21 459.24 (6) (b) 1. Upon application, the examining board may grant a temporary
22 license to practice audiology during the completion of the postgraduate fellowship
23 required under sub. (3) (f) if the applicant practices under the supervision of an
24 audiologist licensed under sub. (3), satisfies the requirements under sub. (3) (a) to
25 (d), and has submitted an application to take the next available examinations for

1 licensure as an audiologist under s. 459.26 (2) ~~(a) and (b)~~. No license may be issued
2 under this paragraph after December 31, 2009.

3 **SECTION 20.** 459.24 (6) (b) 2. of the statutes is created to read:

4 459.24 **(6)** (b) 2. The examining board may grant a temporary license to practice
5 audiology to an individual who satisfies the requirements under sub. (3) (a) to (e).

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

7 459.24 **(6)** (c) A temporary license granted under this subsection is valid for a
8 period designated in rules promulgated by the examining board. The rules may
9 designate a period that terminates if an applicant fails to take the next available
10 examination under s. 459.26 (2) (a) or (b) for reasons other than inaction by the
11 examining board or hardship. A temporary license granted under par. (a) may be
12 renewed once by the examining board. A temporary license granted under par. (b)
13 may be renewed once by the examining board if the applicant fails an examination
14 for audiologist licensure under s. 459.26 (2) ~~(a) or (b)~~ and applies to take the next
15 available examination or if the applicant shows, to the satisfaction of the examining
16 board, sufficient cause for the renewal. An applicant for a temporary license shall
17 pay the fee specified in s. 440.05 (6).

18 **SECTION 22.** 459.26 (2) (a) of the statutes is amended to read:

19 459.26 **(2)** (a) Examinations for speech-language pathologists shall consist of
20 the examinations required for certification as a speech-language pathologist ~~or as~~
21 ~~an audiologist~~ by the American speech-language-hearing association or may consist
22 of other written tests that require applicants to demonstrate minimum competency
23 in services and subjects substantially related to the practice of speech-language
24 pathology ~~or audiology~~ and that are substantially equivalent to the examinations
25 required for such certification.

1 **SECTION 23.** 459.26 (2) (am) of the statutes is created to read:

2 459.26 (2) (am) The examining board shall by rule select and approve
3 examinations for audiology.

4 **SECTION 24.** 459.26 (2) (b) 4. of the statutes is amended to read:

5 459.26 (2) (b) 4. Recording and evaluation of audiograms and speech
6 audiometry to determine proper selection and ~~adaption~~ adaptation of a hearing aid.

7 **SECTION 25.** 459.28 (1) of the statutes is renumbered 459.28 (1) (intro.) and
8 amended to read:

9 459.28 (1) (intro.) Upon application and payment of the fee specified in s.
10 440.05 (2), the examining board shall ~~grant~~ do the following:

11 (a) Grant a license to practice speech-language pathology or audiology under
12 s. 459.24 (2) or (3) to an applicant who holds a current speech-language pathologist
13 or audiologist license in another state or territory of the United States if the
14 examining board determines that the requirements for licensure in the other state
15 or territory are substantially equivalent to the requirements under s. 459.24 (2) or
16 (3).

17 **SECTION 26.** 459.28 (1) (b) of the statutes is created to read:

18 459.28 (1) (b) Notwithstanding s. 459.24 (3) (d), grant a license to practice
19 audiology under s. 459.24 (3) to an applicant who holds a current audiologist license
20 in another state or territory of the United States if the examining board determines
21 all of the following:

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

24 2. The applicant has submitted evidence satisfactory to the examining board
25 that he or she has completed a supervised clinical practicum and received a master's

1 degree in audiology from a college or university approved by the examining board,
2 or has completed education or training that the examining board determines is
3 substantially equivalent to the completion of those requirements.

4 **SECTION 27.** 459.34 (2) (d) of the statutes is amended to read:

5 459.34 (2) (d) ~~Advertised~~ Engaged in ~~a manner which is false, deceptive or~~
6 ~~misleading~~ advertising.

7 **SECTION 28.** 459.34 (2) (i) of the statutes is created to read:

8 459.34 (2) (i) Intentionally or negligently misrepresented the cause of a
9 hearing impairment or the cure of a hearing impairment by the use of a hearing aid.

10 **SECTION 29.** 459.34 (2) (j) of the statutes is created to read:

11 459.34 (2) (j) Made an intentional or negligent misrepresentation regarding a
12 hearing aid or services.

13 **SECTION 30.** 459.34 (2) (k) of the statutes is created to read:

14 459.34 (2) (k) Misused the words "doctor," "clinic," "clinical," or other words,
15 abbreviations, or symbols that imply the involvement of the medical or audiology
16 professions in the absence of such involvement.

17 **SECTION 31. Effective date.**

18 (1) This act takes effect on December 31, 2009, or on the day after publication,
19 whichever is later.

20 (END)

Parisi, Lori

From: Browne, Michael
Sent: Wednesday, October 14, 2009 4:23 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-2757/1 Topic: regulation of audiology

Please Jacket LRB 09-2757/1 for the SENATE.