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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Health, Health Insurance, Privacy, Property Tax Relief, and Revenue (SC-HHIPTRR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue

Senate Bill 358

Relating to: creating new grounds for discipline of hearing instrument specialists, audiologists, and speech-language pathologists, changing licensing requirements for audiologists, and granting rule-making authority.

By Senators Lehman, Taylor, Olsen and Kedzie; cosponsored by Representatives Zepnick, Turner, Kerkman, Danou, A. Ott, Newcomer and Townsend.

October 20, 2009 Referred to Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.

March 3, 2010 **PUBLIC HEARING HELD**

Present: (7) Senators Erpenbach, Carpenter, Robson, Lassa, Lazich, Kanavas and Darling.

Absent: (0) None.

Appearances For

- John Lehman — Sen.
- Robert Nellis, Madison — WSHA-P
- Meredy Hase, Wales — WI Speech-Language and Audiology Assn.
- Laura Feldhake, Stoughton — Dr., WSHA-P
- James Ogurek, Wausau
- Todd Beyer, Marshfield — International Hearing Society
- Doug Johnson, Evansville — WI Alliance of Hearing Professionals

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Robert Phillips — Dr., Marshfield Clinic
- Tom Petri — WI Primary Health Care Assn.

Registrations Against

- None.

Registrations for Information Only

- None.

March 16, 2010

EXECUTIVE SESSION HELD

Present: (7) Senators Erpenbach, Carpenter, Robson, Lassa, Lazich, Kanavas and Darling.

Absent: (0) None.

Moved by Senator Carpenter, seconded by Senator Lazich that **Senate Amendment 1** be recommended for adoption.

Ayes: (7) Senators Erpenbach, Carpenter, Robson, Lassa, Lazich, Kanavas and Darling.

Noes: (0) None.

ADOPTION OF SENATE AMENDMENT 1 RECOMMENDED,
Ayes 7, Noes 0

Moved by Senator Carpenter, seconded by Senator Erpenbach that **Senate Bill 358** be recommended for passage as amended.

Ayes: (7) Senators Erpenbach, Carpenter, Robson, Lassa, Lazich, Kanavas and Darling.

Noes: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 7, Noes 0



Kelly Becker
Committee Clerk

Vote Record

Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue

Date: _____

Moved by: Carp

Seconded by: Lazich

358

AB _____ SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

amendment

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrence

Committee Member

	<i>Amend</i>	<i>Passage</i>	Aye	No	Absent	Not Voting
Senator Jon Erpenbach, Chair	/	/	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Tim Carpenter	/	/	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Judith Robson			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Julie Lassa			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mary Lazich	/	/	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Ted Kanavas	/	/	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Alberta Darling			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

as amended Carp/Erp



Date: March 3, 2010

To: Chairman Erpenbach and members of the Senate Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue

From: Laura J. Feldhake, Au.D., WSHA-P VP of Audiology Services

Re: Senate Bill 358

Chairman Erpenbach and members of the committee, thank you for the opportunity to speak in favor of Senate Bill 358. I would like to also thank Senator Lehman for his work on this legislation.

My name is Laura Feldhake. I am a resident of Stoughton Wisconsin, I hold an Au.D. (Doctor of Audiology), and I am in private practice in Stoughton, WI. Today I am here representing the Wisconsin Speech Language Pathology and Audiology Professional Association otherwise known as WSHA-P, which represents over 700 audiologists and speech language pathologists, as the VP of Audiology Services.

Senate Bill 358 is the result of cumulative efforts over the last four years to amend the minimum educational requirement to obtain an Audiology license to that of a doctoral degree and to improve consumer protection through a stronger definition of deceptive advertising and misrepresentation. WSHA-P has been very receptive to all stakeholders; we have worked closely with the Hearing and Speech Examining Board and other interested parties to develop a bill that we believe can be passed by the Legislature and signed into law during the 2009-10 legislative session.

Why a doctoral degree?

The study of Audiology transitioning to a doctoral level profession is a result of improved science and research. There are no longer any masters programs graduating audiologists in the U.S. and as of December 27, 2007 there were 72 accredited doctoral programs in audiology by the Council on Academic Accreditation in Audiology and Speech-Language Pathology.

While SB 358 allows current license holders to continue to practice based on equivalency, there are a growing number of audiologists who understand the need for further education beyond their Master level degree or what is typically offered through continuing education classes or various certifications and are returning to the classroom in pursuit of an advanced degree. In a direct reflection of that trend, approximately 80 % of WSHA-P Audiology members currently hold a doctorate degree in audiology.

For individuals **seeking** a career as an audiologist the available educational programs are an Au.D. , Ph.D., or Sc.D. Wisconsin is one of the last states to address the minimum education requirement through the legislative process. As a result there is a delay in the licensure process where applicants have to show equivalency in their degree to the Masters level requirement. This process takes a longer time for applicants to be granted licensure, time where professionals are unable to work.

The change to a doctoral degree is appropriate if one assesses the scope of practice of an Audiologist. Through coursework and training Audiologists are trained in the interpretation of test results, in the understanding of the relationships among test results and symptoms, in determining the impact of hearing loss on communication and quality of life, and in the knowledge necessary to determine the need for referral to other health professionals. Improvements to these interpretive skills and the training necessary to recommend and implement rehabilitative strategies including hearing aids, cochlear implants and aural rehabilitation was the basis for the transition from a masters degree to doctoral degree as the minimum education requirement to obtain an audiology licenses.

Senate Bill 358 creates a stronger definition of deceptive advertising and misrepresentation, which will give the Department of Licensing and Regulation the ability to reprimand audiologists, hearing instrument specialists and speech-language pathologists who practice unconventional advertising and sales or counseling techniques. For example, a common advertisement is one that has the consumer believing they are participating in a research study when the only study is "how many individuals can we get in the door" with this advertisement.

Currently when such ads are reported to DRL they are put into a non-enforceable category meaning the legislative counsel does not feel that they current law is strong enough to defend in court.

The bill also includes several changes to current law at the request of the Hearing and Speech Examining Board. These changes include the elimination of the requirements for a corporation to individually file all licensed employees with the state and to file yearly calibration records. Further, the bill eliminates the Council on Speech Language Pathology and Audiology.

Finally, the bill enhances the information given to the consumer when purchasing hearing aids through the addition of language on the purchase receipt. Both audiologists and hearing instrument specialists will be required to report the type of license they hold in addition to the already stated license number. This change is consumer driven as currently they have no information to give to DRL when filing a complaint above that of a number.

I would like to thank the Committee once again for allowing me to testify before you today. I will be happy to answer any questions.





Wisconsin Alliance of Hearing Professionals

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MEMORANDUM

TO: State Senator Erpenbach, Chair and Members of the Senate Committee on Health, Health Insurance, Privacy, Property Tax Relief and Revenue

FROM: President Doreen Jensen, M.S. CCC-A
Vice President Arlene Hulwi, HIS
Douglas Johnson, Executive Director & General Counsel

DATE: March 3, 2010

RE: Support SB 358/AB 553 AuD Compromise Legislation

Last December Mr. Okie Allen, Chair of the Hearing and Speech Examining Board, wrote to you and the Assembly Committee on Health & Health Care Reform on behalf of the H&S Board in support of SB 358 and companion bill AB 553. We write in support of that legislation set for public hearing today.

As Mr. Allen has written to you, this "legislation is critical for Wisconsin's hearing impaired public to have access to quality hearing health care professionals who may otherwise establish their professional practices in other states. Wisconsin needs to participate in this national change in order to retain and attract these state licensed professionals."

The Wisconsin Alliance of Hearing Professionals has an established history of advocacy on behalf of the hearing impaired and the professionals who serve them. Over the last four years the Alliance has worked closely with the H&S Board and the proponents of this legislation. This legislation is the product of compromise which we support.

Thank you.

cc: Senator Lehman
Representative Zepnick
Alliance Board
H&S Board
DR&L Secretary Celia Jackson
WSHA





Wisconsin State Senate
John Lehman
Senator – 21st District

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Testimony of Senator John Lehman
Senate Bill 358
Senate Health, Health Insurance, Privacy, Property Tax Relief and Revenue
Committee
March 2, 2010

Chair Erpenbach and members of the Health Committee, thank you for holding a hearing today on Senate Bill 358 - legislation updating audiology licensure requirements and enhancing practice related consumer protections.

Under our current audiology licensure statute, a person seeking a license must have a master's degree in audiology. However, largely due to advances in research and science, accredited institutions now offer audiology as a doctoral program. SB 358 updates our statutes to reflect this change while allowing already licensed individuals to continue to practice.

The bill also proposes to enhance consumer protection by:

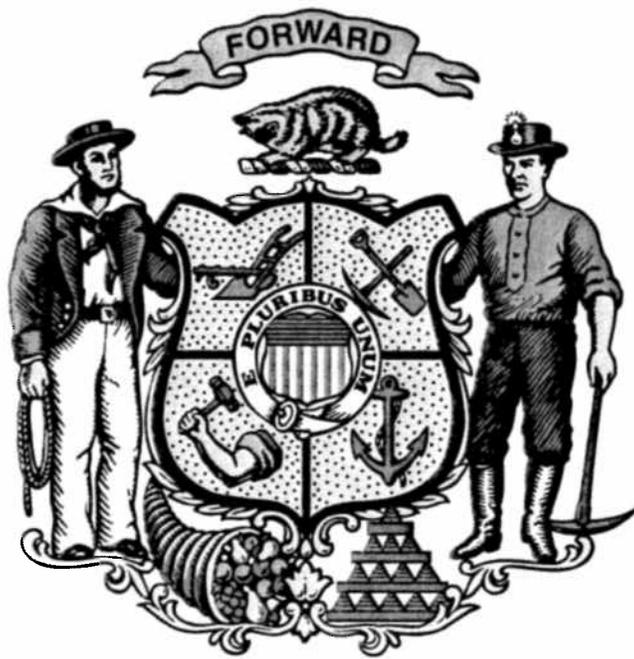
- Providing a clear definition of deceptive advertising and prohibiting said practices;
- Adding intentional or negligent misrepresentations about the cause of a hearing impairment, the cure of an impairment by the use of hearing aids or misrepresentations regarding a hearing aid or service hearing aid services as grounds for disciplinary actions;
- Prohibiting the use of titles that may mislead consumers; and
- Allowing disciplinary action for making use of the terms "doctor", "clinic" or "clinical" in a misleading fashion.

And based on recommendations of Hearing and Speech Examining Board the bill makes several technical changes - eliminating the advisory Council on Speech Language Pathology and Audiology and requirements that hearing aid retailers file a list of persons employed to sell or fit hearing aids and copies of hearing aid fitting equipment calibration certification to the Hearing and Speech Examining Board.

Finally, in consultation with the Wisconsin Speech-Language Pathology and Audiology Professional Association, I am offering Senate Amendment 1 to eliminate a proposed requirement that hearing instrument specialists disclose that they are not licensed to practice audiology and their services do not represent audiological opinions or advice. This disclosure requirement had raised some concerns among hearing instrument specialists.

These law updates have the support of the Wisconsin Speech-Language Pathology and Audiology Professional Association and the Hearing and Speech Examining Board, and I hope the Health Committee will also join in support by approving Senate Bill 358.

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Children's Hospital
and Health System™

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Michelle I. Mettner
Vice President, Government Relations and Advocacy

TO: Members of the Senate Health Committee

FROM: Michelle Mettner, Vice President Government Relations & Advocacy

DATE: March 3, 2010

RE: Support for SB358 (AB553)

Children's Hospital & Health System supports SB358 relating to changes in licensure requirements for audiologists. Specifically, we support the portion of the legislation that sets a standard that an audiologist either possess a doctoral degree in audiology or submit evidence of substantially equivalent education or training.

SB358 would revise Chapter 459 to require those individuals just entering the field of audiology to have a doctoral degree in audiology, including extensive clinical practicum, a 12 month clinical rotation or externship, passage of a national exam, and passage of a state practical exam. Wisconsin is one of the last states to bring its licensing statutes up-to-date to reflect the changing professional educational requirements. This legislation is consistent with the national standards for audiology.



Testimony by Robert Nellis, Retired Clinical Professor, Audiology Program, U.W. –
Madison

March 3, 2010

Testifying in support of ~~78053~~ SB358

Approximately 6 years ago the Audiology faculties from the U.W. Stevens Point and the Madison campuses began to plan and implement a Doctor of Audiology Program (AuD) to replace the Masters Degree programs in Audiology. The AuD is a professional doctorate degree granted by both campuses to prepare students to meet best standards of care in order to meet the many needs of the hard of hearing and deaf in a variety of settings such as private practice, clinics, hospitals, and schools. Preparation for the AuD program entails four years as compared to two years for the Masters Degree program and shares the combined resources and talents from both campuses. Doctorate degrees have been conferred on students for the past three years.

While the Doctorate of Audiology Program has improved the quality of care and services to the hard of hearing and deaf in Wisconsin, it has led to a significant barrier for graduating AuD students who want to begin practicing immediately after graduation. The present licensure law for educational requirements states that a student needs a masters degree in Audiology or its equivalent. Since the masters degree is no longer offered the “equivalent” part of the law must be used. This involves a review of educational experience and background by the licensure board which can take a few months to complete. When the masters degree was the entrance degree, a student could transition in a seamless manor into the work place and begin to practice immediately post graduation. Presently a student has to wait a significant time to begin practicing.

While the AuD degree has been a benefit to consumers, it has inadvertently presented itself as a challenge and problem for a student wanting to practice as soon as possible after graduation. And given the amount of time and financial resources they have given to their education and that they are well prepared to enter the work force, it is only fair and appropriate that they be allowed to do so. As an example I spoke with a student last week who will graduate in May. She has a job offer for the site where she is presently doing her 4th year clerkship. Given that she will not be able to smoothly transition into the work place but will need 3-4 months for her credentials to be reviewed and approved she very well may lose that job opportunity. The passage of AB 553 would remove the present barrier and allow her and all graduating students to enter into the work place and begin practicing in a seamless manor. And of course the sooner they begin to work the sooner they begin to pay taxes.

It is for these reasons that I strongly urge you to support AB 553.

Thank you.