

STATE OF WISCONSIN
HEARING AND SPEECH EXAMINING BOARD

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| IN THE MATTER OF RULE-MAKING | : | ORDER OF THE |
| PROCEEDINGS BEFORE THE | : | HEARING AND SPEECH |
| HEARING AND SPEECH | : | EXAMINING BOARD |
| EXAMINING BOARD | : | ADOPTING RULES |
| | : | (CLEARINGHOUSE RULE 03-025) |

ORDER

An order of the Hearing and Speech Examining Board to renumber HAS 6.14 (1) (a) 2. a. to d. and 3. (intro); to renumber and amend HAS 6.14 (1) (a) 4.; to amend chs. HAS 2 (title), HAS (3) (title), HAS 4 (title) and HAS 5 (title), HAS 6.14 (1) (a) 1. and 2., (1) (b) 5. and 11., (2) (a) 2., (3) (a) (intro.) and 4.; to create HAS 6.02 (4g) and (5g), 6.14 (1) (b) 13., 14. and 15., 6.18 (1) (h), (2) (d), (e) and (f), relating to definitions, grounds for discipline and minor and technical changes.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: s. 459.22 (2) (e), Stats.

In the proposed rules, the Hearing and Speech Examining Board amends numerous provisions contained in ch. HAS 6, Code and creates several additional provisions. The proposed changes may be summarized as follows:

1. Practice of Audiology. The board proposes to create definitions in ch. HAS 6 for “full terms of sale” and “personal guarantee.” These terms are referenced in ch. 459, Stats., but are not defined. The definitions are almost identical to the ones found in ch. HAS 1, Code, except those provisions apply only to hearing instrument specialists.

In addition, the board proposes to create four additional grounds for discipline that relate to the calibration of audiometric equipment, the disclosure of the full terms of sale on receipts and/or compliance with federal and state laws that relate to the practice of audiology. The proposed provisions are almost identical to those found in ch. HAS 5, Code, except those provisions apply only to hearing instrument specialists.

2. Practice of Speech-Language Pathology. The board proposes to revise two definitions contained in subch. III of ch. HAS 6, Code, that relate to the practice of speech-language pathology by unlicensed individuals. The first definition is “assist in the practice of speech-language pathology” and the second definition is “direct supervision of unlicensed.” In Wisconsin, an individual may not engage in the practice of speech-language pathology unless the

individual holds a permanent license or a temporary license granted by the board. Some states license support staff, such as speech assistants. Wisconsin does not license support staff. However, Wisconsin law does permit staff to “assist in the practice of speech-language pathology” under the “direct supervision” of a licensed speech-language pathologist. The board is proposing to revise the rules to provide further guidance to speech-language pathologists who supervise support staff. [See, s. 459.22 (2) (e), Stats.]

The board also proposes to create an additional ground for discipline that will require speech-language pathologists to comply with federal and state laws that relate to the practice of speech-language pathology.

(3) Minor and Technical Changes. The board is proposing to make several minor and technical changes to the rules that includes, but is not limited to, revision of the titles to chs. HAS 2 to 5, Code, to clarify that those provisions apply only to hearing instrument specialists and replacement of the term “patient” with the term “client,” as appropriate.

TEXT OF RULE

SECTION 1. Chapter HAS 2 (title) is amended to read:

CHAPTER HAS 2 (title)

Hearing Instrument Specialists
Temporary Trainees

SECTION 2. Chapter HAS 3 (title) is amended to read:

CHAPTER HAS 3 (title)

Hearing Instrument Specialists
Examinations

SECTION 3. Chapter HAS 4 (title) is amended to read:

CHAPTER HAS 4 (title)

Hearing Instrument Specialists
Measurement of Human Hearing

SECTION 4. Chapter HAS 5 (title) is amended to read:

CHAPTER HAS 5 (title)
Hearing Instrument Specialists
Unprofessional Conduct

SECTION 5. HAS 6.02 (4g) and (5g) are created to read:

HAS 6.02 (4g) “Full terms of sale” means the conditions of a sale agreed to by an audiologist and the purchaser of a hearing instrument.

(5g) “Personal guarantee” means a promise made by an audiologist to a hearing instrument purchaser to provide the minimum product warranty offered by a manufacturer.

SECTION 6. HAS 6.14 (1) (a) 1. and 2. are amended to read:

HAS 6.14 (1) (a) 1. ~~Conducting~~ Assisting the speech-language pathologists with speech-language screenings.

2. While in the presence of the speech–language pathologist, providing assistance during client ~~evaluations that include:~~ evaluations.

SECTION 7. HAS 6.14 (1) (a) 2. a. to d. are renumbered HAS 6.14 (1) (a) 3., 4., 5. and 6.

SECTION 8. HAS 6.14 (1) (a) 3. (intro.) is renumbered HAS 6.14 (1) (a) 7.

SECTION 9. HAS 6.14 (1) (a) 4. is renumbered HAS 6.14 (1) (a) 8. and amended to read:

HAS 6.14 (1) (a) 8. Providing treatment to clients selected by the speech-language pathologist by adhering to the treatment plans established by the speech-language pathologist who is ~~not present but~~ available on site for consultation, as needed.

SECTION 10. HAS 6.14 (1) (b) 5. and 11. are amended to read:

HAS 6.14 (1) (b) 5. ~~Providing counseling~~ Counseling to the client or the client’s family or consulting with the client, the client’s family or other individuals regarding the client’s status or service.

11. Disclosing confidential client information to anyone other than the supervising speech-language pathologist unless authorized by the supervising speech-language pathologist.

SECTION 11. HAS 6.14 (1) (b) 13., 14. and 15. are created to read:

HAS 6.14 (1) (b) 13. Representing himself or herself as a speech-language pathologist.

14. Using a checklist to tabulate results of feeding or swallowing evaluations.

15. Demonstrating swallowing strategies or precautions to a client, the family of a client or staff.

SECTION 12. HAS 6.14 (2) (a) 2. is amended to read:

HAS 6.14 (2) (a) 2. Servicing hearing instruments including applying lubrication, making tube changes on ear molds, cleaning and repairing cases or ear mold surfaces, checking battery status and returning hearing instruments to ~~patients~~ clients after servicing.

SECTION 13. HAS 6.14 (3) (a) (intro.) is amended to read:

HAS 6.14 (3) (a) (intro.) For purposes of monitoring unlicensed individuals who assist in the practice of speech-language pathology, providing direct observation and supervision of the clinical services provided by the individual to clients at least 50% of client contact time during the first 90 days of employment and no less than ~~25%~~ 10% thereafter. Direct supervision shall be scheduled and documented. Documentation of direct supervision shall include all of the following:

SECTION 14. HAS 6.14 (3) (a) 4. is amended to read:

HAS 6.14 (3) 4. ~~Recording daily contacts between the speech language pathologist and~~ Maintaining a record of direct supervision provided by the speech-language pathologist over the unlicensed individual who assists in the practice of speech-language pathology.

SECTION 15. HAS 6.18 (1) (g) is created to read:

HAS 6.18 (1) (g) Violating any federal or state statute, rule or regulation that relates to the practice of speech-language pathology or audiology, as appropriate.

SECTION 15. HAS 6.18 (2) (d), (e) and (f) are created to read:

HAS 6.18 (2) (d) Failed to calibrate audiometric equipment at least once every 12 months.

(e) Failed to maintain adequate records of certification of calibrations of audiometric equipment for a period of 5 years or failed to provide access to those records when requested by the board or its representative.

(f) Failed to clearly state the full terms of sale on a receipt, as required in s. 459.24 (3m), Stats. The full terms of sale shall include all of the following:

1. The amount and method of payment.
2. The date, place and method of delivery.
3. The terms of any personal guarantee.

4. The nature and duration of the trial period and extension, if any.
5. The refund policy and amount, if any.
6. The product return and exchange policy, if any.
7. The product repair policy, if any.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Wis. Stats.

Dated _____ Agency _____
Chairperson
Hearing and Speech Examining Board

FISCAL ESTIMATE

The Department of Regulation and Licensing will incur \$500 in costs to print and distribute this rule change.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. Stat.

HAS CR03-025 (definitions, discipline, minor changes) 11-25-03