

## CHAPTER 459

## HEARING AND SPEECH EXAMINING BOARD

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## SUBCHAPTER I

## LICENSURE OF HEARING INSTRUMENT SPECIALISTS

**459.01 Definitions.** As used in this subchapter, unless the context clearly indicates a different meaning:

(1) “Examining board” means the hearing and speech examining board.

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

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

(4) “License” means a license issued by the department under s. 459.05, to hearing instrument specialists.

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

(6) “Sell” or “sale” means a transfer for a consideration of title or of the right to use.

(7) “Trainee permit” means a temporary permit issued while the applicant is in training to become a licensed hearing instrument specialist.

**History:** 1983 a. 189; 1989 a. 316; 1995 a. 170.

**459.02 License required to sell and fit hearing aids.**

(1) No person may engage in the practice of selling or fitting hearing aids or display a sign or in any other way advertise or represent himself or herself as a person who practices the fitting or sale of hearing aids unless he or she holds a valid license issued under this subchapter. The license required by 459.05 shall be conspicuously posted in his or her office or place of business as registered with the department at all times. Duplicate licenses shall be issued by the department to valid license holders operating more than one office without additional payment.

(2) Nothing in this subchapter shall prohibit any corporation or mercantile establishment which maintains an established business address from engaging in the business of selling or offering

for sale hearing aids at retail without a license, provided that for the purpose of selling and fitting hearing aids it employs persons licensed under this subchapter. Such corporation or mercantile establishment shall annually file with the examining board a list of all persons employed for the purpose of selling and fitting hearing aids.

**History:** 1979 c. 162; 1989 a. 316.

**459.03 Receipt required to be furnished to a person**

**supplied with hearing aid. (1)** Whoever practices fitting or sale of hearing aids shall deliver to each person supplied with a hearing aid a receipt. The receipt shall contain the licensee's signature and show the licensee's business address and certificate number, together with specifications as to the make and model of the hearing aid furnished and full terms of sale clearly stated. If a hearing aid which is not new is sold, the receipt and the container thereof must be clearly marked as “used” or “reconditioned” whichever is applicable.

(2) The following shall be set out in not less than 8–point type:

(a) The terms of the guarantee, if there is any given; and

(b) A statement that the purchaser has been advised at the outset of the purchaser's relationship with 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 is not an examination, diagnosis or prescription by a person licensed to practice medicine in this state and therefore must not be regarded as medical opinion or advice.

**History:** 1989 a. 316; 1991 a. 32.

**459.035 Medical exam before being fitted.**

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

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

**459.04 Seller's guarantee.**

The seller of a hearing aid shall give to the purchaser a personal guarantee that is at least identical in its terms to the guarantee of the manufacturer of the hearing aid.

**459.05 Issuance of license. (1)**

The department shall issue to each applicant who passes an examination under s. 459.06 and pays the fee specified in s. 440.05 (1) a license.

(1m) Whenever the examining board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect in the state for the practice of fitting and selling

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

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

**459.06 License by examination.** (1) Applicants may obtain a license by successfully passing a qualifying examination, provided the applicant is 18 years of age or older, does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, and has an education equivalent to a 4-year course in an accredited high school.

(2) The examination shall include but not be limited to:

(a) Tests of knowledge in the following areas as they pertain to the fitting of hearing aids:

1. Basic physics of sound.
2. The anatomy and physiology of the ear.
3. The function of hearing aids.

(b) Practical tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:

1. Pure tone audiometry, including air conduction testing and bone conduction testing.
2. Live voice or recorded voice speech audiometry including speech reception threshold testing and most comfortable loudness measurements and measurements of tolerance thresholds.
3. Masking when indicated.
4. Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaptation of a hearing aid.
5. Taking ear mold impressions.

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

(4) Applications for examinations shall be submitted to the examining board at least 30 days before the date set for the examination and shall be accompanied by the examination fee specified under s. 440.05 (1).

**History:** 1975 c. 224; 1977 c. 29; 1979 c. 162 s. 38 (4); 1981 c. 380; 1981 c. 391 s. 211; 1983 a. 229.

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

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

(3) A trainee permit may be renewed or regranted once if the trainee shows that he or she had sufficient cause for being unable to complete the requirements for permanent licensure.

(4) The examining board shall encourage the establishment of educational courses for the training of all persons wishing to become licensed hearing instrument specialists.

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

**459.08 Notice to department of place of practice; notice to holders of license; how given.** (1) A person who holds a license shall notify the department in writing of the regular address of the places where he or she engages or intends to engage in the practice of fitting or selling hearing aids. The licensee shall inform the board of any changes in these addresses within 30 days of the change.

(2) The department shall keep a record of the places of practice of persons who hold licenses.

(3) Any notice required to be given by the department to a person who holds a license shall be mailed to the person by registered or certified mail at the address of the last place of practice of which he or she has notified the department.

**History:** 1979 c. 162 ss. 37, 38 (4); 1983 a. 289.

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

**History:** 1995 a. 170.

**459.09 Renewal of license; fees; effect of failure to renew.** Each person who practices dealing in or fitting hearing aids shall, on or before the applicable renewal date specified under s. 440.08 (2) (a), pay to the department the applicable renewal fee specified under s. 440.08 (2) (a) and keep the certificate conspicuously posted in the person's office or place of business at all times. Where more than one office is operated by the licensee, duplicate certificates shall be issued by the department for posting in each location.

**History:** 1977 c. 29; 1991 a. 39.

**459.10 Disciplinary grounds.** (1) Subject to subch. II of ch. 111 and the rules adopted under s. 440.03 (1), the examining board may reprimand the licensee or permit holder or revoke, suspend, limit or deny the trainee permit or license, or any combination thereof, of any person who has done any of the following:

(a) Made any false statement or given any false information in connection with an application for a license or trainee permit or for renewal or reinstatement of a license or trainee permit.

(b) Been issued a license or trainee permit through error.

(c) Been adjudicated mentally incompetent by a court.

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

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

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

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

(h) Made a substantial misrepresentation in the course of practice which was relied upon by a client or patient.

(i) Failed to conduct a direct observation of the purchaser's ear canal.

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

(k) Engaged in unprofessional conduct. In this subsection, "unprofessional conduct" means the violation of any standard of professional behavior which through experience, state statute or

administrative rule has become established in the practice of fitting and dealing in hearing aids.

(L) Obtained or attempted to obtain compensation by fraud or deceit.

(m) Violated any order of the examining board.

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

(o) Permitted another person to use his or her license or trainee permit.

(p) Sold a hearing aid to a person who was not given tests using appropriate procedures and instrumentation or without proper measurement of the functional intensity and range of the person's hearing.

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

1. Refrains from engaging in unprofessional conduct.
2. Appears before the examining board or its officers or agents upon each request of the examining board.
3. Fully discloses to the examining board or its officers or agents the nature of the individual's practice and conduct.
4. Fully complies with the limits placed on his or her practice and conduct by the examining board.
5. Obtains any additional training, education or supervision required by the examining board.
6. Cooperates with all reasonable requests of the examining board.

(b) The examining board may, as a condition of removing a limitation on a license or trainee permit issued under this subchapter or of reinstating a license or trainee permit that has been suspended or revoked under this subchapter, require the license or permit holder to obtain minimum results specified by the examining board on one or more physical, mental or professional competency examinations if the examining board determines that obtaining the minimum results is related to correcting one or more of the bases upon which the limitation, suspension or revocation was imposed.

(c) The examining board may, as a condition of reinstating a license that has been suspended under this subchapter, require the license holder to pass the examination required for initial licensure under s. 459.06.

**History:** 1983 a. 229; 1989 a. 316.

**459.105 Injunction.** If it appears upon complaint to the examining board by any person or is known to the examining board that any person is practicing as a hearing instrument specialist without a license or trainee permit, the examining board, the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of this state against the person to enjoin the person from practice.

**History:** 1983 a. 229; 1989 a. 316.

**459.11 Testing equipment.** The examining board may, in addition to any other powers granted, purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for licenses.

**459.12 Rules. (1)** The examining board may make rules not inconsistent with the laws of this state which are necessary to carry out the intent of this subchapter.

(2) The examining board shall promulgate rules establishing the frequency of the calibrations, the standards for the calibrations and the standards for the certifications required by s. 459.085.

(3) The examining board shall by rule prescribe the number of trainees a licensee may supervise under s. 459.07.

**History:** 1989 a. 316; 1995 a. 170.

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

**History:** 1989 a. 316.

**459.14 Exemptions. (1)** This subchapter does not apply to a physician licensed by the medical examining board.

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

**History:** 1989 a. 316.

## SUBCHAPTER II

### LICENSURE OF SPEECH–LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

**459.20 Definitions.** In this subchapter:

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

(2) “Audiology” means applying principles, methods or procedures of prevention, identification, evaluation, consultation, intervention, instruction or research related to hearing, vestibular function, or any abnormal condition related to tinnitus, auditory sensitivity, acuity, function or processing, speech, language or other aberrant behavior resulting from hearing loss.

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

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

(4) “Speech–language pathologist” means an individual engaged in the practice of speech–language pathology.

(5) “Speech–language pathology” means applying principles, methods or procedures of prevention, identification, evaluation, consultation, intervention, instruction or research related to speech, language, cognition or swallowing or any abnormal condition involving speech, articulation, fluency, voice, verbal or written language, auditory comprehension, cognition or communication or oral, pharyngeal or laryngeal sensorimotor competencies.

**History:** 1989 a. 316.

**459.22 Applicability. (1)** This subchapter applies after June 30, 1993.

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

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

(b) Authorize an individual licensed under this subchapter to dispense or sell hearing aids without obtaining a hearing instrument specialist license under subch. I.

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

(d) Require an individual who engages in the practice of speech–language pathology or audiology as part of a supervised course of study, including an internship or clinical practicum, leading to a degree in speech–language pathology or audiology at a college or university to be licensed under this subchapter if the individual is designated by a title which clearly indicates status as a student or trainee.

(e) Require an employe of a speech–language pathologist or audiologist to be licensed under this subchapter to assist in the practice of speech–language pathology or audiology under the direct supervision of the speech–language pathologist or audiologist.

(f) Require an individual to be licensed under this subchapter to engage in the practice of speech–language pathology or audiology in a position for which the department of education requires licensure as a speech and language pathologist.

**NOTE:** Par. (f) is shown as amended eff. 1–1–96 by 1995 Wis. Act 27. The treatment by Act 27 was held unconstitutional and declared void by the Supreme Court in *Thompson v. Craney*, case no. 95–2168–OA. Prior to Act 27 it read:

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

**History:** 1989 a. 316; 1995 a. 27 s. 9145 (1).

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

**History:** 1989 a. 316.

**459.24 Licensure. (1) LICENSE REQUIRED.** Except as provided under s. 459.22, no person may do any of the following:

(a) Engage in the practice of speech–language pathology or use the title “speech–language pathologist” or any similar title unless the person holds a current speech–language pathologist license granted by the examining board.

(b) Engage in the practice of audiology or use the title “audiologist”, “clinical audiologist” or any similar title unless the person holds a current audiologist license granted by the examining board.

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

**(2) SPEECH–LANGUAGE PATHOLOGIST LICENSE.** The examining board shall grant a speech–language pathologist license to an individual who does all of the following:

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

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the examining board that he or she does not have a conviction record.

(d) Submits evidence satisfactory to the examining board that he or she has completed a supervised clinical practicum and received a master’s degree in speech–language pathology from a college or university approved by the examining board, or has completed education or training that the examining board determines is substantially equivalent to the completion of those requirements.

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

(f) Submits evidence satisfactory to the examining board that he or she has completed a postgraduate clinical fellowship in speech–language pathology approved by the examining board.

**(3) AUDIOLOGIST LICENSE.** The examining board shall grant an audiologist license to an individual who does all of the following:

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

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the examining board that he or she does not have a conviction record.

(d) Submits evidence satisfactory to the examining board that he or she has completed a supervised clinical practicum and received a master’s degree in audiology from a college or university approved by the examining board, or has completed education or training that the examining board determines is substantially equivalent to the completion of those requirements.

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

(f) Submits evidence satisfactory to the examining board that he or she has completed a postgraduate clinical fellowship in audiology approved by the examining board or has completed education or training that the examining board determines is substantially equivalent to the completion of such a fellowship.

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

**(5) EXPIRATION AND RENEWAL.** The renewal dates for licenses granted under this subchapter, other than temporary licenses granted under sub. (6), are specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee specified in s. 440.08 (2) (a).

**(6) TEMPORARY LICENSE.** (a) Upon application, the examining board may grant a temporary license to practice speech–language pathology during the completion of the postgraduate fellowship required under sub. (2) (f) if the applicant practices under the supervision of a speech–language pathologist licensed under sub. (2), satisfies the requirements under sub. (2) (a) to (d) and has submitted an application to take the next available examination for licensure as a speech–language pathologist under s. 459.26.

(b) Upon application, the examining board may grant a temporary license to practice audiology during the completion of the postgraduate fellowship required under sub. (3) (f) if the applicant practices under the supervision of an audiologist licensed under sub. (3), satisfies the requirements under sub. (3) (a) to (d) and has submitted an application to take the next available examination for licensure as an audiologist under s. 459.26.

(c) A temporary license granted under this subsection is valid for a period designated by the examining board, not to exceed 9 months, and may be renewed once by the examining board. An applicant for a temporary license shall pay the fee specified in s. 440.05 (6).

**History:** 1989 a. 316; 1993 a. 16, 66.

**459.26 Examination. (1)** The examining board shall conduct examinations for speech–language pathologist and audiologist licensure at least semiannually and at times and places determined by the examining board. The examining board shall provide public notice of each examination at least 60 days before the date of the examination.

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

**(3)** An individual is not eligible for examination unless he or she has satisfied the requirements for licensure under s. 459.24 (2) (a) to (d) or (3) (a) to (d) and, at least 30 days before the date of examination, submits an application for examination to the

department on a form provided by the department and pays the fee specified in s. 440.05 (1).

**History:** 1989 a. 316; 1991 a. 39.

**459.28 Licensees of other jurisdictions.** (1) 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) 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.

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

**459.32 Limited permit.** (1) Upon application, the examining board shall grant a permit to practice speech–language pathology in association with a speech–language pathologist licensed under s. 459.24 (2), or to practice audiology in association with an audiologist licensed under s. 459.24 (3), to an individual who is not a resident of this state if the individual submits evidence satisfactory to the examining board of having satisfied the requirements for licensure under s. 459.24 (2) (c) and (d) or (3) (c) and (d). The permit shall be valid for the period designated by the examining board, not to exceed 10 days in any calendar year.

(2) Upon application, the examining board shall grant a permit to practice speech–language pathology or audiology to an individual who is not a resident of this state if the individual holds a current speech–language pathologist or audiologist license in another state or territory of the United States and the examining board determines that the requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24 (2) or (3). The permit shall be valid for the period designated by the examining board, not to exceed 45 days in any calendar year.

(3) An applicant for a limited permit under sub. (1) or (2) shall pay the fee specified in s. 440.05 (6).

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

**459.34 Disciplinary proceedings and actions.** (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the examining board may reprimand a licensee or permittee or deny, limit, suspend or revoke a license or permit under this subchapter if it finds that the applicant, licensee or permittee has done any of the following:

(a) Made a material misstatement in an application for a license or permit or for renewal of a license.

(b) Engaged in conduct in the practice of speech–language pathology or audiology which evidences a lack of knowledge or ability to apply professional principles or skills.

(c) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of speech–language pathology or audiology.

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

(e) Advertised, practiced or attempted to practice under another's name.

(f) Subject to ss. 111.321, 111.322 and 111.34, practiced speech–language pathology or audiology while the individual's ability to practice was impaired by alcohol or other drugs.

(g) Violated this subchapter or any rule promulgated under this subchapter.

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

1. Refrains from engaging in unprofessional conduct.

2. Appears before the examining board or its officers or agents upon each request of the examining board.

3. Fully discloses to the examining board or its officers or agents the nature of the individual's practice and conduct.

4. Fully complies with the limits placed on his or her practice and conduct by the examining board.

5. Obtains any additional training, education or supervision required by the examining board.

6. Cooperates with all reasonable requests of the examining board.

(b) The examining board may, as a condition of removing a limitation on a license or limited permit issued under this subchapter or of reinstating a license or limited permit that has been suspended or revoked under this subchapter, require the license or permit holder to obtain minimum results specified by the examining board on one or more physical, mental or professional competency examinations if the examining board determines that obtaining the minimum results is related to correcting one or more of the bases upon which the limitation, suspension or revocation was imposed.

(c) The examining board may, as a condition of reinstating a license that has been suspended under this subchapter, require the license holder to pass the examination required for initial licensure under s. 459.26.

(3) In addition to or in lieu of a reprimand or denial, limitation, suspension or revocation of a license or permit under sub. (2), the examining board may assess against an applicant, licensee or permittee a forfeiture of not less than \$100 nor more than \$2,500 for each violation enumerated under sub. (2).

**History:** 1989 a. 316.

### SUBCHAPTER III

#### REGISTRATION OF SPEECH–LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

**459.40 Definitions.** In this subchapter:

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

(2) “Audiology” means applying principles, methods or procedures of prevention, identification, evaluation, consultation, intervention, instruction or research related to hearing, vestibular function, or any abnormal condition related to tinnitus, auditory sensitivity, acuity, function or processing, speech, language or other aberrant behavior resulting from hearing loss.

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

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

(4) “Speech–language pathologist” means an individual engaged in the practice of speech–language pathology.

(5) “Speech–language pathology” means applying principles, methods or procedures of prevention, identification, evaluation, consultation, intervention, instruction or research related to speech, language, cognition or swallowing or any abnormal condition involving speech, articulation, fluency, voice, verbal or

written language, auditory comprehension, cognition or communication or oral, pharyngeal or laryngeal sensorimotor competencies.

**History:** 1989 a. 316.

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

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

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

(b) Authorize an individual registered under this subchapter to dispense or sell hearing aids without obtaining a hearing instrument specialist license under subch. I.

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

(d) Require an individual who engages in the practice of speech–language pathology or audiology as part of a supervised course of study, including an internship or clinical practicum, leading to a degree in speech–language pathology or audiology at a college or university to be registered under this subchapter if the individual is designated by a title which clearly indicates status as a student or trainee.

(e) Require an employe of a speech–language pathologist or audiologist to be registered under this subchapter to assist in the practice of speech–language pathology or audiology under the direct supervision of the speech–language pathologist or audiologist.

(f) Require an individual to be registered under this subchapter to engage in the practice of speech–language pathology or audiology in a position for which the department of education requires licensure as a speech and language pathologist.

**NOTE:** Par. (f) is shown as amended eff. 1–1–96 by 1995 Wis. Act 27. The treatment by Act 27 was held unconstitutional and declared void by the Supreme Court in *Thompson v. Craney*, case no. 95–2168–OA. Prior to Act 27 it read:

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

**History:** 1989 a. 316; 1995 a. 27 s. 9145 (1).

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

**History:** 1989 a. 316.

**459.46 Registration. (1)** REGISTRATION REQUIRED. No person may do any of the following:

(a) Engage in the practice of speech–language pathology or use the title “speech–language pathologist” or any similar title unless the person is registered as a speech–language pathologist under this section.

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

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

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

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

(b) Pays a \$50 registration fee.

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the examining board that he or she does not have a conviction record.

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

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

**(5) DISCIPLINARY PROCEEDINGS AND ACTIONS.** (a) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings to determine whether a violation of this section or any rule promulgated under this section has occurred.

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

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

2. Engaged in conduct in the practice of speech–language pathology or audiology which evidences a lack of knowledge or ability to apply professional principles or skills.

3. Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of speech–language pathology or audiology.

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

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

6. Subject to ss. 111.321, 111.322 and 111.34, practiced speech–language pathology or audiology while the individual’s ability to practice was impaired by alcohol or other drugs.

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

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

**History:** 1989 a. 316.