

CR 92-187

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STATE OF WISCONSIN

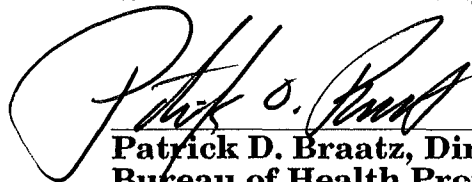
DEPARTMENT OF REGULATION AND LICENSING

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Patrick D. Braatz, Director, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Hearing and Speech Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Hearing and Speech Examining Board on the 6th day of April, 1993.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 6th day of April, 1993.



**Patrick D. Braatz, Director
Bureau of Health Professions
Department of Regulation and
Licensing**

6-1-93

STATE OF WISCONSIN
HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : HEARING AND SPEECH EXAMINING BOARD
HEARING AND SPEECH EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 92-187)

ORDER

An order of the Hearing and Speech Examining Board to repeal and recreate Chapter HAS 6 of the administrative code relating to the licensure of speech-language pathologists and audiologists.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 459.23, Stats.

Statutes interpreted: ss. 459.20, 459.22, 459.24, 459.26, 459.28, 459.32 and 459.34, Stats.

In this proposed rule-making order the Hearing and Speech Examining Board repeals the rules relating to registration of speech-language pathologists and audiologists and recreates rules relating to the licensure of speech-language pathologists and audiologists. These proposed rules are the final phase of the changes made in the law by 1989 Wisconsin Act 316 which repealed the Hearing Aid Dealers and Fitters Examining Board and created the Hearing and Speech Examining Board and requires the licensure of speech-language pathologists and audiologists by June 30, 1993.

These proposed rules outline the application process to be used; the examinations that will be required; and the discipline that may be taken by the board.

Section HAS 6.01 sets forth the statutory authority for the proposed rules. Section HAS 6.02 defines the applicable terms used in the practice. Section HAS 6.03 specifically outlines the application process to be used for speech-language pathology. Section HAS 6.04 specifically outlines the application process to be used for audiology.

Section HAS 6.05 sets forth the examinations that will be used and are required for licensure.

Section HAS 6.06 sets forth the requirements for the issuance of a temporary license. Section HAS 6.07 sets forth the requirements for a reciprocal license. Section HAS 6.08 sets forth the requirements for a limited permit.

Section HAS 6.09 sets forth the reasons the board may reprimand a licensee, or deny, limit, suspend or revoke a license.

TEXT OF RULE

SECTION 1. Chapter HAS 6 is repealed and recreated to read:

CHAPTER HAS 6 (title)

LICENSURE OF SPEECH-LANGUAGE PATHOLOGISTS
AND AUDIOLOGISTS

HAS 6.01	Authority and Purpose	HAS 6.05	Examinations
HAS 6.02	Definitions	HAS 6.06	Temporary License
HAS 6.03	Applications for Licensure; Speech-Language Pathologist	HAS 6.07	Limited Permit
HAS 6.04	Applications for Licensure; Audiologist	HAS 6.08	Reciprocal License
		HAS 6.09	Grounds for Discipline

HAS 6.01 AUTHORITY AND PURPOSE. The rules in this chapter are adopted by the hearing and speech examining board under the authority of ss. 227.11 (2) and 459.24 to 459.34, Stats., to govern the licensure of speech-language pathologists and audiologists.

HAS 6.02 DEFINITIONS. In this chapter:

- (1) "ASHA" means the American speech-language hearing association.
- (2) "Audiologist" has the meaning given in s. 459.40 (1), Stats.
- (3) "Audiology" has the meaning given in s. 459.40 (2), Stats.
- (4) "Board" means the hearing and speech examining board.
- (5) "NESPA" means the national examination for speech-language pathology and audiology.
- (6) "Postgraduate clinical fellowship" means a program approved by the board consisting of a minimum of 9 months of supervised clinical practice in speech-language pathology or audiology provided in the work setting to which an applicant is seeking licensure.
- (7) "Speech-language pathologist" has the meaning given in s. 459.40 (4), Stats.
- (8) "Speech-language pathology" has the meaning given in s. 459.40 (5), Stats.
- (9) "Supervised clinical practicum" means a program required by a college or university for completion of a master's degree which consists of supervised applications of speech-language pathology or audiology.

HAS 6.03 APPLICATIONS FOR LICENSURE; SPEECH-LANGUAGE PATHOLOGIST. Every applicant for licensure as a speech-language pathologist shall submit:

- (1) An application on a form provided by the board.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

- (2) The fee specified in s. 440.05 (1), Stats.
- (3) A recent passport-type photograph of the applicant.
- (4) Subject to ss. 111.321, 111.322 and 111.335, Stats., evidence satisfactory to the board that the applicant does not have a conviction record.
- (5) Evidence satisfactory to the board that the applicant:
 - (a) Has completed a supervised clinical practicum and received a master's degree in speech-language pathology from a college or university approved by the board; or
 - (b) Has completed education or training that the board determines is substantially equivalent to the requirements under sub. (a).
- (6) Written verification that the applicant has passed the NESPA examination required under s. HAS 6.05.
- (7) Evidence satisfactory to the board that the applicant has completed a postgraduate clinical fellowship in speech-language pathology approved by the board.

HAS 6.04 APPLICATIONS FOR LICENSURE; AUDIOLOGIST. Every applicant for licensure as an audiologist shall submit:

- (1) An application on a form provided by the board.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

- (2) The fee specified in s. 440.05 (1), Stats.
- (3) A recent passport-type photograph of the applicant.
- (4) Subject to ss. 111.321, 111.322 and 111.335, Stats., evidence satisfactory to the board that the applicant does not have a conviction record.
- (5) Evidence satisfactory to the board that the applicant:
 - (a) Has completed a supervised clinical practicum and received a master's degree in audiology from a college or university approved by the board; or
 - (b) Has completed education or training that the board determines is substantially equivalent to the requirements for licensure under sub. (a).
- (6) Written verification that the applicant has passed the NESPA examination required under s. HAS 6.05 or verification of clinical competence directly from ASHA.
- (7) Evidence satisfactory to the board that the applicant has completed a postgraduate clinical fellowship in audiology approved by the board or has completed education or training that the board has determined is substantially equivalent to the completion of such a fellowship.

HAS 6.05 EXAMINATIONS. An applicant for licensure as a speech-language pathologist shall pass the NESPA examination required by ASHA for certification. An applicant for licensure as an audiologist shall pass the NESPA examination required by ASHA for certification or submit written verification of clinical competence from ASHA as appropriate.

HAS 6.06 TEMPORARY LICENSE. (1) An individual applying for a temporary license under s. 459.24 (6), Stats., to practice speech-language pathology or audiology shall submit all of the following:

(a) An application on a form provided by the board.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) The fee specified in s. 440.05 (1), Stats.

(c) Subject to ss. 111.321, 111.322 and 111.335, Stats., submit evidence satisfactory to the board that the applicant does not have a conviction record.

(d) Evidence satisfactory to the board that the applicant:

1. Has completed a supervised clinical practicum and received a master's degree in speech-language pathology or audiology, as appropriate, from a college or university approved by the board; or

2. Has completed education or training that the board determines is substantially equivalent to the completion of the requirements under subd. 1.

(2) Practice during the period of temporary licensure shall be in consultation, at least monthly, with a speech-language pathologist or audiologist who shall once a month provide written approval in the patient files of the clinical services provided.

(3) A temporary license may be issued for a period not to exceed 9 months and may be renewed once, at the discretion of the board.

(4) The application and required documents for a temporary license will be reviewed by 2 members of the board to determine eligibility. The board may issue a temporary license prior to regular licensure to an applicant who meets the requirements under sub. (2).

HAS 6.07 RECIPROCAL LICENSE. (1) An applicant seeking licensure on the basis of a license in another jurisdiction shall do the following:

(a) Submit an application on a form provided by the board.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) Pay the fee specified in s. 440.05 (2), Stats.

(c) Submit evidence to the board that the applicant holds a speech-language pathologist license or an audiologist license in another state or jurisdiction of the United States.

(2) In determining whether to grant a reciprocal license, the board shall determine whether the requirements for licensure in the other state or jurisdiction are substantially equivalent to the requirements for licensure under s. 459.24 (2) or (3), Stats.

HAS 6.08 LIMITED PERMIT. (1) A nonresident applicant applying for a limited permit under s. 459.32 (1), Stats., to practice speech-language pathology or audiology in association with a speech-language pathologist or audiologist licensed in this state shall submit all of the following:

(a) An application on a form provided by the board.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) The fee specified in s. 440.05 (2), Stats.

(c) Evidence satisfactory to the board that the applicant has satisfied the requirements for licensure under ss. HAS 6.03 or 6.04.

(2) A nonresident applicant applying for a limited permit under s. 459.32 (2), Stats., to practice speech-language pathology or audiology shall submit all of the following:

(a) An application on a form provided by the board.

Note: Application forms are available upon request to the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) The fee specified in s. 440.05 (2), Stats.

(c) Evidence satisfactory to the board that the applicant holds a speech-language pathologist license or audiologist license in another state or jurisdiction of the United States.

(3) A license granted to an applicant applying under sub. (1) shall be valid for a period not to exceed 10 days in any calendar year. A license granted to an applicant applying under sub. (2) shall be valid for a period not to exceed 45 days in any calendar year. In determining whether to grant a license under sub. (2), the board shall determine whether the requirements for licensure in the other state or jurisdiction is substantially equivalent to the requirements for licensure under ss. HAS 6.03 or 6.04.

HAS 6.09 GROUNDS FOR DISCIPLINE. (1) The board may reprimand a licensee or permittee, or deny, limit, suspend or revoke a license or permit, 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, Stats., 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, Stats., practiced speech-language pathology or audiology while the person's ability to practice was impaired by alcohol or other drugs.

(g) Violated ss. 459.20 to 459.34, Stats., this chapter, or s. HAS 6.

(2) In this section, "conduct in the practice of speech-language pathology or audiology which evidences a lack of knowledge or ability to apply professional principles or skills" includes:

(a) Subject to ss. 111.321, 111.322 and 111.34, Stats., practicing or attempting to practice speech-language pathology or audiology while the person's ability to practice is impaired by a mental or emotional disorder.

(b) Using the titles speech-language pathologist or clinical audiologist or any designation tending to imply that the person is licensed when the person is not a licensee or the person's license has been suspended or revoked.

(c) Violating the conditions or limitations placed upon a license at the time of licensure.

(d) Engaging in conduct likely to deceive, defraud, or harm an individual or the public in the course of the practice of speech-language pathology or audiology.

(e) Having a license, certificate, permit or registration issued by another jurisdiction to practice as a speech-language pathologist or audiologist limited, suspended or revoked.

(f) Aiding or abetting an unlicensed person, knowingly conspiring with an unlicensed person, or allowing one's license to be used by an unlicensed person to evade the use of title restrictions under s. 459.24 (1m), Stats.

(g) Engaging in sexual intimacies in connection with the practice of speech-language pathology or audiology.

(h) Failing to make referrals of patients to other health care professionals.

(i) Failing to use other available resources to ensure that the highest quality service is provided.

(j) Failing to fully inform persons served of the nature and possible adverse effects of services rendered and products dispensed.

(k) Failing to evaluate the effectiveness of services rendered and products dispensed.

(l) Providing services or dispensing products when benefits cannot reasonably be expected.

(m) Guaranteeing the results of any treatment or procedure, directly or by implication, except that a reasonable statement of prognosis may be made.

(n) Evaluating or treating speech, language, or hearing disorders except in a professional relationship.

(o) Evaluating or treating solely by correspondence.

(p) Failing to maintain adequate records of professional services rendered and products dispensed for a period of 5 years and failing to provide access to those records when requested by the board or its representative under s. HAS 5.02 (1) and (2) (d).

(q) Misrepresenting diagnostic information, services rendered, or products dispensed or engaging in any scheme to defraud in connection with obtaining reimbursement.

(r) Using persons in research or as the subject of a teaching demonstration without obtaining their informed consent.

(s) Failing to practice speech-language pathology or audiology within the scope of the licensee's competence, education, training and experience.

(t) Delegating the provisions of clinical services to unlicensed persons for whom the licensee does not provide direct supervision and assume full responsibility. In this paragraph, "direct supervision" means providing direct observation of the clinical services rendered by an employee to a patient during the first 10 hours following the employee's training, and providing on-site observation and evaluation of clinical care provided by the employee to each patient during the first session following the assessment, and thereafter, a minimum of one out of every 10 sessions or one session each month including the final session, whichever is sooner.

(u) Knowingly permitting any professional staff person to provide clinical services that exceed that staff person's competence, education, training and experience.

(v) Failing to assign credit to persons who have contributed to clinical services, a publication, presentation or product in proportion to their contribution.

(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.), Stats.

Dated: April 6, 1993

Agency Meredy Hase
Chairperson
Hearing and Speech Examining Board

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: April 6, 1993

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela Haack, Administrative Assistant
Department of Regulation and Licensing

SUBJECT: Final Rulemaking Order

Agency: HEARING AND SPEECH EXAMINING BOARD

Clearinghouse Rule: 92-187

Attached is a copy and a certified copy of a final order adopting rules.
Would you please publish these rules in the code.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.