

Clearinghouse Rule 15-096

STATE OF WISCONSIN
HEARING AND SPEECH EXAMINING BOARD

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

PROPOSED ORDER

An order of the Hearing and Speech Examining Board to repeal HAS 6.04 (b) 2, 6.04 (7), 6.05, 6.09 (3), 6.11 and 7.05; to consolidate, renumber and amend HAS 6.04 (6) (b) (intro) and 1; to amend HAS 6.03 (6) (intro) and (a), 6.04 (5), 6.04 (6) (intro) and (a) and 7.04; to repeal and recreate HAS 6.07, 6.08, 6.10 and 7.03; and to create HAS 7.06 relating to licensure of speech-language pathologists, audiologists and temporary licenses and requirements for renewal and reinstatement of credentials granted by the hearing and speech examining board.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 459.09, 459.24 (2), (3), (5), and (6), 459.28, 459.32 and 459.34 (b), Stats.

Statutory authority: ss. 15.08 (5) (b), 459.12 (1), and 459.24 (6) (c), Stats.

Explanation of agency authority:

Each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession. s. 15.08 (5)(b)

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

A temporary license granted under this subsection is valid for a period designated in rules promulgated by the examining board. The rules may designate a period that terminates if an applicant fails to take the next available examination under s. 459.26 (2) (a) or (b) for reasons other than inaction by the examining board or hardship. s. 459.24 (6) (c).

Related statute or rule:

Plain language analysis:

Section 1 repeals definitions no longer used in the rule.

Section 2 amends the definition of “postgraduate clinical fellowship” to not include audiology.

Section 3 clarifies the sentence and references the updated degree requirements.

Section 4 amends the examination required for speech-language pathologist applicants from the National Examination for Speech-language Pathology and Audiology (NESPA) to the Praxis Speech Language Pathology examination.

Section 5 amends the supervised clinical practicum and doctoral degree to align with the statutory change resulting from 2009 Act 356.

Section 6 amends the examination required for audiologist applicants from the National Examination for Speech-language Pathology and Audiology (NESPA) to the Praxis Audiology examination.

Section 7 and 8 changes the examination to the Praxis Audiology examination and eliminates the doctoral options as being equivalent education to the exam. 2009 Act 356 changed the educational requirement from a master’s degree to a doctoral degree, therefore, the higher degree is no longer a replacement for the examination.

Section 9 eliminates the postgraduate clinical fellowship in audiology as that requirement was removed in 2009 Act 356.

Section 10 repeals HAS 6.05 due to redundancy. The previous sections address the required examinations as part of the application process.

Section 11 repeals and recreates the reciprocal license section. A speech-language pathologist holding an active license in good standing in another state is granted a Wisconsin license if the requirements for licensure are substantially equivalent to the Wisconsin requirements. An audiologist holding an active license in good standing in another state is granted a Wisconsin license if the requirements are substantially equivalent to the Wisconsin requirements or the applicant holds a master’s degree and completed a supervised clinical practicum.

Section 12 repeals and recreates the limited permit section to clarify the requirements and align the requirements with the statute. A non-resident applicant meeting the Wisconsin education requirements who does not have an arrest or conviction record related to the practice may obtain a limited permit to practice in association with a licensed speech-language pathologist or licensed audiologist up to 10 days in a calendar year. A non-resident applicant who holds a license as a speech-language pathologist or audiologist in another state which has licensure requirements substantially equal to Wisconsin’s licensure requirements may obtain a limited permit for a period of 45 days in a calendar year.

Section 13 repeals the definition of temporary license as the definition is incorrect and not necessary.

Section 14 repeals and recreates the section on temporary licenses in order to clarify and align with statutes. An applicant for a speech-language pathology temporary license shall file an application, pay the fee, provide evidence of not having an arrest or conviction record related to the practice of speech-language pathology, evidence of having completed a master's degree in speech-language pathology and be registered to take the next available examination. The temporary license is valid for 18 months and may be renewed once by the board. While practicing under a speech-language pathology license, the person shall be supervised and the supervisor shall approve of the services provided in the client files. An applicant for a temporary license to practice audiology shall file an application, fee, provide evidence of not having an arrest or conviction record related to the practice of audiology, evidence of having completed a doctoral degree and has passed the Praxis Audiology examination. The temporary license is valid for 6 months and may be renewed once to allow time for the applicant to take the next available practical examination if the applicant fails the practical exam and signs up for the next exam or can show hardship.

Section 15 repeals the section on supervision as it is now addressed in the new recreated HAS 6.10.

Section 16 repeals and recreates the section on renewal of license. A licensee renewing within 5 years pays the fee, any applicable late renewal fee and certifies completion of continuing education. After 5 years the license may be renewed by paying the fee, the late fee, and if the person is not holding an active license in another state, completes and passes the written examination required for initial licensure.

Section 17 removes the reference to HAS 7.05.

Section 18 repeals the section on late renewal as it now addressed in the new HAS 7.03.

Section 19 creates a section on reinstatement of a license. A person who has not renewed their license within 5 years and has not completed disciplinary requirements or a person whose license was surrendered or revoked may apply to have that license restored by completion of any unmet disciplinary requirements and provide evidence of rehabilitation or change in circumstances warranting a reinstatement of the license. In addition, if the license has not been active within the previous 5 years, the person would have to meet the requirements for renewing a license after 5 years.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Speech-language pathology applicants are required to complete a master's degree, pass the Praxis Speech-Language Pathology examination and complete 9 months of supervised

experience. Audiology applicants are required to complete a doctoral degree, pass the Praxis Audiology examination and complete 9 months of supervised experience. A speech-language pathologist shall obtain a temporary license upon complete of education and exam in order to complete the supervised professional experience. In order to renew a credential, a license holder must pay fee and submit proof of continuing education. Renewal after 5 years requires evidence of holding a license in another state or successful completion of the initial credentialing examination within 1 year of the renewal.

Iowa: Speech-language pathology applicants are required to complete a master's degree in speech pathology which includes a supervised clinical training, pass the Praxis Speech-Language Pathology examination and 9 months of supervised clinical experience. American Speech-Language Hearing Association certificate of clinical competence is proof of meeting the requirements. Audiology applications are required to complete a master's or doctoral degree in audiology which includes a supervised clinical training, pass the Praxis Audiology examination and 9 months of supervised clinical experience. American Speech-Language Hearing Association certificate of clinical competence is proof of meeting the requirements. A temporary license is required for speech-language pathology and audiology applicants to complete their supervised clinical training. A non-resident may obtain a temporary permit to practice speech pathology or audiology by demonstrating the applicant meets the same standards as Iowa and documenting the need for a permit. The temporary permit is for a period to not exceed 3 months. In order to renew a credential, a license holder must pay fee and submit proof of continuing education. Renewal after 5 years requires verification of licensure in another state or completion of 60 hours of continuing education and passage of the initial credentialing exam.

Michigan: Speech-language pathology applicants are required to complete a master's degree in speech pathology which includes a supervised clinical training, pass the Praxis Speech-Language Pathology examination and 1,260 hours of supervised clinical experience. Audiology applicants are required to complete a master's or doctoral degree in audiology, Praxis Audiology exam and complete 9 months of supervised clinical experience. In order to renew a credential, a license holder must pay fee and submit proof of continuing education. Renewal after 3 years requires proof of licensure in another state or passage of the initial credentialing exam within the last 2 years.

Minnesota: Speech-language pathology applicants are required to complete a master's degree in speech pathology which includes a supervised clinical training, and pass the national examination. Audiology applicants are required to complete a master's or doctoral degree in audiology, which includes a supervised clinical training and pass the national examination. Temporary license may be obtained by a person who is credentialed in another state or territory or has a current certificate of clinical competence issued by American Speech-Language Hearing Association and is valid for 90 days. In order to renew a credential, a license holder must pay fee and submit proof of continuing education.

Summary of factual data and analytical methodologies:

The Board reviewed and updated the chapters to bring them into compliance with 09 Act 356, 13 Act 114 and current practices.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before the public hearing to be held on January 11, 2016 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. HAS 6.02 (1m) and (5) are repealed.

SECTION 2. HAS 6.02 (6) is amended to read:

HAS 6.02 (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.

SECTION 3. HAS 6.02 (9) is amended to read:

HAS 6.02 (9) "Supervised clinical practicum" means a program required by a college or university for completion of a master's degree ~~that consists of supervised applications of~~ in speech-language pathology or a doctoral degree in audiology.

SECTION 4. HAS 6.03 (6) (intro) and (a) are amended to read:

HAS 6.03 (6) ~~Written verification~~ Verification forwarded directly to the board by the NESPA examination administrator, ASHA, course providers or trainers, as appropriate, stating that the applicant has satisfied one of the following:

(a) Passed the NESPA Praxis Speech-Language Pathologist examination ~~required under s. HAS 6.05.~~

SECTION 5. HAS 6.04 (5) is amended to read:

HAS 6.04 (5) Evidence satisfactory to the board that the applicant has completed a supervised clinical practicum and satisfied one of the following:

(a) ~~Completed a supervised clinical practicum and received a master's~~ Possesses a doctoral degree in audiology from a college or university in an accredited academic program. The doctoral degree program shall consist of not less than 3 years of educational course work and not less than 12 months of clinical rotation or externship.

(b) ~~Completed~~ Evidence satisfactory to the examining board that the applicant has completed education or training that the board determines is substantially equivalent to the requirements for licensure requirement under par. (a). that may include evidence that the applicant has been granted an Au.D. degree from a college or university approved by the board.

SECTION 6. HAS 6.04 (6) (intro) and (a) is amended to read:

HAS 6.04 (6) ~~Written verification~~ Verification forwarded directly to the board by the NESPA examination administrator, ASHA, course providers or trainers, as appropriate, stating that the applicant has satisfied one of the following:

(a) Passed the NESPA Praxis Audiology examination ~~required under s. HAS 6.05.~~

SECTION 7. HAS 6.04 (6) (b) (intro) and 1. are consolidated, renumbered 6.04 (b) and amended to read:

HAS 6.04 (b) Completed education or training that the board determines is substantially equivalent to passing the NESPA Praxis Audiology examination, ~~that may include evidence satisfactory to the board that the applicant has received one of the following:~~ A certificate of clinical competence in audiology granted by ASHA is considered equivalent.

SECTION 8. HAS 6.04 (b) 2. is repealed.

SECTION 9. HAS 6.04 (7) is repealed.

SECTION 10. HAS 6.05 is repealed.

SECTION 11. HAS 6.07 is repealed and recreated to read:

HAS 6.07 Reciprocal license (1) SPEECH-LANGUAGE PATHOLOGY. The Board shall grant a license to practice speech-language pathology to an applicant who pays the fee required by 440.05 (2), Stats., and provides evidence of all the following:

(a) The applicant has a current license to practice speech-language pathology in good standing in another state or territory of the United States.

(b) The requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24(2).

(2) **AUDIOLOGY.** The Board shall grant a license to practice audiology to an applicant who pays the fee required by 440.05(2), Stats., and provides evidence of one of the following:

(a) The applicant has a current license to practice audiology in good standing in another state or territory of the United States and the requirements for licensure in the other state or territory are substantially equivalent to the requirements under s. 459.24(3).

(b) The applicant has a current license to practice audiology in good standing in another state or territory of the United States and provides evidence of all the following:

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

2. The applicant 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.

(3) **RECIPROCAL AGREEMENTS.** A license to practice speech-language pathology or audiology may be granted to applicants according to the terms of a reciprocal agreement the Board has entered into with another state or territory.

SECTION 12. HAS 6.08 is repealed and recreated to read:

HAS 6.08 Limited permit (1) A non-resident applicant for a limited permit to practice in association with a licensed speech-language pathologist or licensed audiologist for a period not to exceed 10 days in any calendar year shall submit the application, pay the fee specified in 440.05(6), Stats., and provide evidence of all of the following:

(a) The applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.

(b) Completion of one of the following:

1. The requirements in HAS 6.03(5) for the practice of speech-language pathology.

2. The requirements in HAS 6.04(5) for the practice of audiology.

(2) A non-resident applicant for a limited permit to practice speech-language pathology or audiology, who holds a current speech-language pathologist or audiologist license in another state or territory of the United States which has requirements determined by the board to be substantially equivalent to the requirements under s. 459.024 (2) or (3), shall submit the application, pay the fee specified in 440.05(6) and provide evidence the applicant holds a current license in good standing. The limited permit shall be valid for a period not to exceed 45 days in any calendar year.

SECTION 13. HAS 6.09 (3) is repealed.

SECTION 14. HAS 6.10 is repealed and recreated to read:

HAS 6.10 Temporary Licenses (1) SPEECH-LANGUAGE PATHOLOGY. (a) Before commencing a postgraduate clinical fellowship in speech-language pathology an applicant shall obtain a temporary license to practice under the supervision of a licensed speech-language pathologist by submitting all the following:

1. An application and fee specified in s. 440.05(6).
2. Evidence the applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.
3. Evidence the applicant has completed one of the following:
 - a. A supervised clinical practicum and received a master's degree in speech-language pathology from a college or university approved by the board,
 - b. Education or training that the board determines is substantially equivalent to the completion of the supervised clinical practicum and master's degree in speech-language pathology.
4. Evidence of the applicant is registered to take the next available Praxis Speech-Language Pathology examination or has passed the Praxis Speech-Language Pathology examination.

(b) A temporary license to practice speech-language pathology is valid for 18 months. A temporary license may be renewed once by the board.

(c) Notwithstanding par. (b), a temporary license to practice speech-language pathology shall terminate in 90 days if an applicant fails to take the next available examination for reasons other than inaction by the examining board or hardship.

(d) A person holding a temporary license to practice speech-language pathology shall be supervised face-to-face, at least monthly, by a licensed speech-language pathologist. The person holding the temporary license shall have the supervisor, once a month, provide written approval in the client files of the clinical services provided.

(2) AUDIOLOGY. (a) A temporary license to practice audiologist may be granted by submitting of all of the following:

1. An application and fee specified in s. 440.05(6).
2. Evidence the applicant does not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.
3. Evidence the applicant has completed a supervised clinical practicum and one of the following:
 - a. Possesses a doctoral degree in audiology from an accredited academic institution approved by the board. The doctoral degree program shall consist of not less than 3 years of educational course work and not less than 12 months of clinical rotation or externship.
 - b. Education or training that the board determines is substantially equivalent to the completion of the requirement under subd. 3.a.
4. Evidence the applicant has passed the Praxis Audiologist examination.

(b) A temporary license to practice audiology is valid for 6 months. A temporary license may be renewed once by the board, for a time period to allow the applicant time to take the next available examination and receive the results of the examination, if one of the following occurs:

1. The applicant fails the practical exam required under s. 459.26(2)(b) and applies to take the next available examination.

2. The applicant shows to the satisfaction of the examining board sufficient cause for the renewal.

SECTION 15. HAS 6.11 is repealed.

SECTION 16. HAS 7.03 is repealed and recreated to read:

HAS 7.03 Renewal of License. (1) EXPIRED LICENSE. A person who fails to renew a license holds an expired license and may not reapply for the license using the initial application process.

(2) RENEWAL WITHIN 5 YEARS. A hearing instrument specialist license, speech-language pathologist or audiologist license shall be renewed by paying the renewal fee determined by the department under s. 440.03(9)(a), Stats., any applicable late renewal fee and certification of the continuing education required under HAS 8.03.

(3) RENEWAL AFTER 5 YEARS. This subsection does not apply to license holders who have unmet disciplinary requirements or whose license has been surrendered or revoked. A license may be renewed after 5 years by complying with all of the following:

(a) Payment of the renewal fee determined under s. 440.03(9)(a) and the late renewal fee.

(b) Evidence of one of the following:

1. Holding an active license in good standing in another state.
2. If hearing instrument specialist renewal, passed the examination required under HAS 3.02 within the previous 12 months of application for renewal.
3. If speech-language pathologist renewal, passed the Praxis Speech-Language Pathologist exam within the previous 12 months of application for renewal.
4. If audiologist renewal, passed the Praxis Audiologist exam within the previous 12 months of application for renewal.

SECTION 17. HAS 7.04 is amended to read:

HAS 7.04 Failure to renew. A licensee who fails to renew a license by the applicable renewal date shall not practice as a hearing instrument specialist, speech-language pathologist or audiologist ~~until the license is restored under s. HAS 7.05.~~

SECTION 18. HAS 7.05 is repealed.

SECTION 19. HAS 7.06 is created to read:

HAS 7.06 Reinstatement. A license holder who has unmet disciplinary requirements and failed to renew the certificate of registration within 5 years or whose license has been surrendered or revoked may apply to have the license reinstated in accordance with all of the following:

(1) Evidence of completion of the requirements in HAS 7.03 (3) if the license has not been active within 5 years.

(2) Evidence of completion of the disciplinary requirements, if applicable.

(3) Evidence of rehabilitation or change in circumstances, warranting reinstatement.

SECTION 20. EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)
