

Clearinghouse Rule 24-062

STATE OF WISCONSIN
HEARING AND SPEECH EXAMINING BOARD

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

PROPOSED ORDER

An order of the Hearing and Speech Examining Board to amend HAS 6.01, 6.10 (1) (a) (intro.), 6.16, 6.18 (1) (intro.) and (a), (2) (b), (c), (e), (f), (o), (p)1., (s), (t) and (u), and (3) (intro), and create HAS 6.02 (4m), (4v), and 6.05, relating to implementation of the audiology and speech-language pathology interstate compact.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: subch. III ch. 459, Stats.

Statutory authority: ss. 15.08 (5) (b), 459.12 (1), 459.26 (2) (am) , and 459.28 (2), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats. states that “[t]he 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.”

Section 459.12 (1), Stats.: “The examining board may make rules not inconsistent with the laws of this state which are necessary to carry out the intent of this chapter.”

Section 459.26 (2) (am), Stats.: “The examining board shall by rule select and approve examinations for audiology.”

Section 459.28 (2), Stats.: “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.”

Related statute or rule: 2023 Wisconsin Act 56

Plain language analysis: The Hearing and Speech Examining Board conducted a review of HAS 6 to 8 to implement the audiology and speech-language pathology interstate

compact to ensure clarity and consistency with Wisconsin Statutes. The following updates were made as a result of this review:

- Section HAS 6.01 was updated to include compact privilege holders
- A definition for “compact privilege” was added to HAS 6.02
- A definition for “home state” was added to HAS 6.02
- Section HAS 6.05 was created to address the requirements for applying for compact privileges
- Section HAS 6.10 (1) (a) was revised to include a supervisor with compact privileges
- Section HAS 6.16 was updated to include compact privilege holders
- Various subsections of HAS 6.18 were updated to include compact privilege holders

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

Comparison with rules in adjacent states:

Illinois: Illinois has pending legislation regarding the Audiology and Speech-language Pathology Interstate Compact [2023 Illinois House Bill 3264].

Iowa: Iowa is a member state of the Audiology and Speech-language Pathology interstate compact [Iowa Code Title IV Chapter 147F].

Michigan: Michigan has not enacted the Audiology and Speech-language Pathology Interstate Compact [Michigan Compiled Laws Act 368 Part 176 Section 333.17601-333.17613].

Minnesota: Minnesota has pending legislation regarding the Audiology and Speech-language Pathology Interstate Compact [2023 House Bill HF2378 and Senate Bill SF2656].

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing 2023 Wisconsin Act 56, which ratifies the Audiology and Speech-language Pathology Interstate Compact, and conducting a comprehensive evaluation and update of the Hearing and Speech Examining Board’s rules to implement the Compact.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

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 Jennifer.Garrett@wisconsin.gov or phone at 608-266-2112.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8306; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on October 30, 2024, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. HAS 6.01 is amended to read:

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, audiologists and temporary licensees, and the granting of compact privileges for speech-language pathologists and audiologists.

SECTION 2. HAS 6.02 (4m) and (4v) are created to read:

(4m) “Compact privilege” has the meaning given in s. 459.70 (2) (h), Stats.

(4v) “Home state” has the meaning given in s. 459.70 (2) (m), Stats.

SECTION 3. HAS 6.05 is created to read:

HAS 6.05 Applications for compact privilege. Every applicant for compact privilege as a speech-language pathologist or audiologist shall submit to the board all of the following:

- (1)** Evidence of an unencumbered home state license in another state that is party to the compact and satisfies the requirements under s. 459.70 (4), Stats.
- (2)** A completed application form provided by the board.
- (3)** The fee specified in s. 459.71 (2), Stats.

Note: Application instructions for compact privilege may be obtained from the Department of Safety and Professional Services’ website at <http://dps.wi.gov>.

SECTION 4. HAS 6.10 (1) (a) (intro.) is amended to read:

HAS 6.10 (1) (a) (intro.) 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 or compact privilege holding speech-language pathologist by submitting all the following:

SECTION 5. HAS 6.16 is amended to read:

HAS 6.16 Prohibited practice and use of titles. No person may engage in the practice of speech-language pathology or use the title "speech-language pathologist" or any similar title or engage in the practice of audiology or use the title "audiologist", "clinical audiologist" or any similar title, unless the person holds a current speech-language pathologist or audiologist license or compact privilege, as appropriate, granted by the board.

SECTION 6. HAS 6.18 (1) (intro.) and (a) are amended to read:

HAS 6.18 (1) (intro.) The board may reprimand a speech-language pathologist, audiologist, temporary licensee or a permittee, or deny, limit, suspend or revoke a license, compact privilege, or permit, if it finds that the applicant, licensee, compact privilege holder, or permittee has done any of the following:

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

SECTION 7. HAS 6.18 (2) (b), (c), (e), (f), (o), (p)1., (s), (t) and (u) are amended to read:

HAS 6.18 (2) (b) Using the title "speech-language pathologist," "audiologist" or any similar title unless the individual holds a current speech-language pathologist or audiologist license or compact privilege granted under s. 459.24 (2), ~~or (3)~~, or (3e), Stats.

- (c) Violating the conditions or limitations placed upon a license, compact privilege, or permit by the board.

- (e) Having a license, compact privilege, 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 or compact privilege to be used by an unlicensed person to evade the use of a title prohibited under s. 459.24 (1) or (1m), Stats.

(o) Failing to provide access to records of professional services rendered and products dispensed when requested by the board or its representative in connection with an investigation of a complaint filed against the applicant, licensee, compact privilege holder, or permittee.

(p) 1. The name of the licensee or compact privilege holder.

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

(t) Delegating the provision of clinical services to an unlicensed individual for whom the licensee or compact privilege holder does not provide direct supervision.

(u) Delegating the provision of clinical services to a temporary licensee for whom the licensee or compact privilege holder does not provide supervision.

SECTION 8. HAS 6.18 (3) (intro.) is amended to read:

HAS 6.18 (3) (intro.) In addition to the bases for unprofessional conduct set forth under sub. (2), the board may reprimand an audiologist, or deny, limit, suspend or revoke a license, compact privilege, or permit, if it finds that the applicant, licensee, compact privilege holder, or permittee has engaged in the following unprofessional conduct:

SECTION 9. 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)
