



Scott Walker, Governor
Dave Ross, Secretary

HEARING AND SPEECH EXAMINING BOARD
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
October 13, 2014

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Board.

AGENDA

1:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-2)

B. Approval of Minutes from July 14, 2014 (3-6)

C. Administrative Matters

- 1) 2015 Meeting Dates (all Mondays)
 - January 12, 2015
 - April 13, 2015
 - July 13, 2015
 - October 12, 2015

E. Legislative and Administrative Rule Matters – Discussion and Consideration (7)

- 1) Scope Amending HAS 3 Relating to Hearing Instrument Specialists Exam (8-9)
- 2) Scope Amending HAS 4 Relating to Calibration of Audiometric Equipment (10-11)
- 3) Updates on Pending and Possible Rulemaking Projects

F. Practice Matters – Discussion and Consideration

- 1) Hearing Aid Purchase Agreement (12-13)
- 2) Thirty (30) Day Return Policy (14)

G. Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Presentations of Petition(s) for Summary Suspension
- 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 4) Presentation of Final Decisions
- 5) Disciplinary Matters
- 6) Executive Director Matters
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters

- 10) Legislation/Administrative Rule Matters
- 11) Liaison Report(s)
- 12) Informational Item(s)
- 13) Speaking Engagement(s), Travel or Public Relation Request(s)

H. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.)

I. DLSC Matters

- 1) Case Status Report (15)

J. Deliberation of Items Received After Preparation of the Agenda

- 1) Disciplinary Matters
- 2) Education and Examination Matters
- 3) Credentialing Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Petition(s) for Extension of Time
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Administrative Warnings
- 10) Proposed Decisions
- 11) Matters Relating to Costs
- 12) Motions
- 13) Petitions for Rehearing
- 14) Case Closings
- 15) Appearances from Requests Received or Renewed
- 16) License Ratification

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION
Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

**HEARING AND SPEECH EXAMINING BOARD
MEETING MINUTES
JULY 14, 2014**

PRESENT: Samuel Gubbels, Doreen Jensen, Barbara Johnson, Steven Klapperich, Thomas Krier, Scott Larson, Thomas Sather, Patricia Willis

STAFF: Brittany Lewin, Executive Director; Karen Rude-Evans, Bureau Assistant; Sharon Henes, Rules Coordinator

CALL TO ORDER

Doreen Jensen, Chair, called the meeting to order at 1:10 p.m. A quorum of eight (8) members was confirmed.

ADOPTION OF AGENDA

MOTION: Steven Klapperich moved, seconded by Patricia Willis, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 14, 2014

MOTION: Steven Klapperich moved, seconded by Patricia Willis, to approve the minutes of April 14, 2014 as published. Motion carried unanimously.

EDUCATION AND EXAMINATION MATTERS

Update on Written Exam Item Review – Ryan Zienert

MOTION: Scott Larson moved, seconded by Samuel Gubbels, to request DSPS staff draft a Scope Statement relating to adopting the ILE exam. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

Proposals for Amending HAS 6 and 7 Relating to Licensure and Renewal

MOTION: Steven Klapperich moved, seconded by Patricia Willis, to appoint a sub-committee of the Board consisting of Barbara Johnson, Patricia Willis and Thomas Krier to work with DSPS staff to draft HAS 6 and 7 relating to licensure and renewal. Motion carried unanimously.

Updates on Pending and Possible Rulemaking Projects

MOTION: Thomas Krier moved, seconded by Thomas Sather, to request DSPS staff draft a Scope Statement relating to calibration of equipment and designate Steven Klapperich to advise DSPS staff. Motion carried unanimously.

CLOSED SESSION

MOTION: Samuel Gubbels moved, seconded by Steven Klapperich, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Doreen Jensen, Chair; read the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Samuel Gubbels – yes; Doreen Jensen - yes; Barbara Johnson - yes; Steven Klapperich – yes; Thomas Krier – yes; Scott Larson – yes; Thomas Sather – yes; Patricia Willis – yes. Motion carried unanimously.

The Board convened to closed session at 4:24 p.m.

RECONVENE TO OPEN SESSION

MOTION: Samuel Gubbels moved, seconded by Steven Klapperich, to reconvene to open session. Motion carried unanimously.

The Board reconvened into Open Session at 4:45 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Thomas Sather moved, seconded by Barbara Johnson, to affirm all votes made in closed session. Motion carried unanimously.

**PROPOSED FINAL DECISION AND ORDER
AND CONSIDERATION OF OBJECTIONS**

Steven Klapperich recused himself and left the room for deliberation, and voting in the matter concerning Scott C. Chase, Respondent – DHA case number SPS-13-0047/DLSC case number 13 HAD 001.

MOTION: Scott Larsen moved, seconded by Thomas Krier, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against **Scott C. Chase, Respondent – DHA case number SPS-13-0047/DLSC case number 13 HAD 001**. Motion carried unanimously by two thirds membership of the Board.

PROPOSED STIPULATION(S), FINAL DECISION(S) AND ORDER(S)

MOTION: Samuel Gubbels moved, seconded by Thomas Sather, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against **Lisa M. Leanna (14 HAD 002)**. Motion carried unanimously.

CASE CLOSINGS

MOTION: Barbara Johnson moved, seconded by Patricia Willis, to close **case 13 HAD 012 (T.L.O.) for prosecutorial discretion/compliance gained (P2)**. Motion carried unanimously.

MOTION: Steven Klapperich moved, seconded by Samuel Gubbels, to close **case 14 HAD 003 (K.M.) for no violation**. Motion carried unanimously.

EXAM SCORES

MOTION: Steven Klapperich moved, seconded by Doreen Jensen, that the Board ratify the scores from the July 14, 2014 exams and give Doreen Jensen the authorization to grant the licenses. Motion carried unanimously.

ADJOURNMENT

MOTION: Scott Larson moved, seconded by Samuel Gubbels, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:47 p.m.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 29 September 2014 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Hearing and Speech Examining Board			
4) Meeting Date: 13 October 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Scope amending HAS 3 relating to hearing instrument specialists exam 2. Scope amending HAS 4 relating to calibration of audiometric equipment 3. Update on pending and possible rulemaking projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Sharon Henes</i>		<i>29 September 2014</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

HEARING AND SPEECH EXAMINING BOARD

Rule No.: HAS 3

Relating to: Hearing Instrument Specialists Examinations

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the rule is to designate the International Licensing Examination as the written test of knowledge in the following areas as they pertain to the fitting of hearing aids: basic physics of sound; anatomy and physiology of the ear; and function of hearing aids. The proposed rule would also modify any provisions of current rules which are impacted by this change.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Board currently uses a test developed by the Board. The new policy proposed would be to use the test developed by the International Hearing Society and used by 38 states for licensing hearing instrument specialists.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

§ 15.08(5)(b) 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.

459.12(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 chapter.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

125 hours

6. List with description of all entities that may be affected by the proposed rule:

Hearing instrument specialists

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal

Contact Person: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

Chairperson Signature

Date Submitted

STATEMENT OF SCOPE

HEARING AND SPEECH EXAMINING BOARD

Rule No.: HAS 4

Relating to: Calibration of audiometric equipment

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to provide specifics regarding the calibration of audiometric equipment.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The current rule requires the audiometric equipment to be calibrated not less than once every 12 months. This requirement was inserted into the Administrative Code in July 1997. Since that time, technology has changed negating the necessity for modern equipment to be calibrated so frequently. Updating the rule to recognize technological advances will reduce the expense and burden on hearing instrument specialists.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

15.08(5)(b) 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.

459.085 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.

459.12(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 chapter.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

125 hours

6. List with description of all entities that may be affected by the proposed rule:

Hearing instrument specialists

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to minimal

Contact Person: Sharon Henes, Administrative Rules Coordinator, (608) 261-2377

Chairperson Signature

Date Submitted

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Karen Rude-Evans, Bureau Assistant, on Behalf of Executive Director Brittany Lewin		2) Date When Request Submitted: 6/23/2014 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Hearing and Speech Examining Board			
4) Meeting Date: July 14, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Practice Matters - Discussion and Consideration: Hearing Aid Purchase Agreements	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Review correspondence from Melanie Burh-Lawler regarding the language in Hearing Aid Purchase Agreements.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Subject: Question about statement in hearing aid purchase agreements

Dear Doreen,

I am an audiologist at UW Madison, and I coordinate the audiology portion of the UW Speech and Hearing Clinic. I am currently revising our forms, and I am creating a new hearing aid purchase agreement. I am hoping that you can provide me with some guidance with regards to whether I can leave this statement out of our new version of the form: "The examination and recommendation made in conjunction with this purchase has not been completed by a person who is licensed to practice medicine in the state of Wisconsin nor is it intended to be regarded as a medical opinion or advice."

I have been reading chapter 459 closely and talking with Ryan Gregg (who recommended I contact you), and from my interpretation, it appears that the statement only is required for those who are licensed as Hearing Instrument Specialists. Am I correct in that interpretation? And in that case, it is appropriate for WI audiologists to use a purchase agreement that do not have that statement?

I would greatly appreciate your input on this matter. Thank you so much for your time.
Take care,
Melanie

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Melanie Buhr-Lawler, Au.D., CCC-A
Audiologist and Clinical Associate Professor
Department of Communication Sciences and Disorders
University of Wisconsin-Madison

**State of Wisconsin
Department of Safety & Professional Services**

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4) Meeting Date: July 14, 2014	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Practice Matters - Discussion and Consideration: Thirty Day Return Policy	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Discussion of Thirty Day Return Policy.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			
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