



STATE OF WISCONSIN
Department of Safety and Professional Services
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HEARING AND SPEECH EXAMINING BOARD
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Berni Mattsson (608) 266-2112
April 23, 2012

The following agenda describes the issues that the Board, Council, Committee or Section 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 and deliberations of the Board, Council, Committee or Section.

SCREENING PANEL
12:30 P.M.
ROOM 121A

Screening Committee – Screen Informal Complaints –Melanie Blechl, Edward Korabic, Patricia Willis, Marilyn Workinger, and Peter Zellmer, and Division of Enforcement Staff

1. Call Open Session to Order
2. Convene to Closed Session to consider discipline (s. 19.85(1) (b), Stats., and to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.
 - a. Screen complaints received from the public against credential holders. The Panel consists of five (5) Board members and Department staff.
3. Reconvene to Open Session
4. Vote on Items Considered or Deliberated Upon In Closed Session
5. Adjournment

FULL BOARD MEETING
1:00 P.M. or immediately following screening panel meeting
ROOM 121A

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. **Approval of Agenda (1-4)**
- B. **Approval of Minutes of January 23, 2012 (5-10)**
- C. Secretary Matters
- D. **Administrative Matters: (11-12)**
 - 1) Board Member Appointments – Continuing Education Liaisons

- E. **Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s) – Upon Board Request: (29-36 – closed session materials)**
 - 1) Laura J. Sima, S.L.P. (08 HAD 012)
 - DOE Attorney – Jim Polewski
 - Case Advisor – Marilyn Workinger

- F. **Consideration of Changes to the Practical and Written Examinations: (13-14)**
 - 1) Subcommittee Report – Edward Korabic and Okie Allen: Status of Recommendation to the Board in Terms of Practical and Written Examinations

- G. **Discussion of Timeframes for Audiologists to Take DSPS Practical Examination (15-16)**
 - 1) Update Regarding the Status of Scope Statement Relating to the Timing of for Taking Credentialing Examinations

- H. **Consideration of Drafting a Board FAQ or Position Statement Relating to Internet Sales (17-18)**

- I. **Discussion: Board Member Participation with Professional Organizations (19-20)**

- J. **Speaking Engagement(s), Travel, or Public Relation Request(s): (21-22)**
 - 1) Report of the Speaking Engagement for the Wisconsin Alliance of Hearing Professionals for January 2012 – Peter Zellmer & Okie Allen
 - 2) Report of the Annual Meeting of the Wisconsin Speech-Language Pathology and Audiology Association, February 2012 – Edward Korabic, Marilyn Workinger and Patricia Willis

- K. **Legislation/Administrative Rule Matters:**
 - 1) Review of Scope Statement Amending HAS 6.18, Wis. Admin. Code, Relating to Deceptive Advertising and the Grounds for Discipline (*Tentative*)

- L. Rule Writing Committee Report

- M. Items Received After Printing of the Agenda:
 - 1) Presentations of Petition(s) for Summary Suspension
 - 2) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 3) Presentation of Proposed Final Decision and Order(s)
 - 4) Status of Statute and Administrative Rule Matters
 - 5) Informational Item(s)
 - 6) Correspondence or Inquiries Received by Legal Counsel
 - 7) DOE Matters
 - 8) Education and Examination Matters
 - 9) Credentialing Matters
 - 10) Practice Questions/Issues
 - 11) Legislation/Administrative Rule Matters
 - 12) Liaison Report(s)
 - 13) Speaking Engagement(s), Travel, or Public Relation Request(s)

- N. **Public Comments**

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g))

- O. **Consideration of Changes to the Practical and Written Examinations (23-28)**
- 1) **3:00 P.M. APPEARANCE: Kathleen Mennillo, Executive Director, and Joy Wilkins, Director of Education – International Hearing Society (IHS) – Discussion of the IHS International Instrument Dispensing Examination (ILE)**
- P. **Deliberation of Proposed Stipulation(s), Final Decision(s) and Order(s): (29-36)**
- 1) Laura J. Sima, S.L.P. (08 HAD 012)
 - DOE Attorney – Jim Polewski
 - Case Advisor – Marilyn Workinger
- Q. **Application Review:**
- 1) Kenneth J. Kurt – Hearing Instrument Specialist Applicant **(37-60)**
- R. **Deliberation of Items Received After Printing of the Agenda:**
- 1) Application Issues and/or Reviews
 - 2) Professional Assistance Procedure (PAP)
 - 3) Monitoring Matters
 - 4) Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 5) Administrative Warning(s)
 - 6) Orders Fixing Costs/Matters Related to Costs
 - 7) Proposed Final Decision(s) and Order(s)
 - 8) Petitions for Summary Suspension(s)
 - 9) Petitions for Re-hearings
 - 10) Case Closings
 - 11) Education or Examination Issues
 - 12) Credential Issues
 - 13) Appearances from Requests Received or Renewed
 - 14) Motions
- S. **Division of Enforcement**
- 1) Review of Case Status Report
 - 2) Case Closing(s):
 - a) 10 HAD 004 – Prosecutorial Discretion (P1) **(61-63)**

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Voting on Items Considered or Deliberated on in Closed Session if Voting is Appropriate

T. **Granting of License(s)**

U. Other Board Business

ADJOURNMENT

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**HEARING AND SPEECH EXAMINING BOARD
MINUTES
JANUARY 23, 2012**

PRESENT: Okie Allen, Melanie Blechl (via phone connection), Samuel Gubbels, Doreen Jensen, Steven Klapperich, Edward Korabic (excused at 3:42 p.m.), Patricia Willis (via phone connection), Marilyn Workinger (via phone connection), Peter Zellmer

EXCUSED: Mary Polenske

STAFF: Berni Mattsson, Executive Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant; and other Department Staff

GUESTS: Todd Beyer, International Hearing Society (IHS); Doug Johnson, Wisconsin Alliance of Hearing Professionals (WAHP)

CALL TO ORDER

Peter Zellmer, Chair, called the meeting to order at 1:10 p.m. A quorum of nine (9) was present.

APPROVAL OF AGENDA

Amendments to the Agenda:

- Item “L-10” (open session) Under the item titled “Items Received After Printing of the Agenda – 10 Practice Questions/Issues” **ADD:**
 - “Discussion of Internet Sales”

MOTION: Edward Korabic moved, seconded by Okie Allen, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 3, 2011

MOTION: Edward Korabic moved, seconded by Okie Allen, to approve the Minutes of October 3, 2011 as published. Motion carried unanimously.

BOARD MEMBER APPOINTMENTS

Peter Zellmer made the following board member appointments for 2012.

- **Screening Panel:** Melanie Blechl, Ed Korabic, Patricia Willis, Marilyn Workinger, and Peter Zellmer
- **Credentialing Liaisons:** Doreen Jensen, Ed Korabic, Marilyn Workinger, Patricia Willis, and Okie Allen
- **Division of Enforcement Monitoring Liaison:** Marilyn Workinger
- **Division of Enforcement Professional Assistance Procedure (PAP) Liaison:** Samuel Gubbels
- **Practice FAQ Advisor:** Ed Korabic
- **Practice Question Liaison:** Credentialing Liaisons and Legal Counsel
- **Continuing Education (CE) Liaison:** Okie Allen
- **Exam Liaison:** Okie Allen
- **Legislative Liaison:** Doreen Jensen and Marilyn Workinger
- **Digest Advisor:** Patricia Willis

ADMINISTRATIVE MATTERS

1) **Annual Policy Review: Board Member Guidebook**

Berni Mattsson, Executive Director, informed the Board that the Department has requested review of the Board Member Guidebook and that each member of the Board should acknowledge receipt and understanding of this information by signing the statement page at the end of this publication. Berni Mattsson asked that completed signature forms be returned within 30 days of the meeting.

CONSIDERATION OF CHANGES TO THE PRACTICAL AND WRITTEN EXAMINATIONS

Aaron Knautz, Office of Education and Examinations, joined the Board to participate in discussion of this topic. Edward Korabic reported to the Board regarding a state by state summary of which boards use a practical exam as well as those who utilize the exam written by the International Hearing Society (IHS): 2011 State/Provincial Survey Regarding Statutory and Regulatory Requirements Governing Hearing Aid Dispensing. Edward Korabic proposed that the Board move to the IHS International Instrument Dispensing Examination (ILE). Edward Korabic and Okie Allen were appointed by Peter Zellmer, Chair, to serve on a subcommittee, in collaboration with Aaron Knautz and Colleen Baird, in development of a legally viable recommendation to the Board in terms of the practical and written examinations.

Todd Buyer, IHS, and Doug Johnson, WAHP, both provided comments to the Board during the course of discussion.

DISCUSSION OF TIMEFRAMES FOR AUDIOLOGISTS TO TAKE DSPS PRACTICAL EXAMINATION

The Board discussed the requirements that must be met for an audiology applicant to take the practical examination. The Board considered the pursuit of rule promulgation to allow audiology applicants to take the practical examination and took the following action.

MOTION: Peter Zellmer moved, seconded by Okie Allen, to authorize Edward Korabic to work with Colleen Baird, Berni Mattsson and Sharon Henes in the development of a scope statement relating to the timing for taking credentialing examinations. Motion carried unanimously.

CLARIFICATION OF CONTINUING EDUCATION APPROVAL PROCESS

The Board was addressed by Colleen Baird, and Aaron Knautz on the behalf of the Office of Education and Examinations, regarding clarification of the continuing education approval process for employer sponsored in-service training courses for non-employee attendance.

The Board requested that the following language be placed on the Department website and on the application for continuing education approval: "If a licensee is attending an employer sponsored in-service training, in which they are not employed, pre-approval will need to be sought for the non-employee licensee to receive continuing education credit."

INFORMATIONAL ITEM:

- 1) **International Hearing Society (IHS): 2011 State/Provincial Survey Regarding Statutory and Regulatory Requirements Governing Hearing Aid Dispensing**

Noted.

STATUS OF STATUTE AND ADMINISTRATIVE RULE MATTERS

Sharon Henes, Paralegal, provided the Board with an update regarding its pending rules and provided an overview of changes to the rule promulgation process as a result of 2011 Act 21 and Executive Order 50.

ITEMS RECEIVED AFTER PRINTING OF THE AGENDA

- 1) Presentations of Petition(s) for Summary Suspension – *None*
- 2) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s) – *None*
- 3) Presentation of Proposed Final Decision and Order(s) – *None*
- 4) Status of Statute and Administrative Rule Matters – *None*
- 5) Informational Item(s) – *None*
- 6) Correspondence or Inquiries Received by Legal Counsel – *None*
- 7) DOE Matters – *None*
- 8) Education and Examination Matters – *None*
- 9) Credentialing Matters – *None*
- 10) **Practice Questions/Issues**

Discussion of Internet Sales

The Board discussed concerns regarding the online sale of hearing instruments. Colleen Baird reviewed an Order issued by the Department regarding unlicensed sales of hearing instruments with the Board. The Board considered options for addressing its concerns and decided to continue this discussion at its next meeting.

- 11) Legislation/Administrative Rule Matters – *None*
- 12) Liaison Report(s) – *None*
- 13) Speaking Engagement(s), Travel, or Public Relation Request(s) – *None*

CLOSED SESSION

MOTION: Doreen Jensen moved, seconded by Edward Korabic, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); to consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)) and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Motion carried unanimously in a roll call vote. Okie Allen-yes; Melanie Blechl-yes; Samuel Gubbels-yes; Doreen Jensen-yes; Steven Klapperich-yes; Edward Korabic-yes; Patricia Willis-yes; Marilyn Workinger-yes; and Peter Zellmer-yes.

Open session recessed at 3:25 p.m.

RECONVENE INTO OPEN SESSION

MOTION: Steven Klapperich moved, seconded by Doreen Jensen, to reconvene into open session. Motion carried unanimously.

Open session reconvened at 3:49 p.m.

VOTING ON ITEMS DELIBERATED IN CLOSED SESSION

CONSIDERATION OF CHANGES TO THE PRACTICAL AND WRITTEN EXAMINATIONS

None.

DIVISION OF ENFORCEMENT

Review of Case Status Report

The Board was provided with a report detailing the status of its pending enforcement cases.

Case Closings

1) 11 HAD 002 – Lack of Jurisdiction (L3)

11 HAD 002

MOTION: Edward Korabic moved, seconded by Okie Allen, to close case number 11 HAD 002 for lack of jurisdiction (L3). Motion carried unanimously.

(Edward Korabic was excused at 3:42 p.m.)

GRANTING OF LICENSES

MOTION: Okie Allen moved, seconded by Steven Klapperich, to ratify the examination scores of January 23, 2012 as presented. Motion carried unanimously.

ADJOURNMENT

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

Meeting adjourned at 4:03 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Berni Mattsson		2) Date When Request Submitted: 4/3/2012 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Hearing and Speech Examining Board			
4) Meeting Date: 4/23/2012	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Board Member Appointments – Liaison for SLP	
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? If yes, who is appearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: For the Board’s consideration and discussion: Should CE Course approvals for SLPs be reviewed by a SLP and CE Course approvals for Aud and HIS be reviewed by a hearing professional?			
11) Authorization			
<i>Berni Mattsson</i>		4/03/2012	
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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			

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1) Name and Title of Person Submitting the Request: Kimberly Wood, Bureau Assistant		2) Date When Request Submitted: 3/30/2012 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
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10) Describe the issue and action that should be addressed: <p>At the January meeting the Board selected Ed Korabic and Okie Allen to serve on a subcommittee to develop a legally viable recommendation to the Board in terms of how to proceed with the execution of the practical and written examinations.</p> <p>The Board will also discuss this topic during closed session. A separate cover page will address matters to be addressed during closed session proceedings.</p>			
11) Authorization			
<i>Kimberly Wood</i>		3/30/2012	
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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10) Describe the issue and action that should be addressed: This agenda topic was discussed at the 1/23/2012 meeting. The Board should receive an update relating to the status of the scope statement requested in January.											
11) Authorization <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"><i>Kimberly Wood</i></td> <td style="width: 40%; border-bottom: 1px solid black; text-align: right;">3/30/2012</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				<i>Kimberly Wood</i>	3/30/2012	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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10) Describe the issue and action that should be addressed: <p>The Board requested that the topic of internet sales be discussed at the April 20123 meeting. The Board should consider whether to develop a Board FAQ or position paper relating to its position on this topic.</p>			
11) Authorization			
<i>Kimberly Wood</i>		<i>3/30/2012</i>	
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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? If yes, who is appearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The inclusion of this agenda topic was requested by the Board at the January meeting. The Board should discuss this issue in an effort to clarify boundaries.			
11) Authorization			
<i>Kimberly Wood</i>		3/30/2012	
Signature of person making this request		Date	
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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? If yes, who is appearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: <u>J1) Wisconsin Alliance of Hearing Professionals, January 2012 – Peter Zellmer & Okie Allen</u> At the 10/3/2011 meeting the Board made a motion to designate Peter Zellmer and Okie Allen to present to the WI Alliance of Hearing Professionals in January 2012. Peter Zellmer and Okie Allen should report to the Board regarding this presentation. <u>J2) Wisconsin Speech-Language Pathology and Audiology Association Annual Convention, February 2012 – Edward Korabic, Marilyn Workinger and Patricia Willis</u> At the 10/3/2011 meeting the Board designated Edward Korabic, Marilyn Workinger and Patricia Willis to present to the Wisconsin Speech-Language Pathology and Audiology Association Annual Convention in February 2012. Edward Korabic, Marilyn Workinger and Patricia Willis should report to the Board regarding this presentation.			
11) Authorization			
<i>Kimberly Wood</i>		<i>3/30/2012</i>	
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