

**HEARING AND SPEECH EXAMINING BOARD**

**MINUTES**

**APRIL 23, 2012**

**PRESENT:** Okie Allen, Melanie Blechl, Doreen Jensen, Steven Klapperich, Edward Korabic, Mary Polenske, Patricia Willis, Marilyn Workinger (via phone connection), Peter Zellmer

**EXCUSED:** Samuel Gubbels

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

**GUESTS:** Ramie Zelenkova, Wisconsin Speech-Language Pathology and Audiology Association (WSHA)

**CALL TO ORDER**

Peter Zellmer, Chair, called the meeting to order at 1:03 p.m. A quorum of nine (9) was present.

**APPROVAL OF AGENDA**

**MOTION:** Okie Allen moved, seconded by Steven Klapperich, to approve the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF JANUARY 23, 2012**

**MOTION:** Edward Korabic moved, seconded by Doreen Jensen, to approve the Minutes of January 23, 2012 as published. Motion carried unanimously.

## ADMINISTRATIVE MATTERS

Berni Mattsson informed the Board of the opportunity for its members to sign-up for direct deposit.

### 1) **Board Member Appointments – Continuing Education Liaisons**

The Board discussed whether one of its Speech-Language Pathologist members should be appointed to approve continuing education courses for speech-language pathology licensees. As a result of Board discussion, Peter Zellmer, Chair, updated the continuing education liaison appointments as outlined below.

#### **Continuing Education (CE) Liaison(s):**

- 1) Hearing Instrument Specialist & Audiologists Courses: Okie Allen
- 2) Speech-Language-Pathology Courses: Patricia Willis, Marilyn Workinger (Alternate)

### **PRESENTATION OF PROPOSED STIPULATION(S), FINAL DECISION(S) AND ORDER(S) – UPON BOARD REQUEST**

#### 1) **Laura J. Sima, S.L.P. (08 HAD 012)**

Jim Polewski, Division of Enforcement (DOE) Attorney, presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Laura J. Sima, S.L.P. (08 HAD 012). This matter will be deliberated in closed session.

### **CONSIDERATION OF CHANGES TO THE PRACTICAL AND WRITTEN EXAMINATIONS**

#### 1) **Subcommittee Report – Edward Korabic and Okie Allen: Status of Recommendation to the Board in Terms of Practical and Written Examinations**

At its April 2012 meeting, Edward Korabic and Okie Allen were appointed to a subcommittee, to work with Aaron Knautz, Examination Specialist, in the development of a recommendation identifying how the Board should proceed with its practical and written examinations. The Board received an update from Edward Korabic and Okie Allen as to the development status of this recommendation. Aaron Knautz joined the meeting to participate in discussion of this topic. The Board discussed its examinations, the possibility of utilizing the International Hearing Society (IHS), International Instrument Dispensing Examination (ILE), and noted the reoccurrence of this topic in closed session.

**DISCUSSION OF TIMEFRAMES FOR AUDIOLOGISTS TO TAKE  
DSPS PRACTICAL EXAMINATION**

1) **Update Regarding the Status of Scope Statement Relating to the Timing of Audiologists Taking Credentialing Examinations**

The Board will continue its rule making on temporary audiology licenses to provide a framework for the issuance, termination and renewal of the credential based upon Act 356.

**CONSIDERATION OF DRAFTING A BOARD FAQ OR POSITION STATEMENT  
RELATING TO INTERNET SALES**

The Board discussed whether to draft a document addressing internet sales of hearing aid devices. Through the course of discussion the Board decided that Colleen Baird will work with Edward Korabic, in his role as the Board's Practice FAQ advisor, to draft this question and answer. The Board will review the draft FAQ at a future meeting.

**DISCUSSION: BOARD MEMBER PARTICIPATION WITH PROFESSIONAL  
ORGANIZATIONS**

The Board discussed how to address board member involvement with professional organizations in terms of matters that could potentially result in a conflict of interest. Peter Zellmer indicated that he was able to avoid this complication by indicating that he is speaking on his own behalf as opposed to speaking on behalf of the Board.

**SPEAKING ENGAGEMENT(S), TRAVEL, OR PUBLIC RELATION REQUEST(S)**

1) **Report of the Speaking Engagement for the Wisconsin Alliance of Hearing Professionals for January 2012 – Peter Zellmer & Okie Allen**

Peter Zellmer reported to the Board regarding his experience at the speaking engagement he attended at the Wisconsin Alliance of Hearing Professionals in January 2012.

2) **Report of the Annual Meeting of the Wisconsin Speech-Language Pathology and Audiology Association, February 2012 – Edward Korabic, Marilyn Workinger and Patricia Willis**

Edward Korabic, Marilyn Workinger, and Patricia Willis reported to the Board regarding their experience at the Wisconsin Speech-Language Pathology and Audiology Association, February 2012.

**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**

Colleen Baird informed the Board that this scope statement has been submitted to the Office of the Governor for regulatory review. She informed the Board that it is the goal of Sharon Henes, Paralegal, to hold a public hearing for this proposed rule at the July 2012 meeting. Colleen Baird provided a general overview of the steps in the rule making process.

**MOTION:** Okie Allen moved, seconded by Edward Korabic, to delegate authority to Peter Zellmer, Chair of the Hearing and Speech Examining Board, to do the following on behalf of the Board: 1) review and approve the draft scope statement for the deceptive advertising rule upon receipt from the Governor's Office and; 2) review and approve the final rule draft for submission to the Clearinghouse. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Steven Klapperich moved, seconded by Doreen Jensen, 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; Doreen Jensen-yes; Steven Klapperich-yes; Edward Korabic-yes; Mary Polenske-yes; Patricia Willis-yes; Marilyn Workinger-yes; and Peter Zellmer-yes.

Open session recessed at 2:20 p.m.

**RECONVENE INTO OPEN SESSION**

**MOTION:** Okie Allen moved, seconded by Edward Korabic, to reconvene into open session. Motion carried unanimously.

Open session reconvened at 4:03 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**CONSIDERATION OF CHANGES TO THE PRACTICAL AND WRITTEN EXAMINATIONS**

The Board reviewed proposed changes to the practical examination scoring system as presented by Okie Allen. The Board considered the types of changes it would like to pursue in terms of scoring methods, examination content, and overall examination structure. Edward Korabic and Okie Allen will work to create a recommendation outlining a legally viable recommendation, regarding changes to the practical exam, for the Board to consider at a future meeting.

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)**

Kathleen Mennillo, Executive Director, and Joy Wilkins, Director of Education, International Hearing Society (IHS), appeared before the Board telephonically to discuss the content of the International Instrument Dispensing Examination (ILE). The Board considered whether to utilize the ILE exam instead of administering its own written examination and the Board posed a number of questions of the of IHS representatives. A determination was not made at this meeting, and as such, the Board will revisit this topic at its next meeting.

**DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER**

1) **Laura J. Sima, S.L.P. (08 HAD 012)**

**MOTION:** Edward Korabic moved, seconded by Patricia Willis, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Laura J. Sima, S.L.P. (08 HAD 012). Motion carried unanimously.

**APPLICATION REVIEW**

1) **Kenneth J. Kurt – Hearing Instrument Specialist Applicant**

Colleen Baird and Berni Mattsson provided the Board with additional materials relating to the Hearing Instrument Specialist application of Kenneth Kurt.

**MOTION:** Edward Korabic moved, seconded by Doreen Jensen, to deny the application of Kenneth J. Kurt, for a hearing instrument specialist license, pursuant to s. 459.10 (1) (e), Wis. Stats., for violation of any federal or state statute or rule which relates to the practice of fitting and dealing in hearing aids, as demonstrated by the extensive prior disciplinary orders of the Wisconsin Medical Examining Board which involved the applicant's unprofessional conduct and violation of state and federal laws in the practice of medicine; to wit;

- 1990-one year suspension of applicant's medical license for inappropriate sexual contact with a patient;
- 2007-reprimand and limitation on applicant's medical license for inappropriate prescribing of controlled substances, inadequate recordkeeping;
- 2008-denial of request for full reinstatement of medical license due to permanent restrictions on licensure;
- 2010-summary suspension of his medical license for unprofessional conduct involving inappropriate prescribing of controlled substances and limitations requiring remedial education and practice under review of professional mentor;
- 2011-voluntary surrender of applicant's medical license as result of violation of the Medical Board orders, and with a neuropsychological finding that he had cognitive deficits.

The Board finds that the applicant's misconduct as a physician, and repeated violations of the orders issued by the Medical Examining Board, is relevant to the practice of a hearing and instrument specialist, an ancillary healthcare profession. Motion carried. Recused: Steven Klapperich

*(Steven Klapperich recused himself from deliberation and voting in the application matter of Kenneth J. Kurt.)*

## **DIVISION OF ENFORCEMENT**

### **1) Review of Case Status Report**

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

2) **Case Closing(s):**

**10 HAD 004**

**MOTION:** Edward Korabic moved, seconded by Okie Allen, to close case number 10 HAD 004 for prosecutorial discretion (P1). Motion carried unanimously.

**GRANTING OF LICENSES**

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

**ADJOURNMENT**

**MOTION:** Okie Allen moved, seconded by Doreen Jensen, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 4:07 p.m.