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BEFORE THE STATE OF WISCONSIN
OPTOMETRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST DR. DANIEL L. FEULING, O.D., RESPONDENT.	: : : : :	STIPULATION

The parties in this matter agree and stipulate as follows:

1. That the Respondent freely and voluntarily waives his right to a hearing in this matter.

2. That without admitting or denying the allegations against him, the Respondent agrees to the adoption by the Optometry Examining Board of the attached Proposed Decision and Order.

3. That the Complainant and the Respondent urge the Optometry Examining Board to adopt this Stipulation and the attached Proposed Decision and Order.

4. That the Board Advisor may speak with the Board in favor of the adoption of this Stipulation and attached Proposed Decision and Order.

5. That if all of the terms of this Stipulation and attached Proposed Decision and Order are not acceptable to the Optometry Examining Board, then neither party shall be bound by any of the terms.

Michael J. Berndt 6/21/84
Michael J. Berndt,
Attorney for Complainant

Daniel L. Feuling
Daniel L. Feuling, Respondent

William M. Coffey
William M. Coffey,
Attorney for Respondent

MB:kcb
370-858

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Dept. of Regulation & Licensing

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STATE OF WISCONSIN
BEFORE THE OPTOMETRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST DANIEL L. FEULING, O.D., RESPONDENT	FINAL DECISION AND ORDER

The State of Wisconsin, Optometry Examining Board, having considered the above-captioned matter and having reviewed the record, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Stipulation and Proposed Decision and Order annexed hereto, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Optometry Examining Board. Let a copy of this order be served on the respondent by certified mail.

A party aggrieved by this decision may petition the board for rehearing within twenty (20) days after service of this decision pursuant to Wis. Stats. sec. 227.12. The party to be named as respondent in the petition is Daniel L. Feuling.

A party aggrieved by this decision who is a resident of this state may also petition for judicial review by filing the petition in the office of the clerk of the circuit court for the county where the party aggrieved resides within thirty (30) days after service of this decision. A party aggrieved by this decision who is not a resident of this state must file the petition for judicial review in the office of the clerk of circuit court for Dane County. A party aggrieved must also serve the board and other parties with a copy of the petition for judicial review within thirty (30) days after service of this decision pursuant to Wis. Stats. sec. 227.16. The party to be named as respondent in the petition is the Optometry Examining Board.

Dated this 17th day of August, 1984.

Lloyd McDaniel

MJB:kcb
086-556

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Dept. of Regulation & Licensing
Division of Enforcement

BEFORE THE STATE OF WISCONSIN
OPTOMETRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	PROPOSED DECISION
DR. DANIEL L. FEULING, O.D.,	:	AND ORDER
RESPONDENT.	:	

FINDINGS OF FACT

1. That Daniel L. Feuling, hereinafter called the Respondent, was at all times relevant to this proceeding duly licensed under the provisions of Chapter 449, Stats., to practice optometry in the State of Wisconsin.

2. That the Respondent's optometry license is No. 1621, issued on August 12, 1978.

3. That the Respondent's address is 207 North Spring Street, Beaver Dam, Wisconsin 53916.

4. That on October 10, 1981, Client A arrived at the Respondent's business office located at 207 North Spring Street, Beaver Dam, Wisconsin, to undergo an eye examination for employment purposes. The Respondent knew the potential employer required unaided acuity results of 20/40 and 20/100.

5. That the Respondent examined the eyes of Client A and obtained unaided acuity results of 20/200 for both eyes.

6. That the Respondent accurately recorded said results in the eye examination records maintained for Client A at the Respondent's business office.

7. That on or about October 12, 1981, the Respondent sent a report of eye examination results regarding Client A to Client A. The report contained unaided acuity results 20/40 and 20/100. The report was subsequently furnished to the employer by Client A.

8. That said report was not written on the Respondent's business stationary, but on the stationary of Business B where the Respondent was employed part-time.

9. That the Respondent signed the report with the name of Dr. C, O.D., a co-worker of the Respondent at Business B. Dr. C did not give the Respondent permission to use his name and Dr. C never examined Client A. Business B never authorized the Respondent to issue said report on Business B's stationary.

10. That the Respondent knew the report was for purposes of employment, more specifically for job promotion, and that the employer required unaided acuity of 20/40 and 20/100 to obtain such promotion.

11. That the following information is presented in mitigation:

a. That the Respondent charged Client A $18.00 for the eye examination and $10.00 for polishing Client A's contact lenses. These charges were lower than the Respondent's usual rates for said services and no other payment of any kind was received by the Respondent from Client A.

b. That the Respondent never met Client A prior to the time Client A's eyes were examined by the Respondent. Client A was referred to the Respondent by a friend of the Respondent, Mr. D. It was because of their friendship that Respondent charged less than his normal fees.

c. That Mr. D was employed in a supervisory capacity with the employer. Mr. D never directly requested that the Respondent prepare an inaccurate eye examination report concerning Client A but the Respondent assumed Mr. D wanted Client A to achieve favorable results so as to qualify for promotion. Mr. D advised the Respondent that after the initial eye requirements are met, no further standards exist and further tests are not required.

d. That Mr. D had advised the Respondent of the employer's visual requirements and that those requirements were going to be eliminated or changed. Mr. D further advised the Respondent that the requirements for unaided vision were not necessary for adequate job performance. Respondent did not believe the requirements for unaided vision would affect job performance.

CONCLUSIONS OF LAW

1. That by engaging in the above-described activities, the Respondent has engaged in unprofessional conduct, contrary to section 449.07(1)(f), Stats.

2. That the board has jurisdiction to take discipline against the Respondent pursuant to section 449.07(1), Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that the license of the Respondent, Daniel L. Feuling, shall be and hereby is suspended for a period of 45 days, commencing 30 days from the date of this order.

MJB:kcb
749-466