

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST : FINAL DECISION  
: AND ORDER  
B. SCOTT WISNIEWSKI : LS0209092HAD  
RESPONDENT :

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The parties to this proceeding for purposes of sec 227.53, Stats., are:

B. Scott Wisniewski  
Miracle Ear Center  
6514 Odana Road  
Madison, Wi 53719

Hearing and Speech Examining Board  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, Wisconsin 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, Wi 53708-8935

The Hearing and Speech Examining Board received a Stipulation submitted by the parties in the above captioned manner. The Stipulation, a copy of which is attached hereto, was executed by B. Scott Wisniewski, personally and through his attorney, John B. Kiel; and by Pamela M. Stach, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Hearing and Speech Examining Board makes the following:

FINDINGS OF FACT

1. B. Scott Wisniewski, Respondent herein, located at the Miracle Ear Center, 6514 Odana Road, Madison, Wisconsin 53719 was born on May 16, 1958, and has been licensed as a hearing instrument specialist since March 3, 1987 under license # 730.

2. In 1998, Respondent provided professional services to Robert Heimerl, which included an evaluation of Mr. Heimerl's hearing capacity and the provision of a hearing instrument.

3. On March 13, 2001, the State of Wisconsin, Department of Regulation and Licensing informed Respondent that a complaint had been filed against him by Robert Heimerl. Mr. Heimerl's complaint was filed in June of 1998 but could not be located within the Department until March of 2001.

4. Respondent cooperated with the Department's investigation and provided all of the documents requested by the Department except a copy of the purchase agreement and medical evaluation waiver form.

5. Respondent has maintained all other records and believes that sometime after the complaint was filed but before Respondent received notice, the purchase contract was misfiled by a former employee.

6. As final resolution of the matter entitled 98 HAS 010, Respondent voluntarily agrees to provide and participate in a record keeping educational program for his current staff.

## **CONCLUSIONS OF LAW**

1. The Hearing and Speech Examining Board has jurisdiction in the proceedings pursuant to sec. 459.10. Stats.

2. The Hearing and Speech Examining Board has the authority to resolve this disciplinary proceedings by Stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.

3. The Hearing and Speech Examining Board has the authority pursuant to sec. 440.22, Stats, to assess the costs of this proceedings against B. Scott Wisniewski.

## **ORDER**

NOW THEREFORE IT IS ORDERED that the Stipulation of the parties is accepted.

IT IS FURTHER ORDERED that B. Scott Wisniewski shall, within four months of the effective date of this Order, provide for and attend an in- house record keeping course for his entire current staff to be conducted through the Madison Area Technical College (MATC). A copy of the program is attached hereto. The program shall not be used as credit for Respondent's continuing education requirements under Ch. HAS 8.

IT IS FURTHER ORDERED that upon completion of the MATC records course, and within six months of the effective date of this Order, a delege of the Hearing and Speech Examining Board shall perform an audit of B. Scott Wisniewski's record keeping practices by examining ten randomly selected client files created after completion of the record keeping course, to determine compliance with the record keeping requirements of sec. 459.10 (1) (e), Stats. and Ch HAS 5.02(2) (d) Wis. Adm. Code.

IT IS FURTHER ORDERED that B. Scott Wisniewski will pay costs in this matter in the amount of \$300.00 to the Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935 within thirty days of the date of this Final Decision and Order.

IT IS FURTHER ORDERED that any failure of B Scott Wisniewski to comply with the terms of this Final Decision and Order may constitute a violation of sec. 459.10(1)(m), stats. and may subject B. Scott Wisniewski to disciplinary action.

IT IS FURTHER ORDERED that this Final Decision and Order is effective upon the date of signing.

The rights of a party aggrieved by this Final Decision and order to petition the Hearing and Speech Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Approval Information."

Dated this 9<sup>th</sup> day of September, 2002, at Madison, Wisconsin.

HEARING AND SPEECH EXAMINING BOARD

Gerard Kupperman

A Member of the Board