

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	FINAL DECISION AND ORDER
	:	
LYNN E. ERICKSON-MEIER,	:	LS0901261HAD
RESPONDENT.	:	

Division of Enforcement Case Numbers 04 HAD 026 and 04 HAD 027

The parties to this proceeding for purposes of Wis. Stat. § 227.53, are:

Ms. Lynn Erickson-Meier
884 S. Main Street
West Bend, WI 53095

Hearing and Speech Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Hearing and Speech Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Lynn E. Erickson-Meier (DOB 09/16/56), is duly licensed as a hearing instrument specialist in the state of Wisconsin (license #623-60). This license was granted on June 3, 1985.
2. Respondent's most recent address on file with the Wisconsin Hearing and Speech Examining Board is 884 S. Main Street, West Bend, Wisconsin 53095.
3. At all times relevant to this action, Respondent was working for Lynear Hearing Aid Center, LLC in West Bend, Wisconsin.

04 HAD 026

4. On or about December 15, 2004, a representative of the Department of Regulation and Licensing, Division of Enforcement, wrote to Respondent requesting a response to the treatment provided to Client VK and a certified copy of all treatment records from June 1, 2004 to the present regarding Client VK. On or about January 17, 2005, the Respondent replied to the request by both fax and US Mail providing a response letter, Lynear Service Record dated July 7, 2004, Lynear

Service Record dated July 13, 2004, and the Lynear Customer Service Card dated June 23, 2004 through July 27, 2004.

5. On or about February 22, 2005, an investigator with the Department of Regulation and Licensing, Division of Enforcement, wrote to Respondent requesting further information concerning Client VK. This was to include a contract of sale and a complete copy of all records relating to the entire transaction with Client VK. On or about February 25, 2005, Respondent replied to the request by submitting a certified copy of her January 17, 2005 letter to the Department, Lynear Service Record dated July 7, 2004, Lynear Service Record dated July 13, 2004, Lynear Customer Service Card dated June 23, 2004 through July 27, 2004 and the Lynear Hearing Aid Center, LLC Purchase Agreement signed by Client VK dated June 23, 2004.

6. On or about September 18, 2008, Respondent was sent a Stipulation offer for failing to perform a test for speech reception threshold as required by Wis. Admin. Code § HAS 4.01(2) on Client VK and failing to have Client VK sign a waiver to the medical evaluation as provided for in the Code of Federal Regulations § 801.421(a)(2).

7. On or about September 30, 2008, the Department of Regulation and Licensing, Division of Enforcement, received a letter from an attorney representing Respondent denying the allegations stated in paragraph 6, above. Included with this letter was a copy of the records listed in paragraph 5, above, along with the following records regarding Client VK: 1) Lynear Confidential Case History dated June 23, 2004 ; 2) Case History; 3) Confidential Client Information dated June 23, 2004; 4) Lynear Audiogram; 5) Speech Discrimination Test Words; and 6) Lynear waiver to the medical evaluation dated June 23, 2004.

04 HAD 027

8. From approximately 2004 and continuing on through 2008, Respondent has advertised under the audiologist section of the SBC/ AT&T Yellow Pages when in fact Respondent is not licensed as an audiologist.

CONCLUSIONS OF LAW

1. The Wisconsin Hearing and Speech Examining Board has jurisdiction in this proceeding pursuant to Wis. Stat. § 459.10.

2. The Wisconsin Hearing and Speech Examining Board has the authority to resolve this proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stat. § 227.44(5).

3. By failing to release all records upon request and failing to cooperate with the investigation of this complaint, as described in paragraphs 4 through 7, above, Respondent violated of Wis. Admin. Code § HAS 5.02(2)(a).

4. The conduct described in paragraph 8, above, constitutes a violation of Wis. Stat. §§ 459.24(1)(b) and 459.10(1)(g).

ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. Lynn E. Erickson-Meier (license #623-60), is hereby REPRIMANDED.

IT IS FURTHER ORDERED that:

2. Respondent shall refrain from representing herself as an audiologist, unless she becomes licensed as such.

3. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of one thousand (\$1,200.00) dollars.

4. Respondent shall, within ninety (90) days from the date of this Order, pay a forfeiture in the amount of five hundred (\$500.00) dollars.

All payments shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P. O. Box 8935
Madison, WI 53708-8935
Tel. (608) 267-3817
Fax (608) 266-2264

In the event the Respondent fails to pay the forfeiture or the costs as ordered the Respondent's license SHALL BE SUSPENDED until Respondent has complied with the terms of this Order.

This Order shall become effective on the date of its signing.

HEARING AND SPEECH EXAMINING BOARD

By: Okie E. Allen
Member, Hearing and Speech Examining Board

1/26/09
Date