

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE OCCUPATIONAL THERAPISTS  
AFFILIATED CREDENTIALING BOARD

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IN THE MATTER OF THE LICENSE OF :  
SUSAN K. WEISENBERGER, O.T., : FINAL DECISION AND ORDER  
:

0002705

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 OTB 003

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Susan K. Weisenberger, O.T.  
1018 Mansfield Street  
Chippewa Falls, WI 54729

Wisconsin Occupational Therapists Affiliated Credentialing Board  
P.O. Box 8935  
Madison, WI 53708-8935

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Occupational Therapists Affiliated Credentialing Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Licensee Susan K. Weisenberger, O.T., (dob September 18, 1958), is licensed in the State of Wisconsin as an occupational therapist, having license number 1411-26, first issued on September 25, 1991, and current through May 31, 2013. Licensee's most recent address on file with the Wisconsin Department of Safety and

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<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

Professional Services (Department) is 1018 Mansfield Street, Chippewa Falls, Wisconsin 54729.

2. The incident at issue occurred at the Clairemont Nursing and Rehabilitation Center, in Eau Claire, Wisconsin.

3. On April 17, 2012, Licensee provided care to 76-year-old Patient A, who was a stroke victim. As a result of his stroke, Patient A had reduced use of his left arm, including deficits with range-of-motion and coordination. Patient A reported that he could not feel his arm.

4. Licensee applied an "E-Stim" unit to Patient A's left arm. An "E-Stim" (electrical stimulation) unit uses electrical impulses to produce muscle contractions by stimulating the motor nerves.

5. Use of electrical stimulation therapy such as that provided with an E-Stim device is contraindicated in patients with pacemakers.

6. Licensee did not insure that Patient A did not have a pacemaker before she applied the E-Stim machine and activated it for approximately two minutes.

7. Licensee stopped using the E-Stim machine when Patient A's son entered the room and told Licensee that Patient A had a pacemaker.

8. Patient A did not suffer any injury.

9. To address the lapse described above, Licensee completed the following education courses:

- a. On August 17, 2012, "Fundamentals of Electrical Stimulation for Pain Management", two (2) contact hours;
- b. On September 26, 2012, "Ethics for Occupational Therapists", one (1) contact hour;
- c. On September 27, 2012, "Electrical Stimulation Modalities (TENS, Interferential, Neuromuscular Stimulation)", two (2) contact hours; and
- d. On October 19, 2012, "Evidence-based Clinical Integration of Electro-Physical Agents: Electrical Stimulation and Ultrasound", seven (7) contact hours.

10. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Occupational Therapists Affiliated Credentialing Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.968 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Susan K. Weisenberger, O.T., engaged in unprofessional conduct as defined in Wis. Admin. Code. § OT 5.02(7) by engaging in any practice or conduct which may constitute a danger to the health, welfare, or safety of client or public.

3. As a result of the above conduct, Susan K. Weisenberger, O.T., is subject to discipline pursuant to Wis. Stat. § 448.968(2)(f).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Susan K. Weisenberger, O.T., is REPRIMANDED.

3. The Board recognizes the education courses set out in paragraph 9 in the Findings of Fact, above, as acceptable to fulfill education the Affiliated Credentialing Board would have otherwise required. Credits earned in these courses may not be used in satisfaction of continuing education requirements of Wis. Stat. § 448.965(1)(b).

4. Within 90 days from the date of this Order, Licensee shall pay COSTS of this matter in the amount of \$755.00.

5. Payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 8935, Madison, WI 53708-8935  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Licensee's license. The Board in its discretion may in the alternative impose additional conditions and limitations for a violation of any of the terms of this Order. In the event Licensee fails to timely submit payment of the costs as set forth above, Licensee's license (no. 1411-26) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Licensee has complied with payment of the costs.

8. This Order is effective on the date of its signing.

WISCONSIN OCCUPATIONAL THERAPISTS AFFILIATED  
CREDENTIALING BOARD

by:   
A Member of the Board

10/29/13  
Date

STATE OF WISCONSIN  
BEFORE THE OCCUPATIONAL THERAPISTS  
AFFILIATED CREDENTIALING BOARD

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IN THE MATTER OF THE LICENSE OF  
  
SUSAN K. WEISENBERGER, O.T.

STIPULATION

0002705

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Division of Legal Services and Compliance<sup>1</sup> Case No. 12 OTB 003

Licensee Susan K. Weisenberger, O.T., and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Licensee agrees to the adoption of the attached Final Decision and Order by the Wisconsin Occupational Therapists Affiliated Credentialing Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

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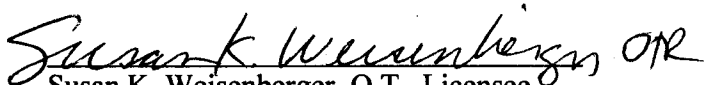
<sup>1</sup> The Division of Legal Services and Compliance was formerly known as the Division of Enforcement.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

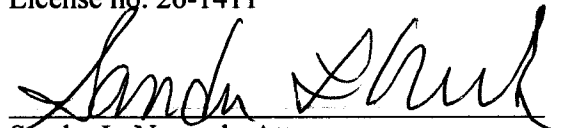
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
Susan K. Weisenberger, O.T., Licensee  
1018 Mansfield Street  
Chippewa Falls, WI 54729  
License no. 26-1411

6/4/13  
Date

  
Sandra L. Nowack, Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935

6/5/13  
Date