

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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The status of an appeal may be found on court access websites at:

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STATE OF WISCONSIN
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LISA M. LEANNA,
RESPONDENT.

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FINAL DECISION AND ORDER

0003316

Division of Legal Services and Compliance Case No. 14 HAD 002

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

Lisa M. Leanna
P.O. Box 10452
Green Bay, WI 54307

Wisconsin Hearing and Speech Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

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 Hearing and Speech Examining 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. Respondent Lisa M. Leanna (dob May 29, 1972) is licensed in the state of Wisconsin as a hearing instrument specialist, having license number 1276-60, first granted on August 28, 2007 and current through January 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is P.O. Box 10452, Green Bay, Wisconsin 54307.

2. At all times relevant to this proceeding, Respondent was employed by Wisconsin Hearing Service, a retailer of hearing instruments located in Green Bay, Wisconsin.

3. On October 24, 2013, Respondent went to Patient A's home, performed a hearing test on Patient A, and sold a hearing instrument to Patient A.

4. Respondent's records concerning Patient A do not contain a waiver of medical evaluation requirements as required by 21 CFR 801.421 or any indication that Patient A was advised that a medical evaluation was in his best health interest.

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

CONCLUSIONS OF LAW

1. The Wisconsin Hearing and Speech Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 459.10, 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, Lisa M. Leanna engaged in unprofessional conduct as defined in Wis. Admin. Code § HAS 5.02(2)(e) by failing to comply with the federal requirements for hearing instrument sales, as required by 21 Code of Federal Regulations 801.421.

3. By the conduct described in the Findings of Fact, Lisa M. Leanna engaged in unprofessional conduct as defined in Wis. Admin. Code § HAS 5.02(2)(d) by failing to keep copies of all written statements waiving medical evaluations, as required under 21 CFR 801.421, for a period of at least five years.

4. As a result of the above violations, Lisa M. Leanna is subject to discipline pursuant to Wis. Stat. § 459.10(1)(e).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Lisa M. Leanna is REPRIMANDED.

3. The license to practice as a hearing instrument specialist issued to Lisa M. Leanna (license number 1276-60) is LIMITED as follows:

a. Within three months of the date of this Order, Respondent shall successfully complete ten (10) hours of remedial education on the subject of consumer protection and consumer rights with regard to hearing instrument sales. The course(s) must be pre-approved by the Board's designee. Successful completion requires that Respondent take and pass any exam offered for the course(s). Courses taken without preapproval may NOT be used to satisfy the remedial education requirements of this Order.

b. Within thirty (30) days of completion of preapproved remedial education, Respondent shall submit proof of successful completion in the form of verification from the institution or organization that provided the education.

c. None of the remedial education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.

d. The Department shall remove this limitation from Respondent's license when Respondent has satisfied the Board's designee that Respondent has successfully completed the preapproved education.

4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$300.

5. Requests for preapproval of proposed remedial education, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

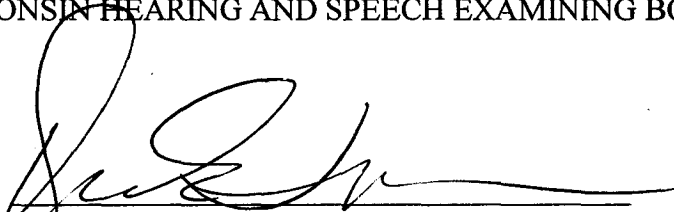
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

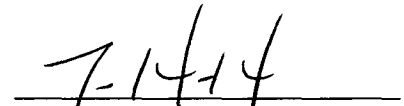
6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered, Respondent's license (no. 1276-60) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN HEARING AND SPEECH EXAMINING BOARD

by:


A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

LISA M. LEANNA,
RESPONDENT.

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STIPULATION

00033 16

Division of Legal Services and Compliance Case No. 14 HAD 002

Respondent Lisa M. Leanna 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. Respondent consents to the resolution of this investigation by Stipulation.

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

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent'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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

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

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Hearing and Speech Examining 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. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

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 Respondent, 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.

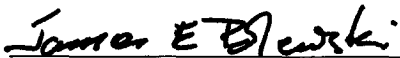
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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



Lisa M. Leanna, Respondent
P.O. Box 10452
Green Bay, WI 54307
License no. 1276-60

4-29-14
Date



James Polewski, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

April 10, 2014
Date