

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE OPTOMETRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
JANSON A. MANCHESKI, O.D., :
RESPONDENT. :
 : 0004046

Division of Legal Services and Compliance Case No. 13OPT005

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

Janson A. Mancheski, O.D.
1250 E. Mason St.
Green Bay, WI 54301

Wisconsin Optometry 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 Wisconsin Optometry 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 Janson A. Mancheski, O.D. (DOB August 18, 1952) is licensed in the State of Wisconsin as an optometrist, having license number 1750-35, first granted on August 2, 1980, and current through December 14, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1250 East Mason Street, Green Bay, Wisconsin 54301.
2. At all times relevant to this proceeding, Respondent was employed as an optometrist at a vision clinic (Clinic) located in Green Bay, Wisconsin.
3. Ms. A, Respondent's sister, is an employee at the Clinic.

4. Between June 12, 2012 and October 23, 2013, Respondent prescribed Ms. A Zolpidem nine times.

5. On June 12, 2012, Respondent prescribed hydrocodone to Ms. A.

6. The entirety of Respondent's records concerning his treatment of Ms. A is one page of notes reflecting an examination on July 9, 2009.

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

CONCLUSIONS OF LAW

1. The Optometry Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 449.07, 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, Janson A. Mancheski, O.D., engaged in unprofessional conduct as defined in Wis. Admin. Code. § OPT 5.10(1) by failing to record and include in each patient's record required information.

3. By the conduct described in the Findings of Fact, Janson A. Mancheski, O.D., was grossly incompetent as defined in Wis. Admin. Code. § OPT 5.02(3) by failing to exercise that degree of care and skill which is exercised by the average practitioner who holds the same type of license or certificate, acting in the same or similar circumstances.

4. As a result of the above conduct, Janson A. Mancheski, O.D., is subject to discipline pursuant to Wis. Stat. § 449.07(1)(b) and (f).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Janson A. Mancheski, O.D., is REPRIMANDED.

3. The optometrist license issued to Janson A. Mancheski, O.D., (license number 1750-35) and his privilege to practice optometry in Wisconsin are LIMITED as follows:

a. Within 90 days of the date of this Order, Respondent shall at his own expense, successfully complete six (6) hours of education on the topic of record keeping and six (6) hours of education on the topic of ethics offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.

b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the

Department Monitor at the address stated below. None of the 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, and also may not be used in future attempts to upgrade a credential in Wisconsin.

c. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully completed all of the ordered education.

4. Within 120 days from the date of this Order, Janson A. Mancheski, O.D., shall pay COSTS of this matter in the amount of \$450.00.

5. Request of approval of courses, proof of successful course completion and 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 7190, Madison, WI 53707-7190
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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 1750-35) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and submitted proof of completion of the education.

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

WISCONSIN OPTOMETRY EXAMINING BOARD

by: Donna Marie Cook
A Member of the Board

6-4-2015
Date

STATE OF WISCONSIN
BEFORE THE OPTOMETRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
JANSON A. MANCHESKI, O.D., :
RESPONDENT. :
 : 0004046

Division of Legal Services and Compliance Case No. 13 OPT 005

Respondent Janson A. Mancheski, O.D., 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 Optometry 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.

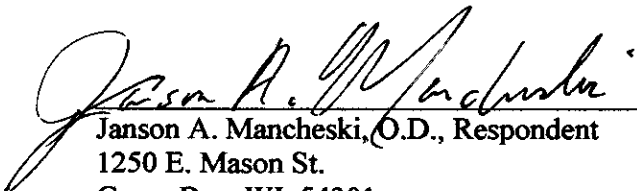
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

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.

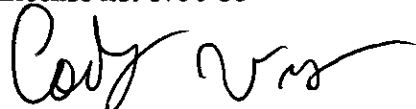
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Janson A. Mancheski, O.D., Respondent
1250 E. Mason St.
Green Bay, WI 54301
License no. 1750-35

2-18-15
Date



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

2/25/15
Date