

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JERROLD W. JERUE,
RESPONDENT.

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FINAL DECISION AND ORDER

0004295

Division of Legal Services and Compliance Case No. 14 HAD 010

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

Jerrold W. Jerue
1332 4th Ave N
Onalaska, WI 54650

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 Jerrold W. Jerue (dob February 22, 1958) is licensed in the state of Wisconsin to practice as a hearing instrument specialist, having license number 1332-60, first granted on December 28, 2009 and current through January 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 1332 4th Avenue North, Onalaska, Wisconsin 54650.

2. At all times relevant to this proceeding, Respondent was employed by a hearing care provider located in Onalaska, Wisconsin.

3. Between August 2010 and May 2013, Respondent failed to provide receipts to 12 patients to whom he sold hearing aids.

4. Between August 2010 and May 2013, Respondent failed to provide written guarantees to patients to whom he sold hearing aids.

5. Between August 2010 and May 2013, Respondent failed to obtain proof of medical examination or waiver of the medical examination from 13 patients he fitted with hearing aids.

6. Between June 2012 and May 2013, Respondent sold hearing aids to 11 patients without giving tests using appropriate procedures and instrumentation.

7. 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, Jerrold W. Jerue violated 21 CFR § 801.421(a)2, by failing to obtain a written waiver of the medical evaluation requirements.

3. By the conduct described in the Findings of Fact, Jerrold W. Jerue violated Wis. Stat. § 459.03, by failing to provide the receipt required to be furnished to a person supplied with a hearing aid.

4. By the conduct described in the Findings of Fact, Jerrold W. Jerue violated Wis. Stat. § 459.04, by failing to provide a seller's guarantee that is at least identical in its terms to the guarantee of the manufacturer of the hearing aid.

5. By the conduct described in the Findings of Fact, Jerrold W. Jerue violated Wis. Stat. § 459.10(1)(p), by selling a hearing aid to a person who was not given tests by a hearing instrument specialists using appropriate procedures and instrumentation.

6. By the conduct described in the Findings of Fact, Jerrold W. Jerue engaged in unprofessional conduct as defined in Wis. Admin. Code § HAS 5.02(2)(g) by failing to clearly state the full terms of sale on a receipt, as required in Wis. Stat. § 459.03, and failing to comply with those terms.

7. As a result of the above violations, Jerrold W. Jerue is subject to discipline pursuant to Wis. Stat. § 459.10(1)(e).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Jerrold W. Jerue is REPRIMANDED.
3. The license to practice as a hearing instrument specialist issued to Jerrold W. Jerue (license number 1332-60) 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 takes 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. Respondent shall provide his current employers with a copy of this Order and provide a copy of this Order to any future employers before engaging in any hearing instrument specialist employment.
 - e. For a period of at least two (2) years while working at least half-time as a hearing instrument specialist, Respondent shall work only under supervision, and only in a work setting pre-approved by the Board.
 - f. For a period of at least two (2) years while working at least half-time as a hearing instrument specialist, Respondent shall arrange for his hearing instrument specialist employer(s) to send to the Department Monitor quarterly reports, reporting the terms and conditions of his employment and evaluating his work performance.
 - g. Respondent shall notify the Department Monitor of any change of hearing instrument specialist employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.
 - h. After two (2) years of working at least half-time as a hearing instrument specialist, with favorable reports from the employer, Respondent may petition the board for the modification or termination of the limitation. The Board may grant or deny the petition, in its discretion, or may modify this Order as it sees fit.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$295.92.

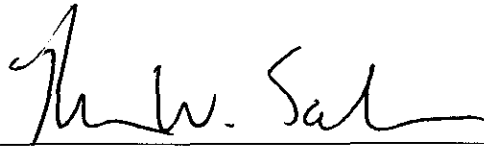
5. Requests for preapproval of proposed remedial education, proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

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 or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 1332-60) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of costs and submit proof of completion of the education.

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

WISCONSIN HEARING AND SPEECH EXAMINING BOARD

by: 
A Member of the Board

10/12/15
Date

STATE OF WISCONSIN
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JERROLD W. JERUE,
RESPONDENT.

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:
:

STIPULATION

0004295

Division of Legal Services and Compliance Case No. 14 HAD 010

Respondent Jerrold W. Jerue 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. Respondent is represented by Attorney Dawn Marie Harris.

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 or Respondent's attorney, 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.



Jerrold W. Jerue, Respondent
1332 4th Ave N
Onalaska, WI 54650
License no. 1332-60

7/13/15

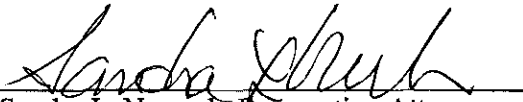
Date



Dawn Marie Harris, Attorney for Respondent
D.M. Harris Law, L.L.C.
201 Main Street, Suite 620
La Crosse, WI 54601

7-13-15

Date



Sandra L. Nowack, Prosecuting Attorney
State Bar Number 1025643
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
Tel. (608) 266-8098
sandra.nowack@wisconsin.gov

8/24/15

Date