

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 :
 : FINAL DECISION AND ORDER
TIMOTHY LIPPOLD, :
RESPONDENT. :

0004637

Division of Legal Services and Compliance Case No. 15 HAD 007

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

Timothy Lippold
2821 8th Street South
Wisconsin Rapids, WI 54494

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 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 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 Timothy Lippold, (dob March 11, 1952) is licensed in the state of Wisconsin to practice as an audiologist, having license number 296-156, first issued on February 27, 1998 and current through January 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2821 8th Street South, Wisconsin Rapids, Wisconsin 54494.

2. On December 8, 2014, Patient A, a 90 year old woman, had an appointment with Respondent to inquire about new hearing aids to replace the set she was using at the time.

3. Respondent performed a hearing test and Respondent overstated that Patient A's moderate hearing loss in her left ear and moderate-to-severe hearing loss in her right ear was severe hearing loss.

4. Respondent recommended that Patient A purchase a pair of hearing aids that had more appropriate specifications for her purportedly severe hearing loss.

5. Patient A elected to be fitted with a pair of all-in-the-ear hearing aids with parameters that Respondent represented were better suited and appropriate for her hearing loss. Patient A purchased the hearing aids on December 8, 2014 and signed a purchase agreement with a 30 day trial period.

6. Respondent fit Patient A with the new hearing aids on December 15, 2014. During the next thirty days, Patient A returned to see the Respondent three times for adjustment and called one time regarding concerns relating to loud uncomfortable sounds.

7. Patient A stated that as the 30 day trial period was nearing she asked Respondent about returning the hearing aids because they were "not working well for me." Patient A states that Respondent told her she was too worried about the time limit and that she needed much more time for her brain to adjust, maybe as much as six (6) months.

8. Based upon Respondent's statement, Patient A believed that Respondent was extending the contract time for her to adjust to the aids.

9. On February 10, 2015 Patient A went in for another adjustment.

10. On April 1, 2015, Patient A brought the hearing aids to the Respondent for a refund.

11. Respondent explained to Patient A that he would not be refunding any money since the 30 day trial period expired and he had not given any extension of that trial period.

12. Patient A left the hearing aids with the Respondent that day.

13. Respondent's records for Patient A show that Respondent did not test bone conduction on the right ear even though there was an air/bone gap of 15dB at 1K Hz, 25dB at 2K Hz and 30dB at 4K Hz.

14. Respondent did not evaluate the effectiveness of the hearing aids delivered to Patient A.

15. In resolution of this matter, Respondent Timothy Lippold 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(1), 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, Respondent violated Wis. Admin. Code § HAS 6.18(2)(d) by engaging in conduct likely to deceive, defraud, or harm an individual or the public in the course of the practice of audiology.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § HAS 6.18(2)(i) by failing to evaluate the effectiveness of services rendered or products dispensed.

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

ORDER

1. The attached Stipulation is accepted.

2. Timothy Lippold is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$300.00.

4. 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 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. 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 costs as ordered, Respondent's license (no. 296-156) 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.

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

WISCONSIN HEARING AND SPEECH EXAMINING BOARD

by: Therese V. Sato
A Member of the Board

4/11/16
Date

STATE OF WISCONSIN
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

TIMOTHY LIPPOLD,
RESPONDENT.

:
:
:
:
:

STIPULATION

0004637

Division of Legal Services and Compliance Case No. 15 HAD 007

Respondent Timothy Lippold 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.

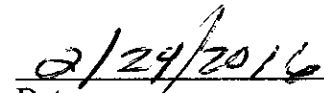
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes 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.

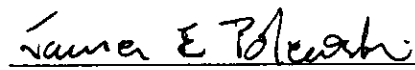
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



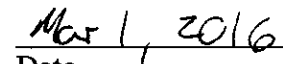
Timothy Lippold, Respondent
2821 - 8th Street South
Wisconsin Rapids, WI 54494
License no. 296-156



Date



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



Date