

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION :
INVOLVING :
: ADMINISTRATIVE INJUNCTION
DEANNE M. WEILER, :
RESPONDENT. :

0006215

Division of Legal Services and Compliance Case No. 17 UNL 103

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

Deanne M. Weiler
N68W25598 Waverly Place
Sussex, WI 53089-3707

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

This matter comes before the Department as a complaint to which the Respondent has made no timely response. Accordingly, the Department makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent Deanne M. Weiler, is not currently licensed to practice as a professional counselor in the state of Wisconsin. She was formerly licensed in the state of Wisconsin as a Professional Counselor, license number 1736-125. This license was first granted to Respondent on March 3, 1995, and was denied renewal on February 28, 2011, because of tax delinquency.

2. On July 10, 2017, the Department of Safety and Professional Services (Department) received a complaint alleging that Respondent Deanne M. Weiler, has continued to bill Anthem Blue Cross & Blue Shield for services rendered in 2014 and 2015. The complaint alleged Respondent's National Provider Identifier number was used to bill 205 times in 2014 and 2015, charging \$55,020.00.

3. On March 22, 2018, and April 17, 2018, the Department made attempts to contact the Respondent at the street address, email address, and telephone number on file with the Department. The Department never received a response.

4. On June 19, 2018, the Department sent two (2) certified letters to Respondent to two (2) different addresses that were found on a public records search. Both certified letters were returned as undeliverable.

5. On September 12, 2018, Respondent reported that she had not worked as a therapist in years.

7. On September 14, 2018, Respondent replied to the Department stating she had not been working for the past few years and has not filed a tax return for 2017 because she did not have a source of income.

8. On October 24, 2018, an Anthem Blue Cross & Blue Shield investigator submitted copies of 73 checks Respondent accepted as payment for services for Patient A. The checks submitted start on April 4, 2014, and go to September 29, 2015.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21, and is authorized to enter the attached Order pursuant to Wis. Stat. § 227.44(5).

2. Under Wis. Stat. § 457.01(7), a “professional counselor” is defined as an individual who holds a license to practice professional counseling granted by the professional counselor section of the Marriage and Family Therapists, Professional Counseling, and Social Work Examining Board.

3. Pursuant to Wis. Stat. § 457.04(6), a license is required to engage in the practice of professional counseling.

4. Pursuant to Wis. Stat. § 457.04(6), a license is required to use the title of “professional counselor,” or any other title or designation that represents or may tend to represent the person as a professional counselor in the state of Wisconsin.

5. The conduct described in the Findings of Fact above constitutes the unlicensed practice of professional counseling, contrary to Wis. Stat. §§ 457.04 (6) and (7).

6. Injunctive relief is appropriate for a violation of Wis. Stat. § 457.04, pursuant to Wis. Stat. § 457.28.

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed to practice professional counseling by the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, Respondent is enjoined and prohibited from the practice of professional counseling in the state of Wisconsin.

3. Unless and until Respondent is properly licensed to practice professional counseling by the Wisconsin Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board, Respondent is enjoined and prohibited from using the title of "therapist," "counselor," or any other title or designation that represents or may tend to represent the person as a professional counselor or marriage and family therapist in the state of Wisconsin.

4. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

5. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Issued at Madison, Wisconsin, this 9TH day of June, 2019.

By: Aloysius Rohmeyer
Aloysius Rohmeyer, Chief Legal Counsel
On behalf of the Department

MAY 17 2019

STATE OF WISCONSIN

BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

DEPT OF SAFETY & PROFESSIONAL SERVICES
DIVISION OF LEGAL SERVICES AND COMPLIANCE

IN THE MATTER OF A PETITION FOR AN :
 ADMINISTRATIVE INJUNCTION :
 INVOLVING : STIPULATION
 DEANNE M. WEILER, :
 RESPONDENT. :

0006215

Division of Legal Services and Compliance Case No. 17 UNL 103

Respondent Deanne M. Weiler 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 Administration Injunction by the Wisconsin Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.


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

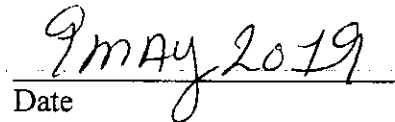
Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

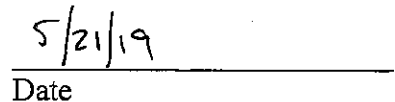
7. Respondent is informed that should the Department adopt this Stipulation, the Department's Administrative Injunction is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Administrative Injunction.


Deanne M. Weiler, Respondent
N68W25598 Waverly Place
Sussex, WI 53089-3707


Date


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


Date