

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

WOLFGANG WEILER,
RESPONDENT.

ADMINISTRATIVE INJUNCTION

ORDER 0008169

Division of Legal Services and Compliance Case No. 21 UNL 066

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

Wolfgang Weiler
Green Bay, WI 54301

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Wolfgang Weiler (Respondent) is not and has never been licensed as a physician or other health care provider in the state of Wisconsin.

2. On August 18, 2021, a complaint was filed with the Department alleging that Respondent was providing medical advice without the necessary credential.

3. Respondent owns and operates a business that provides personal training and wellness services. Such services include Pilates training, energy balancing, energetic skincare, massage therapy, reflexology, waxing services, float and pod therapy, among other similar

services. Respondent's business contracts with and/or employs massage and bodywork therapists and aestheticians that are credentialed in Wisconsin. Respondent's business does not provide athletic trainer services.

4. Respondent provides energy balancing to his clients. Generally, energy balancing refers to the practice of using touch-based muscle testing to detect disruptions or abnormalities in the body's flow of energy, and a combination of meditation and touch or acupressure to attempt to re-channel the body's energy to its proper or normal pathways. One aspect of energy balancing involves reading the body's energy to answer a client's "yes" or "no" question about potential causes of symptoms or emotions they are experiencing. On that basis, Respondent has opined to clients whether they currently have COVID-19, whether they could contract COVID-19, and/or whether they could spread COVID-19.

5. Respondent maintains that any statements made while conducting energy balancing are not given as medical advice. Respondent advises clients that he and his staff are not physicians and cannot provide medical advice or diagnoses, or cure or treat any diseases or illnesses. Finally, clients are required to sign a release prior to receiving services.

6. Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Department has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21 and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. Wisconsin Stat. § 448.01(9) defines the practice of medicine and surgery to mean:

(a) To examine into the fact, condition or cause of human health or disease, or to treat, operate, prescribe or advise for the same, by any means or instrumentality.

(b) To apply principles or techniques of medical sciences in the diagnosis or prevention of any of the conditions described in par. (a) and in sub. (2).

(c) To penetrate, pierce or sever the tissues of a human being.

(d) To offer, undertake, attempt or do or hold oneself out in any manner as able to do any of the acts described in this subsection.

3. Wisconsin Stat. § 448.03(1)(a) provides that no person may practice medicine and surgery, or attempt to do so or make representation as authorized to do so, without a license to practice medicine and surgery granted by the Board.

4. The conduct described in the Findings of Fact constitutes the unlicensed practice of medicine and surgery contrary to Wis. Stat. § 448.03(1)(a).

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed to practice medicine and surgery by the Wisconsin Medical Examining Board, Respondent is enjoined and prohibited from the practice of medicine and surgery in the state of Wisconsin.

3. 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.

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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

9-21-2022
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF

WOLFGANG WEILER,
RESPONDENT.

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STIPULATION

ORDER 0008169

Division of Legal Services and Compliance Case No. 21 UNL 66

Wolfgang Weiler (Respondent), and the Division of Legal Services and Compliance (Division), Department of Safety and Professional Services (Department), stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division. 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 Laina P. Stuebner.

4. Respondent agrees to the adoption of the attached Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, 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 for further proceedings. In the event that the Stipulation is not accepted by the

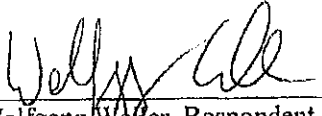
Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney for the Department may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this 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. Respondent is further informed that should the Department adopt this Stipulation, the Department's Administrative Injunction will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division joins Respondent in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.




Wolfgang Wefer, Respondent
Green Bay, WI 54301

Sept. 17th 2022
Date



Laina P. Stuebner, Attorney for Respondent
Conway, Olejniczak & Jerry, S.C.
213 S. Adams Street
PO Box 23200
Green Bay, WI 54305

Sept. 20th 2022
Date



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

September 20, 2022
Date