

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

DEBBRA A. HERRMANN, H.I.S.,
RESPONDENT.

:
:
:
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:

FINAL DECISION AND ORDER

ORDER 0008328

Division of Legal Services and Compliance Case No. 22 HAD 002

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

Debbra A. Herrmann, H.I.S.
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. Debbra A. Herrmann, H.I.S. (Respondent), (Year of Birth 1963) is licensed in the state of Wisconsin as a hearing instrument specialist, having license number 1144-60, first issued on June 8, 1998 and current through January 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Onalaska, Wisconsin 54650.

Prior Discipline

2. On May 7, 2007, Respondent was reprimanded by the Board (Order Number LS0705071HAD) based upon impairment at work and providing a false statement to the Board

that she had not been convicted of Operating While Intoxicated (OWI) on two separate occasions (2000 and 2004).¹

Current Discipline

3. At all times relevant to this proceeding, Respondent worked as an Audiometric Technician at a clinic located in Onalaska, Wisconsin (Clinic). Respondent's scheduled work hours are routinely 7:30am to 4:30pm, on Monday, Tuesday, Wednesday, and Friday. Respondent's duties include assisting the audiologists and repairing hearing aids. She remains employed at the Clinic.

4. On Saturday, July 17, 2021, at 5:39pm, Respondent was observed by the La Crosse County Sheriff's Office driving the opposite direction on a one-way street in excess of the posted speed limit. The officer noted that Respondent had glossy eyes, slurred speech, and there was a slight odor of intoxicants in the vehicle. The results from Respondent's preliminary breath test showed a 0.201% blood alcohol concentration. Respondent was arrested for OWI.

5. Respondent's prior alcohol-related offenses were in 2000, 2004, and 2017.

6. On December 16, 2021, Respondent was convicted of OWI(4th), a felony, in violation of Wis. Stat. § 346.63(1)(a) and was sentenced to 185 days in jail and ordered to participate in the La Crosse County OWI Treatment Court, a nine-month minimum treatment and monitoring program.² The judgment of conviction was entered on December 20, 2021.

7. On January 13, 2022, Respondent reported the conviction to the Department, a total of 24 days after the entry of the judgment of conviction.

8. On September 16, 2022, Respondent completed the requirements of the La Crosse County OWI Treatment Court.

9. Respondent's conviction does not bear a substantial relationship to her duties as an Audiometric Technician.

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

CONCLUSIONS OF LAW

1. The 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).

¹ On January 29, 2018, Respondent self-reported a conviction of operating with a prohibited alcohol concentration (3rd) in La Crosse County case number 2017CT000153. The Department opened 18 HAD 001 for her failure to report the conviction within 48 hours after the entry of the judgment of conviction; however, the matter was closed when it was determined that the circumstances surrounding the conviction were not substantially related to the practice of fitting and dealing in hearing aids.

² Program policies and procedures are available at: https://www.lacrossecounty.org/docs/default-source/human-services/policies-and-procedures---owi-treatment-court.pdf?sfvrsn=102cf34b_0.

2. By the conduct described in the Findings of Fact, Respondent was convicted of a felony or misdemeanor and failed to send notice of the conviction by 1st class mail to the department within 48 hours after the entry of the judgment of conviction in violation of Wis. Stat. § 440.03(13)(am).

3. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 459.10.

ORDER

1. The attached Stipulation is accepted.

2. Respondent is REPRIMANDED.

3. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$421.00.

4. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

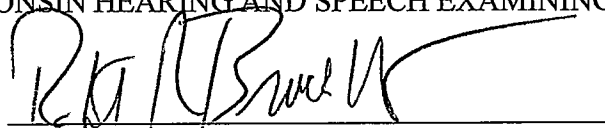
Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

5. In the event Respondent violates any term of this Order, Respondent's license (number 1144-60) or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN HEARING AND SPEECH EXAMINING BOARD

By:



A Member of the Board

Date

1/9/2023

STATE OF WISCONSIN
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DEBBRA A. HERRMANN, H.I.S.,
RESPONDENT.

STIPULATION
ORDER 0008328

Division of Legal Services and Compliance Case No. 22 HAD 002

Debbra A. Herrmann, H.I.S. (Respondent), 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. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order 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 of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Debra A. Herrmann, H.I.S., Respondent
Onalaska, WI 54650
License No. 1144-60

12-13-2022
Date



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

12/14/2022
Date