

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE OPTOMETRY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MICHAEL A. STECK, O.D.,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
:

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**ORDER 0008375**

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Division of Legal Services and Compliance Case No. 21 OPT 010

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

Michael A. Steck, O.D.  
New Berlin, WI 53151

Wisconsin Optometry 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 Optometry 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 Michael A. Steck, O.D., (Year of Birth 1960) is licensed in the state of Wisconsin as an optometrist, having license number 2336-35, first issued on July 15, 1989, and current through December 14, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in New Berlin, Wisconsin 53151.

2. At all times relevant to this proceeding, Respondent practiced as an optometrist at an eye clinic he owned in Milwaukee, Wisconsin.

3. In August 2021, a 33-year-old female patient (Patient A) saw Respondent for an annual eye exam. Patient A's insurance company only paid for part of the cost of treatment. Respondent billed Patient A for the remaining cost of treatment. Patient A refused to pay for the

remaining cost of treatment and repeatedly ignored communications from Respondent regarding her payment obligations.

4. On October 19, 2021, Patient A left a negative review of Respondent's treatment on the Google Business Profile of Respondent's clinic. Respondent replied to Patient A's negative review and included Patient A's last name, date of service, and insurance information in his response.

5. Respondent has stated that he believed his response would be sent directly to Patient A and was not aware it would be posted publicly.

6. After Patient A filed a complaint with the Department, Respondent had Clinic staff review policies related to HIPAA and patient confidentiality and update as warranted. Respondent also participated in additional HIPAA training, including responding to on-line reviews.

7. 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. § 449.07(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 § OPT 5.03(2), by engaging in conduct in the practice of optometry which evidences a lack of knowledge or ability to apply professional principles or skills.

3. As a result of the above violation, Respondent is subject to discipline pursuant to Wis. Stat. § 449.07(1)(f).

#### 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 \$611.00.

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://dspsmonitoring.wi.gov>.

5. In the event Respondent violates any term of this Order, Respondent's license (number 2336-35) or Respondent's right to renew his 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 OPTOMETRY EXAMINING BOARD

By:   
A Member of the Board

1/26/2023  
Date

RECEIVED

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DIV LEGAL SERVICES & COMPLIANCE  
DEPT SAFETY & PROFESSIONAL SERVICES

STATE OF WISCONSIN  
BEFORE THE OPTOMETRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MICHAEL A. STECK, O.D.,  
RESPONDENT.

STIPULATION

ORDER 0008275

Division of Legal Services and Compliance Case No. 21 OPT 010

Respondent Michael A. Steck, O.D., 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 Optometry 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.

 <sup>00</sup>  
2336

Michael A. Steck, O.D., Respondent  
New Berlin, WI 53151  
License No. 2336-35

10/20/2022  
Date



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

10/25/22  
Date