

Ed. ... 4-9-02



Protecting, maintaining and improving the health of all Minnesotans

April 3, 2002

Mr. Walter Beck

RE: MDH File Number SPA 99039

Dear Mr. Beck:

Based on my review of the recommendation by Department staff, a copy of which is attached, I have determined that you have failed, within 30 days, to provide information in response to a written request by the commissioner, in violation of Minnesota Statutes §148.5195, Subd. 3(2). I am, therefore, revoking your registration as an audiologist. This action is authorized pursuant to Minnesota Statutes §148.5195, Subd. 4(3).

In addition, Minnesota Statutes, §148.5195, Subd. 5 states that upon revocation of registration, you must cease to use titles protected under §§148.511 to 148.5196 and shall cease to represent to the public that you are registered by the commissioner.

You have the right to challenge this decision in a contested-case hearing as provided under Minnesota Statutes Chapter 14. Requests for a hearing should be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send, deliver, or fax a written hearing request, within 30 days of the date of this letter, to:

Susan Winkelmann, Investigations and Enforcement Manager
Minnesota Department of Health
121 East Seventh Place, Suite 400
P.O. Box 64975
St. Paul, MN 55164-0975
Fax (651) 282-5628

If you have any questions about this matter, please contact Ms. Terri Vose at (651) 282-6331.

Sincerely,

David J. Giese, Director
Health Policy and Systems Compliance Division

cc: Tom Hiendlmayr, Director of Health Occupations Program
Susan Winkelmann, Investigations and Enforcement Manager, Health Occupations Program

HEALTH OCCUPATIONS PROGRAM
STAFF RECOMMENDATION
RE: In the Matter of Walter D. Beck

AUTHORITY

1. The Minnesota Department of Health (MDH) has statutory authority to revoke an audiologist registration for violation of law under Minnesota Statutes, §148.5195, Subd. 4(3).
2. A determination that a registrant has failed, within 30 days, to provide information in response to a written request by the commissioner or advisory council by Minnesota Statutes, §148.5195, Subd. 3(2) is ground for disciplinary action by the commissioner.

FINDINGS OF FACT

1. On July 22, 1998, Mr. Beck requested the Department mail to him an application for registration. On July 27, 1998, the Department mailed an application for registration and the applicable laws to Mr. Beck
2. The Department received Mr. Beck's application for an audiologist registration on August 11, 1998. Mr. Beck's application stated his permanent mailing address as: [REDACTED]
[REDACTED]
3. The Department approved Mr. Beck's registration with an effective date of November 9, 1998 and an expiration date of January 31, 1999 and mailed the issuance letter and wallet card to [REDACTED]
[REDACTED]
4. On December 18, 1999, the Department mailed a renewal notice and renewal application to Mr. Beck at [REDACTED]
5. On March 2, 1999, the Department notified Mr. Beck that it had not received his renewal application and that he must discontinue use of the registered titles and may no longer represent that he is registered.
6. On March 17, 1999, the Department received Mr. Beck's renewal application and the Department issued Mr. Beck's registration with an effective date of March 22, 1999 and an expiration date of January 31, 2000 and in his issuance letter notified him that the matter of him practicing after his registration expired on January 31, 1999 was being referred to the Investigation and Enforcement Unit for follow-up and investigation.
7. On April 1, 1999, the Department notified Mr. Beck that his renewal registration application was referred to the Investigation and Enforcement Unit concerning his use of protected titles after his registration expired on January 31, 1999. Said letter was sent to [REDACTED]
[REDACTED]

8. On June 25, 1999, the Department notified Mr. Beck that it had not received a response from April 1, 1999 letter and further stated that failure to comply with Minnesota Statutes, §148.5195, Subd. 3 is grounds for discipline and could include revocation of his registration.

9. On January 20, 2000, the Department received Mr. Beck's renewal application. On his renewal application, Mr. Beck provided the Department with the same address as his initial application, [REDACTED]. The Department issued Mr. Beck's renewal application with an effective date of February 1, 2000 and an expiration date of January 31, 2002.

10. By letter dated November 21, 2001, the Department notified Mr. Beck that his registration would expire on January 31, 2002 and provided him with a renewal application form. On December 3, 2001, the renewal application form was returned to the Department from the U.S. Post Office stamped "forward time expired. Return to Sender. [REDACTED]"

11. On December 17, 2001, the Department mailed to Mr. Beck at [REDACTED] a copy of its letters to him on April 1, 1999 and June 25, 1999 and notified him that the matter of him using protected titles between February 1, 1999 to March 22, 1999 without being registered was still outstanding and requested that he provide a written response by January 17, 2002, and further stated that failure to respond to the Department's request for information could result in revocation or suspension of his registration.

As of March 13, 2002, the Department has not received a response from Mr. Beck, either written or verbal, to the Department's inquiries on April 1, 1999 and June 25, 1999 and December 17, 2001.

CONCLUSION

1. Mr. Beck failed, within 30 days, to respond to the Department's written request for information concerning his use of protected titles after his registration expired, which is ground for discipline under Minnesota Statutes, §148.5195, Subd. 3(2).

STAFF RECOMMENDATION

Mr. Beck's registration should be revoked.