

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 :
 : FINAL DECISION AND ORDER
BO KUI FENG, :
 : LS0603292RLA
RESPONDENT. :

Division of Enforcement Case # 03 RLA 004

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

Bo Kui Feng
1250 Poplar Ridge Ct.
Brookfield, WI 53045

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Secretary of the Department of Regulation and Licensing. The Secretary has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Secretary adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Bo Kui Feng, (DOB 11/11/1948) is duly certified as an acupuncturist in the State of Wisconsin (certificate # 55-94). This certificate was first granted on July 22, 1993.
2. Respondent's most recent address on file with the Wisconsin Department of Regulation and Licensing is 12201 W. Burleigh St. #1, Wauwatosa, Wisconsin. His last known address is 1250 Poplar Ridge Court, Brookfield, Wisconsin.
3. At all times relevant to this action, Respondent was working as an acupuncturist in Wisconsin.
4. On or about July 7, 2001, Respondent treated patient C.W., a patient with a long history of multiple medical problems, for back pain. Despite C.W.'s complicated medical history, the record contains little documentation of Respondent's health assessment of the patient.
5. As part of C.W.'s treatment Respondent used a TDP electromagnetic health lamp. He left C.W. in a room with the lamp above her left hip for approximately twenty minutes. C.W.'s mother was in the room with her. Respondent states that he checked on C.W. twice, and she said she was okay. C.W.'s mother states that Respondent never checked on C.W. C.W. died of unrelated medical problems several months later and is unavailable to testify.

6. C.W. sustained serious burns to her left hip.

7. C.W.'s mother reports that C.W. had an inability to sense extreme temperatures, and that Respondent was aware of this prior to initiating treatment. Respondent states that C.W. did not inform him of her inability to sense extreme temperatures until the day after treatment, when she showed him her burns.

8. Respondent enters into this stipulation for purposes of resolving this matter and does not admit fault.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 451.14, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4-8, above, constitutes a violation of Wis. Stat. § 451.14(2)(b) and Wis. Admin. Code § RL 73.01(9).

ORDER

IT IS ORDERED:

1. The certificate of Bo Kui Feng is LIMITED as follows:

(a) Respondent shall complete six hours of continuing education in medical record keeping, and six hours of continuing education in the assessment and treatment of back pain, including the use of TDP electromagnetic health lamps, within six months of the date of this order. If a formal course is unavailable, Respondent may arrange to complete the education through a mentor. The identity of the mentor and the instruction plan shall be approved in advance by the Department. The mentor shall have no business or social relationship with Respondent. All costs of the program shall be the responsibility of Respondent.

2. Respondent shall, within ninety (90) days from the date of this Order, pay costs of this proceeding in the amount of One Thousand, One Hundred dollars (\$1,100.00). Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

3. In the event Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, the Respondent's certificate (#55-94) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

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

Department of Regulation and Licensing

By: Secretary Celia Jackson or designee

3/29/06

Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :
 : STIPULATION
BO KUI FENG, : LS# _____
RESPONDENT. :

Division of Enforcement Case # 03 RLA 004

Bo Kui Feng, personally on his own behalf, and Jeanette Lytle, attorney for the Department of Regulation and Licensing, Division of Enforcement, stipulate:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's certification as an acupuncturist by the Division of Enforcement (case # 03 RLA 004). Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, 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 him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; 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 him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Department of Regulation and Licensing. 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 order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Secretary of the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Secretary, the parties agree not to contend that the Secretary has been prejudiced or biased in any manner by consideration of this attempted resolution.

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

7. Respondent is informed that should the Secretary adopt this Stipulation, the final decision and order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Respondent in recommending that the Secretary adopt this Stipulation and issue the attached Final Decision and Order.

Bo Kui Feng
12201 W. Burleigh St. #1
Wauwatosa, WI 53222

Date

Jeanette Lytle, Attorney
Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date