

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

IN THE MATTER OF THE APPLICATION FOR :
A MASSAGE THERAPIST CERTIFICATION FOR :
 : FINAL DECISION AND ORDER
STEPHEN M SEISER :
APPLICANT :

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

Stephen M Seiser
1232 1st Ave
Grafton WI 53024

Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison WI 53708-8935

FINDINGS OF FACT

1. Stephen M. Seiser (Applicant) has filed an application for a credential to practice as a massage therapist in the State of Wisconsin.
2. Information received in the application process reflects that:
 - a. On or about October 17, 1995 Applicant was convicted of violation of Wis. Stat. §161.41(1)(F)1 [delivery of LS Repeater]
 - b. On or about April 14, 1999 Applicant was convicted of violation of Wis. Stat. § 940.19(1) [battery]

CONCLUSIONS OF LAW

1. The Wisconsin Department of Regulation and Licensing has jurisdiction over this matter pursuant to Wis. Stat. § 460.05.
2. The facts and circumstances of the convictions referenced above substantially relate to the practice of a massage therapist. Applicant by his conduct is subject to action against his license pursuant to Wis. Stat. § 460.14.

ORDER

NOW, THEREFORE, IT IS ORDERED that STEPHEN M. SEISER is GRANTED a MASSAGE THERAPIST CERTIFICATION, subject to the following LIMITATIONS, TERMS AND CONDITIONS:

Sobriety

1. Applicant shall abstain from all personal use of alcohol and controlled substances as defined in Wis. Stats. § 961.01(4), except when prescribed, dispensed or administered by a health care practitioner for a legitimate medical condition. Applicant shall disclose Applicant’s drug and alcohol history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Applicant shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Applicant’s treatment with, and provide copies of treatment records to, Treatment Provider and the Department or Department Monitor.

2. Applicant shall refrain from the consumption of over-the-counter medications or other substances which may mask consumption of controlled substances or of alcohol, create false positive screening results, or interfere with Applicant's treatment and rehabilitation.

Releases

3. Applicant shall provide and keep on file with all facilities and personnel, laboratories and collections sites and (if applicable) treatment provider(s) current releases complying with state and federal laws. The releases shall allow the Department, its designee, and any employee of the Department of Regulation and Licensing, Division of Enforcement to:
 - (a) obtain all urine, blood and hair specimen screen results and patient health care and treatment records and reports, and
 - (b) discuss these results and records with relevant personnel. Copies of these releases shall immediately be filed with Department Monitor.

Drug and Alcohol Screens

4. Applicant shall comply with any request by an employer for a screen for alcohol or controlled substances. In addition, the Department reserves the right to request one or more screens for alcohol or controlled substances, should the Department Monitor in its discretion believe a screen is warranted on the basis of a report received. Upon notification the need for a screen, applicant shall comply with obtaining a screen within five [5] hours of notification. All screens shall be performed according to standard Department procedures, and all confirmed positive test results shall be presumed to be valid. Applicant must prove by a preponderance of the evidence an error in collection, testing or other fault in the chain of custody. Applicant shall be responsible for all costs associated with obtaining screens.

Treatment

5. The Department reserves the right, based upon reports received, to require Applicant upon notification by the Department Monitor to enter into and maintain participation in a Department-approved program of treatment for drug and alcohol abuse/dependency through completion and discharge from treatment. Applicant shall cooperate with and follow all treatment recommendations of his treatment provider. Upon discharge, Respondent shall submit a copy of his discharge summary to the Department Monitor.
6. If treatment is required, Applicant shall provide his treatment provider with a copy of this Final Decision and Order.
7. If treatment is required, Applicant's treatment provider shall submit formal written reports to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall assess Applicant's progress, compliance and cooperation in the applicable program. The treatment provider shall report immediately to the Department Monitor any violation or suspected violation of this Order.

Practice Limitations

8. Applicant shall work only in settings pre-approved by the Department or the Department Monitor and under a plan of supervision pre-approved by the Department or the Department Monitor.

Reporting Requirements

9. Applicant shall provide a copy of this Final Decision and Order to supervisory personnel at all settings where Applicant works as a massage therapist and (if applicable) to his treatment provider.
10. It is Applicant's responsibility to arrange for written reports from his supervisor(s) to be provided to Department Monitor on a quarterly basis, as directed by Department Monitor. These reports shall describe the Respondent's massage therapy activities and verify that he is in compliance with the laws governing the practice of massage therapy and the terms of this Order.
11. Applicant shall report to the Department any change of employment status, residence, address or telephone number within five (5) days of the date of a change.
12. Applicant is responsible for compliance with all of the terms and conditions of this Order, including the timely submission of reports by others. Applicant shall promptly notify Department Monitor of any suspected violations of any of the terms and conditions of this Order by Applicant

Department Monitor

13. The Department Monitor is the individual designated by the Department as its agent to coordinate compliance with the terms of this Order. Any requests, petitions, reports and other information required by this Order shall be mailed, e-mailed, faxed or delivered to:

DEPARTMENT MONITOR
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Ave., P.O. Box 8935
Madison, WI 53708-8935
Fax: (608) 266-2264
Telephone: (608) (608) 261-7904

Petitions for Modification

14. Applicant may petition the Department for modification of the terms of this Order after two years from the effective date of this order. Any such petition shall be accompanied by a written recommendation from Applicant's employer and (if applicable) his treatment provider expressly supporting the specific modifications sought. Denial of a petition in whole or in part shall not be considered a denial of a license within the meaning of Wis. Stats. § 227.01(3)(a), and Applicant shall not have a right to any further hearings or proceedings on the denial.

Costs

15. Applicant shall be responsible for all costs and expenses incurred in conjunction with the monitoring, screening, supervision and any other expenses associated with compliance with the terms of this Order. Being dropped from a program for non-payment is a violation of this Order.

Summary Suspension / Additional Discipline

16. Failure by Applicant to timely comply with the terms of this limitation and/or any further criminal conviction shall result in the revocation of Applicant's limited license without further notice or hearing or other proceeding. A violation of this Order may alternatively be the basis for a summary suspension under Wis. Admin. Code RL 6 or separate disciplinary action under Wis. Stat. §440.26(6).

Dated at Madison, Wisconsin this 21st day of May, 2007.

Debra J. Kraft
On behalf of the Department of
Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF APPLICATION FOR	:	
MASSAGE THERAPIST CERTIFICATION FOR	:	
	:	STIPULATION
STEPHEN M SEISER	:	
Applicant	:	

It is hereby stipulated between the above-referenced Applicant and the State of Wisconsin Department of Regulation and Licensing as follows:

The Applicant has filed an application for a massage therapist certification. Information received by the Department reflects a basis for denial of the application for a credential. Based upon the information of record herein, the Department agrees to issue and the Applicant agrees to accept an Order issuing a limited massage therapist certification subject to the terms and conditions set forth in the attached Order Adopting Stipulation.

Dated this ____ day of _____, 2007

Stephen M Seiser

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

Dated this ____ day of _____, 2007

By: _____