

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

GRANT DU,  
RESPONDENT.

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:  
:  
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FINAL DECISION AND ORDER

~~ORDER 0001895~~

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[Division of Enforcement Case #11 RLA 003]

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

Grant Du  
1910 Pike Dr., #4  
Fitchburg, WI 53713

Division of Enforcement  
Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Safety and Professional Services  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms of the attached Stipulation as the final decision of this matter, subject to the approval of the Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Grant Du, a.k.a. Li Hua Du, (Respondent) was born on January 14, 1969 and is licensed to practice acupuncture in the State of Wisconsin (license #551-55). This license was first granted on October 1, 2007 and is current through June 30, 2013.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services is 1910 Pike Drive, #4, Fitchburg, Wisconsin.

3. At all times relevant to this case, Respondent owned and operated his own clinic, Du's Acupuncture Clinic, located in Madison, Wisconsin.

4. On October 15, 2011, Respondent, believing romantic feelings were mutual, kissed Client A during an acupuncture appointment. Client A did not give Respondent permission to kiss her.

5. On May 10, 2012, Respondent pled No Contest to one count of misdemeanor 4<sup>th</sup> Degree Sexual Assault in Dane County. Respondent was sentenced to one year probation and ordered counseling as deemed appropriate by the probation agent.

6. On April 24, 2012, Respondent completed two hours of education on boundaries.

#### CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction over this matter pursuant to Wis. Stat. § 451.14 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent's conduct above constitutes conduct that evidences a lack of knowledge or ability to apply professional principles or skills as defined by Wis. Admin. Code § SPS 73.01(2) and subjects Respondent to discipline pursuant to Wis. Stats. § 451.14(2)(b) and (c).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of Respondent Grant Du to practice acupuncture in the State of Wisconsin (#551-55) is SUSPENDED for no less than four (4) months, from the date of this Order.

a. Respondent may petition the Department for the termination of the suspension after four months under the following terms and conditions:

- i. Respondent shall have, at Respondent's own expense, undergone an assessment by a mental health care provider experienced in evaluating health care practitioners with boundary violations.
- ii. The practitioner performing the assessment must not have treated Respondent and shall have been approved by the Department, with the opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.

- iii. Within fifteen (15) days of the completion of the assessment, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below
- iv. Respondent may petition the Department for the termination of the suspension before the end of the four month suspension, provided Respondent has completed the mental health assessment. However, the period of suspension shall be no less than four months.
- v. Respondent must provide proof sufficient to convince the Department that Respondent is able to practice with reasonable skill and safety of clients and the public and does not suffer from any condition which prevents him from practicing in that manner.
- vi. If the Department determines to end the suspension, Respondent's license shall be limited in a manner to address any concerns the Department has as a result of the assessment, including, but not limited to:
  - 1. Psychotherapy, at Respondent's expense, by a therapist approved by the Department or its designee, to address specific treatment goals, with periodic reports to the Department by the therapist.
  - 2. Additional professional education in any identified areas of deficiency.
  - 3. Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Department, with periodic reports to the Department by the supervisor.
- b. If Respondent believes that the Department's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Department or its designee under paragraph 1(a)(vi) is inappropriate, Respondent may seek a Class I hearing pursuant to Wis. Stat. § 227.01(3)(a), in which the burden shall be on Respondent to show that the Department's or designee's decision is arbitrary or capricious. The suspension or limitation on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

2. The license of Grant Du to practice acupuncture in the State of Wisconsin (#551-55) is further LIMITED in that within one hundred twenty (120) days from the date of this Order, Respondent shall obtain and successfully complete a minimum of six (6) hours of education in boundaries.

- a. Respondent shall locate and have the Department pre-approve each educational program prior to Respondent completing it.
- b. Within thirty (30) days after Respondent has completed the educational program(s), Respondent shall submit to the Department Monitor proof of his attendance and that he has successfully completed each educational program.
- c. Requests for pre-approval of education and proof of successful completion shall be submitted to the Department Monitor at the address below.
- d. Respondent is responsible for all costs of compliance with this Order.

3. Within twelve (12) months from the date of this Order, Respondent shall pay costs of this proceeding in the amount of ONE THOUSAND SIX HUNDRED DOLLARS (\$1,600.00) pursuant to Wis. Stat. § 440.22(2). Payment shall be made payable to the Wisconsin Department of Safety and Professional Services.

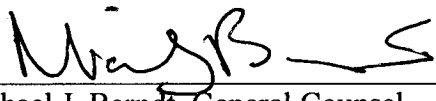
4. All petitions, requests, reports and payment shall be mailed, faxed or delivered to:

Department Monitor  
Department of Safety and Professional Services  
Division of Enforcement  
1400 East Washington Ave.  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Department in its discretion may impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to provide evidence of satisfactory completion of education or pay costs as set forth above in a timely matter, the Respondent's license (#551-55) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has submitted evidence of satisfactory completion of the education and paid costs.

6. This Order shall become effective upon the date of its signing.

**WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

By   
Michael J. Berndt, General Counsel  
On behalf of the Department

6/21/12  
Date