

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHENG CHI,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
: **0003574**

Division of Legal Services and Compliance Case No. 14 RLA 001

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

Cheng Chi
1002 Lake Lansing Rd.
Lansing, MI 48906

Cheng Chi
933 5th Street Southwest
New Brighton, MN 55112

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin 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 Wisconsin 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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Cheng Chi (dob July 16, 1958) is certified in the state of Wisconsin to practice acupuncture, having certificate number 720-55, first issued on March 25, 2011 and current through June 30, 2015. Respondent's most recent address on file with the Department is 1002 Lake Lansing Road, Lansing, Michigan 48906.

2. On information and belief, Respondent's actual address is 933 5th Street SW, New Brighton, MN 55112.

3. At all times relevant to this proceeding, Respondent was employed as an acupuncturist at a health center, located in St. Paul, Minnesota.

4. On January 16, 2013, the Minnesota Board of Medical Practice indefinitely suspended Respondent's license to practice acupuncture based on the following violations:

- a. Respondent improperly managed medical records, including failure to maintain adequate records in violation of Minn. Stat. § 147.091, subd 1(o); and
- b. Respondent engaged in conduct with a patient, which is sexual or may reasonably be interpreted by the patient as sexual in violation of Minn. Stat. § 147.091, subd 1(t).

5. On August 4, 2014, the Minnesota Board of Medical Practice reinstated Respondent's license to practice acupuncture in that state.

6. Respondent neither admits nor denies the conduct underlying the Minnesota action, but consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 451.14(2), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Minnesota Stat. §§ 147.091subds 1(o) and 1(t) are laws the circumstances of which substantially relate to the practice of acupuncture.

3. By the conduct described in the Findings of Fact, Respondent Cheng Chi violated Wis. Admin. Code § SPS 73.01(2), by violating, or aiding or abetting of any law, the circumstances of which substantially relate to the practice of acupuncture or other healing art.

4. By the conduct described in the Findings of Fact, Respondent Cheng Chi violated Wis. Admin. Code § SPS 73.01(4), by having been disciplined in another jurisdiction in any way by a certifying, registering, or licensing authority for reasons substantially the same as those set forth in Wis. Stat. § 451.14 or Wis. Admin. Code chs. SPS 70 to 73.

5. By the conduct described in the Findings of Fact, Respondent Cheng Chi violated Wis. Admin. Code § SPS 73.01(9), by failing to maintain complete and accurate records of each patient visit, including patient histories, summaries of examinations, diagnosis, and treatments performed or prescribed, and referrals to other practitioners of acupuncture or any other healing art, for a period of seven (7) years past the most recent visit of the patient to whom the record refers, or the time the patient reaches the age of majority.

6. As a result of the violations noted in the Conclusions of Law, Respondent Cheng Chi is subject to discipline pursuant to Wis. Stat. §§ 451.14(2)(b) and (g).

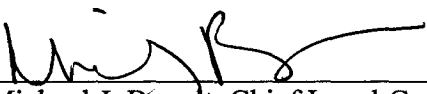
ORDER

1. The attached Stipulation is accepted.
2. The voluntary SURRENDER of Respondent Cheng Chi's certificate (no. 720-55) to practice acupuncture in the state of Wisconsin is accepted.
3. Respondent is on notice that he may not engage in the practice of acupuncture in the state of Wisconsin, nor may he hold himself out as one so authorized in this state.
4. This SURRENDER constitutes Respondent's permanent relinquishment of his certification to practice acupuncture in the state of Wisconsin. The Department will not, at any time in the future, process or otherwise consider an application by Respondent for a certification to practice acupuncture in the state of Wisconsin.
5. Respondent shall immediately return all indicia of licensure to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

11/25/14
Date

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

CHENG CHI,
RESPONDENT.

:
:
:
:
:
:

STIPULATION

0003574

Division of Legal Services and Compliance Case No. 14 RLA 001

Respondent Cheng Chi 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 Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, 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 Department, the parties agree not to contend that the Department 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 may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Administrative Injunction.

Chi, Cheng
Cheng Chi, Respondent
933 5th Street Southwest
New Brighton, MN 55112
License No. 720-55

2014-11-12
Date

Sandra L. Nowack
Sandra L. Nowack, Attorney
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Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190
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sandra.nowack@wisconsin.gov

11/17/14
Date