

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MASSAGE THERAPY AND
BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
DENIS V. PUTIKOV, : FINAL DECISION AND ORDER
RESPONDENT. :

0004816

Division of Legal Services and Compliance Case No. 15 MAB 054

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

Denis V. Putikov
2620 Normandy Ct.
Wauwatosa, WI 53226

Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
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 Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Denis V. Putikov (DOB February 25, 1972), is licensed in the state of Wisconsin to practice massage therapy and bodywork therapy, having license number 3403-146, first issued on January 3, 2012, with registration current through February 28, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2620 Normandy Ct., Wauwatosa, Wisconsin 53226.
2. On January 17, 2015, Respondent saw Client A (a female born in 1974) at a private residence.

3. Client A reported to Respondent, low to mid back and chest pain with restricted breathing of six months duration, depression, headaches, grief, sadness, and anxiety.

4. Respondent performed acupuncture on Client A.

5. On January 18, 2015, Client A experienced severe back pain and presented to a local emergency room.

6. On January 21, 2015, Client A underwent an MRI which identified a mass by her spinal cord. Client A was diagnosed with a staph infection. Emergency surgery was performed and Client A was admitted to the hospital's intensive care unit.

7. Respondent admits to engaging in the practice of acupuncture without the required credential.

8. Respondent admits to failing to have the required malpractice liability insurance coverage for Respondent's massage therapy and bodywork therapy between 2014 and January 2015.

9. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Massage Therapy and Bodywork Affiliated Credentialing Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 460.14(2), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Denis V. Putikov, violated Wis. Admin. Code § MTBT 5.01(4)¹ by failing to refer a client to a health care practitioner for necessary treatment beyond the qualifications or scope of practice of the massage therapist or bodywork therapist.

3. By the conduct described in the Findings of Fact, Respondent Denis V. Putikov, violated Wis. Admin. Code § MTBT 5.01(17) by violating any rule adopted by the board relating to the practice of massage therapy or bodywork therapy.

4. By the conduct described in the Findings of Fact, Respondent Denis V. Putikov, violated Wis. Admin. Code § MTBT 5.01(19) by failing to practice massage therapy or bodywork therapy within the scope of the license holder's competence, education, training, and experience.

5. By the conduct described in the Findings of Fact, Respondent Denis V. Putikov, violated Wis. Stat. 460.07(2)(c) by failing to have malpractice liability insurance coverage in an

¹ All references are to the applicable provisions of the Wis. Admin. Code in effect at the time of the referenced conduct.

amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

6. As a result of the above conduct, Respondent Denis V. Putikov, is subject to discipline pursuant to Wis. Stat. § 460.14(2).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Denis V. Putikov is REPRIMANDED.
3. The massage therapy and bodywork therapy license issued to Denis V. Putikov (license number 3403-146) is LIMITED as follows:
 - a. Within six (6) months of the date of this Order, Respondent shall successfully complete four (4) credits of education on the topic of professional ethics and four (4) credits of education on the topic of documentation/record keeping.
 - b. Respondent shall be responsible for obtaining the course(s) required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the course(s) from the Board, or its designee, prior to commencement of the course(s).
 - c. The Board or its designee may reject any course and may accept any course for less than the number of hours for which Respondent seeks approval.
 - d. Within thirty (30) days of completion of each educational component, Respondent shall file an affidavit with the Department Monitor stating under oath that he has attended, in its entirety, the course(s) approved for satisfaction of this requirement along with supporting documentation of attendance from the sponsoring organizations.
 - e. Respondent is responsible for all costs associated with compliance with this educational requirement.
 - f. None of the education completed pursuant to this requirement may be used to satisfy any other continuing education requirements that have been or may be instituted by the Board or Department.
 - g. In addition to the educational requirements set forth in paras. 3.a-f above, Respondent shall file an affidavit with the Department Monitor verifying under oath that all of the continuing education otherwise required to maintain his licensure has been completed by or before the renewal deadline of February 28, 2017.

4. Within ninety (90) days from the date of this Order, Respondent Denis V. Putikov, shall pay COSTS of this matter in the amount of \$520.00.

5. Proof of successful course completion and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent 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. 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 Board in its discretion may in the alternative 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 timely submit payment of costs as ordered or fails to submit proof of successful completion of the ordered education as set forth above, Respondent's license (no. 3403-146) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs and completion of the education.

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

WISCONSIN MASSAGE THERAPY AND BODYWORK
THERAPY AFFILIATED CREDENTIALING BOARD

by:


A Member of the Board

July 19, 2016
Date

STATE OF WISCONSIN
BEFORE THE MASSAGE THERAPY AND
BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
DENIS V. PUTIKOV, : STIPULATION
RESPONDENT. :
0004816

Division of Legal Services and Compliance Case No. 15 MAB 054

Respondent Denis V. Putikov, 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 Medical Examining Board (Board). 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 Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, 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 Board, the parties agree not to contend that the Board 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 and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board'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 the Board adopt this Stipulation and issue the attached Final Decision and Order.



Denis V. Putikov, Respondent
2620 Normandy Ct.
Wauwatosa, WI 53226
License no. 3403-146

2016. 6. 28
Date



Colleen L. Meloy, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

7/6/2016
Date