

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services 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 Safety and Professional Services, 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 Safety and Professional Services 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 DSPS website: An individual who believes that information on the website is inaccurate may contact DSPS@wisconsin.gov

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

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
PING ZHAO, : FINAL DECISION AND ORDER
RESPONDENT. :

0004818

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

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

Ping Zhao
13901 Franklin Avenue, Apt #3
Flushing, NY 11355

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 Ping Zhao (DOB June 20, 1965) is licensed in the state of Wisconsin to practice massage therapy and bodywork therapy, having license number 12217-146, first issued on January 23, 2013, 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 13901 Franklin Avenue, Apt #3, Flushing, New York 11355.

2. At all times relevant hereto, Respondent was employed as a massage therapist at Sunshine Wellness, a business located in Sun Prairie, Wisconsin (Sunshine).

3. On May 2, 2014, a Department investigator made a visual inspection of Sunshine.
4. The Department investigator first made contact with two individuals, Hong Li and Li Glander, who identified themselves as massage therapists. Ms. Li and Ms. Glander subsequently informed the investigator that neither had a valid Wisconsin license to practice massage therapy and bodywork therapy.
5. Ms. Li and Ms. Glander both claimed to be studying massage, but neither could provide identifying information about the program(s) they alleged to be attending.
6. The Department investigator observed two framed and posted licenses issued to Respondent and another individual, Lin Li (12449-146), as well as a commercial liability insurance policy effective 10-21-13 to 10-21-14.
7. During the course of the Department investigator's inspection, Lin Li arrived at Sunshine and identified herself as an owner of the business.
8. Lin Li acknowledged to the Department investigator that Ms. Li and Ms. Glander are providing massage therapy without licenses. Lin Li stated that she and Respondent are teaching Ms. Li and Ms. Glander how to give massage. Lin Li described Ms. Li and Ms. Glander as "apprentices."
9. Lin Li informed the Department investigator that Sunshine does not keep client files of any kind. Lin Li stated that Sunshine had kept some records in the past, but that its clients disliked filling out forms, so Sunshine stopped keeping client records.
10. Lin Li informed the Department investigator that Sunshine does not use informed consent forms.
11. Lin Li informed the Department investigator that the Sunshine premises do not feature a price list for the services provided there, but that a price list is available on the Sunshine website.

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 Ping Zhao, violated Wis. Stat. § 460.11(1) and Wis. Admin. Code § MTBT 5.01(6)¹ by practicing massage therapy without first obtaining the informed consent of the client.
3. By the conduct described in the Findings of Fact, Respondent Ping Zhao, engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.01(8) by failing to

¹ All references to the Wisconsin Administrative Code are to the Code in effect at the time of the alleged conduct.

maintain for a period of at least 5 years, records necessary for the continuity of the client's massage therapy.

4. By the conduct described in the Findings of Fact, Respondent Ping Zhao, engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.01(20) by aiding or abetting the practice of massage therapy by an uncertified person.

5. As a result of the above conduct, Respondent Ping Zhao, is subject to discipline pursuant to Wis. Stat. § 460.14(2).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Ping Zhao, is REPRIMANDED.
3. The massage therapy and bodywork therapy license issued to Ping Zhao, (license number 12217-146) is LIMITED as follows:
 - a. Within six (6) months of the date of this Order, Respondent shall successfully complete ten (10) credits of education on the topic of professional ethics.
 - 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 Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing 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 she 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 her 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 Ping Zhao shall pay COSTS of this matter in the amount of \$925.00.

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:

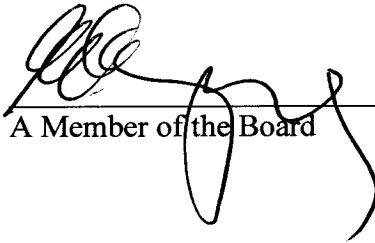
Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

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. 12217-146) 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 BOADYWORK
THERAPY AFFILIATED CREDENTIALING BOARD

by:


A Member of the Board

July 19, 2017
Date

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

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : STIPULATION
PING ZHAO, :
RESPONDENT. :
 : 0004818

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

Respondent Ping Zhao, 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.

Ping Zhao

Ping Zhao, Respondent
13901 Franklin Avenue, Apt #3
Flushing, NY 11355
License no. 12217-146

5/22/2016

Date

Joost Kap

Joost Kap, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

5/23/16

Date