

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
XIAO LI, L.M.T.	:	
RESPONDENT.	:	

006208

Division of Legal Services and Compliance Case Nos. 18 MAB 001 and 18 MAB 011

The parties to these actions for the purpose of Wis. Stat. § 227.53 are:

Xiao Li, L.M.T.
312 13th Avenue SE
Rochester, MN 55904

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 these matters agree to the terms and conditions of the attached Stipulation as the final disposition of these matters, 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 these matters adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Xiao Li, L.M.T. (dob August 17, 1986), is licensed in the state of Wisconsin as a massage therapist or bodywork therapist, having license number 13542-146, first issued on September 15, 2015, and expired as of February 28, 2019. Respondent retains the right to renew her credential until February 28, 2024.

2. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 312 13th Avenue SE, Rochester, Minnesota 55904.

3. At all times pertinent to these matters, Respondent owned or operated a business in La Crosse, Wisconsin called "Asian Massage."

4. In January of 2018, the Department received a complaint from a massage therapy licensee alleging that sexual favors were being provided in exchange for payment at Asian Massage. Case number 18 MAB 001 was opened to investigate the allegations.

5. In April of 2018, the Department received a complaint from a law enforcement officer detailing various investigations involving allegations of prostitution and unlicensed massage therapy practice at Asian Massage. Case number 18 MAB 011 was opened to investigate the allegations.

6. Department staff conducted an unannounced inspection of Asian Massage parlor and conferred with Respondent via telephone and email regarding the allegations and inspection. The investigation revealed the following:

- a. Respondent provided massage therapy services at Asian Massage parlor without informing clients about contraindications of massage therapy or bodywork therapy, without obtaining informed consent from clients prior to providing massage therapy services, without creating or maintaining client records, and without displaying her massage therapist license.
- b. An Asian female identified as Jin Yang provided massage therapy services at Asian Massage. Respondent reported that Jin Yang was the only person other than herself who provided massages at Asian Massage.
- c. Respondent reported that Jin Yang was licensed to practice massage therapy in Wisconsin and provided Department Investigators a license number purported to be Jin Yang's. Jin Yang is not licensed in Wisconsin as a massage therapist/bodywork therapist.

7. Respondent reports that she has sold the Asian Massage business and is no longer practicing massage therapy.

8. In resolution of these matters, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

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

2. By the conduct described above, Respondent engaged in unprofessional conduct as defined by violated Wis. Admin. Code § MTBT 5.02(4) by engaging in any act of fraud,

deceit, or misrepresentation, including acts of omission to the board or any person acting on the board's behalf, including department of safety and professional services personnel.

3. By the conduct described above, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(8): failing to maintain accurate and timely records necessary for the continuity of a client's massage therapy or bodywork therapy treatment. Records are to be maintained for a period of at least 5 years.

4. By the conduct described above, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(9): performing any act constituting the practice of massage therapy or bodywork therapy on any client without the client's informed consent or after the client has withdrawn informed consent, whether verbally or in writing, or either of the following:

- (a) Failure to document informed consent
- (b) Failure to inform the client that any act of massage therapy may or will be performed by unlicensed personnel.

5. By the conduct described above, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(22): permitting or assisting any person to perform acts constituting massage therapy or bodywork therapy without sufficient qualifications, necessary credentials, adequate informed consent, or adequate supervision.

6. By the conduct described above, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(23): failing to inform a client about contraindications of massage therapy or bodywork therapy as it related to the information provided on the informed consent or intake form completed by the client.

7. By the conduct described above, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(28): failing to display his or her license in his or her place of business or practice so that it can easily be seen and read by the public. In the case of a mobile practice, a licensee is required to be able to present his or her license for public display.

ORDER

1. The attached Stipulation is accepted.

2. The PERMANENT SURRENDER by Respondent Xiao Li, L.M.T. of her license (no. 13542-146) to practice as a massage therapist or bodywork therapist in the state of Wisconsin and any appurtenant right to renew that license is hereby accepted, effective the date of this Order.

3. This surrender constitutes Respondent's permanent relinquishment of her right to practice massage therapy or bodywork therapy in the state of Wisconsin. Respondent Xiao Li, L.M.T. will not reapply for registration to practice massage therapy or bodywork therapy in the state of Wisconsin at any time in the future, and the Board will not, at any time in the future,

process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice massage therapy or bodywork therapy in the state of Wisconsin.

4. If Respondent seeks any other license under Wis. Stat. chs. 440-480, she shall, as a prerequisite to application, pay COSTS of these matters in the amount of \$844.00.

5. If applicable, costs would be made payable to the Wisconsin Department of Safety and Professional Services and sent 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

Payment may also be submitted online via DSPS' Monitoring Case Management System, here:

<https://app.wi.gov/DSPSMonitoring>

6. 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

Date 6/4/19

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

RECEIVED

MAR 18 2019

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

XIAO LI, L.M.T.
RESPONDENT.

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DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES
DIVISION OF LEGAL SERVICES & COMPLIANCE

STIPULATION

006208

Division of Legal Services and Compliance Case Nos. 18 MAB 001 and 18 MAB 011

Respondent Xiao Li, L.M.T. 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.

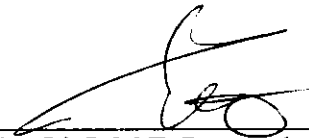
4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Massage Therapy and Bodywork Affiliated Credentialing Board (Board). The
parties to the Stipulation consent to the entry of the attached Final Decision and Order without
further notice, pleading, appearance 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.

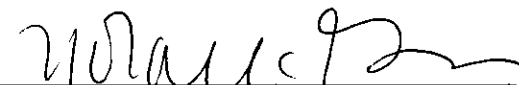
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

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.



Xiao Li, L.M.T. Respondent
312 13th Ave. SE
Rochester, MN 55904
License no. 13542-146

3/14/2019
Date



Yolanda Y. McGowan, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

3/19/19
Date

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

RECEIVED

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