

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 :
: FINAL DECISION AND ORDER
KRIS A. BROWNELL, L.M.T. :
RESPONDENT. :

ORDER 0006822

Division of Legal Services and Compliance Case No. 18 MAB 012

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

Kris A. Brownell, L.M.T.
La Crosse, WI 54601

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 Kris A. Brownell (DOB XX-XX-1962) is licensed in the state of Wisconsin to practice massage therapy or bodywork therapy, having license number 2824-146, first issued on October 28, 2010 and current through February 28, 2021.
2. At all relevant times, Respondent operated Kneaded Health Massage in La Crosse, Wisconsin.
3. On April 30, 2018, the Department received two complaints alleging that Respondent offered to perform breast tissue massage on female clients in order to improve their

posture or check for lumps. The complaints also alleged that Respondent did not have clients fill out health questionnaires, intake forms, or otherwise get informed consent.

4. During the Department's investigation, Respondent represented that he has offered to perform massage therapy on female clients' healthy breasts for lymphatic and postural reasons as part of his practice.

5. Respondent denied performing healthy breast massage on female clients without first obtaining verbal consent from them.

6. Prior to August 30, 2019, Respondent did not have his clients complete written informed consent forms prior to his performing massage therapy on them.

7. Respondent does not keep written records of his clients' massage therapy treatment.

8. Respondent's license to practice massage therapy or bodywork therapy expired on March 1, 2019 and was not renewed until August 30, 2019. On July 29, 2019, Respondent's website, kneadedhealthmassage.com, advertised that he was a "Wisconsin Licensed Massage Therapist."

9. Respondent maintains he did not perform massage therapy during the period in which his license was expired.

10. Respondent has proven successful completion of the following three (3) continuing education (CE) hours on client communication: March 1, 2020: *The Ethics of Client Communication: Talking to Clients About Their Health*, NCBTMB Approved Provider Ruth Werner, BCTMB.

11. 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 Therapy Affiliated Credentialing Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 460.02, 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, Kris A. Brownell, L.M.T., violated Wis. Stat. § 460.02 by designating himself as, and using the title of, "massage therapist" without holding an active license.

3. By the conduct described in the Findings of Fact, Kris A. Brownell, L.M.T., violated Wis. Admin. Code § MTBT 5.02(8) by failing to maintain accurate and timely records necessary for the continuity of a client's massage therapy treatment.

4. By the conduct described in the Findings of Fact, Kris A. Brownell, L.M.T., violated Wis. Admin. Code § MTBT 5.02(9)(a) by failing to document informed consent.

5. As a result of the above conduct, Kris A. Brownell, L.M.T., is subject to discipline pursuant to Wis. Stat. § 460.14(2).

ORDER

1. The attached Stipulation is accepted.
2. The license of Kris A. Brownell, L.M.T., license number 2824-146, to practice massage therapy or bodywork therapy in the state of Wisconsin is SUSPENDED for an indefinite period.
3. The suspension of Respondent's Wisconsin license to practice massage therapy or bodywork therapy may be STAYED upon Respondent petitioning the Board and providing proof, which is determined by the Board or its designee to be sufficient, of successful completion of the following additional continuing education within ninety (90) days:
 - a. Six (6) credit hours on ethics and professional boundaries; and,
 - b. Four (4) credit hours on documentation, including recordkeeping and informed consent.
4. Respondent shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, or its designee, prior to commencement of the courses.
5. The Board or its designee may reject any course for which Respondent seeks approval. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
6. Upon completion of each educational component, Respondent shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
7. Respondent is responsible for all costs associated with compliance with this educational requirement.
8. Within ninety (90) days from the date of this Order, Kris A. Brownell, L.M.T., shall pay COSTS of this matter in the amount of \$1,800.00.
9. Request for approval of courses, petition and 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

You may also submit this information online via DSPS' Monitoring Case Management System,
here:

www.dpsmonitoring.wi.gov

10. In the event Respondent violates any term of this Order, the Board may, in its discretion, impose additional conditions and limitations or other additional discipline as it deems appropriate. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

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

WISCONSIN MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD

By: Robert Coleman, Jr., M.P.
A Member of the Board

6/2/2020
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KRIS A. BROWNELL, L.M.T.
RESPONDENT.

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:

STIPULATION

ORDER 0006822

Division of Legal Services and Compliance Case No. 18 MAB 012

Respondent Kris A. Brownell, 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 Therapy 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 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.



Kris A. Brownell, L.M.T., Respondent
License # 2824-146

05/13/2020

Date



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

5/14/2020

Date