

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
DANIEL J. SAGE, L.M.T., :  
RESPONDENT. : **ORDER 0006960**

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Division of Legal Services and Compliance Case No. 18 MAB 003

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

Daniel J. Sage, L.M.T.  
Madison, WI 53719

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 Daniel J. Sage, L.M.T. (DOB xx-xx-1984), is licensed in the state of Wisconsin as a massage therapist and bodywork therapist, having license number 10072-146, first issued on December 1, 2010, with registration current through February 28, 2021. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Madison, Wisconsin 53719.

2. At all times relevant hereto, Respondent was employed as a massage therapist at a business in Dane County, Wisconsin.

3. Between February of 2014 through October of 2016, Respondent provided massage treatment to Client A, a female client.

4. Respondent required Client A to complete a consent form for massage therapy. The consent form did not specify that chest work was permissible. Respondent maintains that Client A provided verbal consent to proceed with chest work.

5. During two massage therapy sessions, Respondent admits to allowing Client A's draping to fall below Client A's chest when performing chest work. As the massage therapy sessions were provided in a low lit environment, Respondent thought that client's safety and privacy concerns were met.

6. In October of 2016, Respondent referred Client A to another massage therapist. Respondent maintains he did so because he was uncomfortable with Client A's advances and messages that he considered inappropriate. Respondent no longer provides massage therapy to Client A.

7. Respondent engaged in the practice of massage and bodywork therapy while his license was expired from March 1, 2017 through April 5, 2018, and again from March 1 through March 13, 2019.

8. 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, Respondent Daniel J. Sage, L.M.T., engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(1) by violating Wis. Stats. §§ 460.02 and 460.14(2)(j).

3. By the conduct described in the Findings of Fact, Respondent Daniel J. Sage, L.M.T., engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(9)(a) by failing to document informed consent.

4. By the conduct described in the Findings of Fact, Respondent Daniel J. Sage, L.M.T., engaged in unprofessional conduct as defined by Wis. Admin. Code § MTBT 5.02(21) by failing to provide draping and treatment that allows for the safety and privacy of a client.

5. As a result of the above conduct, Daniel J. Sage, L.M.T., is subject to discipline pursuant to Wis. Stat. § 460.02.

#### ORDER

1. The attached Stipulation is accepted.

2. Respondent Daniel J. Sage, L.M.T., is REPRIMANDED.
3. The license to practice massage therapy and bodywork therapy issued to Daniel J. Sage, L.M.T., (license number 10072-146) is LIMITED as follows:
  - a. Within eight (8) months of the date of this Order, Respondent shall at Respondent's own expense take and successfully complete the *Medical Ethics, Boundaries, and Professionalism* course offered by the Case Western Reserve University School of Medicine, or an equivalent course that has been pre-approved by the Board or its designee.
  - b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.
4. Within 90 days from the date of this Order, Daniel J. Sage, L.M.T., shall pay COSTS of this matter in the amount of \$1,140.00.
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](mailto:DSPSMonitoring@wisconsin.gov)

Respondent may also submit this information online via DSPPS' Monitoring Case Management System, here: <https://dspsmonitoring.wi.gov/>

6. In the event Respondent violates any term of this Order, Respondent's license (no. 10072-146), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. 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.

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

WISCONSIN MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED  
CREDENTIALING BOARD

by: Robert Coleman, Jr.  
A Member of the Board

1 September 2020  
Date

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

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 :  
DANIEL J. SAGE, L.M.T., : STIPULATION  
RESPONDENT. : **ORDER 0006960**

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Division of Legal Services and Compliance Case No. 18 MAB 003

Respondent Daniel J. Sage, 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. Respondent is represented by Foley & Lardner LLP.

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 ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, 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.



\_\_\_\_\_  
Daniel J. Sage, L.M.T., Respondent  
Madison, WI 53719  
License no. 10072-146

7.27.20

\_\_\_\_\_  
Date



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Joseph S. Harper, Attorney for Respondent  
Eoley & Lardner, LLP  
150 East Gilman St., Ste 5000  
Madison, WI 53703-1482

7/28/20

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Date



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Colleen L. Meloy, Attorney  
Division of Legal Services and Compliance  
P.O. Box 8935  
Madison, WI 53708-8935

7/30/2020

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Date