

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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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/wscqa>

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STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
: FINAL DECISION AND ORDER  
XIPING ZHOU, M.D.O.M., L.Ac., :  
RESPONDENT. :

**ORDER 0007714**

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Division of Legal Services and Compliance Case No. 20 RLA 001

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

Xiping Zhou, M.D.O.M., L.Ac.  
Madison, WI 53719

Wisconsin Department of Safety and Professional Services  
P.O. Box 8368  
Madison, WI 53708-8368

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 Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

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

FINDINGS OF FACT

1. Xiping Zhou, M.D.O.M., L.Ac. (Respondent), (Year of Birth 1960) is certified in the state of Wisconsin to practice acupuncture, having certificate number 131-55, first issued on December 23, 1994 and current through June 30, 2021.<sup>1</sup> Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Madison, Wisconsin 53719.

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<sup>1</sup>Respondent is also licensed as a Massage Therapist or Bodywork Therapist, having license number 2790-146, first issued on November 16, 2010 and current through February 28, 2023.

2. On January 19, 2020, Respondent saw Patient A for treatment of pain in her hands and wrists. Patient A's mother was with her in the exam room for the entirety of the visit. This was Patient A's first-time undergoing acupuncture, but Respondent did not tell her what she should expect, what he was going to do, or when he was going to touch her.

3. Respondent had Patient A put on a gown, but did not initially provide a heat lamp, so Patient A was cold for the first 15-20 minutes of the appointment when Respondent was not present in the exam room.

4. While Respondent was placing acupuncture needles around Patient A's wrist, a placement caused Patient A pain and that continued to be numb and painful for over a week. After placing all the acupuncture needles, Respondent left Patient A, stomach down, alone in the room (Patient A's mother was with her in the exam room) with no way to contact him. After five minutes, Patient A experienced pain from the acupuncture needle in her lower back and Patient A's mother went to look for Respondent, but could not find him.

5. Respondent was unaware that Patient A was suffering from any pain until her mother summoned him. Respondent immediately returned and adjusted the needles in Patient A's right hand, applied infrared heat, and left Patient A alone again.

6. When Respondent returned approximately 25 minutes later, he removed the acupuncture needles, had Patient A roll over on her back, and performed a TuiNa massage (a Chinese deep medical massage), which caused her extreme pain, and she began to cry. Respondent then cracked Patient A's neck and back. Patient A stated that she did not consent to that procedure, because she had seen Respondent only for treatment of pain in her hands and wrists, and Respondent did not explain to her why that procedure was necessary to treat that condition before he performed it.

7. Respondent's medical records for Patient A are handwritten and illegible, so it is unknown whether or not Respondent selected and treated the appropriate acupuncture points for Patient A's complaints of pain. Respondent did not document any informed consent in the medical records.

8. Respondent did not have a plan in place to assure that a patient could alert a practitioner when the practitioner is not in the room.

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

#### CONCLUSIONS OF LAW

1. The Department has jurisdiction to act in this matter pursuant to Wis. Stat. § 451.14, 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 engaged in unprofessional conduct as defined by Wis. Admin. Code. § SPS 73.01(9) by failing to maintain complete and accurate records of each patient visit.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined by Wis. Admin. Code. § SPS 73.01(11) by providing acupuncture without informed consent of a patient.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 451.14(2)(g).

#### ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. The certification issued to Respondent (certificate number 131-55) to practice acupuncture, is LIMITED as follows:
  - a. Within ninety (90) days of the date of this Order, Respondent shall at their own expense, successfully complete four (4) hours of education on the topic of patient documentation and effective recordkeeping, four (4) hours of education on the topic of electronic medical records, and four (4) hours of education on safety considerations in patient care, offered by a providers pre-approved by the Department monitoring liaison, including taking and passing any exam offered for the courses.
  - 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 Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
  - c. The Department 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.
  - d. This limitation shall be removed from Respondent's certification after satisfying the Department or its designee that Respondent has successfully completed all the ordered education.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$806.00.

5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 266-2112; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>

6. In the event Respondent violates any term of this Order, Respondent's certificate (131-55), or Respondent's right to renew his certificate, may, in the discretion of the Department or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Department 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 DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: Aloysius Rohmeyer 12-6-2021  
Aloysius Rohmeyer, Chief Legal Counsel Date  
On behalf of the Department

STATE OF WISCONSIN  
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

XIPING ZHOU, M.D.O.M., L.Ac.,  
RESPONDENT.

STIPULATION

**ORDER 0007714**

Division of Legal Services and Compliance Case No. 20 RLA 001

Xiping Zhou, M.D.O.M., L.Ac. (Respondent) 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 Department of Safety and Professional Services (Department). 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 Department's Order, if adopted in the form as attached.

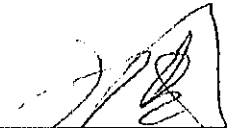
5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

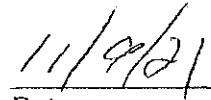
Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

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

  
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Xiping Zhou, M.D.O.M.: L.Ac., Respondent  
Madison, WI 53719  
Certificate No. 131-55

  
\_\_\_\_\_  
Date

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

11/10/2021  
\_\_\_\_\_  
Date