

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF	:	
	:	
	:	ADMINISTRATIVE INJUNCTION
SIK KIN WU,	:	
RESPONDENT.	:	ORDER 0008601

Division of Legal Services and Compliance Case No. 18 UNL 140 (MAB)

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

Sik Kin Wu
Shorewood, WI 53211

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

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

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

FINDINGS OF FACT

1. Respondent Sik Kin Wu (Year of Birth: 1945) is not and has never been licensed as a massage or bodywork therapist in the state of Wisconsin. Respondent is not and has never been licensed to practice medicine and surgery in the State of Wisconsin.
2. At all times relevant to this proceeding, Respondent worked at 3660 N Oakland Ave., Shorewood, Wisconsin 53211 (Facility).
3. On December 14, 2018, a Department investigator conducted a phone interview with Respondent. During the interview, Respondent stated he went to Shang Hai Medical School

and previously practiced acupuncture and massage and hand healing. Respondent admitted that he knew his credential(s) did not transfer to Wisconsin.

4. Respondent believed, erroneously and against the terms of the laws of the state of Wisconsin, that he could work under the supervision of licensed massage therapist.

5. Respondent stated he worked as an "intuitive healer" at the Facility.

6. Respondent stated as an "intuitive healer," he used his energy to heal people with all kinds of pain, such as general body aches and pains, headaches, leukemia, chronic migraines, breast cysts, breast cancer, miscarriage, pancreas, kidney, depression, or stroke.

7. Respondent charged a fee for his services.

8. Respondent admitted to performing physical massage healing on members of the public.

9. Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction in this matter pursuant to Wis. Admin. Code ch. SPS 3 and Wis. Stat. § 440.21 and is authorized to enter into the attached Stipulation and Order pursuant to Wis. Stat. § 227.44(5).

2. Pursuant to Wis. Stat. § 460.02, no person may provide massage therapy or bodywork therapy, designate himself or herself as a massage therapist or bodywork therapist or masseur or masseuse, or use or assume the title "massage therapist and bodywork therapist" or "massage therapist" or "bodywork therapist" or "masseur" or "masseuse" or any title that includes "massage therapist," "bodywork therapist," or "bodyworker," or append to the person's name the letters "M.T.," "R.M.T.," "L.M.T.," "C.M.T.," "B.T.," "B.W.," "L.B.W.," "R.B.W.," or "C.B.W.," or use any other title or designation that represents or may tend to represent that he or she is licensed under this chapter, unless the person is licensed under this chapter.

3. Pursuant to Wis. Stat. § 460.01(4), "Massage therapy" or "bodywork therapy" means the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. "Massage therapy" or "bodywork therapy" includes determining whether manual actions and adjunctive therapies are appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. "Massage therapy" or "bodywork therapy" does not include making a medical, physical therapy, or chiropractic diagnosis.

4. The conduct described in the Findings of Fact constitutes the unlicensed practice of massage therapy or bodywork therapy, contrary to Wis. Stat. § 460.02.

5. Pursuant to Wis. Stat. § 448.03(1)(a), no person may practice medicine and surgery, or attempt to do so or make representation as authorized to do so, without a license to practice medicine and surgery granted by the Wisconsin Medical Examining Board.

6. The “practice of medicine and surgery” means to examine into the fact, condition or cause of human health or disease, or to treat, operate, prescribe or advise for the same, by any means or instrumentality. Wis. Stat. § 448.01(9).

7. The conduct described in the Findings of Fact constitutes the unlicensed practice of medicine and surgery, contrary to Wis. Stat. § 448.03(1)(a).

ORDER

1. The attached stipulation is accepted.

2. Unless and until Respondent is properly licensed as a massage or bodywork therapist by the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, Respondent is enjoined and prohibited from the practice of message or bodywork therapy in the state of Wisconsin.

3. Unless and until Respondent is properly licensed to practice medicine and surgery by the Wisconsin Medical Examining Board, Respondent is enjoined and prohibited from the practice of medicine and surgery in the State of Wisconsin.

4. If the Department determines that there is probable cause to believe that Respondent has violated any terms of this Administrative Injunction, the Department may refer the violations covered by this decision and order to any appropriate prosecutorial unit for review for possible criminal charges.

5. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation. See Wis. Stat. § 440.21(4)(a).

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By:	<u><i>Aloysius Rohmeyer</i></u>	<u>6/29/2023</u>
	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

SIK KIN WU,
RESPONDENT.

:
:
:
:

STIPULATION

ORDER 0008601

Division of Legal Services and Compliance Case No. 18 UNL 140 (MAB)

Respondent Sik Kin Wu, and the Division of Legal Services and Compliance (Division), Department of Safety and Professional Services (Department), stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division. 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 Administrative Injunction by the Department. The parties to the Stipulation consent to the entry of the attached Administrative Injunction without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Administrative Injunction, 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 for further proceedings. In the event that the Stipulation is not accepted by the

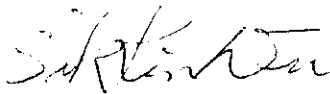
Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney for the Department may appear before the Department for the purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on this Stipulation.

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

8. Respondent is further informed that should the Department adopt this Stipulation, the Department's Administrative Injunction will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division joins Respondent in recommending the Department adopt this Stipulation and issue the attached Administrative Injunction.



Sik Kin Wu, Respondent
Shorewood, WI 53211

5/30/23
Date



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

May 31, 2023
Date