

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
YAN SHENG, L.M.T.,	:	
RESPONDENT.	:	ORDER 0008733

Division of Legal Services and Compliance Case No. 23 MAB 003

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

Yan Sheng, 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 Yan Sheng, L.M.T., (Year of Birth 1965) is licensed in the state of Wisconsin to practice massage therapy and bodywork therapy, having license number 12966-146, first issued on July 2, 2014, and current through February 28, 2025. 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 to this matter, Respondent was the sole owner and operator of a massage therapy business located in Madison, Wisconsin (Business).

3. The Department received a complaint alleging that the unlicensed practice of massage therapy was occurring at the Business. When it was determined that Respondent was the owner and operator of the Business, this matter was opened to investigate the allegations.

4. Respondent leased the premises, which housed the Business beginning in September 2021, with the lease ending on February 15, 2023. During this time, Respondent allowed multiple unlicensed women to work at the Business providing massage therapy.

5. The Business did not display any licenses to practice massage therapy.

6. Respondent could not produce any documentation associated with the Business such as client records and consent forms.

7. Respondent did not produce documentation that she maintained liability insurance coverage as required by Wis. Stat. § 460.05(1)(g).

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

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 460.14 and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. Based on the Findings of Fact, Respondent committed unprofessional conduct by failing to maintain accurate and timely records necessary for the continuity of a client's massage therapy or bodywork therapy treatment, pursuant to Wis. Admin. Code § MTBT 5.02(8).

3. Based on the Findings of Fact, Respondent committed unprofessional conduct by failing to document informed consent, pursuant to Wis. Admin. Code § MTBT 5.02(9)(a).

4. Based on the Findings of Fact, Respondent committed unprofessional conduct by 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, pursuant to Wis. Admin. Code § MTBT 5.02(22).

5. Based on the Findings of Fact, Respondent committed unprofessional conduct by failing to display the required licenses in Respondent's place of business as required under Wis. Stat. § 460.07(1), pursuant to Wis. Admin. Code § MTBT 5.02(28).

6. Based on the Findings of Fact, Respondent engaged in unprofessional conduct by failing to maintain liability insurance coverage required under Wis. Stat. § 460.05(1)(g), pursuant to Wis. Admin. Code § MTBT 5.02(29).

7. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 460.14(2)(g) and (j) and Wis. Admin. Code Ch. MTBT 5.

ORDER

1. The attached Stipulation is accepted.
2. This Final Decision and Order (Order) is effective on the date of its signing.
3. Respondent's license to practice massage therapy and bodywork therapy in the state of Wisconsin (license no. 12966-146) is **SUSPENDED** for an indefinite period.
4. Respondent may petition the Board for a stay of the suspension by providing proof, which is determined by the Board or its designee to be sufficient, that Respondent has fulfilled the following requirements:
 - a. Respondent shall at her own expense successfully complete six (6) hours of education on the topic of recordkeeping, six (6) hours of education on the topic of ethics, and two (2) hours of education on the topic of informed consent, offered by a provider pre-approved by the Board monitoring liaison, including taking and passing any exam offered for the courses.¹
 1. 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, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 2. The Board 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.
 - b. Within thirty (30) days from the date of this Order, Respondent shall provide proof of compliance with the insurance requirements found in Wis. Stat. § 460.05(1)(g).
5. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1300.00
6. 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

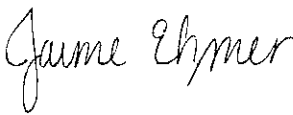
¹ The courses identified in an email dated July 27, 2023, between Respondent's attorney, DLSC, and the case advisor are preapproved to satisfy the education requirements of this Order. The email is located in the electronic case file and is accessible to the Department Monitor. Respondent will be required to take those courses and submit verification of successful completion of those courses to the Department Monitor as stated above.

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>.

7. In the event Respondent violates any term of this Order, Respondent's license (number 12966-146), or Respondent's right to renew her 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.

WISCONSIN MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED
CREDENTIALING BOARD

By: 
A Member of the Board

8/29/2023
Date

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

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

YAN SHENG, L.M.T.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008733

Division of Legal Services and Compliance Case No. 23 MAB 003

Respondent Yan Sheng, 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 Attorney Mario Mendoza.

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, 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.

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08/03/23 6:21 AM CDT
DTTO-SB60-N3RX-2IWQ

Yan Sheng, L.M.T., Respondent
Madison, WI 53719
License No. 12966-146

08/03/2023

Date



Mario Mendoza, Attorney for Respondent
Murphy Desmond, S.C.
33 E. Main Street, Suite 500
Madison, Wisconsin 53703

08/03/2023

Date



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

8/7/23

Date