



Effective 9-13-15

Protecting, maintaining and improving the health of all Minnesotans

Wade Rio Wutschke

SUBJECT: Determination affecting your right to practice unlicensed complementary and alternative health care in Minnesota.

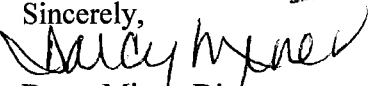
Dear Mr. Wutschke:

Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (MDH) has determined that you violated Minnesota Statutes, section 146A.08, subdivisions 1(a), (b), and (d), by engaging in sexual contact with clients. Therefore, MDH is revoking your right to practice unlicensed complementary and alternative health care in Minnesota. Minnesota Statutes, section 146A.09, subdivision 1(1) authorizes this revocation.

This decision will be final and effective 30 days from the date it is received by you. During that 30 day period, you have the right to challenge this decision in a contested-case hearing, as provided under Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and include specific grounds for challenging MDH's decision. If you wish to request a hearing, please send a written hearing request, within 30 days of your receipt of this letter to:

Gilbert Acevedo, Director, Health Occupations Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, Minnesota or fax it to Mr. Acevedo at (651) 201-3839. If you have any questions, please contact Chee Lee at (651) 201-3728.

Sincerely,

Darcy Miner, Director
Health Regulation Division

Enclosure

Cc: Gilbert Acevedo, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Wade Rio Wutschke
Unlicensed Complementary and Alternative Health care Practitioner**

AUTHORITY

1. Pursuant to Minnesota Statutes, section 146A.09, subdivision 1, provides that the Office of Unlicensed Complementary and Alternative Health Care Practice (hereinafter "OCAP") within the Minnesota Department of Health (hereinafter "MDH") has the authority to revoke, suspend, censure, reprimand, or impose limitations or conditions on an unlicensed complementary and alternative health care practitioner when there is a violation of law as defined in Minnesota Statutes, section 146.08, subdivision 1.
2. Pursuant to Minnesota Statutes, sections 146A.01, subdivision 4, provides that complementary and alternative health care practices include the broad domain of complementary and alternative healing methods and treatments, including but not limited to: (17) bodywork, massage and massage therapy. Minnesota Statutes, section 146A.01, subdivision 6(4) defines a complementary and alternative health care practitioner as providing complementary and alternative health care services for remuneration or is holding oneself out to the public as a practitioner of complementary and alternative health care practices.
3. Pursuant to Minnesota Statutes, section 146A.08, subdivision 1(a) defines prohibited conduct as a conviction of a crime in any court in Minnesota or any other jurisdiction in the United States, reasonably related to engaging in complementary and alternative health care practices.
4. Pursuant to Minnesota Statutes, section 146A.08, subdivision 1(b) defines prohibited conduct as a conviction of any crime against a person, including criminal sexual conduct in the fourth degree, Minnesota Statutes, 609.345.
5. Pursuant to Minnesota Statutes, section 146A.08, subdivision 1(d) prohibits sexual contact with a client or engaging in contact that may be reasonably interpreted by a client as sexual, engaging in any verbal behavior that is seductive or sexually demeaning to the client, or engaging in sexual exploitation of a client or former client.

FINDINGS OF FACT

1. Wade Wutschke (hereinafter "Practitioner") owned and operated Tropical Treat Massage in Saint Anthony, Minnesota. Practitioner worked as a massage therapist and provided massage services to clients.
2. Before operating Tropical Treat Massage, Practitioner worked at Massage Envy in Roseville as a massage therapist.
3. In November 12, 2014, Practitioner entered a plea of guilty to Criminal Sexual Conduct-4th Degree-Massage or Bodywork for Hire in Hennepin County District Court (Case Number 27-CR-14-19047). Practitioner was sentenced to confinement of 120 days at the Hennepin County Workhouse- Adult Corrections and placed on 5 years of supervised probation. Practitioner also has to register himself as a predatory offender, undergo sex offender treatment, and prohibited from performing massage and/or other body work for hire.
4. In July 31, 2015, Practitioner entered a plea of guilty to Criminal Sexual Conduct-4th Degree-Massage or Bodywork for Hire in Ramsey County District Court (Case Number 62-CR-15-475). Practitioner was sentenced 36 months to a Minnesota correctional facility. In addition, Practitioner was placed on 10 years of supervised probation. Practitioner also has to register himself as a predatory offender, complete treatment, and remain law abiding.
5. Minnesota Statutes, section 609.45, subdivision 1(o) defines fourth degree criminal sexual conduct as a person who engages in sexual conduct with another person in the following circumstances: the actor performs massage or other body work for hire, the complainant was a user of one of those services, and nonconsensual sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant.

CONCLUSION

Practitioner violated Minnesota Statutes, section 146A.08, subdivision 1(a), (b), and (d).

DETERMINATION

Practitioner's right to provide complementary and alternative health care services in Minnesota, including massage therapy and bodywork, is revoked.