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**MESSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD MEETING
(VIA VIRTUAL MEETING)
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Tom Ryan 608-261-2378
June 28, 2013**

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.

2:30 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-2)

B. Welcome New Board Appointees

C. Recognition of Board Members

D. Approval of Minutes – January 29, 2013 (3-6)

E. Administrative Updates

F. Legislation/Administrative Rules Matters

- 1) Review of Scope Statement for MTBT 90-94 Relating to Temporary Licensure of Massage Therapists and Bodywork Therapists **(7-8)**

J. Informational Items

K. Items received after printing of agenda

- 1) Presentation of Proposed Stipulations and Final Decisions and Orders
- 2) Presentation of Proposed Decisions
- 3) Petitions for Re-hearing
- 4) Petitions for Summary Suspension
- 5) Petitions for Extension of Time
- 6) Petitions for Assessments
- 7) Petitions to Vacate Orders
- 8) Requests for Disciplinary Proceeding Presentations
- 9) Motions
- 10) Appearances from Requests Received or Renewed
- 11) Division of Legal Services and Compliance Matters
- 12) Education and Examination Matters/CE Issues

- 13) Credentialing Matters/Application Issues
- 14) Practice Questions/Issues
- 15) Legislation/Administrative Rule Matters
- 16) Liaison Reports
- 17) Speaking Engagement, Travel, Public Relation Requests

L. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)

M. Deliberation of Proposed Stipulations, Final Decisions and Orders including any received after preparation of the agenda

- 1) Larry D. Palmer – 12 MTB 011 (9-14)
 - o Case Advisor – Barbara Yetter

N. Deliberation of Proposed Stipulations and Interim Orders including any received after preparation of the agenda

- 1) James S. Storm – 13 MTB 001 (15-20)
 - o Case Advisor – Cindy Spitza

O. Case Closings

P. Deliberation of other items received after printing of agenda

- 1) Proposed Stipulations
- 2) Proposed Decisions and Orders
- 3) Objections and Responses to Objections
- 4) Complaints
- 5) Petitions for Summary Suspension
- 6) Remedial Education Cases
- 7) Petitions for Extension of Time
- 8) Petitions for Assessments
- 9) Petitions to Vacate Orders
- 10) Motions
- 11) Administrative Warnings
- 12) Matters Relating to Costs
- 13) Appearances from Requests Received or Renewed
- 14) Examination Issues
- 15) Continuing Education Issues
- 16) Credentialing Matters/Application Issues
- 17) Case Closings
- 18) Case Status Report
- 19) Monitoring Cases
- 20) PAP Cases

Q. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

R. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

**MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD
MEETING MINUTES
JANUARY 29, 2013**

PRESENT: John Anderson, Elizabeth Krizenesky, Carole Ostendorf, Cindy Spitz, Wendy Wettengel-Perrigoue, Barbara Yetter

STAFF: Tom Ryan, Executive Director; Yolanda McGowan, Legal Counsel; Karen Rude-Evans, Bureau Assistant; Shawn Leatherwood, Paralegal; other DSPS staff

CALL TO ORDER

Elizabeth Krizenesky called the meeting to order at 9:07 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Item F (open session) – add: Staffing Updates
- Item I-1 (open session) – FSMTB and Wisconsin Membership - pages 41-45 are removed and replaced with pages in the red folder
- Case Status Report – insert at the end of closed session

MOTION: Carole Ostendorf moved, seconded by Barbara Yetter, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES – AUGUST 21, 2012

MOTION: Carole Ostendorf moved, seconded by Cindy Spitz, to approve the minutes of August 21, 2012 as written. Motion carried unanimously.

ELECTION OF BOARD OFFICERS AND BOARD APPOINTEES

NOMINATION: Barbara Yetter nominated Elizabeth Krizenesky for Chair.

Tom Ryan called for nominations three times. Hearing no additional nominations, a vote was called.

Elizabeth Krizenesky was elected Chair by unanimous vote.

NOMINATION: Cindy Spitzza nominated Carole Ostendorf for Vice Chair.

Tom Ryan called for nominations three times. Hearing no additional nominations, a vote was called.

Carole Ostendorf was elected Vice Chair by unanimous vote.

NOMINATION: Carole Ostendorf nominated Barbara Yetter for Secretary.

Tom Ryan called for nominations three times. Hearing no additional nominations, a vote was called.

Barbara Yetter was elected Secretary by unanimous vote.

2013 ELECTION RESULTS

Chair	Elizabeth Krizenesky
Vice Chair	Carole Ostendorf
Secretary	Barbara Yetter

Credentialing Liaison(s): John Anderson, Cindy Spitzza (alternate)
DLSC Liaison: John Anderson, Barbara Yetter (alternate)
Legislative Liaison: Barbara Yetter
Screening Panel: Barbara Yetter, Carole Ostendorf, Cindy Spitzza
Education and Exams: Carole Ostendorf, John Anderson (alternate)
Website Liaison: Elizabeth Krizenesky, Wendy Wettengel-Perrigoue (alternate)
Travel Liaison: Elizabeth Krizenesky, Carole Ostendorf (alternate)

MOTION: Barbara Yetter moved, seconded by John Anderson, that in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

LEGISLATION/ADMINISTRATIVE RULES MATTERS

Executive Order 61

MOTION: Elizabeth Krizenesky moved, seconded by Barbara Yetter, to have John Anderson review Executive Order 61 on behalf of the Board. Motion carried unanimously.

Draft of Proposed Rules to Reflect Changes to SPS Chs. 90-94 Pursuant to Passage of 2009 WI Act 355

MOTION: Elizabeth Krizenesky moved, seconded by Carole Ostendorf, to approve the current draft rules as amended for Clearinghouse review. Motion carried unanimously.

MOTION: Elizabeth Krizenesky moved, seconded by John Anderson, to appoint Barbara Yetter and Elizabeth Krizenesky to review the amended draft to approve any final changes prior to filing for Clearinghouse review. Motion carried unanimously.

RECESS TO CLOSED SESSION

MOTION: Barbara Yetter moved, seconded by John Anderson, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: John Anderson-yes; Elizabeth Krizenesky-yes; Carole Ostendorf-yes; Cindy Spitz-yes; Wendy Wettengel-Perrigou-yes; Barbara Yetter-yes. Motion carried unanimously.

Open session recessed at 10:17 a.m.

RECONVENE IN OPEN SESSION

MOTION: Barbara Yetter moved, seconded by Cindy Spitz, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 10:49 a.m.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Barbara Yetter moved, seconded by Cindy Spitzza, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Kevin J. Roys (12 MTB 014)**. Motion carried unanimously.

ORDER(S) FIXING COSTS

MOTION: Barbara Yetter moved, seconded by Cindy Spitzza, to adopt the Order Fixing Costs in the disciplinary proceedings against **Joao L. Frasier (11 MTB 003 and 11 MTB 010/Order No. 0002000)**. Motion carried unanimously.

APPLICATION REVIEW(S)

MOTION: Cindy Spitzza moved, seconded by Carole Ostendorf, to deny the application for licensure of **P.C.B.** Motion carried unanimously. **Reason for Denial:** Failure to comply with the requirements of S. 460.05(1)(h) of the Wisconsin Statutes and Section MTBT 2.01 (3)(e) of the Wis. Admin. Code.

CASE CLOSING(S)

MOTION: Barbara Yetter moved, seconded by John Anderson, to close case **12 MTB 009 for prosecutorial discretion (P2–compliance gained)**. Motion carried unanimously.

ADJOURNMENT

MOTION: Cindy Spitzza moved, seconded by Barbara Yetter, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:53 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood		2) Date When Request Submitted: 06/13/2013 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
4) Meeting Date: June 28, 013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Reiview of MTBT 90-94	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The Board will review the scope statement and approve for implementation.			
11) Authorization			
Shawn Leatherwood		June 13, 2013	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. 			

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: 165 – RL 90 - 94

Relating to: Temporary licensure of massage therapists and bodywork therapists

1. Description of the objective of the rule:

Modernize Wis. Admin. Code chapter RL 90 to RL 94, regulating the practice of massage therapy and bodywork therapy as a result of the passage of 2009 Wisconsin Act 355.

2. Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives; the history, background and justification for the proposed rule:

A scope statement was published on March 31, 2011 in No. 633 of the Wisconsin Administrative Register seeking revisions to Chapters RL 90 to RL 94 following the passage of 2009 Wisconsin Act 355. The Massage Therapy and Bodywork Therapy Affiliated Examining Board now revises the earlier scope statement by specifying the nature and breadth of the necessary amendments to the administrative rules governing massage therapy and bodywork practice in Wisconsin.

2009 Wisconsin Act 355 transformed the Massage Therapy and Bodywork Council into the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board. (MTBT Board) The newly formed affiliate board, now attached to the Medical Examining Board, was granted rule-making authority. The act further authorizes the MTBT Board to issue a license to MTBT professionals instead of a certification and issue a temporary license for entry level MTBT professionals. The act also required the MTBT Board to consist of seven members six of which are licensed massage therapists or bodywork therapists with at least two years working experience, one member of the board to represent a massage therapy or bodywork therapy school and one member of the board to represent a massage therapy or bodywork therapy program offered by a technical college for a balanced representation of the profession. The former council now has all of the responsibilities of an affiliate board and seeks to carry out the mandate of the legislation via these proposed rules.

By passing 2009 Wisconsin Act 355, the legislature directs the MTBT board to draft rules regarding temporary licensure. A temporary license will be granted to persons who have graduated from a massage therapy or bodywork therapy program but have not yet received scores from an approved nationally administered examination. A temporary license lasts for six months and is non-renewable. In addition to defining temporary licensure, the proposed rules will define other new terms as well. The new terms include "client", "informed consent", "intimate parts", "joint mobilization or manipulation" and "sexually oriented business". The terms will be added to clarify the scope of practice for MTBT licensed professionals and temporary license holders. These changes prompted by the legislation, address policy trends within the profession as identified by the Federation of State Massage Therapy Boards (FSMTB) at their 2010 Annual Meeting including a need for a consistent scope of practice for MTBT professionals and a need for consistent entry level standards for those entering the profession. The proposed rules address those needs and will result in a change that will increase the level of safety for MTBT clients in Wisconsin and further define the scope of practice for MTBT professionals.

3. Statutory authority for the rule (including the statutory citation and language):

Rule-making authority is but one of the general powers of affiliated credentialing boards provided for in s.15.085 (b), Stats. Affiliated credentialing boards, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ." These proposed rules will provide guidance