



**TELECONFERENCE/VIRTUAL MEETING
MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD
Room 121C, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
November 17, 2015**

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 record of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-3)**
- B) Approval of Minutes of September 8, 2015 (4-6)**
- C) Administrative Updates**
 - 1) Appointments/Reappointments/Confirmations
 - 2) Department and Staff Updates
 - 3) Wis. Stat. s 15.085 (3)(b) – Biannual Meeting with the Medical Examining Board
 - 4) Informational Items
- D) Nominations, Elections, and Appointments**
- E) Legislative/Administrative Rule Matters (7)**
 - 1) Potential Scope Statement Regarding Approved Education and Exams
- F) Credentialing Matters – Discussion**
 - 1) Credentialing Liaison’s Role in Approving Applications
 - 2) National Trend of Falsifying School Diplomas
- G) Federation of State Massage Therapy Boards (FSMTB) Matters (8-10)**
 - 1) FSMTB Annual Meeting Report – Darlene Campo
- H) Informational Items**
- I) Items Added After Preparation of Agenda:**
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Education and Examination Matters
 - 4) Credentialing Matters
 - 5) Practice Matters

- 6) Legislation/Administrative Rule Matters
- 7) Liaison Report(s)
- 8) Nominations, Elections, and Appointments
- 9) Informational Item(s)
- 10) Disciplinary Matters
- 11) Presentations of Petition(s) for Summary Suspension
- 12) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 13) Presentation of Proposed Decisions
- 14) Presentation of Interim Order(s)
- 15) Petitions for Re-Hearing
- 16) Petitions for Assessments
- 17) Petitions to Vacate Order(s)
- 18) Petitions for Designation of Hearing Examiner
- 19) Requests for Disciplinary Proceeding Presentations
- 20) Motions
- 21) Petitions
- 22) Appearances from Requests Received or Renewed
- 23) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

K) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

L) Credentialing Matters

M) Deliberation on Proposed Stipulations, Final Decisions and Orders

- 1) 15 MAB 004 – Kent A. Blystone **(11-17)**
- 2) 15 MAB 010 – Nolan T. Lee **(18-23)**

N) Case Closing(s)

O) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report
- 14) Petition(s) for Extension of Time

- 15) Proposed Interim Orders
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

P) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Q) Open Session Items Noticed Above not Completed in the Initial Open Session

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

S) Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

NEXT MEETING DATE FEBRUARY 2, 2016

**MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD
MEETING MINUTES
September 8, 2015**

PRESENT: Darlene Campo (*via GoToMeeting*), Elizabeth Krizenesky; Sharon Pollock (*via GoToMeeting*), Mark Richardson, Barbara Yetter (*via GoToMeeting*)

STAFF: Tom Ryan, Executive Director; Nilajah Madison-Head, Bureau Assistant, and other Department Staff

CALL TO ORDER

Elizabeth Krizenesky, Chair, called the meeting to order at 9:03 A.M. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda

- *Under Item I 3) Education and Examination Matters – Report from DSPS Staff, Aaron Knautz, Licensing Exams Specialist*

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

APPROVAL OF MINUTES

MOTION: Darlene Campo moved, seconded by Mark Richardson, to approve the minutes of June 2, 2015 as published. Motion carried unanimously.

NOMINATIONS, ELECTIONS, AND APPOINTMENTS

Liaison Appointments

2015 LIAISON APPOINTMENTS	
Credentialing Liaison	Darlene Campo <i>Alternate: Sharon Pollock</i>
DLSC Liaison	Barbara Yetter <i>Alternate: Mark Richardson</i>
Monitoring Liaison	Barbara Yetter <i>Alternate: Darlene Campo</i>
Education and Exams Liaison	Darlene Campo <i>Alternate: Mark Richardson</i>
Legislative Liaison	Barbara Yetter <i>Alternate: Elizabeth Krizenesky</i>
Travel Liaison	Elizabeth Krizenesky <i>Alternate: Darlene Campo</i>
Website Liaison	Elizabeth Krizenesky <i>Alternate: Darlene Campo</i>
Rules Liaison	Elizabeth Krizenesky <i>Alternate: Darlene Campo</i>

Professional Assistance Procedure Liaison	Barbara Yetter Alternate: Darlene Campo
Screening Panel	Darlene Campo, Barbara Yetter, Sharon Pollock

MOTION: Barbara Yetter moved, seconded by Mark Richardson, to affirm the Chair's appointment of Liaisons for 2015. Motion carried unanimously.

CREDENTIALING APPEARANCE

Discussion of Rules Relating to Need of Transcripts for Non-EAB Approved Schools

MOTION: Darlene Campo moved, seconded by Sharon Pollock, pursuant to Wis. Stat. §§460.04 and 460.05 (1)(e)1. and Wis. Admin. Code § MTBT 3.01 the Board requires official transcripts from all applicants graduated from non-EAB approved schools and schools not approved by the Board. Motion carried unanimously.

CLOSED SESSION

MOTION: Barbara Yetter moved, seconded by Darlene Campo, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Darlene Campo - yes; Elizabeth Krizenesky - yes; Sharon Pollock – yes; Mark Richardson – yes; Barbara Yetter - yes. Motion carried unanimously.

The Board convened into Closed Session at 10:23 A.M.

RECONVENE TO OPEN SESSION

MOTION: Barbara Yetter moved, seconded by Darlene Campo, to reconvene in Open Session at 10:52 A.M. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Barbara Yetter moved, seconded by Darlene Campo, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

CREDENTIALING MATTERS

Full Board Review – Joseph Mueller

MOTION: Barbara Yetter moved, seconded by Darlene Campo, to deny Joseph Mueller's request for a waiver under Wis. Stat. § 460.05 (2). Applicant needs at least 300 Massage Therapy or Bodywork Theory, Technique and Practice hours which shall include 100 classroom hours of supervised hands-on practice and 20 hours of Student Clinic as required by Wis. Stat. §§ 460.04 and 460.05 and Wis. Admin. Code § MTBT 3.01. Motion carried unanimously.

Full Board Review – Anne Anderson

MOTION: Mark Richardson moved, seconded by Sharon Pollock, to approve the Licensed Massage Therapist application of Anne Anderson, once all requirements are met. Motion carried unanimously.

FEDERATION OF STATE MASSAGE THERAPY BOARD (FSMTB) MATTERS

MOTION: Elizabeth Krizenesky moved, seconded by Mark Richardson, to approve Tom Ryan to participate in the FSMTB's FAIR task force. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Darlene Campo moved, seconded by Barbara Yetter, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Mark Richardson moved, seconded by Darlene Campo, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:03 A.M.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Katie Vieira Administrative Rule Coordinators		2) Date When Request Submitted: 11/5/2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Massage and Bodywork Therapy Affiliated Credentialing Board			
4) Meeting Date: 11/17/2015	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Potential Scope Statement Regarding Approved Education and Exams	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	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 discuss potentially requesting a scope statement regarding approved education and exams for massage therapists and bodywork therapists.			
11) Authorization Katie Vieira <hr/> Signature of person making this request Date <hr/> Supervisor (if required) Date <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 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.			

Continuing Education Audit

Research from the FSMTB Annual Meeting

November 2015

Submitted by Darlene Campo

Continuing Education - Overview

- Of the states, commonwealths, and territories that require continuing education (CE), most seemed to require 24 units in 24 months.
 - Idaho was a notable exception requiring 6 units per year, every year.
- Some states are highly prescriptive in their CE requirements, including:
 - Mandatory courses every renewal (e.g., ethics, rules and laws, medical errors, etc.).
 - Minimum number of in-person hours per renewal cycle.
 - Maximum number of online hours submitted.
 - Maximum number of hours (if any) that can be rolled over from one renewal period to another.
 - Parameters regarding alternate methods (e.g., attending a State Board meeting to fulfill the rules and laws requirement, maximum hours of documented self-care, etc.)
- The FSMTB is developing a Massage Therapy Licensing Database (MTLD, pronounced “Matilda”) that will track continuing education, among other things. This will provide a portable solution for massage therapists and bodywork therapists to manage their CE throughout their careers.
 - Launch of the database is scheduled for 2016.
 - The plan at this time is that only CE from certain providers will be uploaded. These included the major national professional associations listed in § 7.03(1)(c), but not in section (a) or (b). Information regarding approved providers for each Member Board was requested as part of the process for compiling the 2015 Member Board Reports document. This may impact what type of CE the FSMTB tracks.

Auditing Technology

- **CE Broker.** Florida and Georgia use CE Broker to manage their licensees’ CE. The basic package is made available to all credential holders free of charge. There is a \$35 upgraded package that allows licensees to print their CE certificates at any time. As one delegate said, it’s a multi-year contract, and it should be entered into carefully.
- **Purpose-built Solution.** The state is responsible for maintenance. These included two types:
 - Purchased from a vendor (e.g., South Dakota). The Delegate from South Dakota was dissatisfied not only in the initial investment (\$35,000), but in the cost of annual upkeep (\$6,000).
 - Built in-house by a staff member (e.g., North Carolina). An economical initial solution, but problematic if the employee separates from the organization.
- **Paper- or Scan-based Solution.** These seemed to be the predominant means of auditing.

Auditing Practice

- Many states have a specific date by which all licenses must be renewed (e.g., 02/28 of odd-numbered years). For others, the renewal date is based on the credential holder’s date of licensure, with licenses renewing and expiring on a rolling basis throughout the year. Auditing seemed to be easier in the former case.

- Of the states that require auditing, practice ranges from a 10% random audit after renewal to 100% automatic audit upon renewal.
 - Note that Wisconsin currently has approximately 5,000 license holders. An audit of 10% would be 500 CE portfolios. This may be an unmanageable number, given current staffing levels (both Credentialing Specialists and Board Members).
- Of the states that require all applicants to submit their CE certificates electronically upon renewal,
 - Florida and Georgia use a technology solution that categorizes CE from approved providers when they are uploaded. If the provider is not known, the license holder can upload it for manual review before it is categorized and accepted. Licensees cannot renew until their electronic file is complete (i.e., 100% audit).
 - North Carolina and South Dakota also require submission of CE upon renewal.
 - North Carolina conducts a 10% random audit from the uploaded files. This was a more time-efficient, cost-effective process for staff than identifying 10% and requesting that they send in their documentation.

Discovery

- The Member Boards had an opportunity to list their most frequent disciplinary issues as part of the data collection process for the 2015 Member Board Reports document. Not all Member Boards completed the survey, and not all that did noted challenges. Of those that did, five (District of Columbia, Georgia, Iowa, New Hampshire, and Tennessee) listed some irregularity regarding CE, including:
 - No CE or insufficient number of hours
 - Incorrect type or ratio of hours
 - Unapproved provider
- Differences in Audit Outcomes. Some delegates reported high compliance in the audited population, while others reported that 8 out of 10 audited credential holders were noncompliant. There were too many variables (e.g., length of required initial education, number of renewal cycles CE had been required, size of licensed population, urban vs. rural state, etc.) to come to any conclusions about this.
- Impact and Workarounds.
 - Pennsylvania noted that they saw on-time renewals drop from 10,000 to 8,500 after the CE requirement came into effect. They attributed this to price and availability of continuing education.
 - The District of Columbia noticed a loophole where the penalty for late renewal was less than the penalty for noncompliance with CE, so credential holders delayed renewal until they completed their CE.
 - This may be a potential problem in Wisconsin in 2017. The difference is that there is no grace period in our state, and the license holder is engaging in unlawful activity if they continue to practice before their license is renewed.
 - North Carolina requires an automatic CE audit for late renewals.

Audit Process Flow

- This is an example of a most comprehensive paper- or scan-based audit process for a state such as Wisconsin where all licenses expire simultaneously:

Date	Action
02/28/17	Licenses Expire
03/28/17	30 days (or more) unofficial grace period (optional)
03/29/17	10% of the renewals are chosen randomly and notified by email that they have been selected for an audit. (Recall that this is close to 500 people.) They have 30 days to present their CE by hard copy, fax, or scan to the DSPS.
4/29/17	<p><u>Unresponsive license holders</u>: These would require a separate flow, with additional attempts to contact them, along with penalties up to and including license revocation.</p> <p><u>Responsive license holders</u>: Credentialing Specialists would either</p> <ol style="list-style-type: none"> (1) review the portfolios themselves, forwarding atypical portfolios to Board Members for review or (2) forward all portfolios in groups of "X" directly to Board Members for their review. This would be an "all hands on deck" level of participation until the project was completed.
Post-review	<p><u>Compliant license holders</u>: Communication acknowledging compliance. They would also not be reviewed during the next renewal period.</p> <p><u>Noncompliant license holders</u>: Deadline for coming into compliance assigned and tracked. Fine assessed (?). The final communication would indicate that they will be automatically audited at the end of the next renewal period.</p>