



**VIRTUAL/TELECONFERENCE  
MESSAGE THERAPY AND BODYWORK THERAPY AFFILIATED  
CREDENTIALING BOARD**

**Virtual, 4822 Madison Yards Way, Madison  
Contact: Tom Ryan (608) 266-2112  
May 31, 2022**

*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 (1-4)**
- B. Approval of Minutes of March 15, 2022 (5-13)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) Board Members – Term Expiration Dates
    - a. Coleman, Jr., Robert E. – 7/1/2023
    - b. Ehmer, Jaime L. – 7/1/2023
    - c. Hedtke, Carla J. – 7/1/2023
    - d. Miller, Jeff – 7/1/2023
    - e. Quandt, Gregory J. – 7/1/2023
    - f. Townsend-Davila, Charisma J. – 7/1/2023
    - g. Trudeau, Ramona J. – 7/1/2023
  - 3) Wis. Stat. s 15.085 (3)(b) – Biannual Meeting with the Medical Examining Board
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration**
  - 1) Scope Statement: MTBT 6, Relating to Temporary Licenses **(14-21)**
  - 2) Pending or Possible Rulemaking Projects **(22)**
- H. Speaking Engagements, Travel, or Public Relation Requests, and Reports**
  - 1) Consideration of Attendance: 2022 Federation of State Massage Therapy Boards (FSMTB) Annual Meeting – October 18-20, 2022 – Charlotte, NC **(23-24)**

**I. COVID-19 – Discussion and Consideration**

**J. Federation of State Massage Therapy Boards (FSMTB) Matters – Discussion and Consideration**

**K. Discussion and Consideration of Items Added After Preparation of Agenda:**

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

**L. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 448.02(8), 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 on DLSC Matters**

- 1) **Proposed Stipulations, Final Decisions and Orders**
  - a. 19 MAB 028 – Shuling Zhao, LMT **(25-31)**
  - b. 20 MAB 008 – Orlando F. Belisle, LMT **(32-37)**
  - c. 21 MAB 019 – Josiah L. Growth, LMT **(38-44)**
- 2) **Administrative Warnings**
  - a. 21 MAB 011 – K.R.S. **(45-46)**
- 3) **Case Closings**

a. 21 MAB 015 – A.R.C. (47-53)

N. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 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

O. Consulting with Legal Counsel

- 1) Report on Cases Delegated to Chief Legal Counsel
  - a. Interim Order: 21 MAB 013, 22 MAB 003, 22 MAB 004, 22 MAB 006 – Ethan E. Karls, LMT

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

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

Q. Open Session Items Noticed Above Not Completed in the Initial Open Session

R. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

**ADJOURNMENT**

**NEXT MEETING: AUGUST 30, 2022**

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 MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreter services for the deaf or hard of hearing, or other accommodations, are

considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE  
MESSAGE THERAPY AND BODYWORK THERAPY  
AFFILIATED CREDENTIALING BOARD  
MARCH 15, 2022**

**PRESENT:** Robert Coleman, Jr., Carla Hedtke (*arrived at 9:09 a.m.*), Jeff Miller, Charisma Townsend, Ramona Trudeau

**EXCUSED:** Jaime Ehmer, Gregory Quandt

**STAFF:** Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Adv.; and other Department Staff

**CALL TO ORDER**

Robert Coleman, Jr., Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with four (4) members present.

**ADOPTION OF AGENDA**

**MOTION:** Jeff Miller moved, seconded by Ramona Trudeau, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF NOVEMBER 30, 2021**

**MOTION:** Jeff Miller moved, seconded by Robert Coleman, Jr., to approve the Minutes of November 30, 2021 as published. Motion carried unanimously.

*Carla Hedtke arrived at 9:09 a.m.*

**ADMINISTRATIVE MATTERS**

**Election of Officers**

*Slate of Officers*

**NOMINATION:** Carla Hedtke nominated the 2021 slate of officers to continue in 2022. All officers present accepted their nominations.

Tom Ryan, Executive Director, called for nominations three (3) times.

The Slate of Officers was elected by unanimous voice vote.

<b>ELECTION RESULTS</b>	
<b>Chairperson</b>	Robert Coleman, Jr.
<b>Vice Chairperson</b>	Jeff Miller
<b>Secretary</b>	Jaime Ehmer

**Appointment of Liaisons and Alternates**

<b>LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison(s)</b>	Gregory Quandt <i>Alternate: Charisma Townsend</i>
<b>Education and Examinations Liaison(s)</b>	Carla Hedtke <i>Alternate: Gregory Quandt</i>
<b>Monitoring Liaison(s)</b>	Jaime Ehmer <i>Alternate: Ramona Trudeau</i>
<b>Professional Assistance Procedure (PAP) Liaison(s)</b>	Carla Hedtke <i>Alternate: Gregory Quandt</i>
<b>Legislative Liaison(s)</b>	Ramona Trudeau <i>Alternate: Charisma Townsend</i>
<b>Travel Authorization Liaison(s)</b>	Jaime Ehmer <i>Alternate: Gregory Quandt</i>
<b>Website Liaison(s)</b>	Jeff Miller <i>Alternate: Robert Coleman, Jr.</i>
<b>Screening Panel</b>	Charisma Townsend, Carla Hedtke, Gregory Quandt <i>Alternate: Robert Coleman Jr., Jaime Ehmer</i>

**Delegation of Authorities**

***Document Signature Delegations***

**MOTION:** Charisma Townsend moved, seconded by Jeff Miller, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** Jeff Miller moved, seconded by Carla Hedtke, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

### *Delegated Authority for Urgent Matters*

**MOTION:** Ramona Trudeau moved, seconded by Jeff Miller, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

### *Delegation to Chief Legal Counsel Due to Loss of Quorum*

**MOTION:** Charisma Townsend moved, seconded by Ramona Trudeau, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

### *Monitoring Delegations*

#### **Delegation of Authorities for Monitoring**

**MOTION:** Robert Coleman, Jr. moved, seconded by Ramona Trudeau, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the March 15, 2022 agenda materials on pages 19-20. Motion carried unanimously.

#### **Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

**MOTION:** Carla Hedtke moved, seconded by Robert Coleman, Jr., to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

### *Credentialing Authority Delegations*

#### **Delegation of Authority to Credentialing Liaison**

**MOTION:** Charisma Townsend moved, seconded by Ramona Trudeau, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

#### **Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** Carla Hedtke moved, seconded by Jeff Miller, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

#### **Delegation of Authority for Predetermination Reviews**

**MOTION:** Jeff Miller moved, seconded by Robert Coleman, Jr., to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

### **Delegation of Authority for Conviction Reviews**

**MOTION:** Jeff Miller moved, seconded by Ramona Trudeau, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of massage therapy or bodywork therapy. Motion carried unanimously.

### **Delegation to DSPS When Applicant's History Has Been Previously Reviewed**

**MOTION:** Robert Coleman, Jr. moved, seconded by Carla Hedtke, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous massage therapy or bodywork therapy credential and there is no new conviction record. Motion carried unanimously.

### **Delegation of Authority for Reciprocity Reviews**

**MOTION:** Carla Hedtke moved, seconded by Ramona Trudeau, to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements are substantially equivalent to the Board's requirements. Motion carried unanimously.

### **Delegated Authority for Application Denial Reviews**

**MOTION:** Robert Coleman, Jr. moved, seconded by Jeff Miller, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

### ***Pre-Screening Delegation to Open Cases***

**MOTION:** Ramona Trudeau moved, seconded by Carla Hedtke, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.



### *Pre-Screening Delegation to Close Cases*

- MOTION:** Charisma Townsend moved, seconded by Ramona Trudeau, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:
1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
  2. Complaints that even if allegations are true, do not amount to a violation of law or rules.
- Motion carried unanimously.

### *Voluntary Surrenders*

- MOTION:** Robert Coleman, Jr. moved, seconded by Ramona Trudeau, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

### *Education and Examination Liaison(s) Delegation*

- MOTION:** Jeff Miller moved, seconded by Carla Hedtke, to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously.

### *Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies*

- MOTION:** Robert Coleman, Jr. moved, seconded by Carla Hedtke, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

### *Optional Renewal Notice Insert Delegation*

- MOTION:** Ramona Trudeau moved, seconded by Charisma Townsend, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

### *Legislative Liaison Delegation*

- MOTION:** Ramona Trudeau moved, seconded by Carla Hedtke, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

### *Travel Authorization Liaison Delegation*

**MOTION:** Charisma Townsend moved, seconded by Robert Coleman, Jr., to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

### *Website Liaison(s) Delegation*

**MOTION:** Ramona Trudeau moved, seconded by Charisma Townsend, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

## **ADMINISTRATIVE RULE MATTERS**

### **Adoption Order: MTBT 2, Relating to Reciprocal Credentials for Service Members, Former Service Members, and their Spouses**

**MOTION:** Charisma Townsend moved, seconded by Ramona Trudeau, to approve the Adoption Order for Clearinghouse Rule 22-001 (MTBT 2), relating to reciprocal credentials for service members, former service members, and their spouses. Motion carried unanimously.

*Jeff Miller was not present for the previous vote.*

## **BOARD CHAIR MEETING AND OPTIONS TO ADDRESS DEPARTMENT RESOURCES**

**MOTION:** Robert Coleman, Jr. moved, seconded by Ramona Trudeau, to request that the state legislature increase the number of staff positions and lift the spending limits imposed on the Department of Safety and Professional Services so that the fee revenue paid by massage therapists and bodywork therapists to obtain and renew licenses is applied toward its intended purpose. Ongoing diversions of fee revenue prevents the Department from hiring additional staff and inhibits the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board's ability to fulfill its mission of issuing licenses in a timely manner and protecting public health and safety. Motion carried unanimously.

## **CLOSED SESSION**

**MOTION:** Jeff Miller moved, seconded by Ramona Trudeau, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 448.02(8), 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.). Robert Coleman, Jr., Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Robert Coleman Jr.-yes; Carla Hedtke-yes; Jeff Miller-yes; Charisma Townsend-yes; and Ramona Trudeau-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:11 a.m.

## **DELIBERATION ON DLSC MATTERS**

### **Stipulations, Final Decisions and Orders**

#### ***21 MAB 008 – Danyelle M. Dalbec, LMT***

**MOTION:** Carla Hedtke moved, seconded by Ramona Trudeau, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Danyelle M. Dalbec, LMT, DLSC Case Number 21 MAB 008. Motion carried unanimously.

### **Administrative Warnings**

#### ***19 MAB 029 – H.S.***

**MOTION:** Carla Hedtke moved, seconded by Robert Coleman, Jr., to issue an Administrative Warning in the matter of H.S., DLSC Case Number 19 MAB 029. Motion carried unanimously.

#### ***21 MAB 016 – A.L.S.***

**MOTION:** Robert Coleman, Jr. moved, seconded by Ramona Trudeau, to issue an Administrative Warning in the matter of A.L.S., DLSC Case Number 21 MAB 016. Motion carried unanimously.

### **Case Closings**

#### ***21 MAB 009– T.A.W.***

**MOTION:** Ramona Trudeau moved, seconded by Robert Coleman, Jr., to close DLSC Case Number 21 MAB 009, against T.A.W., for No Violation. Motion carried unanimously.

#### ***21 MAB 017– C.X.***

**MOTION:** Carla Hedtke moved, seconded by Robert Coleman, Jr., to close DLSC Case Number 21 MAB 017, against C.X., for Prosecutorial Discretion (P7). Motion carried unanimously.

### **Monitoring Matters**

#### **Rachelle Terrell – Requesting 1) Termination or Reduction in Drug Screen Frequency and 2) Termination of Direct Supervision and/or Quarterly Work Reports OR Approval of Business Owner to Serve as Supervisor**

**MOTION:** Charisma Townsend moved, seconded by Carla Hedtke, to grant the request of Rachelle Terrell for 1) termination of drug screens and 2) approval of business owner to serve as supervisor. Motion carried unanimously.

**Proposed Stipulations and Interim Orders**

*21 MAB 013, 22 MAB 003, 22 MAB 004, 22 MAB 006 – Ethan E. Karls, LMT*

**MOTION:** Jeff Miller moved, seconded by Robert Coleman, Jr., to delegate to DSPS Chief Legal Counsel the Board’s authority to preside over and resolve the matter of the Interim Order against Ethan E. Karls, LMT, DLSC Case Numbers 21 MAB 013, 22 MAB 003, 22 MAB 004, 22 MAB 006. Motion carried unanimously.

**DELIBERATION ON MATTERS RELATING TO COSTS/ORDERS FIXING COSTS**

**Coleen M. Dunahee, M.T.B.T. – DHA Case Number SPS-20-0028/DLSC Case Number 19 MAB 016**

**MOTION:** Jeff Miller moved, seconded by Ramona Trudeau, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Coleen M. Dunahee, M.T.B.T., Respondent – DHA Case Number SPS-20-0028/DLSC Case Number 19 MAB 016. Motion carried unanimously.

*(Carla Hedtke recused herself and left the meeting for deliberation and voting in the matter concerning Coleen M. Dunahee, M.T.B.T., Respondent – DHA Case Number SPS-20-0028/DLSC Case Number 19 MAB 016.)*

**Li Wang, L.M.T. – DHA Case Number SPS-21-0005/DLSC Case Number 19 MAB 030**

**MOTION:** Robert Coleman, Jr. moved, seconded by Ramona Trudeau, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Li Wang, L.M.T., Respondent – DHA Case Number SPS-21-0005/DLSC Case Number 19 MAB 030. Motion carried unanimously.

*(Carla Hedtke recused herself and left the meeting for deliberation and voting in the matter concerning Li Wang, L.M.T., Respondent – DHA Case Number SPS-21-0005/DLSC Case Number 19 MAB 030.)*

**Shijie You, L.M.T. – DHA Case Number SPS-20-0035/DLSC Case Number 19 MAB 010**

**MOTION:** Jeff Miller moved, seconded by Ramona Trudeau, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Shijie You, L.M.T., Respondent – DHA Case Number SPS-20-0035/DLSC Case Number 19 MAB 010. Motion carried unanimously.

*(Carla Hedtke recused herself and left the meeting for deliberation and voting in the matter concerning Shijie You, L.M.T., Respondent – DHA Case Number SPS-20-0035/DLSC Case Number 19 MAB 010.)*

**Hui Zhan, L.M.T. – DHA Case Number SPS-19-0061/DLSC Case Number 17 MAB 017**

**MOTION:** Jeff Miller moved, seconded by Charisma Townsend, to adopt the Order Fixing Costs in the matter of disciplinary proceedings against Hui Zhan, L.M.T., Respondent – DHA Case Number SPS-19-0061/DLSC Case Number 17 MAB 017. Motion carried unanimously.

*(Robert Coleman, Jr. recused himself and left the meeting for deliberation and voting in the matter concerning Hui Zhan, L.M.T., Respondent – DHA Case Number SPS-19-0061/DLSC Case Number 17 MAB 017.)*

**DELIBERATION ON PROPOSED FINAL DECISION AND ORDERS**

**Ping Jiang, LMT – DHA Case Number SPS-21-0081/DLSC Case Number 19 MAB 029**

**MOTION:** Robert Coleman, Jr. moved, seconded by Ramona Trudeau, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Ping Jiang, LMT, Respondent – DHA Case Number SPS-21-0081/DLSC Case Number 19 MAB 029. Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Charisma Townsend moved, seconded by Carla Hedtke, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:50 a.m.

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

**MOTION:** Robert Coleman, Jr. moved, seconded by Carla Hedtke, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote).*

**DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION  
OF LICENSES AND CERTIFICATES**

**MOTION:** Carla Hedtke moved, seconded by Jeff Miller, 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:** Charisma Townsend moved, seconded by Ramona Trudeau, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:54 a.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Nilajah Hardin Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 05/16/22 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
<b>4) Meeting Date:</b> 05/31/22	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rule Matters Discussion and Consideration 1. Scope Statement: MTBT 6, Relating to Temporary Licenses 2. Pending or Possible Rulemaking Projects	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Review and take action on Scope Statement for MTBT 6  Attachments: MTBT 6 Scope Statement Wis. Admin. Code ch. MTBT 6 Wis. Stats. ch. 460 Rule Project Chart			
<b>11) Authorization</b>			
 Signature of person making this request		05/16/22 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 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

## MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD

Rule No.: MTBT 6

Relating to: Temporary Licenses

Rule Type: Permanent

**1. Finding/nature of emergency (Emergency Rule only): N/A**

**2. Detailed description of the objective of the proposed rule:**

The objective of the proposed rule is to update Wisconsin Administrative Code ch. MTBT 6.02 to align it with the authority given to the board in Wisconsin Statute s. 460.04 (2) (f). Currently, MTBT 6.02 requires an applicant to meet the criteria under s. 460.05, stats., pass the board statutes and rules examination, and to not have previously failed the examination required under s. 460.06, stats, among other requirements. The only requirement that Section 460.04 (2) (f), stats. explicitly requires is that the applicant be a graduate of a massage therapy or bodywork therapy school or program. It does not give authority for the other requirements currently listed in MTBT 6.02.

**3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

Currently, MTBT 6.02 outlines requirements for temporary licensure based on the authority given in ss. 460.04 (2) (f) and 460.08, stats. However, MTBT 6.02 adds requirements that are above what is required by the statute. These rules will continue to be in conflict with the statute if they are not changed.

**4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

s. 15.085 (5) (b), stats. states that “[each affiliated credentialing board] shall promulgate rules for its own guidance and for the guidance of the trader or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

s. 460.04 (2) (f), stats. states that “[the affiliated credentialing board shall promulgate rules that establish] requirements to be satisfied by a person seeking a temporary license under s. 460.08. The rules promulgated under this subsection shall require the person to be a graduate of a massage therapy or bodywork therapy school or program and may require the holder of a temporary license to make disclosures to clients and to practice under the supervision of a massage therapist or bodywork therapist licensed under this chapter.”

s. 460.08, stats. states that “The affiliated credentialing board may grant a temporary license for a period not to exceed 6 months to an applicant who satisfies the requirements established in the rules under s. 460.04 (2) (f). A temporary license may not be renewed.”

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

60 hours

**6. List with description of all entities that may be affected by the proposed rule:**

Individuals looking to enter the massage therapy and bodywork therapy profession and obtain licensure in Wisconsin.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule is likely to have minimal or no economic impact on small businesses and the state's economy as a whole.

**Contact Person:** Nilajah Hardin, (608) 267-7139, [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov)

Approved for publication:

Approved for implementation:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Date Submitted





## Chapter MTBT 6

### TEMPORARY LICENSURE

MTBT 6.01 Authority.

MTBT 6.02 Temporary license prior to licensure.

**MTBT 6.01 Authority.** The rules in ch. [MTBT 6](#) are adopted under the authority of ss. [460.04 \(2\) \(f\)](#) and [460.08](#), Stats.

**History:** CR 13-055: cr. Register May 2014 No. 701, eff. 6-1-14; correction made under s. 35.17, Stats., Register May 2014 No. 701.

**MTBT 6.02 Temporary license prior to licensure.**

(1) The board may issue a temporary license to an applicant to practice massage therapy and bodywork therapy who meets the criteria under s. [460.05](#), Stats., and who has completed all of the following:

- (a) Submits a completed application for licensure and a completed application for a temporary license.
- (b) Remits the fee specified in s. [440.05 \(1\)](#), Stats.
- (c) Has successfully completed an educational program as defined in s. [MTBT 3.01](#).
- (d) Has not previously failed an examination required in s. [460.06](#), Stats., unless the applicant has subsequently passed the failed examination.
- (e) Has passed the state board statutes and rules examination.

(2) (a) Practice during the period of temporary license shall be under the supervision of a licensed massage therapist or bodywork therapist, at the level of general supervision or as necessary to avoid unacceptable risk of harm to the client. The supervising massage therapist or bodywork therapist is responsible for determining the level of supervision necessary to avoid unacceptable risk of harm to the client.

(am) A person holding a temporary license shall meet face-to-face with the supervising massage therapist or bodywork therapist as necessary to ensure that the temporary licensee performs competently, including creation and maintenance of records as required in s. [MTBT 5.02 \(8\)](#).

(b) The temporary licensee shall provide each client the name, contact information, and license number for the supervising massage therapist or bodywork therapist responsible for supervision of the temporary licensee.

(c) Prior to commencing any health care service, a temporary licensee shall obtain written informed consent of all clients. The informed consent documentation shall include, in addition to other requirements, an acknowledgement that the temporary licensee is not fully credentialed and that the client has been provided the information required by par. (b).

(3) (a) A temporary license expires 6 months after the date of issuance or when the department provides notice that the temporary licensee has failed or passed the examination required by s. [460.06](#), Stats., whichever is first.

(am) A temporary license shall not be renewed.

(b) No person shall be issued more than one temporary license in any 365-day period.

(4) For purposes of the board's disciplinary authority, the supervising massage therapist or bodywork therapist is responsible for the acts of the temporary licensee under supervision. The board may discipline the supervising massage therapist or bodywork therapist and the temporary licensee for any acts or omissions of the temporary licensee in violation of any state or federal statute, rule, regulation, or order of the board or of the medical examining board.

(5) Temporary licensees shall use the title massage therapy temporary licensee or bodywork therapy temporary licensee.

**History:** CR 13-055: cr. Register May 2014 No. 701, eff. 6-1-14; (2) (a), (am), (3) (a), (am) renum. from (2) (intro.), (a), (3) (intro.), (a) under s. [13.92 \(4\) \(b\) 1.](#), Stats., Register May 2014 No. 701; CR 14-041: am. (2) (am) Register June 2015 No. 714, eff. 7-1-15.

## CHAPTER 460

## MASSAGE THERAPY AND BODYWORK THERAPY

460.01	Definitions.		
460.02	License required.	460.10	instructor requirements.
460.03	Applicability.	460.11	Continuing education.
460.04	Duties of affiliated credentialing board.	460.12	Practice requirements.
460.05	Licensure of massage therapists and bodywork therapists.	460.13	Duty to make reports.
460.06	Examinations.	460.14	Advertising.
460.07	Display of certificate; expiration and renewal.	460.15	Disciplinary proceedings and actions.
460.08	Temporary license.	460.16	Employment of unlicensed persons.
460.09	Reciprocal license.	460.17	Penalty.
460.095	Massage therapy and bodywork therapy school, training program, and		Local regulation.

**Cross-reference:** See also chs. [MTBT 1](#), [2](#), [3](#), [4](#), and [5](#), Wis. adm. code.

#### 460.01 Definitions.

In this chapter:

(1g) “Adjunctive therapy” means any of the following:

- (a) The use of a device that simulates or enhances a manual action.
- (b) The application of water, lubricants, or other non-prescription topical agents to the skin.
- (c) The application of heat or cold to the skin in the absence of an electromagnetic device.

(1r) “Affiliated credentialing board” means the massage therapy and bodywork therapy affiliated credentialing board.

(2m) “License holder” means a person granted a license under this chapter.

(3) “Manual action” includes holding, positioning, rocking, kneading, compressing, decompressing, gliding, or percussing the soft tissue of the human body or applying a passive range of motion to the human body without joint mobilization or manipulation.

(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.

(6) “Sexual contact” has the meaning given in s. [939.22 \(34\)](#).

(7) “Sexual intercourse” has the meaning given in s. [948.01 \(7\) \(a\)](#).

**History:** 2001 a. 74; 2009 a. 12, 355; 2017 a. 364.

**460.02 License required.** Except as provided in s. [460.03](#), 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.

**History:** 2001 a. 74; 2009 a. 355.

**460.03 Applicability.** A license under this chapter is not required for any of the following:

(1) A person holding a license, permit, registration, or certification granted by this state or the federal government who engages in a practice of massage therapy or bodywork therapy within the scope of his or her license, permit, registration, or certification and who does not imply that he or she is licensed under this chapter. A person who is exempt from licensure under this subsection may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to identify his or her practice.

(2) A person who is authorized to practice massage therapy or bodywork therapy in another state or country and is providing a consultation to or demonstration with a license holder. A person who is exempt from licensure under this subsection may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to identify his or her practice.

(2m) (a) A person who does any of the following and who satisfies the requirements of par. (b):

1. Uses touch, words, and directed movement to deepen a client’s awareness of his or her existing patterns of movement and to suggest to the client new patterns of movement.
2. Uses touch to affect the energy systems of the human body.
3. Uses touch and education to effect change in the structure of the body while engaged in the practice of structural integration.

(b) The person is recognized by or meets the established standards of either a professional organization or credentialing association that recognizes a person in a practice after that person demonstrates an adequate level of training and competency and adherence to ethical standards.

(c) A person who is exempt from licensure under this subsection may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to identify his or her practice.

(3) A person who manipulates only the soft tissues of the hands, feet, or ears of the human body, provided that the services are not represented or implied to be massage therapy or bodywork therapy.

**History:** 2001 a. 74; 2009 a. 355; 2011 a. 260 s. 80.

**Cross-reference:** See also chs. [MTBT 1](#), [2](#), [3](#), [4](#), and [5](#) Wis. adm. code.

#### 460.04 Duties of affiliated credentialing board.

(1m) The affiliated credentialing board shall prepare an examination on state laws and administrative rules governing massage therapy and bodywork therapy.

(2) The affiliated credentialing board shall promulgate rules that establish all of the following:

(a) Standards that govern the professional conduct of license holders in practicing massage therapy or bodywork therapy. The standards shall prohibit a license holder from having sexual contact or sexual intercourse with a client.

(b) Criteria for approving a training program for purposes of s. [460.05 \(1\) \(e\) 1](#). Rules promulgated under this paragraph shall

require the training program to meet the requirements under s. 460.095 and to consist of at least 600 classroom hours.

(c) Requirements and procedures for obtaining the informed consent of a client under s. 460.11 (1) and for making a report required under s. 460.12 (1).

(d) A definition of “sexually oriented business” for purposes of s. 460.11 (3).

(e) A requirement that an applicant for a license under this chapter submit evidence satisfactory to the affiliated credentialing board that the applicant has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

(f) Requirements to be satisfied by a person seeking a temporary license under s. 460.08. The rules promulgated under this subsection shall require the person to be a graduate of a massage therapy or bodywork therapy school or program and may require the holder of a temporary license to make disclosures to clients and to practice under the supervision of a massage therapist or bodywork therapist licensed under this chapter.

(g) A requirement that an applicant for a license under this chapter pass an examination on state laws and administrative rules governing massage therapy and bodywork therapy.

**History:** 2001 a. 74; 2007 a. 104; 2009 a. 355.

**Cross-reference:** See also chs. MTBT 1, 2, 3, 4, and 5, Wis. adm. code.

**460.05 Licensure of massage therapists and bodywork therapists.** (1) The affiliated credentialing board shall grant a license as a massage therapist or bodywork therapist to a person who satisfies all of the following:

(a) The person is 18 years of age or older.

(b) The person has graduated from high school or attained high school graduation equivalency as determined by the department of public instruction under s. 115.29 (4).

(c) The person submits an application for the license to the affiliated credentialing board on a form provided by the affiliated credentialing board.

(d) The person pays the fee specified in s. 440.05 (1).

(e) Except as provided in sub. (2), the person submits evidence satisfactory to the affiliated credentialing board that he or she has done all of the following:

1. Graduated from a school of massage therapy or bodywork therapy approved by the department under s. 440.52 that meets the requirements under s. 460.095 or completed a training program approved by the affiliated credentialing board under the rules promulgated under s. 460.04 (2) (b).

2. Completed at least 6 classroom hours in the laws of this state and rules of the affiliated credentialing board relating to the practice of massage therapy or bodywork therapy in a course of instruction approved by the affiliated credentialing board.

(f) The person passes the examinations under s. 460.06.

(g) The person submits evidence satisfactory to the affiliated credentialing board that he or she has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

(h) The person has not been convicted of any of the following:

1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.081, 948.085, 948.09, 948.095, or 948.10.

2. An offense under federal law or a law of any other state that is comparable to an offense under subd. 1.

(i) The person submits evidence satisfactory to the department that he or she has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

(2) The affiliated credentialing board may waive a requirement specified in sub. (1) (e) if a person establishes, to the satisfac-

tion of the affiliated credentialing board, that he or she has education, training, or other experience that is substantially equivalent to the requirement.

(4) The affiliated credentialing board may assign a unique license number to each person licensed under this chapter.

**History:** 2001 a. 74; 2005 a. 22, 25, 254, 277; 2007 a. 104; 2009 a. 355 ss. 21, 28 to 34; 2013 a. 362; 2017 a. 59, 128.

**460.06 Examinations.** The affiliated credentialing board may not grant a license under this chapter unless the applicant achieves a passing grade on the following examinations:

(1) A nationally administered, entry-level competency examination for therapeutic massage and bodywork therapy that meets generally accepted psychometric principles and standards or a substantially equivalent examination approved by the affiliated credentialing board.

(2) The examination on state laws and administrative rules governing massage therapy and bodywork therapy required under s. 460.04 (2) (g).

**History:** 2001 a. 74 s. 16; 2009 a. 355; 2013 a. 168 s. 21.

**460.07 Display of certificate; expiration and renewal.**

(1) Each person who is licensed under this chapter shall conspicuously display the license in the place of business where he or she practices massage therapy or bodywork therapy so that the license can easily be seen and read.

(2) Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include all of the following:

(a) The renewal fee determined by the department under s. 440.03 (9) (a).

(b) If applicable, proof of completion of continuing education under s. 460.10.

(c) Evidence satisfactory to the affiliated credentialing board that the applicant has in effect malpractice liability insurance coverage in an amount that is not less than \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

(d) Evidence satisfactory to the affiliated credentialing board that the applicant has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

**History:** 2001 a. 74; 2007 a. 20, 104; 2009 a. 355.

**460.08 Temporary license.** The affiliated credentialing board may grant a temporary license for a period not to exceed 6 months to an applicant who satisfies the requirements established in the rules under s. 460.04 (2) (f). A temporary license may not be renewed.

**History:** 2009 a. 355.

**460.09 Reciprocal license.** Upon application and payment of the fee specified in s. 440.05 (2), the affiliated credentialing board shall grant a massage therapist or bodywork therapist license to a person who holds a similar license in another state or territory of the United States or another country if the affiliated credentialing board determines that the requirements for receiving the license in the other state, territory, or country are substantially equivalent to the requirements under s. 460.05.

**History:** 2001 a. 74; 2009 a. 355.

**460.095 Massage therapy and bodywork therapy school, training program, and instructor requirements.** Each massage therapy or bodywork therapy school located in this state and each massage therapy or bodywork therapy training program offered in this state shall do all of the following:

(1) Provide and require as a prerequisite to graduation completion of a course of instruction on state laws and regulations applicable to massage therapy and bodywork therapy.

(2) Administer, score, and require as a prerequisite to graduation, the examination required under s. 460.06 (2).

(3) Ensure that each instructor hired by the school or training program on or after December 1, 2010, to teach courses in anatomy, physiology, kinesiology, and pathology has at least one of the following:

(a) Professional training and 2 years of experience in a health-related field.

(b) Two years of post-secondary education and training.

(4) Ensure that each instructor hired by the school or training program on or after December 1, 2010, to teach courses in theory and the practice of massage therapy or bodywork therapy is licensed under this chapter and has at least one of the following:

(a) Two years experience as a practicing professional.

(b) Formal education and training as a massage therapy or bodywork therapy instructor.

**History:** 2009 a. 355.

**460.10 Continuing education.** (1) The affiliated credentialing board may promulgate rules establishing all of the following:

(a) Requirements and procedures for a license holder to complete continuing education programs or courses of study to qualify for renewal of his or her license. The rules promulgated under this paragraph may not require a license holder to complete more than 24 hours of continuing education programs or courses of study in order to qualify for renewal of his or her license.

(b) Qualifications applicable to providers of continuing education programs and courses required under par. (a).

(2) The affiliated credentialing board may waive all or part of any requirement established in rules promulgated under sub. (1) (a) if it determines that prolonged illness, disability, or other exceptional circumstances have prevented a license holder from completing the requirement.

**History:** 2001 a. 74; 2009 a. 355; 2011 a. 260.

**460.11 Practice requirements.** (1) A license holder may not practice massage therapy or bodywork therapy on a client unless the license holder first obtains the informed consent of the client and has informed the client that he or she may withdraw the consent at any time.

(2) A license holder shall keep confidential any information that a client in confidence gives to the license holder and any other information that the license holder obtains about a client in the course of practicing massage therapy or bodywork therapy that a reasonable person in the client's position would want kept confidential, unless the information is otherwise required by law to be disclosed or the client specifically authorizes the disclosure of the information.

(3) A license holder may not, whether for compensation or not, practice massage therapy or bodywork therapy for a sexually oriented business, as defined by the affiliated credentialing board by rule.

**History:** 2001 a. 74; 2009 a. 355.

**460.12 Duty to make reports.** (1) A license holder shall submit a report to the affiliated credentialing board if he or she has reasonable cause to believe that another license holder has committed a crime relating to prostitution under ss. 944.30 to 944.34 or has had sexual contact or sexual intercourse with a client. If the report relates to sexual contact or sexual intercourse with a client, the report may not identify the client unless the client has provided written consent for disclosure of this information.

(2) The affiliated credentialing board may use a report made under sub. (1) as the basis for an investigation under s. 460.14 (1). If, after an investigation, the affiliated credentialing board has reasonable cause to believe that a license holder has committed a crime, the affiliated credentialing board shall report the belief to

the district attorney for the county in which the crime, in the opinion of the affiliated credentialing board, occurred.

(3) If, after an investigation, the affiliated credentialing board determines that a report submitted under sub. (1) is without merit, the affiliated credentialing board shall remove the report from the record of the license holder who is the subject of the report.

(4) All reports and records made from reports under sub. (1) and maintained by the affiliated credentialing board, the department, district attorneys, and other persons, officials, and institutions shall be confidential and are exempt from disclosure under s. 19.35 (1). Information regarding the identity of a client with whom a license holder is suspected of having sexual contact or sexual intercourse shall not be disclosed by persons who have received or have access to a report or record unless disclosure is consented to in writing by the client. The report of information under sub. (1) and the disclosure of a report or record under this subsection does not violate any person's responsibility for maintaining the confidentiality of patient health care records, as defined in s. 146.81 (4) and as required under s. 146.82. Reports and records may be disclosed only to the affiliated credentialing board, the department, and the appropriate staff of a district attorney or a law enforcement agency within this state for purposes of investigation or prosecution.

(5) (a) In this subsection, "violation" means a violation of any state or local law that is punishable by a forfeiture.

(b) A license holder shall submit a written report to the affiliated credentialing board if he or she is convicted of a felony or misdemeanor, or is found to have committed a violation, in this state or elsewhere, and if the circumstances of the felony, misdemeanor, or violation substantially relate to the practice of massage therapy or bodywork therapy. The report shall identify the date, place, and nature of the conviction or finding and shall be submitted within 30 days after the entry of the judgment of conviction or the judgment finding that he or she committed the violation. If the report is submitted by mail, the report is considered to be submitted on the date that it is mailed.

**History:** 2001 a. 74; 2009 a. 355.

**460.13 Advertising.** Except as provided in s. 460.03 (1) and (2), a license holder may not advertise that he or she practices massage therapy or bodywork therapy unless the advertisement includes a statement that the license holder is a "licensed massage therapist and bodywork therapist" or "licensed massage therapist" or "licensed bodywork therapist."

**History:** 2001 a. 74; 2009 a. 355; 2011 a. 260 s. 80.

**460.14 Disciplinary proceedings and actions.** (1) Subject to the rules promulgated under s. 440.03 (1), the affiliated credentialing board may make investigations and conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the affiliated credentialing board may reprimand a license holder or deny, limit, suspend, or revoke a license under this chapter if it finds that the applicant or license holder has done any of the following:

(a) Made a material misstatement in an application for a license or for renewal of a license.

(b) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of massage therapy or bodywork therapy.

(c) Advertised in a manner that is false, deceptive, or misleading.

(d) Advertised, practiced, or attempted to practice under another's name.

(e) Subject to ss. 111.321, 111.322, and 111.34, practiced massage therapy or bodywork therapy while his or her ability to practice was impaired by alcohol or other drugs.

**460.14 MASSAGE THERAPY AND BODYWORK THERAPY**

Updated 19–20 Wis. Stats. 4

(f) Intentionally made a false statement in a report submitted under s. 460.12 (1).

(g) Engaged in unprofessional conduct in violation of the standards established in rules promulgated under s. 460.04 (2) (a).

(h) Engaged in conduct while practicing massage therapy or bodywork therapy that jeopardizes the health, safety, or welfare of a client or that evidences a lack of knowledge of, inability to apply, or the negligent application of, principles or skills of massage therapy or bodywork therapy.

(j) Violated this chapter or any rule promulgated under this chapter.

**(2m)** Subject to the rules promulgated under s. 440.03 (1), the affiliated credentialing board shall revoke a license under this chapter if the license holder is convicted of any of the following:

(a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.081, 948.085, 948.09, 948.095, or 948.10.

(b) An offense under federal law or a law of any other state that is comparable to an offense under par. (a).

**(3)** The affiliated credentialing board may restore a license that has been suspended or revoked on such terms and conditions as the affiliated credentialing board may deem appropriate.

**(4)** The affiliated credentialing board may, in addition to or in lieu of a reprimand or revocation, limitation, suspension, or denial of a license, assess against a person who has done anything specified under sub. (2) (a) to (j) a forfeiture of not more than \$1,000 for each separate offense. Each day of continued violation constitutes a separate offense.

**History:** 2001 a. 74; 2005 a. 277; 2009 a. 355; 2013 a. 362; 2017 a. 128; 2019 a. 41.

**460.145 Employment of unlicensed persons.** No person may employ or contract for the services of an individual to provide massage therapy or bodywork therapy who is required to be

licensed under s. 460.02 unless the individual is licensed under this chapter.

**History:** 2019 a. 41.

**460.15 Penalty.** Any person who violates this chapter or any rule promulgated under this chapter may be fined not more than \$1,000 for each violation or imprisoned for not more than 90 days, or both.

**History:** 2001 a. 74; 2009 a. 355; 2019 a. 41.

**460.17 Local regulation. (1)** A city, village, town, or county may not enact an ordinance that regulates the practice of massage therapy or bodywork therapy by a person who is licensed by the affiliated credentialing board under this chapter. No provision of any ordinance enacted by a city, village, town, or county that is in effect before February 1, 1999, and that relates to the practice of massage therapy or bodywork therapy, may be enforced against a person who is licensed by the affiliated credentialing board under this chapter.

**(2) (a) 1.** A city, village, or town may enact and enforce an ordinance that prohibits an individual from violating the prohibitions under s. 460.02 unless the individual is licensed under this chapter as required under s. 460.02.

2. A city, village, or town may enact and enforce an ordinance that prohibits a person from employing or contracting for the services of an individual to provide massage therapy or bodywork therapy who is required to be licensed under s. 460.02 unless the individual is licensed under this chapter.

(b) Law enforcement personnel of a city, village, or town may issue citations for violations of a local ordinance described in par. (a), and the city, village, or town may impose forfeitures, not to exceed the amount specified in s. 460.14 (4), for violations of such an ordinance.

**History:** 2001 a. 74 s. 19; 2009 a. 355; 2019 a. 41.

**Massage Therapy and Bodywork Therapy Affiliated Credentialing Board  
Rule Projects (updated 05/16/22)**

<b>Clearinghouse Rule Number</b>	<b>Scope #</b>	<b>Scope Expiration</b>	<b>Code Chapter Affected</b>	<b>Relating clause</b>	<b>Current Stage</b>	<b>Next Step</b>
21-001	078-20	12/22/22	MTBT 2	Reciprocal Credentials for Service Members, Former Service Members, and their Spouses	Rule Effective on 06/01/22	N/A
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	MTBT 6	Temporary Licenses	Scope Statement for Board Review at 05/31/22 Meeting	Submission to Governor's Office for Approval and for Publication in Administrative Register

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Katlin Schwartz, Bureau Assistant		<b>2) Date when request submitted:</b> 3/3/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
<b>4) Meeting Date:</b> 3/15/2022	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Speaking Engagements, Travel, or Public Relation Requests, and Reports <ul style="list-style-type: none"> <li>• Consideration of Attendance: 2022 Federation of State Massage Therapy Boards (FSMTB) – October 18-20, 2022 – Charlotte, NC</li> </ul>	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Consider whether the Board will designate someone to attend the conference. MOTION LANGUAGE: To designate NAME (as the Board’s delegate) to attend the 2022 Federation of State Massage Therapy Boards (FSMTB) on October 18-20, 2022 in Charlotte, NC. <a href="https://www.fsmtb.org/member-boardsagencies/member-services/annual-meeting/">https://www.fsmtb.org/member-boardsagencies/member-services/annual-meeting/</a>			
<b>11) Authorization</b>			
Katlin Schwartz		3/3/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
<b>Directions for including supporting documents:</b> 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders. 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.			



**FSMTB 2022 Annual Meeting | Charlotte, North Carolina**  
**Hilton Charlotte University Place**  
**October 18-20, 2022**

REGISTRATION OPENS TO MEMBERS JULY 1, 2022.

**Accommodations:**

**Hilton Charlotte University Place**

8629 JM Keynes Drive

Charlotte, North Carolina 28262

**Delegates:** FSMTB will make your hotel reservations.

**Resolutions and Bylaw Amendments:**

The delegate assembly of member boards provides direction and policy for the Federation. FSMTB will accept resolutions and bylaw amendments through July 20, 2022, in accordance with FSMTB Bylaws and Policies.

**Resolution Policy**

**Resolution Form**

**FSMTB Bylaws**