



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

**Virtual, 4822 Madison Yards Way, Madison  
Contact: Valerie Payne (608) 266-2112  
March 16, 2021**

*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 December 1, 2020 (4-6)**
- C. 9:00 A.M. PUBLIC HEARING: CR 21-001 – MTBT 2, Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses (7-15)**
  - 1) Review and Respond to Public Comments and Clearinghouse Report
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. Introductions, Announcements and Recognition**
- F. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) Annual Policy Review **(16)**
  - 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(17-26)**
  - 4) Board Members – Term Expiration Dates
    - a. Coleman, 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, Charisma J. – 7/1/2023
    - g. Trudeau, Ramona J. – 7/1/2023
  - 5) Wis. Stat. s 15.085 (3)(b) – Biannual Meeting with the Medical Examining Board
- G. Legislative and Policy Matters – Discussion and Consideration**

**H. Administrative Rule Matters – Discussion and Consideration**

- 1) Pending or Possible Rulemaking Projects

**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) **Stipulations and Interim Orders**
  - a. 20 MAB 008 – Orlando F. Belisle, Sr, L.M.T. **(27-31)**
- 2) **Case Closings**
  - a. 19 MAB 011 – Y.L. & Y.L. **(32-36)**

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

**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: JUNE 1, 2021**

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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, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE  
MESSAGE THERAPY AND BODYWORK THERAPY  
AFFILIATED CREDENTIALING BOARD  
DECEMBER 1, 2020**

**PRESENT:** Robert Coleman, Jr., Jaime Ehmer, Carla Hedtke (*arrived at 9:29 a.m.*), Gregory Quandt, Charisma Townsend

**EXCUSED:** Jeff Miller, Ramona Trudeau

**STAFF:** Valerie Payne, Executive Director; Yolanda McGowan, Board Legal Counsel; Dale Kleven, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; 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:** Gregory Quandt moved, seconded by Jaime Ehmer, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF SEPTEMBER 1, 2020**

**MOTION:** Gregory Quandt moved, seconded by Jaime Ehmer, to approve the Minutes of September 1, 2020 as published. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Gregory moved, seconded by Jaime, 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; Jaime Ehmer-yes; Gregory Quandt-yes; and Charisma Townsend-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:27 a.m.

(*Carla Hedtke arrived at 9:29 a.m.*)

**DELIBERATION ON DLSC MATTERS**

**Proposed Stipulations, Final Decisions and Orders**

***17 MAB 018 Juhua You, L.M.T.***

**MOTION:** Carla Hedtke moved, seconded by Gregory Quandt, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Juhua You, L.M.T., DLSC Case Number 17 MAB 018. Motion carried unanimously.

***18 MAB 022 – Matthew R.L. Marks, L.M.T.***

**MOTION:** Carla Hedtke moved, seconded by Jaime Ehmer, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Matthew R.L. Marks, L.M.T., DLSC Case Number 18 MAB 022. Motion carried unanimously.

***19 MAB 010 – Hongwei Geng, L.M.T.***

**MOTION:** Carla Hedtke moved, seconded by Gregory Quandt, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Hongwei Geng, L.M.T., DLSC Case Number 19 MAB 010. Motion carried unanimously.

**Case Closings**

**MOTION:** Gregory Quandt moved, seconded by Charisma Townsend, to close the following DLSC Cases for the reasons outlined below:

1. 18 MAB 013, 18 MAB 017 – J.Y. – Prosecutorial Discretion (P7)
2. 18 MAB 014 – X.C. – Insufficient Evidence
3. 19 MAB 010 – N.W., X.W. – Insufficient Evidence
4. 20 MAB 005 – D.J.P. – No Violation

Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Robert Coleman moved, seconded by Gregory Quandt, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 9:59 a.m.

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

**MOTION:** Jaime Ehmer 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:** Gregory Quandt moved, seconded by Jaime Ehmer, 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:** Jaime Ehmer moved, seconded by Gregory Quandt, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:04 a.m.

DRAFT

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dale Kleven Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>3/4/21</b>  Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting													
3) Name of Board, Committee, Council, Sections:  <b>Massage Therapy and Bodywork Therapy Affiliated Credentialing Board</b>															
4) Meeting Date:  <b>3/16/21</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>9:00 A.M. Public Hearing: CR 21-001 – MTBT 2, Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses</b> <b>1. Review and Respond to Public Comments and Clearinghouse Report</b>													
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 ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:												
10) Describe the issue and action that should be addressed:															
11) <table style="width: 100%; border: none;"> <tr> <td style="width: 35%; border: none;"><i>Dale Kleven</i></td> <td style="width: 30%; border: none; text-align: center;">Authorization</td> <td style="width: 35%; border: none;"><i>March 4, 2021</i></td> </tr> <tr> <td style="border-top: 1px solid black; border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-top: 1px solid black; border-bottom: 1px solid black;"></td> <td style="border-top: 1px solid black; border-bottom: 1px solid black;">Date</td> </tr> <tr> <td style="border-top: 1px solid black; border-bottom: 1px solid black;">Supervisor (if required)</td> <td style="border-top: 1px solid black; border-bottom: 1px solid black;"></td> <td style="border-top: 1px solid black; border-bottom: 1px solid black;">Date</td> </tr> <tr> <td colspan="3" style="border-top: 1px solid black; border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date</td> </tr> </table>				<i>Dale Kleven</i>	Authorization	<i>March 4, 2021</i>	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		
<i>Dale Kleven</i>	Authorization	<i>March 4, 2021</i>													
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: 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.															

STATE OF WISCONSIN  
MESSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING  
BOARD

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IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : MASSAGE THERAPY AND BODYWORK  
MESSAGE THERAPY AND BODYWORK : THERAPY AFFILIATED CREDENTIALING  
THERAPY AFFILIATED : BOARD ADOPTING RULES  
CREDENTIALING BOARD : (CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to amend MTBT 2.03 (1) (intro.) and create MTBT 2.035, relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 440.09, Stats.

**Statutory authority:**

Sections 15.085 (5) (b) and 440.09 (5), Stats.

**Explanation of agency authority:**

Section 15.085 (5) (b), Stats., provides an affiliated credentialing board, such as the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains . . .”

Section 440.09 (5), Stats., provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

**Related statute or rule:**

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

**Plain language analysis:**

The proposed rule creates a provision to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.



## **Comparison with rules in adjacent states:**

### **Illinois:**

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

### **Iowa:**

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

### **Michigan:**

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

### **Minnesota:**

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

## **Summary of factual data and analytical methodologies:**

The proposed rules were developed by reviewing the provisions of s. 440.09, Stats., as created by 2019 Wisconsin Act 143, and obtaining input and feedback from the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

## **Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

## **Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis document is attached.

## **Effect on small business:**

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator, Dan Hereth, may be contacted by calling (608) 267-2435.

**Agency contact person:**

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on March 16, 2021, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. MTBT 2.03 (1) (intro.) is amended to read:

**MTBT 2.03 (1) (intro.)** ~~An~~ Except as provided under s. MTBT 2.035, an applicant for a license on the basis of a similar license, registration, or license in another state or territory of the United States or another country shall submit all of the following to the board:

SECTION 2. MTBT 2.035 is created to read:

**MTBT 2.035 Reciprocal credentials for service members, former service members, and their spouses.** A reciprocal license to practice massage therapy or bodywork therapy shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date September 18, 2020
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) MTBT 2	
4. Subject Reciprocal credentials for service members, former service members, and their spouses	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165 (1) (hg)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The proposed rule creates a provision to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole. The Department estimates one-time administrative costs of \$475.18. These costs may be absorbed in the agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is reflecting s. 440.09, Stats., as created by 2019 Wisconsin Act 143. If the rule is not implemented, it will not reflect current requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is reflecting the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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17. Compare With Approaches Being Used by Federal Government  
None

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)  
Illinois:

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

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19. Contact Name	20. Contact Phone Number
Dale Kleven	(608) 261-4472

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This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
- 

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes     No
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# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

**Scott Grosz**  
Clearinghouse Director

**Anne Sappenfield**  
Legislative Council Director

**Margit Kelley**  
Clearinghouse Assistant Director

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### CLEARINGHOUSE RULE **21-001**

AN ORDER to amend MTBT 2.03 (1) (intro.) and to create MTBT 2.035, relating to reciprocal credentials for service members, former service members, and their spouses.

Submitted by **MESSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD**

01-04-2021 RECEIVED BY LEGISLATIVE COUNCIL.

01-26-2021 REPORT SENT TO AGENCY.

SG:AB

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES  NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES  NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES  NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached YES  NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES  NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES  NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES  NO

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b> Kimberly Wood, Program Assistant Supervisor-Adv.		<b>2) Date When Request Submitted:</b> 12/29/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b> All Boards			
<b>4) Meeting Date:</b>	<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> Annual Policy Review	
<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 required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> <li>1. <b>Attendance/Quorum:</b> Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law.</li> <li>2. <b>Walking Quorum:</b> Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law.</li> <li>3. <b>Agenda Deadlines:</b> Please communicate agenda topics to your Executive Director before the agenda submission deadline which is 8 business days prior to a meeting.</li> <li>4. <b>Travel Voucher and Per Diem Submissions:</b> Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred.</li> <li>5. <b>Lodging Accommodations/Hotel Cancellation Policy:</b> Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the indicated start time.                         <ul style="list-style-type: none"> <li>• If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate.</li> </ul> </li> <li>6. <b>Inclement Weather Policy:</b> In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely.</li> </ol>			
<b>11) Authorization</b>			
<i>Kimberly Wood</i>		12/29/2020	
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			
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			



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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b> Megan Glaeser, Bureau Assistant		<b>2) Date When Request Submitted:</b> 1 March 2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
<b>3) Name of Board, Committee, Council, Sections:</b> Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
<b>4) Meeting Date:</b> 16 March 2021	<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 Matters 1) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities	
<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 required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b>  1) The Board should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities and any proposals for modification of delegations. <ul style="list-style-type: none"> <li>a. Credentialing Delegations (Questions: Sarah Norberg)</li> <li>b. Monitoring Delegations (Questions: Amy Mayo)</li> <li>c. Pre-Screening Delegations (Questions: Gretchen Mrozinski)</li> </ul>			
<b>11) Authorization</b>			
Megan Glaeser		1 March 2021	
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			
<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.			

## Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

### 2020 Elections and Liaison Appointments

2020 ELECTION RESULTS	
<b>Chairperson</b>	Robert Coleman, Jr.
<b>Vice Chairperson</b>	Jeff Miller
<b>Secretary</b>	Jaime Ehmer

### Appointment of Liaisons and Alternates

2020 LIAISON APPOINTMENTS	
<b>Credentialing Liaison(s)</b>	Robert Coleman, Jr. <i>Alternate: Gregory Quandt</i>
<b>Office of 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>	Carla Hedtke <i>Alternate: Ramona Trudeau</i>
<b>Travel Liaison(s)</b>	Jaime Ehmer <i>Alternate: Gregory Quandt</i>
<b>Website Liaison(s)</b>	Gregory Quandt <i>Alternate: Robert Coleman, Jr.</i>
<b>Administrative Rules Liaison(s)</b>	Jaime Ehmer <i>Alternate: Ramona Trudeau</i>
<b>Screening Panel</b>	Robert Coleman, Jr., Carla Hedtke, Gregory Quandt <i>Alternate: Jaime Ehmer, Jeff Miller</i>

### Delegation of Authorities

### *Document Signature Delegations*

**MOTION:** Gregory Quandt moved, seconded by Jaime Ehmer, 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:** Jaime Ehmer moved, seconded by Robert Coleman, Jr., 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:** Gregory Quandt 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 of Loss of Quorum*

**MOTION:** Robert Coleman, Jr. moved, seconded by Gregory Quandt, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum. Motion carried unanimously.

### *Monitoring Delegations*

**MOTION:** Jeff Miller moved, seconded by Robert Coleman, Jr., to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" as presented in the March 17, 2020 agenda materials. Motion carried unanimously.

### *Credentialing Authority Delegations*

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

**MOTION:** Robert Coleman, Jr. moved, seconded by Gregory Quandt, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between

DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

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

**MOTION:** Gregory Quandt moved, seconded by Jaime Ehmer, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

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

**MOTION:** Gregory Quandt moved, seconded by Jeff Miller, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized 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:** Gregory Quandt moved, seconded by Jaime Ehmer, to delegate pre-screening decision making authority to the DSPS 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:** Gregory Quandt moved, seconded by Elizabeth Krizenesky, to delegate pre-screening decision making authority to the DSPS 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 Carla Hedtke, 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.

### ***Office of Education and Examination Delegation(s)***

**MOTION:** Gregory Quandt moved, seconded by Jaime Ehmer, to delegate authority to the Office of 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:** Carla Hedtke moved, seconded by Ramona Trudeau, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

### ***Optional Renewal Notice Insert Delegation***

**MOTION:** Gregory Quandt moved, seconded by Jaime Ehmer 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:** Jeff Miller moved, seconded by Gregory Quandt, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

### ***Travel Delegation***

**MOTION:** Robert Coleman, Jr. moved, seconded by Gregory Quandt, to delegate authority to the Travel Liaison to approve any board member travel.  
Motion carried unanimously.

## Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

### ~~Current~~ Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
- ~~7.~~8. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain ~~the signature of~~ written authorization from the Liaison to sign on their behalf.
- ~~8.~~9. Grant or deny a request to appear before the Board/Section in closed session.
- ~~9.~~10. Board Monitoring The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
- ~~10.~~11. (*Except Pharmacy and Medical*) Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

~~11.12.~~ *(Except Pharmacy)* Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.

- a. ~~Initial Year 1:~~ 49 screens (including 1 hair test, if required by original order)
- b. ~~1st Reduction Year 2:~~ 36 screens (plus 1 hair test, if required by original order)
- c. ~~2<sup>nd</sup> Reduction Year 3:~~ 28 screens plus 1 hair test
- ~~d. Year 4: 28 screens plus 1 hair test~~
- ~~e. Year 5: 14 screens plus 1 hair test~~
- d. 3<sup>rd</sup> Reduction: 14 screens plus 1 hair test

~~12.13.~~ *(Dentistry only)* Ability to approve or deny all requests from a respondent.

~~13.14.~~ *(Except Nursing)* ~~Board Monitoring~~ The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

### ~~Current~~ Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.

### Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.



## **PROPOSED 2021 CREDENTIALING DELEGATION MOTIONS**

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

**MOTION:** 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, except that potential denial decisions shall be referred to the full Board for final determination.

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

**MOTION:** 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.

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

**MOTION:** to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

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

**MOTION:** 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.

*Or, alternatively,*

**MOTION:** to delegate authority to Department Paralegals to review and approve applications with [optional: up to X] municipal/ordinance violations which are not substantially related to the practice of massage therapy or bodywork therapy.

**MOTION:** to delegate authority to Department Attorneys to review and approve applications with [optional: up to X] municipal/ordinance violations and misdemeanors [optional: each more than X years old and] which are not substantially related to the practice of massage therapy or bodywork therapy.

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

**MOTION:** 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.

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

**MOTION:** 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.

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

**MOTION:** 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.

## Massage Therapy Pre-screening Delegation

2020:

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

**MOTION:** Gregory Quandt moved, seconded by Jaime Ehmer, to delegate pre-screening decision making authority to the DLSC 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:** Gregory Quandt moved, seconded by Elizabeth Krizenesky, to delegate pre-screening decision making authority to the DLSC 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.

DLSC asks that the same motions be made for 2021.