



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

Virtual, 4822 Madison Yards Way, Madison

Contact: Tom Ryan (608) 266-2112

August 29, 2023

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 May 30, 2023 (4-6)

C. Reminders: Conflicts of Interest, Scheduling Concerns

D. Introductions, Announcements and Recognition

- 1) Recognition: Carla Hedtke, Massage Therapist & Body Worker Member (Replaced: 7/1/2023)
- 2) Recognition: Gregory J. Quandt, Massage Therapist & Body Worker Member (Replaced: 7/1/2023)
- 3) Recognition: Jeff Miller, Public Member (Resigned: 8/8/2023)
- 4) Introduction: Ab Kue, Massage Therapist & Body Worker Member (Succeeds: Robert E. Coleman Jr.)
- 5) Introduction: Lisa McNeil, Massage Therapist & Body Worker Member (Succeeds: Gregory J. Quandt)
- 6) Introduction: Laura Novak, Massage Therapist & Body Worker Member (Succeeds: Carla Hedtke)

E. Administrative Matters – Discussion and Consideration

- 1) Department, Staff and Board Updates
- 2) Appointment of Liaisons and Alternates (7)
- 3) Board Members – Term Expiration Dates
 - a. Ehmer, Jaime L. – 7/1/2023
 - b. Kue, Ab O. – 7/1/2027
 - c. McNeil, Lisa L. – 7/1/2027
 - d. Novak, Laura A. – 7/1/2027
 - e. Townsend-Davila, Charisma J. – 7/1/2023
 - f. Trudeau, Ramona J. – 7/1/2023
- 4) 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 (8)**
 - 1) New Scope Statement: MTBT 6, Relating to Temporary Licenses (9-11)
 - 2) Pending or Possible Rulemaking Projects (12)
- H. Federation of State Massage Therapy Boards (FSMTB) Matters – Discussion and Consideration
- I. 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) Public Health Emergencies
 - 11) Legislative and Policy Matters
 - 12) Administrative Rule Matters
 - 13) Liaison Reports
 - 14) Board Liaison Training and Appointment of Mentors
 - 15) Informational Items
 - 16) Division of Legal Services and Compliance (DLSC) Matters
 - 17) Presentations of Petitions for Summary Suspension
 - 18) Petitions for Designation of Hearing Examiner
 - 19) Presentation of Stipulations, Final Decisions and Orders
 - 20) Presentation of Proposed Final Decisions and Orders
 - 21) Presentation of Interim Orders
 - 22) Petitions for Re-Hearing
 - 23) Petitions for Assessments
 - 24) Petitions to Vacate Orders
 - 25) Requests for Disciplinary Proceeding Presentations
 - 26) Motions
 - 27) Petitions
 - 28) Appearances from Requests Received or Renewed
 - 29) Speaking Engagements, Travel, or Public Relation Requests, and Reports

J. 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.).

K. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) **Proposed Stipulations, Final Decisions and Orders**
 - a. 22 MAB 012 – Danny Diaz De Jesus, L.M.T. (13-18)
 - b. 23 MAB 001 – Dongmei L. Greer, L.M.T. (19-24)

- c. 23 MAB 003 – Yan Sheng, L.M.T. (25-31)
- d. 23 MAB 006 – Erling Gao, L.M.T. (32-38)

L. 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

M. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

NEXT MEETING: NOVEMBER 28, 2023

 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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board’s agenda, please visit the Department website at <https://dps.wi.gov>. 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 interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
MESSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD
MAY 30, 2023**

PRESENT: Jaime Ehmer, Carla Hedtke (*arrived at 9:16 a.m.*), Jeff Miller (*arrived at 9:12 a.m.*) (*excused at 10:30 a.m.*), Gregory Quandt, Charisma Townsend-Davila, Ramona Trudeau

EXCUSED: Robert Coleman, Jr.

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Dialah Azam, Bureau Assistant.; and other Department Staff

CALL TO ORDER

Jaime Ehmer, Chairperson, called the meeting to order at 9:05 a.m. A quorum was confirmed with four (4) members present.

ADOPTION OF AGENDA

MOTION: Charisma Townsend-Davila moved, seconded by Ramona Trudeau, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 21, 2023

MOTION: Gregory Quandt moved, seconded by Charisma Townsend-Davila, to approve the Minutes of March 21, 2023 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

MOTION: Jaime Ehmer moved, seconded by Gregory Quandt, to recognize and thank Robert E Coleman Jr. for his years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

(Jeff Miller arrived at 9:12 a.m.)

(Carla Hedtke arrived at 9:16 a.m.)

**9:00 A.M. APPEARANCE: FBI INTELLIGENCE ANALYST ON HUMAN TRAFFICKING
AND CRIMES AGAINST CHILDREN – KATHRYN SNELL**

MOTION: Gregory Quandt moved, seconded by Jeff Miller, to acknowledge and thank Kathryn Snell for her appearance and presentation to the Board. Motion carried unanimously.

(Jeff Miller excused at 10:30 a.m.)

ADMINISTRATIVE RULE MATTERS

MTBT 6, Relating to Temporary Licenses

MOTION: Charisma Townsend-Davila moved, seconded by Ramona Trudeau, to request DSPS staff draft a new Scope Statement on MTBT 6, relating to temporary licenses. Motion carried unanimously.

FEDERATION OF STATE MASSAGE THERAPY BOARDS (FSMTB) MATTERS

Consider Attendance: FSMTB Annual Meeting – September 28-30, 2023 – San Diego, California

MOTION: Ramona Trudeau moved, seconded by Jaime Ehmer, to designate Jaime Ehmer as the Board's delegate and Tom Ryan as the Board's alternate, to attend the FSMTB Annual Meeting on September 28-30, 2023 in San Diego, California. Motion carried unanimously.

CLOSED SESSION

MOTION: Gregory moved, seconded by Ramona, 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.). Jaime Ehmer, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Jaime Ehmer-yes; Carla Hedtke-yes; Gregory Quandt-yes; Charisma Townsend-Davila-yes; and Ramona Trudeau-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:44 a.m.

DELIBERATION ON DLSC MATTERS

Proposed Stipulations, Final Decisions and Orders

22 MAB 007 – Erfen Gao, L.M.T.

MOTION: Jaime Ehmer moved, seconded by Charisma Townsend-Davila, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Erfen Gao, L.M.T., DLSC Case Number 22 MAB 007. Motion carried unanimously.

Case Closings

22 MAB 013 – C.P.B.

MOTION: Ramona Trudeau moved, seconded by Gregory Quandt, to close DLSC Case Number 22 MAB 013, against C.P.B., for No Violation. Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISION AND ORDERS

Maurice L. Williams, L.M.T., Respondent – DHA Case Number SPS-23-0002/DLSC Case Number 19 MAB 003

MOTION: Jaime Ehmer 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 Maurice L. Williams, L.M.T., Respondent – DHA Case Number SPS-23-0002/DLSC Case Number 19 MAB 003. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Charisma moved, seconded by Gregory, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:54 a.m.

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

MOTION: Ramona Trudeau moved, seconded by Gregory Quandt, 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 Ramona Trudeau, 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 Ramona Trudeau, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:56 a.m.

Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

2023 Elections and Liaison Appointments

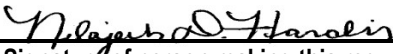
ELECTION RESULTS	
Chairperson	Jaime Ehmer
Vice Chairperson	Ramona Trudeau
Secretary	Charisma Townsend-Davila

Appointment of Liaisons and Alternates

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

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 08/16/23 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
4) Meeting Date: 08/29/23	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters Discussion and Consideration 1. New Scope Statement: MTBT 6, Relating to Temporary Licenses 2. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Review and discuss whether rule project on MTBT 6, Relating to Temporary Licensure should continue. Attachments: MTBT 6 Scope Statement Wisc. Admin Code ch. MTBT 6 Rule Projects Chart			
11) Authorization			
 Signature of person making this request		08/16/23 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.			

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 to align it with current practice in the profession and to better protect the public.

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. 46004 (2) (f) and 460.08, stats. The Board will review and revise these requirements as needed to meet the current need for massage therapy and bodywork therapy temporary licensure in Wisconsin. If these rules are not updated, then they will continue to be outdated and open to misuse by those individuals who utilize the temporary license as a substitute for legitimate permanent licensure.

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

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.

**Massage Therapy and Bodywork Therapy Affiliated Credentialing Board
Rule Projects (updated 08/16/23)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
N/A	070-22	02/22/2025	MTBT 6	Temporary Licenses	Project stopped (modified and pursued under a new scope statement)	N/A
Not Assigned Yet	Not Assigned Yet	TBD	MTBT 6	Temporary Licenses	New Scope Statement Reviewed at 8/29/23 Meeting	Submission of the Scope Statement for Approval of the Governor's Office and for Publication in the Administrative Register