



**MESSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
March 20, 2018**

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 6, 2017 (4-6)**
- C) Administrative Updates (7-12)**
 - 1) Department and Staff Updates
 - 2) Election of Officers
 - 3) Appointment of Liaisons and Alternates
 - 4) Delegation of Authorities
 - 5) Board Members – Term Expiration Dates
 - a) Darlene Campo – 07/01/2018
 - b) Robert Coleman – 07/01/2018
 - c) Carla Hedtke – 07/01/2018
 - d) Elizabeth Krizenesky – 07/01/2018
 - e) Mark Richardson – 07/01/2018
 - 6) Wis. Stat. s 15.085 (3)(b) – Biannual Meeting with the Medical Examining Board
- D) 9:00 A.M. APPEARANCE: Jeffrey Miller, Appleton Police Department – Municipal Licensing Enforcement Procedures and Evaluation of Exemption Claims (13)**
- E) Legislative/Administrative Rule Matters (14-29)**
 - 1) Scope Statement for MTBT 5, Relating to Unprofessional Conduct (15-16)
 - 2) Proposals for MTBT 2 and 3, Relating to Application for a License and Approved Training Programs (17-29)
 - 3) Update on Other Legislation and Pending or Possible Rulemaking Projects
- F) Federation of State Massage Therapy Boards (FSMTB) Matters**
 - 1) Creation of Model Law on Human Trafficking – Board Discussion (30-31)
- G) Informational Items**

- H) Items Added After Preparation of Agenda:
- 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Education and Examination Matters
 - 4) Credentialing Matters
 - 5) Practice Matters
 - 6) Legislation/Administrative Rule Matters
 - 7) Liaison Report(s)
 - 8) Nominations, Elections, and Appointments
 - 9) Informational Item(s)
 - 10) Disciplinary Matters
 - 11) Presentations of Petition(s) for Summary Suspension
 - 12) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 13) Presentation of Proposed Decisions
 - 14) Presentation of Interim Order(s)
 - 15) Petitions for Re-Hearing
 - 16) Petitions for Assessments
 - 17) Petitions to Vacate Order(s)
 - 18) Petitions for Designation of Hearing Examiner
 - 19) Requests for Disciplinary Proceeding Presentations
 - 20) Motions
 - 21) Petitions
 - 22) Appearances from Requests Received or Renewed
 - 23) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

K) Public Comments

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

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

- 1) **Administrative Warnings**
 - a) 17 MAB 015 **(32-34)**
- 2) **Case Closings**
 - a) 16 MAB 015 **(35-39)**
 - b) 17 MAB 004 **(40-42)**
 - c) 17 MAB 007 **(43-45)**
- 3) **Proposed Stipulations, Final Decisions and Orders**
 - a) 15 MAB 050 – Jing Zhang **(46-52)**
 - b) 16 MAB 005 – Christine A. Ramm **(53-58)**
 - c) 16 MAB 005 – Sharon G. Hartjes **(59-64)**

M) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters

- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report
- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- O) Open Session Items Noticed Above not Completed in the Initial Open Session
- P) **Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate**
- Q) **Credentialing Liaison Training**
- R) **Board Member Training**
- S) **Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates**
- T) Future Agenda Items

ADJOURNMENT

NEXT MEETING DATE: JUNE 5, 2018

 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 1400 East Washington Avenue, 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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD
December 6, 2017**

PRESENT: Darlene Campo, Robert Coleman (*GoToMeeting*), Carla Hedtke, Elizabeth Krizenesky, Mark Richardson

STAFF: Tom Ryan, Executive Director; Dale Kleven, Administrative Rules Coordinator; Emily Handel, Bureau Assistant; and other Department Staff

CALL TO ORDER

Elizabeth Krizenesky, Chair, called the meeting to order at 9:01 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda

- Closed Session: Under Item “M. Deliberation on Items Added After Preparation of the Agenda, 2. Credentialing Matters” **ADD:** a) Education Review

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

APPROVAL OF MINUTES

Amendments to the Minutes

- Page 1 of Minutes: Correct the start time to 9:21 a.m.

MOTION: Mark Richardson moved, seconded by Darlene Campo, to approve the minutes of September 26, 2017 as amended. Motion carried unanimously.

**9:00 A.M. PUBLIC HEARING: CR 17-076-MTBT 7 RELATING TO CONTINUING
EDUCATION**

MOTION: Darlene Campo moved, seconded by Mark Richardson, to accept all Clearinghouse comments for CR 17-076, relating to continuing education. Motion carried unanimously.

MOTION: Darlene Campo moved, seconded by Mark Richardson, to authorize the Chair, or other member, to approve the Legislative Report and Draft for Clearinghouse Rule CR 17-076, relating to continuing education, for submission to the Governor’s Office and Legislature. Motion carried unanimously.

CLOSED SESSION

MOTION: Darlene Campo moved, seconded by Mark Richardson, 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.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Darlene Campo-yes; Robert Coleman-yes; Carla Hedtke-yes; Elizabeth Krizenesky-yes; Mark Richardson-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:08 p.m.

RECONVENE TO OPEN SESSION

MOTION: Mark Richardson moved, seconded by Carla Hedtke, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:31 p.m.

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

MOTION: Robert Coleman moved, seconded by Darlene Campo, 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).

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warning

17 MAB 001 – T.S.H.

MOTION: Darlene Campo moved, seconded by Robert Coleman, to issue an administrative warning in the matter of disciplinary proceedings against T.S.H., DLSC Case Number 17 MAB 001. Motion carried unanimously.

Case Closures

16 MAB 004 – G.L.M.

MOTION: Darlene Campo moved, seconded by Robert Coleman, to close case DLSC Case Number 16 MAB 004, against G.L.M., for Insufficient Evidence. Motion carried unanimously.

16 MAB 007 – S.R.

MOTION: Darlene Campo moved, seconded by Robert Coleman, to close case DLSC Case Number 16 MAB 007, against S.R., for No Violation. Motion carried unanimously.

16 MAB 010 – H.Y.Z.

MOTION: Darlene Campo moved, seconded by Robert Coleman, to close case DLSC Case Number 16 MAB 010, against H.Y.Z., for Prosecutorial Discretion (P5). Motion carried unanimously.

17 MAB 013 – R.J.T.

MOTION: Darlene Campo moved, seconded by Robert Coleman, to close case DLSC Case Number 17 MAB 013, against R.J.T., for Prosecutorial Discretion (P2). Motion carried unanimously.

17 MAB 014 – A.J.R.

MOTION: Darlene Campo moved, seconded by Robert Coleman, to close case DLSC Case Number 17 MAB 014, against A.J.R., for No Violation. Motion carried unanimously.

CREDENTIALING MATTERS

MOTION: Darlene Campo moved, seconded by Mark Richardson, to approve the application in response to applicant Fern A. Rekemeyer, application number 602780, once all requirements for licensure are met. Motion carried unanimously.

RATIFICATION OF LICENSES AND CERTIFICATES

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

The meeting adjourned at 12:33 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Laura Smith, Bureau Assistant, on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 11/22/17 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: 3/20/3018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters/Updates 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) Delegation of Authorities	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <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: 1) The Board should conduct Election of its Officers for 2018 2) The new Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider continuation or modification of previously delegated authorities			
11) Authorization			
<i>Laura Smith</i>		11/22/2017	
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.			

Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

2017 ELECTION RESULTS	
Board Chair	Elizabeth Krizenesky
Vice Chair	Darlene Campo
Secretary	Mark Richardson
2017 LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Darlene Campo, Alternate – Carla Hedtke
Monitoring Liaison	Darlene Campo Alternate – Mark Richardson
DLSC Liaison	Robert Coleman Alternate – Mark Richardson
Office of Education and Examinations Liaison	Darlene Campo Alternate – Mark Richardson
Legislative Liaison	Elizabeth Krizenesky Alternate – Carla Hedtke
Travel Liaison	Elizabeth Krizenesky Alternate – Darlene Campo
Website Liaison	Robert Coleman Alternate – Elizabeth Krizenesky
Administrative Rules Liaison	Elizabeth Krizenesky Alternate – Darlene Campo
Professional Assistance Procedure (PAP) Liaison	Darlene Campo Alternate – Carla Hedtke
Screening Panel	Darlene Campo, Robert Coleman, Mark Richardson

MOTION: Darlene Campo moved, seconded by Mark Richardson, to affirm the Chair’s appointment of liaisons and panels for 2017. Motion carried unanimously.

DELEGATION MOTIONS

Monitoring Delegations

MOTION: Darlene Campo moved, seconded by Carla Hedtke, to affirm the Chair’s appointment of Darlene Campo as the Monitoring Liaison, and Mark Richardson as the alternate, to adopt the ‘Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor’ document as presented. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Robert Coleman moved, seconded by Mark Richardson, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Darlene Campo moved, seconded by Carla Hedtke, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: Darlene Campo moved, seconded by Robert Coleman, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Travel Delegation

MOTION: Darlene Campo moved, seconded by Robert Coleman, to authorize the travel liaison to approve all Board travel. Motion carried unanimously.

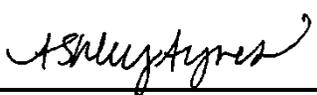
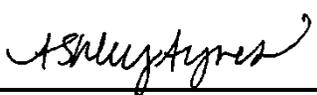
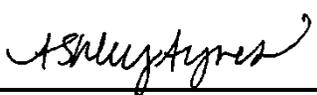
Credentialing Authority Delegations

MOTION: Darlene Campo moved, seconded by Mark Richardson, to delegate credentialing authority to the Credentialing Liaisons to make all credentialing decisions, including the authority to issue an "intent to deny" letter when applicable. All potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

MOTION: Darlene Campo moved, seconded by Carla Hedtke, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Ashley Ayres Monitoring and Intake Supervisor Division of Legal Services and Compliance		2) Date When Request Submitted: December 18, 2017 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 										
3) Name of Board, Committee, Council, Sections: Massage Therapy and Bodywork Therapy Affiliated Credentialing Board												
4) Meeting Date: March 20, 2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Appointment of Monitoring Liaison and Delegated Authority Motion										
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:										
10) Describe the issue and action that should be addressed: Adopt or reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet.												
11) <table style="width: 100%; border: none;"> <tr> <td style="width: 40%; border: none;"> <div style="text-align: center;">  Signature of person making this request </div> </td> <td style="width: 20%; border: none; text-align: center;"> Authorization </td> <td style="width: 40%; border: none;"> <div style="text-align: right;"> December 18, 2017 Date </div> </td> </tr> <tr> <td style="border: none;"> <hr/> Supervisor (if required) </td> <td style="border: none;"></td> <td style="border: none; text-align: right;"> Date </td> </tr> <tr> <td style="border: none;"> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </td> <td style="border: none;"></td> <td style="border: none; text-align: right;"> Date </td> </tr> </table>				<div style="text-align: center;">  Signature of person making this request </div>	Authorization	<div style="text-align: right;"> December 18, 2017 Date </div>	<hr/> Supervisor (if required)		Date	<hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date
<div style="text-align: center;">  Signature of person making this request </div>	Authorization	<div style="text-align: right;"> December 18, 2017 Date </div>										
<hr/> Supervisor (if required)		Date										
<hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date										
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.												

Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors 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/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 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 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 or written authorization from the Liaison.
8. Grant or deny a request to appear before the Board/Section in closed session.
9. (*Except Pharmacy*) 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.
10. (*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.
 - a. Year 1: 49 screens (including 1 hair test, if required by original order)
 - b. Year 2: 36 screens (plus 1 hair test, if required by original order)
 - c. 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
11. (*Dentistry only*) – Ability to approve or deny all requests from a respondent.

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 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 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 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.
-

Proposed (New) Delegations to the Monitoring Liaison

The Monitoring Unit is proposing the following additions to the Monitoring Liaison's authority:

1. Board Monitoring Liaison may determine whether Respondent's petition is eligible for consideration by the full Board/Section.
2. Board Monitoring Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Elizabeth Krzenesky		2) Date When Request Submitted: 3/6/2018 <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>	
3) Name of Board, Committee, Council, Sections: Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
4) Meeting Date: 3/20/2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Municipal Licensing Enforcement Procedures and Evaluation of Exemption Claims	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Elizabeth Krzenesky would like the Board to discuss the role of municipal law enforcement in checking for valid state massage therapy licenses and claims of exemption under state statute. Wis. Stat. s. 460.03 (2m) 1, 2, 3. Jeffrey Miller of the Appleton Police Department (APD) indicated that recently, there have been more frequent checks for massage licenses. One contact presented claimed the exemption and presented an acupuncture certification from the National organization for Asian Bodywork therapies. Another contact describing himself as a teacher presented his position at the APD, i.e., that his students are exempt from licensing under Wis. Stat. s 460.03(2m) 1, 2, or 3. Officer Miller plans to attend the 3/20 MTBWTACB meeting.			
11) Authorization			
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
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 3/8/18 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: Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
4) Meeting Date: 3/20/18	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Administrative Rule Matters – Discussion and Consideration 1. Scope Statement for MTBT 5 Relating to Unprofessional Conduct 2. Proposals for MTBT 2 and 3 Relating to Application for a License and Approved Training Programs 3. Update on Other Legislation and Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Dale Kleven</i>		<i>March 8, 2018</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.			

STATEMENT OF SCOPE

Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

Rule No.: Chapter MTBT 5

Relating to: Unprofessional Conduct

Rule Type: Permanent

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

N/A

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

The primary objective of the proposed rule is to reflect s. 440.03 (4m), Stats., as created by 2017 Wisconsin Act 59, which specifies that, except as otherwise permitted in chs. 440 to 480, Stats., an examining board or affiliated credentialing board attached to an examining board may require a credential holder to submit proof of completion of continuing education programs or courses only if a complaint is made against the credential holder.

Chapter MTBT 5 may also be revised to address incorrect or outdated references and ensure consistency with current standards for drafting style and format and applicable Wisconsin statutes.

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:

Section MTBT 5.04 provides the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board may conduct a random audit of any licensee on a biennial basis for compliance with continuing education requirements. The proposed rules will revise this provision, as the underlying statutes no longer provide this authority.

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

Section 15.085 (5) (b), Stats., provides that affiliated credentialing boards, 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 460.10 (1) (a), Stats., provides the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board may promulgate rules establishing "[r]equirements and procedures for a license holder to complete continuing education programs or courses of study to qualify for renewal of his or her license."

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

50 hours

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

Wisconsin licensed massage therapists and bodywork therapists.

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 will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Dale Kleven, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4472

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

Note: Substantive changes from the version of this document reviewed by the Board on December 6, 2017, are shown in red

Chapter MTBT 2 APPLICATION

MTBT 2.01 Application for a license. An ~~individual applying~~ applicant for a ~~certificate as a~~ license to practice ~~massage therapist therapy or bodyworker bodywork therapy~~ shall submit all of the following to the ~~department~~ board:

(1) An application on a form provided by the ~~department~~ board.

Note: Application forms are available upon request to the Department of Safety and Professional Services at 4400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708 (608) 266-2112, dsps@wisconsin.gov, or at the Department's website at <http://dsps.wi.gov>.

(2) The fee ~~specified~~ required under s. 440.05 (1), Stats.

(3) Evidence satisfactory to the ~~department~~ board that ~~he or she~~ the applicant meets all of the following requirements:

(a) Has graduated from a school of massage therapy or bodywork approved by the ~~educational approval board~~ department of safety and professional services at the time of the applicant's graduation or completed an approved training program under s. MTBT 3.01.

Note: A list of approved schools is available upon request to the ~~Educational Approval Board, 30 West Mifflin Street, 9th Floor, P.O. Box 8696, Madison, Wisconsin 53708~~ Department of Safety and Professional Services at (608) 266-2112 or dsps@wisconsin.gov.

(b) Has successfully completed at least 6 classroom hours of study in the laws of this state and rules of the ~~department~~ board relating to the practice of massage therapy or bodywork in a course of instruction offered by any of the following:

1. A school of massage therapy or bodywork approved by the ~~educational approval board~~ department of safety and professional services, whether or not the course of instruction was completed to meet a requirement for graduation.

2. An approved training program under s. MTBT 3.01, whether or not the training program is completed by the ~~individual~~ applicant for purposes of satisfying par. (a).

3. A school ~~approved by an accrediting agency~~ that, at the time the course of study is completed, has approval or accreditation that is in good standing from one of the following:

a. An accrediting agency under s. MTBT 1.02 (1) (a) whose recognition by the United States department of education is current.

Note: A list of recognized accrediting agencies is available from the United States Department of Education's website at www.ed.gov.

b. An accrediting agency under s. MTBT 1.02 (1) (b) that is located in the same state or territory in which the school is located and whose criteria for approval of schools is substantially equivalent, as determined by the board, to the criteria under s. SPS 404.04.

4. A technical college established pursuant to s. 38.02, Stats.

~~5. A school described in s. 38.50 (1) (e) 1., Stats.~~

(c) Is 18 years of age or older.

(d) Has graduated high school or attained high school equivalency as determined by the department of public instruction under s. 115.29 (4), Stats.

(e) Has not been convicted of an offense under

s. 940.22, 940.225, 944.15, 944.17, 944.30, 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09, 948.095 or 948.10, Stats., or a comparable offense under federal law or a law of any other state.

- (f) Subject to ss. 111.321, 111.322 and 111.335, Stats., has not been convicted of any other offense not listed in par. (e), the circumstances of which substantially relate to the practice of massage therapy or bodywork.
- (g) Has passed ~~either the national certification examination for therapeutic massage and bodywork or the national certification examination for therapeutic massage that are offered by the national certification board for therapeutic massage and bodywork~~, or another examination relating to the practice of massage therapy or bodywork that is administered by a national board that is accredited by the national commission for certifying agencies or a substantially equivalent examination approved by the department. one of the following examinations:
1. The Massage and Bodywork Licensing Examination offered by the Federation of State Massage Therapy Boards.
 2. The Board Certification Examination for Therapeutic Massage and Bodywork offered by the National Certification Board for Therapeutic Massage and Bodywork.
 3. The National Certification Examination for Therapeutic Massage and Bodywork offered prior to February 1, 2015, by the National Certification Board for Therapeutic Massage and Bodywork.
 4. The National Certification Examination for Therapeutic Massage offered prior to February 1, 2015, by the National Certification Board for Therapeutic Massage and Bodywork.
 5. The Asian Bodywork Therapy Examination offered prior to December 31, 2012, by the National Certification Commission for Acupuncture and Oriental Medicine.
 6. An examination relating to the practice of massage therapy or bodywork that is administered by a national board that is accredited by the National Commission for Certifying Agencies.
 7. An examination that is substantially equivalent, as determined by the board, to an examination under subs. 1. to 5.
- (h) Has passed an examination on **state** laws and administrative rules governing massage therapy or bodywork in this state.
- (i) Has in effect as a policyholder and insured, 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.
- (j) Has successfully completed a course consisting of 5 classroom hours in adult cardiopulmonary resuscitation and standard first aid if the ~~individual has not graduated from a school of massage therapy or bodywork approved by the educational approval board and the 5 classroom hours are not completed by the individual as part of an~~ the course of study or approved training program as provided under s. MTBT 3.01 completed by the applicant for purposes of meeting the requirement under par. (a).
- (k) 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), Stats., to provide the instruction.

MTBT 2.015 Waiver of education requirements. The requirements of s. MTBT 2.01 (3) (a) and (b) shall be waived if an individual applicant submits evidence satisfactory to the **department board** that ~~he or she~~ the applicant has successfully completed a course consisting of 5 classroom hours in adult cardiopulmonary resuscitation and standard first aid and satisfied one of the following:

- (1) Is currently either certified or recertified by the ~~national certification board~~ National Certification Board for Therapeutic Massage and Bodywork.
- (2) Is currently either certified or recertified as active and in good standing by any other organization accredited to certify massage therapy or bodywork by the ~~national commission~~ National Commission for certifying agencies Certifying Agencies.

MTBT 2.03 Reciprocal license.

- (1) An ~~individual applying~~ 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:

(a) ~~Submit an~~ An application on a form provided by the board.

Note: Application forms are available upon request to the ~~department~~ Department of Safety and Professional Services at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708 or at the Department's website at <http://dsps.wi.gov>.

(b) ~~Pay the~~ The fee required under s. 440.05 (2), Stats.

(c) ~~Submit evidence~~ Evidence satisfactory to the board that the ~~individual~~ applicant meets all of the following requirements:

1. Holds a current similar license, registration or certificate to practice massage therapy or bodywork in another state or territory of the United States or another country, the requirements for which are substantially equivalent to the requirements under s. 460.05, Stats.

2. Has not been convicted of an offense under s. 940.22, 940.225, 944.15, 944.17, 944.30, 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09, 948.095 or 948.10, Stats., or a comparable offense under federal law or a law of any other state.

4. Subject to ss. 111.321, 111.322 and 111.335, Stats., has not been convicted of any other offense not listed under subd. 2., the circumstances of which substantially relate to the practice of massage therapy or bodywork.

7. Has in effect as a policyholder and insured, 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.

(2) Requirements for a current similar license, registration or certificate to practice massage therapy or bodywork in another state or territory of the United States or another country, are substantially equivalent to the requirements under s. 460.05, Stats., if the requirements include either of the following:

(a) Certification by the ~~national certification board~~ National Certification Board for ~~therapeutic massage~~ Therapeutic Massage and ~~bodywork~~ Bodywork or any other organization accredited by the ~~national commission~~ National Commission for ~~certifying agencies~~ Certifying Agencies to certify massage therapy or bodywork.

(b) ~~Completion~~ Passing an examination under s. MTBT 2.01 (3) (g) and completion of at least 500 classroom hours of instruction in massage therapy or bodywork at a school ~~approved by an accrediting agency, and passing an examination relating to the practice of massage therapy or bodywork that is administered or approved by an accrediting agency~~ meeting the requirements under s. MTBT 2.01 (3) (b) 3. a. or b. at the time of the applicant's graduation.

MTBT 2.04 Accommodations relating to a disability. A qualified ~~individual~~ applicant with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for ~~certification~~ licensure as a massage therapist or bodyworker.

MTBT 3.01 Approved training program.

(1) An ~~individual~~ applicant applying for a license as a massage therapist or bodywork therapist ~~applicant~~ who has not graduated from a school of massage therapy or bodywork therapy approved by the ~~educational approval board~~ department of safety and professional services shall submit an official transcript or other official documentation showing dates and total classroom hours attended and a description of the curriculum completed establishing that ~~he or she~~ the applicant has completed an approved training program.

(2) Credit may be granted for an approved training program regardless of when the program was completed.

(4) In addition to satisfying the requirements of sub. (5), an approved training program shall be one of the following:

(a) An associate degree program, or a technical diploma program in massage therapy or bodywork offered by a technical college established pursuant to s. 38.02, Stats.

(b) A course of instruction in massage therapy or bodywork offered by a school ~~accredited by an accrediting agency at the time the individual completes the course of instruction.~~ that, at the time of the applicant's graduation, has approval or accreditation that is in good standing from one of the following:

1. An accrediting agency ~~as defined in~~ under s. MTBT 1.02 (1) (a) whose recognition by the United States department of education is current ~~and approved or recognized by an accrediting agency as defined in s. MTBT 1.02 (1) (b).~~

Note: A list of recognized accrediting agencies is available from the United States Department of Education's website at www.ed.gov.

2. An accrediting agency under s. MTBT 1.02 (1) (b) that is located in the same state or territory in which the school is located and whose criteria for approval of schools is substantially equivalent, as determined by the board, to the criteria under s. SPS 404.04.

~~(e) A course of instruction in massage therapy or bodywork offered by a school described in s. 38.50 (1) (e) 1., Stats.~~

(5) An approved training program shall consist of a minimum of 600 classroom hours of study and shall include the following subject areas:

(a) ~~Anatomy~~ One hundred twenty five classroom hours in anatomy, physiology, pathology, and kinesiology:
~~125 classroom hours.~~

(b) ~~Business~~ Fifty classroom hours in business, law and ethics:~~50 classroom hours,~~ which shall include at least 6 classroom hours in the laws of this state and rules of the board relating to the practice of massage therapy or bodywork therapy required by s. MTBT 2.01 (3) (b).

(c) ~~Massage~~ Three hundred classroom hours in massage therapy or bodywork theory, technique, and practice:
~~300 classroom hours,~~ which shall include 100 classroom hours of supervised hands-on practice.

(d) ~~Student~~ Twenty classroom hours in student clinic:~~20 classroom hours.~~

(e) ~~Adult~~ Five classroom hours in adult cardiopulmonary resuscitation (CPR) and standard first aid:~~5 classroom hours.~~ The requirement of this paragraph may be alternatively satisfied as provided under s. MTBT 2.01 (3) (j).

(f) ~~Additional~~ One hundred classroom hours in additional massage therapy or bodywork course offerings meeting the objectives of the course of instruction:~~100 classroom hours.~~

STATE OF WISCONSIN
MESSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING
BOARD

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

PROPOSED ORDER

An order of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to renumber and amend MTBT 2.01 (3) (b) 3. and (g) and 3.01 (4) (b); to amend MTBT 2.01 (intro.), (1), (Note), (2), and (3) (intro.), (a), (Note), (b) (intro.), 1., and 2., (h), and (j), 2.015, 2.03 (1) (intro.), (a), (Note), (b), and (c) (intro.) and (2) (a) and (b), 2.04, and 3.01 (1) and (5) (a) to (f); and to create MTBT 2.01 (3) (b) 3. a., (Note), and b. and (g) 1. to 7. and 3.01 (4) (b) 1., (Note), and 2., relating to application for a license and approved training programs.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 460.04 (2) (b), Stats.

Statutory authority:

Sections 15.085 (5) (b), 460.04 (2) (b), (e), (f), and (g), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides that affiliated credentialing boards, 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 460.04 (2) (b), Stats., provides the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board shall promulgate rules that establish criteria for approving a training program for purposes of licensing massage therapists and bodywork therapists.

Section 460.04 (2) (e), Stats., provides the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board shall promulgate rules that establish “[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.”

Section 460.04 (2) (f), Stats., provides the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board shall promulgate rules that establish “[r]equirements to be satisfied by a person seeking a temporary license under s. 460.08 . . .”

Section 460.04 (2) (g), Stats., provides the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board shall promulgate rules that establish “[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.”

Related statute or rule:

Section MTBT 1.02 (1) defines the term “accrediting agency” to mean either of the following:

- A regional or national accrediting agency recognized by the United States Department of Education.
- A state government agency or territorial government agency located in another state or territory of the United States or another country.

Section SPS 404.04 provides the criteria for approval of schools and programs of instruction by the Department of Safety and Professional Services.

Plain language analysis:

Current rules contain requirements that a school that is neither approved by the Educational Approval Board nor a technical college established pursuant to s. 38.02, Stats., be “approved by an accrediting agency” or “accredited by an accrediting agency.” The vagueness of these terms makes approval of applications for licensure and training programs difficult. In addition, recent legislation (2017 Wisconsin Act 59) transferred responsibility for school approvals from the Educational Approval Board to the Department of Safety and Professional Services. The proposed rules create a requirement that a school not approved by the Department of Safety and Professional Services nor a technical college established pursuant to s. 38.02, Stats., have approval or accreditation that is in good standing from one of the following:

- An accrediting agency with recognition by the United States Department of Education that is current.
- A state government agency or territorial government agency located in the state or territory in which the school is located and whose criteria for approval of schools is substantially equivalent, as determined by the board, to the criteria under s. SPS 404.04.

The proposed rules revise s. MTBT 2.01 (3) (g) to reflect that the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) currently offers only one examination for certification, the Board Certification Examination for Therapeutic Massage and Bodywork (BCETMB). Section MTBT 2.01 (3) (g) is also revised to specify that the Massage and Bodywork Licensing Examination (MBLEx) offered by the Federation of State Massage Therapy Boards is an approved examination.

The proposed rules also make changes throughout chs. MTBT 2 and 3 to provide clarity and conform to current drafting standards.

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

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Department of Financial and Professional Regulation (IDFPR) provides rules and oversight for the practice of massage therapy in the state of Illinois. The Illinois Massage Licensing Board advises IDFPR on matters involving professional conduct, discipline, and qualifications of candidates and licensees.

An applicant for a license to practice massage therapy in Illinois must 1) be at least 18 years of age and of good moral character; 2) have completed at least 600 hours of supervised classroom and supervised hands-on instruction from an approved massage therapy program while maintaining a minimum grade of 70% for all massage therapy related course and clinical work; 3) have passed the National Certification Board for Therapeutic Massage and Bodywork's (NCBTMB) examination or the Massage and Bodywork Licensing Examination (MBLEx) administered by the Federation of State Massage Therapy Boards (FSMTB); 4) have verification of fingerprint processing from the Illinois Department of State Police (ISP) or other certified or licensed vendor; and 5) pay the required fee. (68 Ill. Adm. Code 1284.30 (2014))

An in-state massage therapy program must include at least 600 hours of supervised classroom and supervised hands-on instruction and meet certain other minimum criteria to be considered an approved massage therapy program. This includes criteria relating to 1) classroom instruction subject matter and hands-on instruction activities; 2) number of faculty and faculty and faculty assistant qualifications; 3) maintenance of student records; 4) having written plans of organization and study; and 5) use of a living human being for hands-on practice. A massage therapy program from another jurisdiction must have substantially similar criteria for an applicant to have his or her credentials accepted for licensure by IDFPR. (68 Ill. Adm. Code 1284.20 (2014))

Iowa:

The Iowa Board of Massage Therapy provides rules and oversight for the practice of massage therapy in the state of Iowa.

An applicant for a license to practice massage therapy in Iowa must 1) complete an application packet approved by the Board; 2) have graduated from a school approved by the Board that has a minimum of 500 hours of massage therapy education; 3) have passed any National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) examination or the Massage and Bodywork Licensing Examination (MBLEx); 4) have completed a cardiopulmonary resuscitation (CPR) course and a first-aid course certified by the American Red Cross, American Heart Association, or National Safety Council; and 5) pay the required fee. (645 IAC 131)

An in-state massage therapy school's education curriculum must offer a course of study of at least 500 hours and meet certain other criteria to be approved by the Board. This includes criteria relating to entrance requirements, curriculum content areas, clinical practicum coursework, records retention, and awarding of a certificate or diploma. An out-of-state massage therapy school's curriculum is only reviewed by the Board on a case-by-case basis upon receipt of the curriculum as part of an individual's application for licensure. (645 IAC 132)

Michigan:

The Michigan Board of Massage Therapy provides rules and oversight for the practice of massage therapy in the state of Michigan.

An applicant for a license to practice massage therapy in Michigan must 1) complete an application provided by the Michigan Department of Licensing and Regulatory Affairs; 2) have a high school diploma or the equivalent as determined by the Board; 3) have successfully completed a supervised curriculum that meets the requirements approved by the Board; 4) have passed the National Certification Board for Therapeutic Massage and Bodywork's National Certification Examination for Therapeutic Massage (NCETM) or National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) or the Federation of State Massage Therapy Boards' Massage and Bodywork Licensing Examination (MBLEx); and 5) submit the required fee. (Mich Admin Code, R 338.709)

A supervised curriculum must include at least 500 hours of classroom instruction and meet certain other minimum requirements. This includes requirements relating to course or coursework content, performance of massage therapy services in a supervised student clinic, and the qualifications and responsibilities of a supervising massage therapist at a supervised student clinic. (Mich Admin Code, R 338.705)

Minnesota:

The Minnesota Department of Health's Office of Unlicensed Complementary and Alternative Health Care Practice (OCAP) investigates complaints and takes enforcement actions against massage therapists for violations of prohibited conduct. However, neither OCAP nor any other statewide agency or board oversees the licensing of massage therapists or approves massage therapy training programs or curriculum. Licensing requirements, if any, for massage therapists are established by the county or city in which the massage therapist practices.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing current rules in chs. MTBT 2 and 3 relating to application for a license and approved training programs, and obtaining input and feedback from the Massage Therapy and Bodywork Affiliated Credentialing Board.

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

The proposed rules will be 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.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. MTBT 2.01 (intro.), (1), (Note), (2), and (3) (intro.), (a), (Note), and (b) (intro.), 1., and 2. are amended to read:

MTBT 2.01 Application for a license. An ~~individual applying~~ applicant for a ~~certificate as a license to practice~~ massage therapist therapy or ~~bodyworker~~ bodywork therapy shall submit all of the following to the ~~department~~ board:

(1) An application on a form provided by the ~~department~~ board.

(Note) Application forms are available upon request to the Department of Safety and Professional Services at ~~1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708~~ (608) 266-2112, dsps@wisconsin.gov, or at the Department's website at <http://dsps.wi.gov>.

(2) The fee ~~specified~~ required under s. 440.05 (1), Stats.

(3) (intro.) Evidence satisfactory to the ~~department~~ board that ~~he or she~~ the applicant meets all of the following requirements:

(a) Has graduated from a school of massage therapy or bodywork approved by the ~~educational approval board~~ department of safety and professional services at the time of the applicant's graduation or completed an approved training program under s. MTBT 3.01.

(Note) A list of approved schools is available upon request to the ~~Educational Approval Board, 30 West Mifflin Street, 9th Floor, P.O. Box 8696, Madison, Wisconsin 53708~~ Department of Safety and Professional Services at (608) 266-2112 or dsps@wisconsin.gov.

(b) (intro.) Has successfully completed at least 6 classroom hours of study in the laws of this state and rules of the ~~department~~ board relating to the practice of massage therapy or bodywork in a course of instruction offered by any of the following:

1. A school of massage therapy or bodywork approved by the ~~educational approval board~~ department of safety and professional services, whether or not the course of instruction was completed to meet a requirement for graduation.

2. An approved training program under s. MTBT 3.01, whether or not the training program is completed by the ~~individual~~ applicant for purposes of satisfying par. (a).

SECTION 2. MTBT 2.01 (3) (b) 3. is renumbered MTBT 2.01 (3) (b) 3. (intro.) and amended to read:

MTBT 2.01 (3) (b) 3. (intro.) ~~A school approved by an accrediting agency that, at the time the course of study is completed, has approval or accreditation that is in good standing from one of the following:~~

SECTION 3. MTBT 2.01 (3) (b) 3. a., (Note), and b. are created to read:

MTBT 2.01 (3) (b) 3. a. An accrediting agency under s. MTBT 1.02 (1) (a) whose recognition by the United States department of education is current.

Note: A list of recognized accrediting agencies is available from the United States Department of Education's website at www.ed.gov.

b. An accrediting agency under s. MTBT 1.02 (1) (b) that is located in the same state or territory in which the school is located and whose criteria for approval of schools is substantially equivalent, as determined by the board, to the criteria under s. SPS 404.04.

SECTION 4. MTBT 2.01 (3) (g) is renumbered MTBT 2.01 (3) (g) (intro.) and amended to read:

MTBT 2.01 (3) (g) (intro.) ~~Has passed either the national certification examination for therapeutic massage and bodywork or the national certification examination for therapeutic massage that are offered by the national certification board for therapeutic massage and bodywork, or another examination relating to the practice of massage therapy or bodywork that is administered by a national board that is accredited by the national commission for certifying agencies or a substantially equivalent examination approved by the department. one of the following examinations:~~

SECTION 5. MTBT 2.01 (3) (g) 1. to 7. are created to read:

MTBT 2.01 (3) (g) 1. The Massage and Bodywork Licensing Examination offered by the Federation of State Massage Therapy Boards.

2. The Board Certification Examination for Therapeutic Massage and Bodywork offered by the National Certification Board for Therapeutic Massage and Bodywork.

3. The National Certification Examination for Therapeutic Massage and Bodywork offered prior to February 1, 2015, by the National Certification Board for Therapeutic Massage and Bodywork.

4. The National Certification Examination for Therapeutic Massage offered prior to February 1, 2015, by the National Certification Board for Therapeutic Massage and Bodywork.

5. The Asian Bodywork Therapy Examination offered prior to December 31, 2012, by the National Certification Commission for Acupuncture and Oriental Medicine.

6. An examination relating to the practice of massage therapy or bodywork that is administered by a national board that is accredited by the National Commission for Certifying Agencies.

7. An examination that is substantially equivalent, as determined by the board, to an examination under subs. 1. to 5.

SECTION 6. MTBT 2.01 (3) (h) and (j) are amended to read:

MTBT 2.01 (3) (h) Has passed an examination on ~~state~~ laws and administrative rules governing massage therapy or bodywork in this state.

(j) Has successfully completed a course consisting of 5 classroom hours in adult cardiopulmonary resuscitation and standard first aid if the ~~individual has not graduated from a school of massage therapy or bodywork approved by the educational approval board and the 5 classroom hours are not completed by the individual as part of an~~ the course of study or approved training program as provided under s. MTBT 3.01 completed by the applicant for purposes of meeting the requirement under par. (a).

SECTION 7. MTBT 2.015 is amended to read:

MTBT 2.015 Waiver of education requirements. The requirements of s. MTBT 2.01 (3) (a) and (b) shall be waived if an ~~individual applicant~~ applicant submits evidence satisfactory to the ~~department board that he or she the applicant~~ has successfully completed a course consisting of 5 classroom hours in adult cardiopulmonary resuscitation and standard first aid and satisfied one of the following:

(1) Is currently either certified or recertified by the ~~national certification board~~ National Certification Board for ~~therapeutic massage~~ Therapeutic Massage and ~~bodywork~~ Bodywork.

(2) Is currently either certified or recertified as active and in good standing by any other organization accredited to certify massage therapy or bodywork by the ~~national commission~~ National Commission for ~~certifying agencies~~ Certifying Agencies.

SECTION 8. MTBT 2.03 (1) (intro.), (a), (Note), (b), and (c) (intro.) and (2) (a) and (b) are amended to read:

MTBT 2.03 (1) (intro.) An ~~individual applying~~ 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:

(a) ~~Submit an~~ An application on a form provided by the board.

(Note) Application forms are available upon request to the ~~department~~ Department of Safety and Professional Services at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708 or at the Department's website at <http://dsps.wi.gov>.

(b) ~~Pay the~~ The fee required under s. 440.05 (2), Stats.

(c) (intro.) ~~Submit evidence~~ Evidence satisfactory to the board that the ~~individual applicant~~ meets all of the following requirements:

(2) (a) Certification by the ~~national certification board~~ National Certification Board for ~~therapeutic massage~~ Therapeutic Massage and ~~bodywork~~ Bodywork or any other organization

accredited by the ~~national commission~~ National Commission for ~~certifying agencies~~ Certifying Agencies to certify massage therapy or bodywork.

~~(b) Completion~~ Passing an examination under s. MTBT 2.01 (3) (g) and completion of at least 500 classroom hours of instruction in massage therapy or bodywork at a school approved by an accrediting agency, and passing an examination relating to the practice of massage therapy or bodywork that is administered or approved by an accrediting agency meeting the requirements under s. MTBT 2.01 (3) (b) 3. at the time of the applicant's graduation.

SECTION 9. MTBT 2.04 is amended to read:

MTBT 2.04 Accommodations relating to a disability. A qualified ~~individual applicant~~ with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for ~~certification~~ licensure as a massage therapist or bodyworker.

SECTION 10. MTBT 3.01 (1) is amended to read:

MTBT 3.01 (1) An ~~individual applying for a license as a massage therapist or bodywork therapist applicant~~ who has not graduated from a school of massage therapy or bodywork therapy approved by the ~~educational approval board~~ department of safety and professional services shall submit an official transcript or other official documentation showing dates and total classroom hours attended and a description of the curriculum completed establishing that ~~he or she~~ the applicant has completed an approved training program.

SECTION 11. MTBT 3.01 (4) (b) is renumbered MTBT 3.01 (4) (b) (intro.) and amended to read:

MTBT 3.01 (4) (b) (intro.) A course of instruction in massage therapy or bodywork offered by a school ~~accredited by an accrediting agency at the time the individual completes the course of instruction.~~ that, at the time of the applicant's graduation, has approval or accreditation that is in good standing from one of the following:

SECTION 12. MTBT 3.01 (4) (b) 1., (Note), and 2. are created to read:

MTBT 3.01 (4) (b) 1. An accrediting agency under s. MTBT 1.02 (1) (a) whose recognition by the United States department of education is current.

Note: A list of recognized accrediting agencies is available from the United States Department of Education's website at www.ed.gov.

2. An accrediting agency under s. MTBT 1.02 (1) (b) that is located in the same state or territory in which the school is located and whose criteria for approval of schools is substantially equivalent, as determined by the board, to the criteria under s. SPS 404.04.

SECTION 13. MTBT 3.01 (5) (a) to (f) are amended to read:

(5) (a) Anatomy One hundred twenty five classroom hours in anatomy, physiology, pathology, and kinesiology; ~~125 classroom hours.~~

~~(b) Business~~ Fifty classroom hours in business, law and ethics; ~~50 classroom hours~~, which shall include at least 6 classroom hours in the laws of this state and rules of the board relating to the practice of massage therapy or bodywork therapy required by s. MTBT 2.01 (3) (b).

~~(c) Massage~~ Three hundred classroom hours in massage therapy or bodywork theory, technique, and practice; ~~300 classroom hours~~, which shall include 100 classroom hours of supervised hands-on practice.

~~(d) Student~~ Twenty classroom hours in student clinic; ~~20 classroom hours~~.

~~(e) Adult~~ Five classroom hours in adult cardiopulmonary resuscitation (CPR) and standard first aid; ~~5 classroom hours~~. The requirement of this paragraph may be alternatively satisfied as provided under s. MTBT 2.01 (3) (j).

~~(f) Additional~~ One hundred classroom hours in additional massage therapy or bodywork course offerings meeting the objectives of the course of instruction; ~~100 classroom hours~~.

SECTION 14. 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.

(END OF TEXT OF RULE)

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Elizabeth Krizenesky		2) Date When Request Submitted: 3/6/2018 <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>	
3) Name of Board, Committee, Council, Sections: Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
4) Meeting Date: 3/20/2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Federation of State Massage Therapy Boards (FSMTB) Creation of Model Law on Human Trafficking – Board Discussion	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Elizabeth Krizenesky would like the Board to discuss the possibility of requesting that the FSMTB create a model law on human trafficking, which may involve the following? The Board may decide to propose a draft Resolution from the Wisconsin MTBWTACB that would then be submitted to the FSMTB for possible consideration by the FSMTB Delegate Assembly at its Fall business meeting. The main component of a human trafficking model law would include a state-issued massage establishment credential, and it may also involve a tightening of school approval standards and other initiatives designed to reduce misrepresentation and fraud. Background resources: FSMTB Human Trafficking Task Force Report https://www.fsmtb.org/media/1606/httf-report-final-web.pdf Polaris Report on Human Trafficking https://polarisproject.org/news/press-releases/new-report-details-human-trafficking-massage-parlors			
11) Authorization			
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.**