



**MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED
CREDENTIALING BOARD**

Room N208, 4822 Madison Yards Way, 2nd Floor, Madison

Contact: Valerie Payne (608) 266-2112

December 3, 2019

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-3)

B. Approval of Minutes of September 3, 2019 (4-6)

C. Conflicts of Interest

D. Administrative Matters – Discussion and Consideration

- 1) Department, Staff and Board Updates
- 2) Appointment of Liaisons and Alternates
- 3) Board Members – Term Expiration Dates
- 4) 2020 Meeting Dates
- 5) Wis. Stat. s 15.085 (3)(b) – Biannual Meeting with the Medical Examining Board

E. Legislative and Policy Matters – Discussion and Consideration

F. Administrative Rule Matters – Discussion and Consideration

- 1) MTBT 4, Relating to Requirements for Renewal and Reinstatement
- 2) MTBT 5, Relating to Unprofessional Conduct
- 3) Pending or Possible Rulemaking Projects

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

H. Ayurvedic Massage Scope of Practice – Discussion and Consideration (7-8)

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) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

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 DLSC Matters

- 1) **Case Closing(s)**
 - a. 19 MAB 004 – B.D. **(9-12)**
 - b. 19 MAB 008 – S.G.H. **(13-21)**

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 DATE: MARCH 17, 2020

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. 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
SEPTEMBER 3, 2019**

PRESENT: Robert Coleman, Jr., Jamie Ehmer, Carla Hedtke, Elizabeth Krizenesky, Jeff Miller, Gregory Quandt, Ramona Trudeau

STAFF: Yolanda McGowan, Division Administrator; Jameson Whitney, Board Legal Counsel; Dale Kleven, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department Staff

CALL TO ORDER

Robert Coleman, Jr., Chairperson, called the meeting to order at 9:08 a.m. A quorum of seven (7) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda

MOTION: Elizabeth Krizenesky moved, seconded by Gregory Quandt, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments to the Minutes

- Correct any instances of “Jamie Ehmer” to “Jaime Ehmer”
- Elizabeth Krizenesky attended via Skype

MOTION: Robert Coleman, Jr. moved, seconded by Jaime Ehmer, to approve the Minutes of June 4, 2019 as amended. Motion carried unanimously.

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Robert Coleman, Jr. <i>Alternate:</i> Carla Hedtke
Office of Education and Examinations Liaison(s)	Carla Hedtke <i>Alternate:</i> Gregory Quandt
Monitoring Liaison(s)	Jaime Ehmer <i>Alternate:</i> Ramona Trudeau
Professional Assistance Procedure (PAP) Liaison(s)	Carla Hedtke <i>Alternate:</i> Gregory Quandt
Legislative Liaison(s)	Elizabeth Krizenesky <i>Alternate:</i> Carla Hedtke
Travel Liaison(s)	Robert Coleman, Jr. <i>Alternate:</i> Jaime Ehmer

Website Liaison(s)	Robert Coleman, Jr. <i>Alternate: Gregory Quandt</i>
Administrative Rules Liaison(s)	Jaime Ehmer <i>Alternate: Ramona Trudeau</i>
Screening Panel	Robert Coleman, Jr., Carla Hedtke, Gregory Quandt <i>Alternate: Jaime Ehmer, Jeff Miller</i>

**PUBLIC HEARING: CLEARINGHOUSE RULE CR 19-101MTBT 5
RELATING TO UNPROFESSIONAL CONDUCT**

- MOTION:** Carla Hedtke moved, seconded by Gregory Quandt, to accept all Clearinghouse comments for Clearinghouse Rule CR 19-101, relating to unprofessional conduct. Motion carried unanimously.
- MOTION:** Robert Coleman, Jr. moved, seconded by Gregory Quandt, to authorize the Chairperson (or other member) to approve the Legislative Report and Draft for Clearinghouse Rule CR 19-101, relating to unprofessional conduct, for submission to the Governor's Office and Legislature. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE CR 19-102 – MTBT 4
RELATING TO REQUIREMENTS FOR RENEWAL AND REINSTATEMENT**

- MOTION:** Gregory Quandt moved, seconded by Jeff Miller, to accept all Clearinghouse comments for Clearinghouse Rule CR 19-102, relating to requirements for renewal and reinstatement. Motion carried unanimously.
- MOTION:** Robert Coleman, Jr. moved, seconded by Jaime Ehmer, to authorize the Chairperson (or other member) to approve the Legislative Report and Draft for Clearinghouse Rule CR 19-102, relating to requirements for renewal and reinstatement, for submission to the Governor's Office and Legislature. Motion carried unanimously.

CLOSED SESSION

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

The Board convened into Closed Session at 10:37 a.m.

DELIBERATION OF DLSC MATTERS

Proposed Stipulations, Final Decisions and Orders

17 MAB 006 – Cathryn A. Davis

MOTION: Robert Coleman, Jr. moved, seconded by Carla Hedtke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Cathryn A. Davis, DLSC Case Number 17 MAB 006. Motion carried unanimously.

Case Closings

17 MAB 022 – R.H.

MOTION: Carla Hedtke moved, seconded by Jeff Miller, to close DLSC Case Number 17 MAB 022, against R.H., for Insufficient Evidence. Motion carried unanimously.

18 MAB 007 – UNKNOWN

MOTION: Jaime Ehmer moved, seconded by Jeff Miller, to close DLSC Case Number 18 MAB 007, against Unknown, for Insufficient Evidence. Motion carried unanimously.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 11:18 a.m.

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

MOTION: Robert Coleman, Jr. 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 Jaime Ehmer, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Robert Coleman, Jr. moved, seconded by Jeff Miller, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:22 a.m.



PUBLIC AGENDA REQUEST FORM

Instructions:

1. Fill out this form, and then save to your device.
2. Return to the “[Suggest an Agenda Item](#)” page and select the appropriate Board or Council from the Board/Council list.
3. Attach your completed “Public Agenda Request” form and send.

First Name: Amy

Last Name: Nicholson, MS, SEP, WI-LMT, BCTMB, LPC-IT

Association/Organization: Madison College Therapeutic Massage Program

Address Line 1: 1705 Hoffman St.

Address Line 2:

City: Madison

State: WI

Zip: 53705

Phone Number: (608) 628-0300

Email: ACNicholson@madisoncollege.edu / amycnicholson@gmail.com

Subject: Scope of Practice Issues:

Issue to Address:

The definition of abhyanga is: **Abhyanga** ("oil massage") is a form of Ayurvedic medicine that involves massage of the body with dosha-specific warm herb infused oils. The oil is usually pre-mixed with herbs for specific conditions. (Wikipedia)

With the increased popularity of Ayurveda, it seems as though individuals are practicing Ayurvedic massage without a license. Individuals are being trained under a marketing terms such as “ayurvedic body therapies” and then cosmetologists or estheticians are being trained to do these massage treatments. Traditional Indian massage is called Abyhanga—it is not an oil application---it is a massage that uses medicinal oils. Just like Swedish massage is massage, Indian massage is abhyanga Hawaiian Massage is called Lomi-Lomi. This is ALL massage. I recently received an abhyanga massage at a new spa and I thought I was getting a massage only to find out that it was an esthetician providing the treatment. This was an expensive service for one. Secondly, there clearly was no knowledge of anatomy, endangerment sites etc. When I asked her about it, she said she was “free-styling, oil application” What does this even mean?

It was totally unethical. There was also ZERO intake or informed consent. Clearly, these individuals are not being trained appropriately. And, it's not their fault, because they do not know any better. It is the institutions fault, for marketing and leading their students to believe that this is within their scope of practice, when it is not. I have been teaching and directing one of the top programs in massage education for 15+ years. (We maintained a 100% pass rate on our Mblex exam for 11+ years in a row and graduate some of the most successful LMTS in the state. I am not saying this to brag...I am stating this to point out, that I am not just some random person who is bringing up this issue)

I think it is time for the licensing board to ensure that all individuals providing massage are licensed. This includes Thai Massage etc. This is a matter of public safety as well as ensuring that consumers are receiving massage from individuals to receive adequate education in treatment planning, ethics and professionalism.

I have submitted a formal complaint against the Aveda institute for training cosmetologists to do these massages. I have nothing against the program, however it should be housed under massage therapy—not cosmetology.

I spoke with Jeffrey Montoya about this before I submitted the official complaint and he mentioned that when they were putting this program together, they were planning to have it be under massage therapy. I'm wondering who was involved in that decision? And, why they thought it should be under cosmetology?

I've been in this industry for almost 20 years at this point, teaching and managing an academic program. This seems like individuals who know our industry would understand and have the knowledge categorize Ayurvedic massage accurately. Now more than ever, this is so important. Especially, as massage therapy becomes more integrated into healthcare. Imagine wanting to experience Ayurvedic massage, only to receive a treatment from an esthetician. It does nothing to strengthen our profession and if anything leads consumers to believe that that is what all Ayurvedic bodywork is... It is misleading and unethical.

If you can please let me know when this is put on the agenda, I would like to know so I can be present, if possible.

Thank you,

Amy