



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

Virtual, 4822 Madison Yards Way, Madison

Contact: Tom Ryan (608) 266-2112

May 30, 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 March 21, 2023 (4-11)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. 9:00 A.M. APPEARANCE: FBI Intelligence Analyst on Human Trafficking and Crimes against Children – Kathryn Snell (12)**
- F. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Coleman, Jr., Robert E. – 7/1/2023
 - b. Ehmer, Jaime L. – 7/1/2023
 - c. Hedtke, Carla J. – 7/1/2023
 - d. Miller, Jeff – 7/1/2023
 - e. Quandt, Gregory J. – 7/1/2023
 - f. Townsend-Davila, Charisma J. – 7/1/2023
 - g. Trudeau, Ramona J. – 7/1/2023
 - 3) Wis. Stat. s. 15.085 (3)(b) – Biannual Meeting with the Medical Examining Board
- G. Legislative and Policy Matters – Discussion and Consideration
- H. Administrative Rule Matters – Discussion and Consideration (13)**
 - 1) MTBT 6, Relating to Temporary Licenses **(14-19)**
 - 2) Pending or Possible Rulemaking Projects **(20)**

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

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

J. 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

K. 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.).

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

- 1) **Proposed Stipulations, Final Decisions and Orders**
 - a. 22 MAB 007 – Erfen Gao, L.M.T. **(21-26)**
- 2) **Case Closings**
 - a. 22 MAB 013 – C.P.B. **(27-30)**

M. Deliberation on Proposed Final Decision and Orders

- 1) Maurice L. Williams, L.M.T., Respondent – DHA Case Number SPS-23-0002/DLSC Case Number 19 MAB 003 **(31-40)**

N. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

NEXT MEETING: AUGUST 29, 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
MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD
MARCH 21, 2023**

PRESENT: Robert Coleman, Jr., Jaime Ehmer, Carla Hedtke (*arrived at 9:06 a.m.*), Jeff Miller (*excused at 10:01 a.m.*), Charisma Townsend-Davila

EXCUSED: Gregory Quandt, Ramona Trudeau

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

CALL TO ORDER

Robert Coleman, Jr., Chairperson, called the meeting to order at 9:04 a.m. A quorum was confirmed with four (4) members present.

ADOPTION OF AGENDA

MOTION: Jeff Miller moved, seconded by Jaime Ehmer, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 29, 2022 AND FEBRUARY 20, 2023

MOTION: Charisma Townsend-Davila moved, seconded by Jaime Ehmer, to approve the Minutes of November 29, 2022 and February 20, 2023 as published. Motion carried unanimously.

(*Carla Hedtke arrived at 9:06 a.m.*)

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Jaime Ehmer nominated Robert Coleman, Jr. for the Office of Chairperson. Robert Coleman, Jr. declined the nomination.

NOMINATION: Robert Coleman, Jr. nominated Jaime Ehmer for the Office of Chairperson. Jaime Ehmer accepted the nomination.

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

Jaime Ehmer was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Charisma Townsend-Davila nominated Jeff Miller for the Office of Vice Chairperson. Jeff Miller declined the nomination.

NOMINATION: Robert Coleman, Jr. nominated Ramona Trudeau for the Office of Vice Chairperson.

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

Ramona Trudeau was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Jaime Ehmer nominated Charisma Townsend-Davila for the Office of Secretary. Charisma Townsend-Davila accepted the nomination.

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

Charisma Townsend-Davila was elected as Secretary by unanimous voice vote.

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 <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:</i> Ramona Trudeau
Screening Panel	Charisma Townsend-Davila, Carla Hedtke, Gregory Quandt <i>Alternate:</i> Ramona Trudeau, Jaime Ehmer

Delegation of Authorities

Document Signature Delegations

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

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

Delegated Authority for Urgent Matters

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

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Jeff Miller moved, seconded by Jaime Ehmer, to delegate the review and authority to act on disciplinary cases to the Department’s Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Carla Hedtke moved, seconded by Jeff Miller, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Charisma Townsend-Davila moved, seconded by Carla Hedtke, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the March 21, 2023 agenda materials on pages 21-23, except that item 11 shall not be stricken. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

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

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

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

Delegation of Authority to DSPS When Credentialing Criteria is Met

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

Delegation of Authority for Predetermination Reviews

MOTION: Carla Hedtke moved, seconded by Jaime Ehmer, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Carla Hedtke moved, seconded by Jaime Ehmer, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of massage therapy or bodywork therapy. Motion carried unanimously.

Delegation to DSPS When Applicant’s Discipline History Has Been Previously Reviewed

MOTION: Carla Hedtke moved, seconded by Jaime Ehmer, to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline. Motion carried unanimously.

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

MOTION: Carla Hedtke moved, seconded by Jeff Miller, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential and there is no new conviction record. Motion carried unanimously.

Delegation of Authority for Reciprocity Reviews

MOTION: Jeff Miller moved, seconded by Charisma Townsend-Davila, to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements are substantially equivalent to the Board's requirements. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Charisma Townsend-Davila moved, seconded by Jaime Ehmer, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Charisma Townsend-Davila moved, seconded by Jaime Ehmer, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

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

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

Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Carla Hedtke moved, seconded by Jaime Ehmer, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Carla Hedtke moved, seconded by Charisma Townsend-Davila, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

(Jeff Miller was excused at 10:01 a.m.)

MOTION: Jaime Ehmer moved, seconded by Carla Hedtke, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Jaime Ehmer moved, seconded by Charisma Townsend-Davila, to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously.

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

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

Optional Renewal Notice Insert Delegation

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

Legislative Liaison Delegation

MOTION: Robert Coleman, Jr. moved, seconded by Carla Hedtke, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

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

Website Liaison(s) Delegation

MOTION: Carla Hedtke moved, seconded by Jaime Ehmer, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Pending or Possible Rulemaking Projects

MOTION: Charisma Townsend-Davila moved, seconded by Robert Coleman, Jr., to designate the Chairperson to serve as liaison to DSPS staff for drafting a report pursuant to Wis. Stat. 227.29 for submission in 2023, relating to administrative rules, and to authorize the Chairperson to approve the report for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

CLOSED SESSION

MOTION: Robert Coleman Jr. moved, seconded by Charisma Townsend-Davila, 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: Robert Coleman Jr.-yes; Jaime Ehmer-yes; Carla Hedtke-yes; and Charisma Townsend-Davila-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:52 a.m.

DELIBERATION ON DLSC MATTERS

Proposed Stipulations, Final Decisions and Orders

22 MAB 017 – Gregory J. Dickert, L.M.T.

MOTION: Charisma Townsend-Davila moved, seconded by Robert Coleman Jr., to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Gregory J. Dickert, L.M.T., DLSC Case Number 22 MAB 017. Motion carried unanimously.

Case Closings

MOTION: Jaime Ehmer moved, seconded by Carla Hedtke, to close the following DLSC Cases for the reasons outlined below:

1. 22 MAB 015 – R.L.S. – Insufficient Evidence
2. 22 MAB 016 – S.J.H. – Prosecutorial Discretion (P2)

Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Robert Coleman Jr. moved, seconded by Charisma Townsend-Davila, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:57 a.m.

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

MOTION: Jaime Ehmer moved, seconded by Charisma Townsend-Davila, 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: Robert Coleman Jr. 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: Carla Hedtke moved, seconded by Robert Coleman Jr., to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:59 a.m.

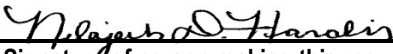
**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jaime Ehmer		2) Date when request submitted: 5/22/2023 <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: 5/30/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Massage Therapy and Human Trafficking - discussion	
7) Place Item in: <input 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 checked="" type="checkbox"/> Yes Kathryn M. Snell, Federal Bureau of Investigation <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable N/A	
10) Describe the issue and action that should be addressed: The Board will discuss possible ways to combat human trafficking in the massage profession.			
11) Authorization			
Tom Ryan		5/22/2023	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**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: 05/17/23 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: 05/30/23	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. 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 Wis. Stats. Ch. 460 Rule Projects Chart			
11) Authorization			
 Signature of person making this request		05/17/23 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 6.02 to align it with the authority given to the board in Wisconsin Statute s. 460.04 (2) (f). Currently, MTBT 6.02 requires an applicant to meet the criteria under s. 460.05, stats., pass the board statutes and rules examination, and to not have previously failed the examination required under s. 460.06, stats, among other requirements. The only requirement that Section 460.04 (2) (f), stats. explicitly requires is that the applicant be a graduate of a massage therapy or bodywork therapy school or program. It does not give authority for the other requirements currently listed in MTBT 6.02.

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

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

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

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

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

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

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

60 hours

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

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

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

None.

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

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

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

Approved for publication:



Authorized Signature

June 7, 2022

Date Submitted

Approved for implementation:



Authorized Signature

9/20/2022

Date Submitted

CHAPTER 460

MASSAGE THERAPY AND BODYWORK THERAPY

460.01	Definitions.	460.10	Continuing education.
460.02	License required.	460.11	Practice requirements.
460.03	Applicability.	460.12	Duty to make reports.
460.04	Duties of affiliated credentialing board.	460.13	Advertising.
460.05	Licensure of massage therapists and bodywork therapists.	460.14	Disciplinary proceedings and actions.
460.06	Examinations.	460.145	Employment of unlicensed persons.
460.07	Display of certificate; expiration and renewal.	460.15	Penalty.
460.08	Temporary license.	460.17	Local regulation.
460.09	Reciprocal license.		
460.095	Massage therapy and bodywork therapy school, training program, and instructor requirements.		

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

460.01 Definitions.

In this chapter:

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

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

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

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

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

(4) “Massage therapy” or “bodywork therapy” means the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. “Massage therapy” or “bodywork therapy” includes determining whether manual actions and adjunctive therapies are appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. “Massage therapy” or “bodywork therapy” does not include making a medical, physical therapy, or chiropractic diagnosis.

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

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

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

460.02 License required. Except as provided in s. [460.03](#), no person may provide massage therapy or bodywork therapy, designate himself or herself as a massage therapist or bodywork therapist or masseur or masseuse, or use or assume the title “massage therapist and bodywork therapist” or “massage therapist” or “bodywork therapist” or “masseur” or “masseuse” or any title that includes “massage therapist,” “bodywork therapist,” or “bodyworker,” or append to the person’s name the letters “M.T.,” “R.M.T.,” “L.M.T.,” “C.M.T.,” “B.T.,” “B.W.,” “L.B.W.,” “R.B.W.,” or “C.B.W.,” or use any other title or designation that represents or may tend to represent that he or she is licensed under this chapter, unless the person is licensed under this chapter.

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

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

460.10	Continuing education.
460.11	Practice requirements.
460.12	Duty to make reports.
460.13	Advertising.
460.14	Disciplinary proceedings and actions.
460.145	Employment of unlicensed persons.
460.15	Penalty.
460.17	Local regulation.

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

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

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

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

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

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

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

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

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

460.04 Duties of affiliated credentialing board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

460.07 Display of certificate; expiration and renewal.

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

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

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

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

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

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

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

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

History: 2009 a. 355.

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

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

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

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

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

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

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

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

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

(a) Two years experience as a practicing professional.

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

History: 2009 a. 355.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History: 2019 a. 41.

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

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

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

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

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

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

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

**Massage Therapy and Bodywork Therapy Affiliated Credentialing Board
Rule Projects (updated 05/17/23)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
Not Assigned Yet	070-22	02/22/2025	MTBT 6	Temporary Licenses	Drafting	Board Approval of Preliminary Rule Draft