



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

Virtual, 4822 Madison Yards Way, Madison

Contact: Tom Ryan (608) 266-2112

May 20, 2024

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 February 19, 2024 (4-8)

C. Reminders: Conflicts of Interest, Scheduling Concerns

D. Introductions, Announcements and Recognition

E. Administrative Matters – Discussion and Consideration

1) Department, Staff and Board Updates

2) Board Members – Term Expiration Dates

a. Ehmer, Jaime L. – 7/1/2027

b. Kue, Ab O. – 7/1/2027

c. McNeil, Lisa L. – 7/1/2027

d. Novak, Laura A. – 7/1/2027

e. Townsend-Davila, Charisma J. – 7/1/2027

f. Trudeau, Ramona J. – 7/1/2027

3) Wis. Stat. s. 15.085 (3)(b) – Biannual Meeting with the Medical Examining Board

F. Legislative and Policy Matters – Discussion and Consideration

G. Administrative Rule Matters – Discussion and Consideration (9-14)

1) Preliminary Rule Draft: MTBT 6, Relating to Temporary Licenses (10-13)

2) Pending or Possible Rulemaking Projects (14)

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

I. Discussion and Consideration of Items Added After Preparation of Agenda:

1) Introductions, Announcements and Recognition

- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Public Health Emergencies
- 11) Legislative and Policy Matters
- 12) Administrative Rule Matters
- 13) Liaison Reports
- 14) Board Liaison Training and Appointment of Mentors
- 15) Informational Items
- 16) Division of Legal Services and Compliance (DLSC) Matters
- 17) Presentations of Petitions for Summary Suspension
- 18) Petitions for Designation of Hearing Examiner
- 19) Presentation of Stipulations, Final Decisions and Orders
- 20) Presentation of Proposed Final Decisions and Orders
- 21) Presentation of Interim Orders
- 22) Petitions for Re-Hearing
- 23) Petitions for Assessments
- 24) Petitions to Vacate Orders
- 25) Requests for Disciplinary Proceeding Presentations
- 26) Motions
- 27) Petitions
- 28) Appearances from Requests Received or Renewed
- 29) Speaking Engagements, Travel, or Public Relation Requests, and Reports

J. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 448.02(8), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

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

- 1) Proposed Stipulations, Final Decisions and Orders**
 - a. 23 MAB 004 – Kristen J. Sandley (15-21)
 - b. 23 MAB 013 – Yingxiang Li (22-27)
 - c. 23 MAB 014 – Jeffrey J. Loula (28-33)
 - d. 23 MAB 015 – Xiangluan Zou (34-39)
 - e. 23 MAB 025 – Shauniyah R. Gomez (40-46)
- 2) Case Closings**
 - a. 23 MAB 005 & 23 MAB 020 – S.G.D. (47-54)
 - b. 23 MAB 016 – S.J.W. (55-59)

L. Monitoring Matters (60-75)

- 1) William Eddy, L.M.T. – Requesting Full Licensure (62-68)
- 2) Beveron Wyatt, L.M.T. – Requesting Reinstatement of License (69-75)

M. 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

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

NEXT MEETING: AUGUST 19, 2024

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://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
MESSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD
FEBRUARY 19, 2024**

PRESENT: Jaime Ehmer, Ab Kue, Lisa McNeil, Laura Novak, Charisma Townsend-Davila (*arrived at 9:03 a.m.*), Ramona Trudeau

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

CALL TO ORDER

Jaime Ehmer, Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: Ab Kue moved, seconded by Lisa McNeil, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 28, 2023

MOTION: Ab Kue moved, seconded by Ramona Trudeau, to approve the Minutes of November 28, 2023, as published. Motion carried unanimously.

(Charisma Townsend-Davila arrived at 9:03 a.m.)

ADMINISTRATIVE MATTERS

Election of Officers, Appointments of Liaisons and Alternates, Delegation of Authorities

Slate of Officers

NOMINATION: Charisma Townsend-Davila nominated the 2023 slate of officers to continue in 2024. All officers accepted their nominations.

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

The Slate of Officers was elected 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-Davila, Jaime Ehmer, Laura Novak <i>Alternate: Ramona Trudeau</i>
Education and Examinations Liaison(s)	Laura Novak <i>Alternate: Ramona Trudeau</i>
Monitoring Liaison(s)	Ramona Trudeau <i>Alternate: Jaime Ehmer</i>
Professional Assistance Procedure (PAP) Liaison(s)	Ab Kue <i>Alternate: Lisa McNeil</i>
Legislative Liaison(s)	Lisa McNeil <i>Alternate: Charisma Townsend-Davila</i>
Travel Authorization Liaison(s)	Jaime Ehmer <i>Alternate: Charisma Townsend-Davila</i>
Website Liaison(s)	Laura Novak <i>Alternate: Ramona Trudeau</i>
Screening Panel	Charisma Townsend, Lisa McNeil <i>Alternate: Ramona Trudeau, Ab Kue</i>

Delegation of Authorities

Review and Approval of 2023 Delegations

MOTION: Jaime Ehmer moved, seconded by Lisa McNeil, to reaffirm all delegation motions from 2023 as reflected in the agenda materials. Motion carried unanimously.

Document Signature Delegations

MOTION: Laura Novak moved, seconded by Ramona Trudeau, 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, Board Counsel or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Charisma Townsend-Davila moved, seconded by Jaime Ehmer, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the February 19, 2024, agenda materials. Motion carried unanimously.

Credentialing Authority Delegations

Delegation to Department Attorneys to Approve Duplicate Legal Issue

MOTION: Ramona Trudeau moved, seconded by Lisa McNeil, to delegate authority to Department Attorneys to approve a legal matter in connection with a renewal application when that same/similar matter was already addressed by the Board and there are no new legal issues for that credential holder. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Pending or Possible Rulemaking Projects

MOTION: Ramona Trudeau moved, seconded by Charisma Townsend-Davila, to request DSPS staff draft a Scope Statement revising MTBT 3, relating to Education. Motion carried unanimously.

FEDERATION OF STATE MASSAGE THERAPY BOARDS (FSMTB) MATTERS

Consider Attendance: FSMTB Annual Meeting in Washington, DC – October 3-5, 2024

MOTION: Ramona Trudeau moved, seconded by Ab Kue, to designate Jaime Ehmer to attend the FSMTB Annual Meeting on October 3-5, 2024 in Washington, DC. Motion carried unanimously.

CLOSED SESSION

MOTION: Lisa McNeil 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.). Jaime Ehmer, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Jaime Ehmer-yes; Ab Kue-yes; Lisa McNeil-yes; Laura Novak-yes; Charisma Townsend-Davila-yes; and Ramona Trudeau-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:32 a.m.

DELIBERATION ON DLSC MATTERS

Proposed Stipulations, Final Decisions and Orders

23 MAB 008 – Yang Wang

MOTION: Lisa McNeil moved, seconded by Ramona Trudeau, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Yang Wang, DLSC Case Number 23 MAB 008. Motion carried unanimously.

23 MAB 019 – Dongxu L. Oblinger

MOTION: Charisma Townsend-Davila moved, seconded by Ab Kue, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Dongxu L. Oblinger, DLSC Case Number 23 MAB 019. Motion carried unanimously.

Administrative Warnings

23 MAB 021 – A.C.S.

MOTION: Jaime Ehmer moved, seconded by Lisa McNeil, to issue an Administrative Warning in the matter of A.C.S., DLSC Case Number 23 MAB 021. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Ramona Trudeau moved, seconded by Jaime Ehmer, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 9:39 a.m.

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

MOTION: Charisma Townsend-Davila moved, seconded by Lisa McNeil, 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: Charisma Townsend-Davila moved, seconded by Ramona Trudeau, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

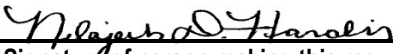
MOTION: Ramona Trudeau moved, seconded by Ab Kue, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:41 a.m.

DRAFT

**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: 05/07/24 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: 05/20/24	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. Preliminary Rule Draft: 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 take action on MTBT 6 preliminary rule. Attachments: MTBT 6 Preliminary Rule Draft Rule Projects Chart			
11) Authorization			
 Signature of person making this request		05/07/24 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
MESSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING
BOARD

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 amend MTBT 6.02 (1) (intro.) and (d), and (3) (a) and (b), and to create MTBT 6.02 (6), relating to temporary licenses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 460.08, Stats.

Statutory authority: Sections 15.085 (5) (b), 460.04 (2) (f), 460.08, Stats.

Explanation of agency authority:

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.”

Related statute or rule: None.

Plain language analysis:

The proposed rule revises chapter MTBT 6 to align with current practice in the profession in the area of temporary licensure. This was achieved through amending temporary licensure requirements relating to the examination under s. 460.06, Stats., to cover the typical pathway of an applicant more accurately as they move from temporary to permanent licensure. These changes include amendments to MTBT 6.02 (1) and (3) regarding the exam and the ability of a licensee to receive more than one temporary license. Other amendments include creating a provision under MTBT 6.02 (6) that allows the board to review and take action on any temporary licensee who fails the required examination under s. 460.06, Stats if necessary.

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 is responsible for the licensure and regulation of the practice of massage therapy in Illinois, with input from the Illinois Massage Licensing Board. The Illinois Department is also responsible for the promulgation of rules to implement certain sections of the Illinois Massage Therapy Practice Act. This Act contains requirements for applications, licensure, and discipline for massage therapists [225 Illinois Compiled Statutes ch. 57]. Illinois does not issue temporary licenses to practice massage therapy.

Iowa:

The Iowa Board of Massage Therapy is responsible for the licensure and regulation of the practice of massage therapy in Iowa. Chapter 152C of the Iowa Code includes statutory requirements for licensure, composition and powers of the Iowa Board, and discipline for massage therapists [Iowa Code ch. 152C]. The Iowa Administrative Code details rules relating to the practice of massage therapy, including requirements for temporary licensure. In Iowa, an individual who is licensed to practice massage therapy in another jurisdiction, but is unable to meet the requirements of licensure by endorsement is eligible for a temporary license. Such a temporary license is valid for up to one year and is not renewable. Any application for a temporary license must include a plan for meeting the requirements for regular licensure within one year. [645 Iowa Administrative Code ch. 131 s. 131.6].

Michigan:

The Michigan Board of Massage Therapy is responsible for the licensure and regulation of massage therapy practice in Michigan. Act 368 Article 15 Part 179A of the Michigan Compiled Laws includes the regulations for massage therapy in Michigan, among several other occupations. Some of the requirements in this part include those for licensure, renewal, and duties of the Michigan Board. [Michigan Compiled Laws ss. 333.17951-333.1769]. Michigan does not issue temporary licenses to practice massage therapy.

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 [Minnesota Statutes Chapter 146A].

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of MTBT 6 and obtaining input and feedback from the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

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

The proposed rules 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 rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator, Jennifer Garrett, may be contacted by calling (608) 266-2112.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. MTBT 6.02 (1) (intro.) and (d), and (3) (a) and (b) are amended to read:

MTBT 6.02 (1) (intro.) The board may issue a temporary license to an applicant to practice massage therapy and bodywork therapy who meets the criteria under s. 460.05, Stats., other than passing the examination under s. 460.05 (f), Stats., and who has completed all of the following:

(1) (d) Has ~~not previously failed~~ taken an examination required under s. 460.06, Stats.

(3) (a) A temporary license expires 6 months after the date of issuance or when the department provides notice that the temporary licensee has ~~failed or~~ passed the examination required by s. 460.06, Stats., whichever is first.

(3) (b) No person shall be issued more than one temporary license ~~in any 365-day period~~ without presenting evidence satisfactory to the board of a substantial change in circumstances since the expiration of the initial temporary license. The determination of whether circumstances have substantially changed shall be entirely within the discretion of the board.

SECTION 2. MTBT 6.02 (6) is created to read:

MTBT 6.02 (6) Temporary licensees who fail to pass the examination under s. 460.06, Stats., may be subject to review and revocation of the credential as determined by the board.

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

(END OF TEXT OF RULE)

DRAFT

**Massage Therapy and Bodywork Therapy Affiliated Credentialing Board
Rule Projects (updated 05/07/24)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	MTBT 3	Education	Scope Statement Under DSPS Office to the Secretary Review	Scope Submitted to the Board for Review and Approval
N/A	070-22	02/22/2025	MTBT 6	Temporary Licenses	Project stopped (modified and pursued under a new scope statement)	N/A
Not Assigned Yet	080-23	04/23/2026	MTBT 6	Temporary Licenses	Board Review of Preliminary Rule Draft at 5/20/24	Submission for EIA Comment, Fiscal Estimate, and Clearinghouse Review