



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

**Virtual, 4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
December 1, 2020**

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 1, 2020 (4-6)**
- C. Conflicts of Interest
- D. Introductions, Announcements and Recognition
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - 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 (7)**
 - 1) Administrative Rules Reporting Requirement Under 227.29, Stats.
 - a. Review of Draft 2021 Report **(8-10)**
 - 2) Pending or Possible Rulemaking Projects
- H. COVID-19 – Discussion and Consideration**
- I. Federation of State Massage Therapy Boards (FSMTB) Matters – Discussion and Consideration
- 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) 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

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 DLSC Matters

- 1) **Proposed Stipulations, Final Decisions and Orders**
 - a. 17 MAB 018 – Juhua You, L.M.T. **(11-17)**
 - b. 18 MAB 022 – Matthew R.L. Marks, L.M.T. **(18-23)**
 - c. 19 MAB 010 – Hongwei Geng, L.M.T. **(24-29)**
- 2) **Case Closings**
 - a. 18 MAB 013, 18 MAB 017 – J.Y. **(30-33)**
 - b. 18 MAB 014 – X.C. **(34-37)**
 - c. 19 MAB 010 – N.W., X.W. **(38-41)**
 - d. 20 MAB 005 – D.J.P. **(42-48)**

LI. 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: MARCH 16, 2021

 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. Requests for interpreter services for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL
MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD
SEPTEMBER 1, 2020**

PRESENT: Robert Coleman, Jr., Carla Hedtke, Jeff Miller, Gregory Quandt, Charisma Townsend, Ramona Trudeau

EXCUSED: Jaime Ehmer

STAFF: Valerie Payne, Executive Director; Yolanda McGowan, 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 9:14 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF JUNE 2, 2020

MOTION: Carla Hedtke moved, seconded by Jeff Miller, to approve the Minutes of June 2, 2020 as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Preliminary Rule Draft: MTBT 2, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses

MOTION: Gregory Quandt moved, seconded by Carla Hedtke, to approve the preliminary rule draft of MTBT 2, relating to reciprocal credentials for service members, former service members, and their spouses, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Administrative Rules Reporting under 2017 Wisconsin Act 108

Proposals for 2021 Report

MOTION: Gregory Quandt moved, seconded by Carla Hedtke, to designate Ramona Trudeau to serve as liaison to DSPS staff for drafting the 2021 Act 108 report, relating to administrative rules, and to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to approve the report for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

FEDERATION OF STATE MASSAGE THERAPY BOARDS (FSMTB) MATTERS

MOTION: Ramona Trudeau moved, seconded by Gregory Quandt, to designate Carla Hedtke as the Board's 2020 delegate to serve on the Board of Directors and Nominating Committee of the Federation of State Massage Therapy Boards (FSMTB). Motion carried unanimously.

CLOSED SESSION

MOTION: Gregory Quandt 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-yes; Jeff Miller-yes; Gregory Quandt-yes Charisma Townsend-yes; and Ramona Trudeau-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:33 a.m.

(Carla Hedtke was disconnected for this vote.)

DELIBERATION ON DLSC MATTERS

Stipulations, Final Decisions and Orders

MOTION: Ramona Trudeau moved, seconded by Robert Coleman, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 18 MAB 003 – Daniel J. Sage, L.M.T.
2. 18 MAB 016 – Amber R. Downing, L.M.T.
3. 19 MAB 001 – Katie A. Irving, L.M.T.

Motion carried unanimously.

Proposed Stipulations and Interim Orders

19 MAB 018, 19 MAB 019, 19 MAB 024 – Jarrod J. Huffman, L.M.T.

MOTION: Gregory Quandt moved, seconded by Carla Hedtke, to adopt the Findings of Fact, Conclusions of Law and Interim Order in the matter of disciplinary proceedings against Jarrod J. Huffman, L.M.T., DLSC Case Numbers 19 MAB 018, 19 MAB 019 and 19 MAB 024. Motion carried unanimously.

Case Closings

17 MAB 016 – D.H., R.G.

MOTION: Robert Coleman moved, seconded by Ramona Trudeau, to close DLSC Case Number 17 MAB 016, against D.H., for Prosecutorial Discretion (P5) and R.G., for Insufficient Evidence. Motion carried unanimously.

18 MAB 006 – Unknown

MOTION: Gregory Quandt moved, seconded by Ramona Trudeau, to close DLSC Case Number 18 MAB 006, against Unknown, for Lack of Jurisdiction (L2). Motion carried unanimously.

20 MAB 006 – D.J.P.

MOTION: Gregory Quandt moved, seconded by Ramona Trudeau, to close DLSC Case Number 20 MAB 006, against D.J.P., for No Violation. Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISION AND ORDER

Hui Zhan, Respondent (DHA Case Number SPS-19-0061/DLSC Case Number 17 MAB 017)

MOTION: Gregory Quandt moved, seconded by Carla Hedtke, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Hui Zhan, Respondent – DHA Case Number SPS-19-0061/DLSC Case Number 17 MAB 017. Motion carried unanimously.

(Robert Coleman, Jr. recused himself and left the room for deliberation and voting in the matter concerning Hui Zhan, Respondent – DHA Case Number SPS-19-0061/DLSC Case Number 17 MAB 017. Jeff Miller, Vice Chairperson, ran the remainder of Closed Session.)

RECONVENE TO OPEN SESSION

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

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

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

MOTION: Jeff Miller moved, seconded by Gregory Quandt, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Gregory Quandt moved, seconded by Ramona Trudeau, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 11:20 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 11/18/20 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
4) Meeting Date: 12/1/20	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. Administrative Rules Reporting Requirement Under 227.29, Stats. a. Review of Draft 2021 Report 2. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: 			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="width: 30%;"><i>Dale Kleven</i></div> <div style="width: 30%; text-align: center;"><i>November 18, 2020</i></div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Signature of person making this request</div> <div style="width: 20%; text-align: center;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 20%; text-align: center;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 20%; text-align: center;">Date</div> </div>			
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.			

Robert Coleman Jr.
Chairperson

Jeff A. Miller
Vice Chairperson

Jaime L. Ehmer
Secretary

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



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March ??, 2021

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 210 North, State Capitol
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Ballweg:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a):

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are unauthorized.

II. Rules for which the authority to promulgate has been restricted:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules have restricted authority.

Status of rules listed in the Board's report submitted in March of 2019:

Rule	Description of the legislation that restricted the authority	Status of action taken to address
MTBT 5.04	The Board's authority to request verification of compliance with continuing education requirements has been restricted by 2017 Act 59, s. 1929.	Section MTBT 5.04 has been amended to reflect 2017 Act 59. Final rules (CR 19-101) were effective May 1, 2020.

III. Rules that are obsolete or that have been rendered unnecessary:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary.

IV. Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

V. Rules that are economically burdensome:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are economically burdensome.

Thank you.

Sincerely,

Robert Coleman Jr.
Chairperson
Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

on which the petition and proposed rule were submitted to the committee.

3. Following receipt of the petition and proposed rule submitted by the legislative council staff under subd. 2., the joint committee for review of administrative rules shall review the petition and proposed rule and may do any of the following:

a. Approve the agency's petition if the committee determines that the proposed rule would repeal an unauthorized rule.

b. Deny the agency's petition.

c. Request that the agency make changes to the proposed rule and resubmit the petition and proposed rule under subd. 1.

4. The committee shall inform the agency in writing of its decision as to the petition.

(c) If the joint committee for review of administrative rules approves a petition to repeal an unauthorized rule as provided in par. (b) 3. a., the agency shall promulgate the proposed rule by filing a certified copy of the rule with the legislative reference bureau under s. 227.20, together with a copy of the committee's decision.

SECTION 7. 227.29 of the statutes is created to read:

227.29 Agency review of rules and enactments. (1)

By March 31 of each odd-numbered year, each agency with any rules published in the code shall submit a report to the joint committee for review of administrative rules listing all of the following rules promulgated or otherwise administered by that agency:

(a) Unauthorized rules, as defined in s. 227.26 (4) (a), together with a description of the legislation that eliminated the agency's authority to promulgate any such rule.

(b) Rules for which the authority to promulgate has been restricted, together with a description of the legislation that restricted that authority.

(c) Rules that are obsolete or that have been rendered unnecessary, together with a description of why those rules are obsolete or have been rendered unnecessary.

(d) Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction, together with a citation to or the text of any such statute, regulation, or ruling.

(e) Rules that the agency determines are economically burdensome.

(2) The report under sub. (1) shall also include all of the following:

(a) A description of the agency's actions, if any, to address each rule listed in the report. If the agency has not taken any action to address a rule listed in the report, the agency shall include an explanation for not taking action.

(b) A description of the status of each rule listed in the previous year's report not otherwise listed.

(c) If the agency determines that there is no rule as described under sub. (1) (a), (b), (c), (d), or (e), a statement of that determination.

(3) If an agency identifies an unauthorized rule under sub. (1) (a) and is not otherwise in the process of promulgating a rule that repeals the unauthorized rule, the agency shall, within 30 days after the agency submits the report, submit a petition to the legislative council staff under s. 227.26 (4) (b) 1. to repeal the unauthorized rule if the agency has not previously done so.

(4) (a) In this subsection, "enactment" means an act or a portion of an act that is required to be published under s. 35.095 (3) (a).

(b) Each agency shall review enactments to determine whether any part of an enactment does any of the following:

1. Eliminates or restricts the agency's authority to promulgate any rules promulgated or otherwise administered by that agency.

2. Renders any rules promulgated or otherwise administered by that agency obsolete or unnecessary.

3. Renders, for any reason, any rules promulgated or otherwise administered by that agency not in conformity with or superseded by a state statute, including due to statutory numbering or terminology changes in the enactment.

4. Requires or otherwise necessitates rule making by the agency.

(c) If an agency determines that any consequence specified in par. (b) 1. to 4. results from an enactment or part of an enactment, within 6 months after the applicable effective date for the enactment or part of the enactment, the agency shall do one or more of the following, as applicable, to address the consequence identified by the agency and notify the joint committee for review of administrative rules of its action:

1. Submit a statement of the scope of a proposed rule under s. 227.135 (2), unless the enactment requires otherwise or unless the agency submits a notice to the committee explaining why it is unable to submit the statement of scope within that time period and an estimate of when the agency plans to submit the statement of scope.

2. In the case of an affected rule that the agency determines is an unauthorized rule, as defined in s. 227.26 (4) (a), submit a petition to the legislative council staff under s. 227.26 (4) (b) 1.

3. In the case of a consequence specified under par. (b) 3. that can be addressed by the legislative reference bureau using its authority under s. 13.92 (4) (b), submit a request to the legislative reference bureau to use that authority.

SECTION 8. Initial applicability.

(1) The treatment of section 227.29 (4) of the statutes first applies to enactments published by the legislative