

Phone: 608-266-2112 Web: http://dsps.wi.gov Email: dsps@wisconsin.gov

Tony Evers, Governor Dawn B. Crim, Secretary

VIRTUAL/TELECONFERENCE MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD

Virtual, 4822 Madison Yards Way, Madison Contact: Tom Ryan (608) 266-2112 March 15, 2022

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 (1-4)
- B. Approval of Minutes of November 30, 2021 (5-7)
- 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) Annual Policy Review (8-11)
 - 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities (12-20)
 - 4) 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 $-\frac{7}{1}/2023$
 - e. Quandt, Gregory J. -7/1/2023
 - f. Townsend-Davila, Charisma J. -7/1/2023
 - g. Trudeau, Ramona J. -7/1/2023
 - 5) 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

- Adoption Order: MTBT 2, Relating to Reciprocal Credentials for Service Members, Former Service Members, and their Spouses (21-24)
- 2) Pending or Possible Rulemaking Projects

- H. Speaking Engagements, Travel, or Public Relation Requests, and Reports
- I. Board Chair Meeting and Options to Address Department Resources Discussion and Consideration
- J. COVID-19 Discussion and Consideration
- K. Federation of State Massage Therapy Boards (FSMTB) Matters Discussion and Consideration
- L. 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

M. 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.).

- N. Deliberation on DLSC Matters
 - 1) Proposed Stipulations, Final Decisions and Orders
 - a. 21 MAB 008 Danyelle M. Dalbec, LMT (25-30)
 - 2) Administrative Warnings

- a. 19 MAB 029 H.S. (31-32)
- b. 21 MAB 016 A.L.S. (33-34)

3) Case Closings

- a. 21 MAB 009 T.A.W. (35-43)
- b. 21 MAB 017 C.X. (44-47)

4) Monitoring Matters

a. Rachelle Terrell – Requesting 1) Termination or Reduction in Drug Screen Frequency and 2) Termination of Direct Supervision and/or Quarterly Work Reports OR Approval of Business Owner to Serve as Supervisor (48-59)

5) Proposed Stipulations and Interim Orders

a. 21 MAB 013, 22 MAB 003, 22 MAB 004, 22 MAB 006 – Ethan E. Karls, LMT (**60-65**)

O. Deliberation on Matters Relating to Costs/Orders Fixing Costs

- 1) Coleen M. Dunahee, M.T.B.T. DHA Case Number SPS-20-0028/DLSC Case Number 19 MAB 016 (66-85)
- 2) Li Wang, L.M.T. DHA Case Number SPS-21-0005/DLSC Case Number 19 MAB 030 (**86-104**)
- 3) Shijie You, L.M.T. DHA Case Number SPS-20-0035/DLSC Case Number 19 MAB 010 (**105-122**)
- 4) Hui Zhan, L.M.T. DHA Case Number SPS-19-0061/DLSC Case Number 17 MAB 017 (**123-140**)

P. 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

Q. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- R. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate
- S. Open Session Items Noticed Above Not Completed in the Initial Open Session
- T. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

NEXT MEETING: MAY 31, 2022

VIRTUAL/TELECONFERENCE MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD

Virtual, 4822 Madison Yards Way, Madison Contact: Tom Ryan (608) 266-2112 March 15, 2022

MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD 2021 WISCONSIN PUBLIC RECORDS LAW FACILITATED TRAINING 10:00 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

A quorum of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board may be present; however, no board business will be conducted.

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.

VIRTUAL/TELECONFERENCE MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD NOVEMBER 30, 2021

PRESENT: Robert Coleman, Jr., Jeff Miller, Gregory Quandt, Charisma Townsend-Davila, Ramona

Trudeau

EXCUSED: Jamie Ehmer, Carla Hedtke

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Megan Glaeser,

Bureau Assistant; and other Department Staff

CALL TO ORDER

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

ADOPTION OF AGENDA

MOTION: Gregory Quandt moved, seconded by Jeff Miller, to adopt the Agenda as

published. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 31, 2021

MOTION: Jeff Miller moved, seconded by Ramona Trudeau, to approve the Minutes of

August 31, 2021 as published. Motion carried unanimously.

CLOSED SESSION

MOTION: Robert Coleman, Jr. moved, seconded by Gregory Quandt, 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-Davila-

yes; and Ramona Trudeau-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:15 a.m.

DELIBERATION ON DLSC MATTERS

Stipulations, Final Decisions and Orders

19 MAB 023 - Chungying, Xu, LMT

MOTION: Robert Coleman, Jr. moved, seconded by Ramona Trudeau, to adopt the Findings

of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings

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against Chungying, Xu, LMT, DLSC Case Number 19 MAB 023. Motion carried. Abstained: 1 (Miller)

19 MAB 027 – Xia Liao, LMT

MOTION:

Gregory Quandt moved, seconded by Robert Coleman, Jr., to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Xia Liao, LMT, DLSC Case Number 19 MAB 027. Motion carried.

Abstained: 1 (Miller)

21 MAB 003 – Gregory J. Dickert, LMT

MOTION:

Robert Coleman, Jr. moved, seconded by Ramona Trudeau, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Gregory J. Dickert, LMT, DLSC Case Number 21 MAB 003. Motion carried unanimously.

Administrative Warnings

19 MAB 022 – H.M.S.

MOTION:

Gregory moved, seconded by Jeff, to issue an Administrative Warning in the matter of H.M.S., DLSC Case Number 19 MAB 022. Motion carried unanimously.

Case Closings

19 MAB 029 - A.X., L.Z.

MOTION:

Charisma Townsend-Davila moved, seconded by Jeff Miller, to close DLSC Case Number 19 MAB 029, against A.X. and L.Z., for Insufficient Evidence. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION:

Jeff Miller moved, seconded by Charisma Townsend-Davila, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 9:34 a.m.

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

MOTION: Gregory Quandt moved, seconded by Ramona Trudeau, 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

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MOTION: Charisma Townsend-Davila moved, seconded by Gregory Quandt, to delegate

ratification of examination results to DSPS staff and to delegate and ratify all

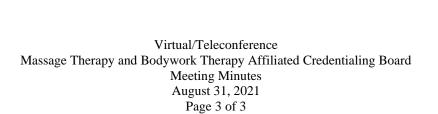
licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Jeff Miller moved, seconded by Ramona Trudeau, to adjourn the meeting. Motion

carried unanimously.

The meeting adjourned at 9:36 a.m.



State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and title of person submitting the request: 2) Date when request submitted:					st submitted:	
Kimberly Wood, Program Assistant Supervisor-Adv. on				12/13/2021		
behalf of Division of Policy Development Executive					dered late if submitted after 12:00 p.m. on the	
Directors 3) Name of Board, Comi	nittee. Co	ouncil. Sections:		deadine date which	n is 8 business days before the meeting	
All Boards	, , ,	,				
4) Meeting Date:	5) Attac	hments:	6) How	should the item be tit	led on the agenda page?	
First Meeting of 2022	⊠ Ye	es	Annı	ual Policy Review		
	□ No					
7) Place Item in:		8) Is an appearan scheduled?	ce before	e the Board being	9) Name of Case Advisor(s), if applicable:	
					N/A	
☐ Closed Session		☐ Yes				
40) Deceribe the icour		No No	d			
10) Describe the issue a						
Please be advised of the						
					nt to meeting attendance. If you cannot attend , please let us know ASAP. Timely notification	
					cils to meet pursuant to Open Meetings Law.	
2. Walking Quoru	ım: Board	d/Section/Council n	nembers	must not collectively	discuss the body's business outside of a	
	ed meetin	g. Should several r	nembers	of a body do so, the	members could be violating the open meetings	
law. 3. Agenda Deadli	nes: Plea	ise communicate a	nenda tor	nics to your Executive	e Director before the agenda submission	
					hment: Timeline of a Meeting)	
					and Reimbursement claims to DSPS within 30	
	days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher					
	Example) 5. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members.					
					a meeting by the scheduled start time.	
					el their reservation within the applicable	
				to occur remotely or	is cancelled or rescheduled DSPS staff will	
	cancel or modify reservations as appropriate.					
Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely.						
11) Authorization						
Kimberly Wood 12/13/2021						
Signature of person making this request Date						
Supervisor (Only required for past agenda deadling items)						
Supervisor (Only required for post agenda deadline items) Date						
Executive Director signature (Indicates approval for post agenda deadline items) Date					Date	
Directions for including supporting documents:						
1. This form should be						
					y Development Executive Director.	
3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.						

Timeline of a Meeting

8 business days prior to the meeting: All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

7 business days prior to the meeting: The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

5 business days prior to the meeting: The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

4 business days prior to the meeting: Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

Agenda Item Examples:

- o Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
 - Public Hearings (on Admin Rules)
 - Administrative Matters
 - Legislation and Policy Matters
 - Administrative Rules Matters
 - Credentialing Matters
 - Education and Exam Issues
 - Public Agenda Requests
 - Current Issues Affecting the Profession
 - Public Comments
- Closed Session items
 - Deliberations on Proposed Disciplinary Actions
 - Stipulations
 - Administrative Warnings
 - Case Closings
 - Monitoring Matters
 - Professional Assistance Procedure (PAP) Issues
 - Proposed Final Decisions and Orders
 - Orders Fixing Costs/Matters Relating to Costs
 - Credentialing Matters
 - Education and Exam Issues

Thursday of the Week Prior to the Meeting: Agendas are published for public notice on the Public Notices and Meeting Minutes website: publicmeetings.wi.gov.

1 business day after the Meeting: "Action" lists are distributed by staff detailing board actions on closed session business.

5 business days after the Meeting: "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the Public Notices and Meeting Minutes website: **publicmeetings.wi.gov**.

Department of Safety and Professional Services

PER DIEM REPORT

INSTRUCTIONS: Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

Purpose Codes:

- A. Official meetings including video/teleconference calls (automatic day of per diem): i.e., board, committee, board training or screening panels; Hearings, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; Examinations and Test Development Sessions, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- **B.** Other (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

NAME OF EXAMINING BOARD OR COUNCIL					BOARD OR COUNCIL MEMBER'S NAME		
EXAMPLE EXAMINING BOARD				MARY SUNSHINE			
Activity Date	Duration of Activity	Purpose Code	Where Performe	d	Activity		
MM/DD/YY	Hours/Minutes	A or B	City/Location (Home, Work, DSF	PS)	Describe Activity Performed (see purpose codes)		
12/2/20	2 hrs	В	Pleasant Prairie/Ho	me	Review of screening panel materials		
12/3/20	2 hr / 30 mins	В	Pleasant Prairie/Ho		Review of screening panel materials		
12/10/20	1 hr	A	Pleasant Prairie/Hom		Screening Panel Meeting - Teleconference		
12/12/20	1 hr / 30 mins	В	Pleasant Prairie/Ho		Case consultation		
12/13/20	1 hr	В	Pleasant Prairie/Home		Liaison: Application Review		
12/16/20	6 hrs	A	Madison/DSPS_		Board Member Training		
					The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem. Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.		
					Department staff completes the fields titled "Total Days Claimed".		
CLAIMANT'S CERTIFICATION				Com	ments:		
Stats., that this this claim is fo	s account for per d	iem, is just y incurred i	with § 16.53, Wis. and correct; and that in the performance of a law.				
Mary Sun			1/4/2021				
Claimant's Sig			Date	Supe	rvisor Date		
EMPL ID: 10	00012345-0						

To be completed by Department staff: TOTAL DAYS CLAIMED: ____3 @ \$25.00 = ___75.00

(Rev. 07/17) **10**

State of Wisconsin DOCUMENT NUMBER TL **Travel Voucher** Staple Receipts Face Up On Backside For Agency Use Only Safety & Professional Services **Emp ID** 100012345 Ζ **Example Examining Board** Department/ Division Mary Sunshine Address 2424 Happy Road State Officer/Employee Name From/To: City Pleasant Prairie State WI 53158 Mo/Yr Zip-Code **APPR AMOUNT BUSINESS** BALANCE REPORTING **PROJECT** DEPART **CLASS OBJECT PROJECT** NUMBER FY **FUND** UNIT SHEET ACCT **CATEGORY DEBIT CREDIT** 2021 10000 16500 1651300200 12100 7340000 16500P1<BRD ID> 12800 16500P2<TRD ID> 22100 **TOTALS** Persona Official Business HDQS-TIME Vehicle Meals, including tips **Travel Points** Other Allowable Expenses **Total Allowable Expenses** Date Purpose of Trip From To Depart Return Lodging Morning Noon **Evening** Amount Taxable Non-Taxable Miles Item Report times you left Use **Board Meeting** Home base Madison Miles P-card \$8.00 \$10.00 \$20.00 Report Report and returned home if separate Madison Home base must be Maximum in-state amounts meal cost meal cost You must identify meals are claimed here if there lines for split. Enter or here if there each leg "P-card" \$10.00 \$15.00 \$25.00 is NO IS an the purpose of Cannot of your your trip. place when hotel Maximum out-of-state amounts overnight overnight roundtrip is provided trip. stay. stay. total on by DSPS Must leave Must leave Must return one line. home home home after before before 7:00 p.m. 6:00 a.m. 10:30 a.m. and return home after Staff can fill in these areas. 2:30 p.m. LEGEND: **Board Member MUST fill in these areas** *Item billed directly to the state agency **Sub-Totals** Mileage Costs Claimant's Statement § 16.53 Wisconsin Statutes Miles at 0.510 cents/mile **Totals Total Expenditure** I declare, under penalties, that all claimed travel expenses are true and correct and are in conformity **Less Travel Advance** with Wisconsin statute 16.53 and related agreements. This claim represents reasonable and actual **Net Amount Due** expenses necessarily incurred by me personally in the performance of official duties and no portion

was previously reimbursed to me by the State or any other source.

I certify that all expenses on this voucher conform to statutory, departmental or applicable collective bargaining provisions, and were necessary in the official performance of duties required by the State Expenditures are determined to be reasonable and proper, and that

Date _______ Sufficient funds are available to pay this claim.

Icertify that this travel claim is reasonable, proper, and in conformity with applicable statutes, travel schedule amounts, and/or collective bargaining agreements.

Agency Head or Authorized Representative

Date _____ Supervisor's Signature _____ Audited in accordance with S. 16.53 Wisconsin Statutes and allowed by the provisions of chapter 20.

State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and title of person submitting the request: 2) Date when request submitted:						
Katlin Schwartz, Bureau Assistant				2/16/2022		
					dered late if submitted after 12:00 p.m. on the	
3) Name of Board, Comr	nittoo Co	unoil Soctions:		deadline date which	h is 8 business days before the meeting	
· ·	•	•				
Massage Therapy and B						
4) Meeting Date:	5) Attac	hments:	6) How	ow should the item be titled on the agenda page?		
3/15/2022	⊠ Ye	es	Adminis	dministrative Matters		
	□ No	No • Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities				
7) Place Item in:			ce before	the Board being	9) Name of Case Advisor(s), if applicable:	
☑ Open Session		scheduled?			N/A	
☐ Closed Session		☐ Yes				
		⊠ No				
10) Describe the issue a	nd action	that should be ad	dressed:			
 The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations. 						
11) Authorization						
Katlin Schwartz 2/16/2022						
Signature of person making this request Date			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 <u>Agenda Items</u> folders.						
 Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a 						
meeting.						

Massage Therapy and Bodywork Therapy Affiliated Credentialing Board 2021 Elections and Liaison Appointments

ELECTION RESULTS		
Chairperson	Robert Coleman, Jr.	
Vice Chairperson	Jeff Miller	
Secretary	Jaime Ehmer	

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS		
Credentialing Liaison(s)	Gregory Quandt Alternate: Charisma Townsend	
Education and Examinations Liaison(s)	Carla Hedtke <i>Alternate:</i> Gregory Quandt	
Monitoring Liaison(s)	Jaime Ehmer <i>Alternate:</i> Ramona Trudeau	
Professional Assistance Procedure (PAP) Liaison(s)	Carla Hedtke Alternate: Gregory Quandt	
Legislative Liaison(s)	Ramona Trudeau Alternate: Charisma Townsend	
Travel Liaison(s)	Jaime Ehmer Alternate: Gregory Quandt	
Website Liaison(s)	Jeff Miller Alternate: Robert Coleman, Jr.	
Administrative Rules Liaison(s)	Jaime Ehmer <i>Alternate:</i> Ramona Trudeau	
Screening Panel	Robert Coleman, Jr., Carla Hedtke, Gregory Quandt Alternate: Jaime Ehmer, Jeff Miller	

Delegation of Authorities

Document Signature Delegations

MOTION: Robert Coleman, Jr. moved, seconded by Jeff Miller, 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: Jaime Ehmer moved, seconded by Robert Coleman, Jr., 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: Robert Coleman, Jr. moved, seconded by Jaime Ehmer, 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 Lack/Loss of Quorum

MOTION: Carla Hedtke moved, seconded by Jeff Miller, 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.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Robert Coleman, Jr. moved, seconded by Jaime Ehmer, to adopt the

"Roles and Authorities Delegated for Monitoring" document as presented in the March 16, 2021 agenda materials on pages 23-24. Motion carried

unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Carla Hedtke moved, seconded by Jeff Miller, 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 (Generic)

MOTION: Robert Coleman, Jr. moved, seconded by Ramona Trudeau, 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. Opposed: 1

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Jaime Ehmer moved, seconded by Robert Coleman, Jr., 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: Ramona Trudeau 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: Robert Coleman, Jr. moved, seconded by Ramona Trudeau, 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 History Has Been Previously Reviewed

MOTION: Charisma Townsend moved, seconded by Carla Hedtke, to delegate

> authority to Department staff to approve applications where criminal background checks have been approved for a previous massage therapy or bodywork therapy credential and there is no new conviction record.

Motion carried unanimously.

Delegation of Authority for Reciprocity Reviews

MOTION:

Jaime Ehmer moved, seconded by Ramona Trudeau, 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.

Delegated Authority for Application Denial Reviews

MOTION:

Robert Coleman, Jr. moved, seconded by Jeff Miller, 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:

Ramona Trudeau moved, seconded by Jaime Ehmer, to delegate prescreening 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:

Charisma Townsend moved, seconded by Robert Coleman, Jr., 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:

Ramona Trudeau moved, seconded by Carla Hedtke, 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.

Education and Examination Liaison(s) Delegation

MOTION:

Jeff Miller moved, seconded by Ramona Trudeau, 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:

Robert Coleman, Jr. moved, seconded by Jaime Ehmer, 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:

Carla Hedtke moved, seconded by Ramona Trudeau 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(s) Delegation

MOTION:

Ramona Trudeau moved, seconded by Jaime Ehmer, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Liaison(s) Delegation

MOTION:

Robert Coleman, Jr. moved, seconded by Jeff Miller, to delegate authority to the Travel Liaison(s) to approve any board member travel. Motion carried unanimously.

Administrative Rules Liaison(s) Delegation

MOTION:

Robert Coleman, Jr. moved, seconded by Charisma Townsend, to delegate authority to the Administrative Rules Liaison(s) to address all rulemaking

as related to drafting and making recommendations to the full Board. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: Ramona Trudeau moved, seconded by Jeff Miller, to delegate authority to

the Website Liaison(s) to act on behalf of the Board regarding website

updates. Motion carried unanimously.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison ("Liaison") is a Board/Section designee who works with department monitors ("Monitor") to enforce Board/Section orders as explained below.

Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

- 1. Grant a temporary reduction in random drug screen frequency upon Respondent's request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor ("Monitor") will draft an order and sign on behalf of the Liaison.
- 2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
- 3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
- 4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
- 5. Grant a maximum of <u>one 90-day extension</u>, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
- 6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
- 7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
- 8. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain written authorization from the Liaison to sign on their behalf.
- 9. Grant or deny a request to appear before the Board/Section in closed session.
- 10. The Liaison may determine whether Respondent's petition is eligible for consideration by the full Board/Section.
- 11. (Except Pharmacy and Medical) Accept Respondent's written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

- 12. Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.
 - a. Initial: 49 screens (including 1 hair test, if required by original order)
 - b. 1st Reduction: 36 screens (plus 1 hair test, if required by original order)
 - c. 2nd Reduction: 28 screens plus 1 hair testd. 3rd Reduction: 14 screens plus 1 hair test
- 13. (Dentistry only) Ability to approve or deny all requests from a respondent.
- 14. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

<u>Authorities Delegated to the Department Monitor</u>

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

- 1) Grant full reinstatement of licensure if education is the <u>sole condition</u> of the limitation and Respondent has submitted the required proof of completion for approved courses.
- 2) Suspend the license if Respondent has not completed Board/Section-ordered education and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
- 3) Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.
- 4) Grant or deny approval when Respondent proposes treatment providers [, mentors, supervisors, etc.] unless the Order specifically requires full-Board/Section or Board designee approval.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

Updated 12/13/2021 2022 Roles & Aut **20** ities

State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and title of pers	son submitting the	request:	2) Date when request submitted:		
Nilajah Hardin			03/01/22		
Administrative Rules Coordinator			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, Com	mittee, Council, Se	ctions:			
Massage Therapy and l	Bodywork Therap	y Affiliated Crede	ntialing Boar	d	
4) Meeting Date:	5)	6) How should the	e item be title	d on the agenda page?	
03/15/22	Attachments:	Administrative	Rule Matter	s Discussion and Consideration	
	⊠ Yes □ No	1. Adoption	ion Order: MTBT 2, Relating to Reciprocal Credentials for e Members, Former Service Members, and their Spouses		
		2. Pending or Possible Rulemaking Projects			
7) Place Item in:	8) Is an appeara	nce before the Boa	ard being	9) Name of Case Advisor(s), if required:	
Open Session	scheduled? (If	yes, please complete	9	N/A	
☐ Closed Session		<mark>guest</mark> for Non-DSPS	s Stall)		
	│				
10) Describe the issue a		uld be addressed:			
Review and take action	on on Adoption O	order for MTBT 2	2 rule.		
Attachment: MTBT 2	Adoption Order				
11) Authorization					
Major D. Harolis 03/01/22					
Signature of person making this request Date					
Supervisor (if required) Date					
Executive Director signs	ature (indicates ap	proval to add post	agenda deadl	ine item to agenda) Date	
Directions for including					
1. This form should be 2. Post Agenda Deadlin				la. e Policy Development Executive Director.	
3. If necessary, provide				ignature to the Bureau Assistant prior to the start of a	
meeting.					

STATE OF WISCONSIN MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD

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IN THE MATTER OF RULEMAKING : ORDER OF THE

PROCEEDINGS BEFORE THE : MASSAGE THERAPY AND BODYWORK MASSAGE THERAPY AND BODYWORK : THERAPY AFFILIATED CREDENTIALING

THERAPY AFFILIATED : BOARD ADOPTING RULES CREDENTIALING BOARD : (CLEARINGHOUSE RULE 21-001)

ORDER

An order of the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to amend MTBT 2.03 (1) (intro.) and create MTBT 2.035, relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.09, Stats.

Statutory authority:

Sections 15.085 (5) (b) and 440.09 (5), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides an affiliated credentialing board, such as the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains . . ."

Section 440.09 (5), Stats., provides that "[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section."

Related statute or rule:

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Plain language analysis:

The proposed rule creates a provision to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

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

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). "Service member" includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of s. 440.09, Stats., as amended by 2019 Wisconsin Act 143, 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 were 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. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

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, Dan Hereth, may be contacted by calling (608) 267-2435.

	Agency	contact	person
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SECTION 3.

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

TEXT OF RULE

SECTION 1. MTBT 2.03 (1) (intro.) is amended to read:

MTBT 2.03 (1) (intro.) An Except as provided under s. MTBT 2.035, an applicant for a license on the basis of a similar license, registration, or license in another state or territory of the United States or another country shall submit all of the following to the board:

SECTION 2. MTBT 2.035 is created to read:

MTBT 2.035 Reciprocal credentials for service members, former service members, and their spouses. A reciprocal license to practice massage therapy or bodywork therapy shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day

Affiliated Credentialing Board

of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.
(END OF TEXT OF RULE)
Dated Agency Chairperson Massage Therapy and Bodywork Therapy