



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

**Virtual, 4822 Madison Yards Way, Madison**

**Contact: Tom Ryan (608) 266-2112**

**March 21, 2023**

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

**AGENDA**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of November 29, 2022 and February 20, 2023 (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) 2023 Meeting Dates **(9)**
  - 3) Annual Policy Review **(10-13)**
  - 4) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(14-23)**
  - 5) Board Members – Term Expiration Dates
    - a. Coleman, Jr., Robert E. – 7/1/2023
    - b. Ehmer, Jaime L. – 7/1/2023
    - c. Hedtke, Carla J. – 7/1/2023
    - d. Miller, Jeff – 7/1/2023
    - e. Quandt, Gregory J. – 7/1/2023
    - f. Townsend-Davila, Charisma J. – 7/1/2023
    - g. Trudeau, Ramona J. – 7/1/2023
  - 6) 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**
  - 1) MTBT 6, Relating to Temporary Licenses **(24-33)**
  - 2) Pending or Possible Rulemaking Projects **(34)**

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

- 1) 2022 Annual Meeting Materials **(35-57)**

**I. Public Agenda Request: Interstate Massage Compact – Discussion and Consideration**

- 1) Preliminary Draft: legislation to join the Interstate Massage Compact **(58-106)**

**J. Discussion and Consideration of Items Added After Preparation of Agenda:**

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

**K. Public Comments**

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

**L. Deliberation on DLSC Matters**

- 1) **Proposed Stipulations, Final Decisions and Orders**
  - a. 22 MAB 017 – Gregory J Dickert, L.M.T. **(107-112)**
- 2) **Case Closings**
  - a. 22 MAB 015 – R.L.S. **(113-119)**

b. 22 MAB 016 – S.J.H. (120-124)

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: MAY 30, 2023**

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE  
MASSAGE THERAPY AND BODYWORK THERAPY  
AFFILIATED CREDENTIALING BOARD  
NOVEMBER 29, 2022**

**PRESENT:** Robert Coleman, Jr. (*arrived at 9:16 a.m.*), Carla Hedtke, Jeff Miller (*excused at 10:08 a.m.*), Gregory Quandt, Charisma Townsend-Davila, Ramona Trudeau

**EXCUSED:** Jaime Ehmer

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

**CALL TO ORDER**

Jeff Miller, Vice Chairperson, called the meeting to order at 9:03 a.m. A quorum was confirmed with five (5) members present.

**ADOPTION OF AGENDA**

**MOTION:** Carla Hedtke moved, seconded by Ramona Trudeau, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF AUGUST 30, 2022**

**MOTION:** Carla Hedtke moved, seconded by Gregory Quandt, to approve the Minutes of August 30, 2022 as published. Motion carried unanimously.

*Robert Coleman Jr arrived at 9:16 a.m.*

**CLOSED SESSION**

**MOTION:** Charisma Townsend-Davila 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 Jr.-yes; Carla Hedtke-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 9:46 a.m.

**DELIBERATION ON DLSC MATTERS**

**Proposed Stipulations, Final Decisions and Orders**

***22 MAB 002 – Juhua You, LMT***

**MOTION:** Charisma Townsend-Davila moved, seconded by Jeff Miller, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Juhua You, LMT, DLSC Case Number 21 MAB 002. Motion carried unanimously.

**Administrative Warning**

**22 MAB 010 – J.S.M.**

**MOTION:** Jeff Miller moved, seconded by Robert Coleman Jr., to issue an Administrative Warning in the matter of J.S.M., DLSC Case Number 22 MAB 010. Motion carried unanimously.

*(Gregory Quandt and Ramona Trudeau recused themselves and left the room for deliberation and voting in the matter concerning J.S.M., DLSC Case Number 22 MAB 010.)*

*Jeff Miller excused at 10:08 a.m.*

**Monitoring Matters**

**Tonya L. Karow, LMT  
Requesting full licensure**

**MOTION:** Robert Coleman Jr. moved, seconded by Gregory Quandt, to grant the request of Tonya L. Karow, LMT for full licensure. Motion carried unanimously.

**Tamara R. Phillip, LMT  
Requesting decrease in drug testing frequency**

**MOTION:** Robert Coleman Jr. moved, seconded by Ramona Trudeau, to grant the request of Tamara R. Phillip, LMT for a decrease in drug testing frequency to 28 screens per year plus one annual hair test. Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Carla Hedtke moved, seconded by Ramona Trudeau, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:09 a.m.

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

**MOTION:** Charisma Townsend-Davila 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:** Carla Hedtke 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:** Ramona Trudeau moved, seconded by Carla Hedtke, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:12 a.m.

DRAFT

**VIRTUAL/TELECONFERENCE  
MESSAGE THERAPY AND BODYWORK THERAPY  
AFFILIATED CREDENTIALING BOARD  
FEBRUARY 20, 2023**

**PRESENT:** Robert Coleman, Jr., Gregory Quandt, Charisma Townsend-Davila, Ramona Trudeau

**EXCUSED:** Jaime Ehmer, Carla Hedtke, Jeff Miller

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

**CALL TO ORDER**

Robert Coleman, Jr., Chairperson, called the meeting to order at 3:09 p.m. A quorum was confirmed with four (4) members present.

**ADOPTION OF AGENDA**

**MOTION:** Gregory Quandt moved, seconded by Ramona Trudeau, to adopt the Agenda as published. Motion carried unanimously.

**CLOSED SESSION**

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

The Board convened into Closed Session at 3:11 p.m.

**DELIBERATION ON DLSC MATTERS**

**Proposed Stipulations, Final Decisions and Orders**

*22 MAB 019 – Sean M. LaVallee, LMT*

**MOTION:** Robert Coleman Jr. moved, seconded by Charisma Townsend-Davila, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Sean M. LaVallee, LMT, DLSC Case Number 22 MAB 019. Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Gregory Quandt moved, seconded by Ramona Trudeau, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 3:15 p.m.

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

**MOTION:** Robert Coleman Jr. moved, seconded by Gregory Quandt, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

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

**ADJOURNMENT**

**MOTION:** Gregory Quandt moved, seconded by Charisma Townsend-Davila, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:16 p.m.



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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Dialah Azam, Bureau Assistant		2) Date when request submitted: 12/14/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
4) Meeting Date: 3/21/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2023 Meeting Dates	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A
10) Describe the issue and action that should be addressed:  The Board will review and potentially make a motion to approve the follow 2023 meeting dates:  a. Tuesday, March 21, 2023 – Virtual b. Tuesday, May 30, 2023 – Virtual c. Tuesday, August 29, 2023 – Virtual d. Tuesday, November 28, 2023 – In-Person			
11) Authorization			
<i>Dialah Azam</i>		<i>12/14/2022</i>	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Katlin Schwartz, Bureau Assistant on behalf of Division of Policy Development Executive Directors		<b>2) Date when request submitted:</b> 12/14/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> All Boards			
<b>4) Meeting Date: First Meeting of 2023</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Annual Policy Review	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> <li>1. <b>In-Person Meeting Policy:</b> Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings.                         <ul style="list-style-type: none"> <li>• 4-5 Meetings per year = 1 in-person opportunity</li> <li>• 6-8 Meetings per year = 2 in-person opportunities</li> <li>• 12 Meetings per year = 4 in-person opportunities</li> </ul> </li> <li>2. <b>Attendance/Quorum:</b> Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law.</li> <li>3. <b>Walking Quorum:</b> Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law.</li> <li>4. <b>Mandatory Training:</b> All Board Members must complete their annual Public Records and Ethics Trainings, if not complete, the training will be done at the next meeting.</li> <li>5. <b>Agenda Deadlines:</b> Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting)</li> <li>6. <b>Travel Voucher and Per Diem Submissions:</b> Please submit all Per Diem 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)</li> <li>7. <b>Lodging Accommodations/Hotel Cancellation Policy:</b> Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time.                         <ul style="list-style-type: none"> <li>• If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate.</li> </ul> </li> <li>8. <b>Inclement Weather Policy:</b> In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executive remotely.</li> </ol>			
<b>11) Authorization</b>			
Katlin Schwartz		12/14/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

## Timeline of a Meeting

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**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:

- 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](http://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 the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://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 <b>EXAMPLE EXAMINING BOARD</b>			BOARD OR COUNCIL MEMBER'S NAME <b>MARY SUNSHINE</b>	
Activity Date MM/DD/YY	Duration of Activity Hours/Minutes	Purpose Code A or B	Where Performed City/Location (Home, Work, DSPS)	Activity Describe Activity Performed (see purpose codes)
12/2/20	2 hrs	B	Pleasant Prairie/Home	Review of screening panel materials
12/3/20	2 hr / 30 mins	B	Pleasant Prairie/Home	Review of screening panel materials
12/10/20	1 hr	A	Pleasant Prairie/Home	Screening Panel Meeting - Teleconference
12/12/20	1 hr / 30 mins	B	Pleasant Prairie/Home	Case consultation
12/13/20	1 hr	B	Pleasant Prairie/Home	Liaison: Application Review
12/16/20	6 hrs	A	Madison/DSPS	Board Member Training
				<p><b>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.</b></p> <p><b>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.</b></p> <p><b>Department staff completes the fields titled "Total Days Claimed".</b></p>
<b>CLAIMANT'S CERTIFICATION</b>			Comments:	
The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law.				
<i>Mary Sunshine</i>		1/4/2021		
Claimant's Signature	Date	Supervisor	Date	

EMPL ID: 100012345-0

To be completed by Department staff: **TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00**



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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Dialah Azam, Bureau Assistant		2) Date when request submitted: 12/14/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
4) Meeting Date: 3/21/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> <li>• Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities</li> </ul>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: <ol style="list-style-type: none"> <li>1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson &amp; Secretary</li> <li>2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate</li> <li>3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations.</li> </ol>			
11) <span style="float: right;">Authorization</span> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;"> <i>Dialah Azam</i>            Signature of person making this request         </div> <div style="width: 35%; text-align: right;">           12/14/2022            Date         </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;">           Supervisor (Only required for post agenda deadline items)         </div> <div style="width: 35%; text-align: right;">           Date         </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;">           Executive Director signature (Indicates approval for post agenda deadline items)         </div> <div style="width: 35%; text-align: right;">           Date         </div> </div>			
Directions for including supporting documents: <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

# Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

## 2022 Elections and Liaison Appointments

<b>ELECTION RESULTS</b>	
<b>Chairperson</b>	Robert Coleman, Jr.
<b>Vice Chairperson</b>	Jeff Miller
<b>Secretary</b>	Jaime Ehmer

### Appointment of Liaisons and Alternates

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

## **Delegation of Authorities**

### ***Document Signature Delegations***

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

### ***Delegated Authority for Urgent Matters***

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

### ***Delegation to Chief Legal Counsel Due to Loss of Quorum***

**MOTION:** Charisma Townsend moved, seconded by Ramona Trudeau, 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 Ramona Trudeau, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the March 15, 2022 agenda materials on pages 19-20. Motion carried unanimously.



### **Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

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

### ***Credentialing Authority Delegations***

#### **Delegation of Authority to Credentialing Liaison**

**MOTION:** Charisma Townsend 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 unanimously.

#### **Delegation of Authority to DSPS When Credentialing Criteria is Met**

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

#### **Delegation of Authority for Predetermination Reviews**

**MOTION:** Jeff Miller moved, seconded by Robert Coleman, Jr., 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:** Jeff Miller 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:** Robert Coleman, Jr. 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:** Carla Hedtke 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 Carla Hedtke, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

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

Motion carried unanimously.

### ***Pre-Screening Delegation to Close Cases***

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

### *Legislative Liaison Delegation*

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

### *Travel Authorization Liaison Delegation*

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

*Website Liaison(s) Delegation*

**MOTION:** Ramona Trudeau moved, seconded by Charisma Townsend, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

## 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 one 90-day extension, 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.~~
5. 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.
6. Grant or deny a request to appear before the Board/Section in closed session.
7. The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
8. *(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.

9. 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. 2<sup>nd</sup> Reduction: 28 screens plus 1 hair test
  - d. 3<sup>rd</sup> Reduction: 14 screens plus 1 hair test
10. (*Dentistry only*) Ability to approve or deny all requests from a respondent.

~~11. The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.~~

### **Authorities Delegated to the Department Monitor**

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 sole condition 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.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one 90-day extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.

### **Authorities Delegated to Board Legal Counsel**

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

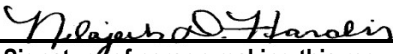
1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

Updated 12/13/2021

2022 Roles & Authorities

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Nilajah Hardin Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 03/09/23 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
<b>4) Meeting Date:</b> 03/21/23	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rule Matters Discussion and Consideration 1. MTBT 6, Relating to Temporary Licenses 2. Pending or Possible Rulemaking Projects	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Review and discuss whether rule project on MTBT 6, Relating to Temporary Licensure should continue.  Attachments: MTBT 6 Scope Statement, Wis. Stats. Ch. 460, Wis. Admin. Code ch MTBT 6, FSMTB Memo - Temporary or Provisional Licensure Practices, Rule Projects Chart			
<b>11) Authorization</b>			
 Signature of person making this request		03/09/23 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)     Date			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



# STATEMENT OF SCOPE

## MASSAGE THERAPY AND BODYWORK THERAPY AFFILIATED CREDENTIALING BOARD

Rule No.: MTBT 6

Relating to: Temporary Licenses

Rule Type: Permanent

**1. Finding/nature of emergency (Emergency Rule only): N/A**

**2. Detailed description of the objective of the proposed rule:**

The objective of the proposed rule is to update Wisconsin Administrative Code ch. MTBT 6.02 to align it with the authority given to the board in Wisconsin Statute s. 460.04 (2) (f). Currently, MTBT 6.02 requires an applicant to meet the criteria under s. 460.05, stats., pass the board statutes and rules examination, and to not have previously failed the examination required under s. 460.06, stats, among other requirements. The only requirement that Section 460.04 (2) (f), stats. explicitly requires is that the applicant be a graduate of a massage therapy or bodywork therapy school or program. It does not give authority for the other requirements currently listed in MTBT 6.02.

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

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

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

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

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

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

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

60 hours

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

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

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

None.

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

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

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

Approved for publication:



Authorized Signature

June 7, 2022

Date Submitted

Approved for implementation:



Authorized Signature

9/20/2022

Date Submitted

## CHAPTER 460

## MASSAGE THERAPY AND BODYWORK THERAPY

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

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

#### 460.01 Definitions. In this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 460.04 Duties of affiliated credentialing board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**460.07 Display of certificate; expiration and renewal.**

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

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

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

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

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

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

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

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

**History:** 2009 a. 355.

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

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

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

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

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

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

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

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

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

(a) Two years experience as a practicing professional.

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

**History:** 2009 a. 355.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**460.14 MASSAGE THERAPY AND BODYWORK THERAPY**

Updated 19–20 Wis. Stats. 4

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

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

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

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

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

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

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

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

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

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

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

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

**History:** 2019 a. 41.

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

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

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

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

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

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

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

## Chapter MTBT 6

### TEMPORARY LICENSURE

MTBT 6.01 Authority.

MTBT 6.02 Temporary license prior to licensure.

**MTBT 6.01 Authority.** The rules in ch. [MTBT 6](#) are adopted under the authority of ss. [460.04 \(2\) \(f\)](#) and [460.08](#), Stats.  
**History:** CR 13-055: cr. Register May 2014 No. 701, eff. 6-1-14; correction made under s. 35.17, Stats., Register May 2014 No. 701.

**MTBT 6.02 Temporary license prior to licensure.**  
**(1)** 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., and who has completed all of the following:

- (a) Submits a completed application for licensure and a completed application for a temporary license.
- (b) Remits the fee specified in s. [440.05 \(1\)](#), Stats.
- (c) Has successfully completed an educational program as defined in s. [MTBT 3.01](#).
- (d) Has not previously failed an examination required in s. [460.06](#), Stats., unless the applicant has subsequently passed the failed examination.
- (e) Has passed the state board statutes and rules examination.

**(2)** (a) Practice during the period of temporary license shall be under the supervision of a licensed massage therapist or bodywork therapist, at the level of general supervision or as necessary to avoid unacceptable risk of harm to the client. The supervising massage therapist or bodywork therapist is responsible for determining the level of supervision necessary to avoid unacceptable risk of harm to the client.

(am) A person holding a temporary license shall meet face-to-face with the supervising massage therapist or bodywork therapist as necessary to ensure that the temporary licensee performs competently, including creation and maintenance of records as required in s. [MTBT 5.02 \(8\)](#).

(b) The temporary licensee shall provide each client the name, contact information, and license number for the supervising massage therapist or bodywork therapist responsible for supervision of the temporary licensee.

(c) Prior to commencing any health care service, a temporary licensee shall obtain written informed consent of all clients. The informed consent documentation shall include, in addition to other requirements, an acknowledgement that the temporary licensee is not fully credentialed and that the client has been provided the information required by par. (b).

**(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.

(am) A temporary license shall not be renewed.

(b) No person shall be issued more than one temporary license in any 365-day period.

**(4)** For purposes of the board's disciplinary authority, the supervising massage therapist or bodywork therapist is responsible for the acts of the temporary licensee under supervision. The board may discipline the supervising massage therapist or bodywork therapist and the temporary licensee for any acts or omissions of the temporary licensee in violation of any state or federal statute, rule, regulation, or order of the board or of the medical examining board.

**(5)** Temporary licensees shall use the title massage therapy temporary licensee or bodywork therapy temporary licensee.

**History:** CR 13-055: cr. Register May 2014 No. 701, eff. 6-1-14; (2) (a), (am), (3) (a), (am) renum. from (2) (intro.), (a), (3) (intro.), (a) under s. [13.92 \(4\) \(b\) 1.](#), Stats., Register May 2014 No. 701; CR 14-041: am. (2) (am) Register June 2015 No. 714, eff. 7-1-15.



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## MEMORANDUM

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DATE: July 19, 2022  
TO: Tom Ryan (Executive Director)  
Members of the Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board  
Cc: Nilajah Hardin  
FROM: Hunter Irons, Government Relations Specialist  
Federation of State Massage Therapy Boards  
RE: Temporary or Provisional Licensure Practices

---

Per your recent request, the Federation of State Massage Therapy Boards (FSMTB®) is pleased to provide you with an overview of common practices for provisional or temporary licensure. We have gathered some data regarding other states' temporary or provisional licensure criteria to assist your board in its consideration of this issue.

While the FSMTB does not recommend provisional or temporary licensure, we acknowledge that it may serve a limited purpose in certain situations. The Model Massage Therapy Practice Act (§ 105. Special Provisions pps. 11-13 [https://www.fsmtb.org/media/1126/model\\_message\\_therapy\\_practice\\_act.pdf](https://www.fsmtb.org/media/1126/model_message_therapy_practice_act.pdf)) only allows for temporary licensure in limited circumstances. These include traveling with sports teams, education seminars, or a declared emergency. The temporary license is only good for thirty days under these special circumstances. In summary, there must be a specific time-limited event that necessitates temporary licensure.

Of the twenty-five states and territories that permit temporary or provisional licensure, they do so under very limited circumstances. In many cases, temporary or provisional licensure is reserved strictly for reciprocity/endorsement (i.e., an already licensed therapist in one state seeking licensure in another state).

In addition, of those states that do allow for temporary or provisional licensure, the typical timeframe for such a license is 90 days and most are not renewable. This does not include states that grant provisional or temporary licenses for reciprocity/endorsement only.

Only one state – Mississippi – allows for one to fail an examination and qualify for a temporary or provisional license, thus allowing an incompetent individual to practice. The MBLEx assesses entry level safety and competency to practice, covering topics such as hygiene, sanitation, contraindications, draping, ethics, and professional boundaries. It is imperative that one should pass the MBLEx prior to practicing on any member of the public due to the inherent ethical, safety and boundary issues that are presented in a therapist-client encounter in a private room with the client in a state of vulnerable undress.

Arizona and Texas have provisional/temporary licensing standards that are worth highlighting. To begin, both states mandate that the MBLEx be passed in order to qualify for a provisional or temporary license. Texas has a strict limit of 21 days regarding the validity of a temporary license. It is also noteworthy that neither state allows for a temporary license to be renewed.



A temporary or provisional licensee would need to pass a background check and meet all the other stipulations one must have for regular licensure. It is also imperative that if temporary or provisional licensure is to continue, it needs to be disclosed to clients that one is working under a temporary or provisional license. This will at least provide a modicum of protection for consumer decision making.

To reiterate, the FSMTB does not support provisional or temporary licensure beyond specific and limited circumstances. If you have any questions or if I can provide further clarity regarding this matter, feel free to reach out to me at [hiron@fsmtb.org](mailto:hiron@fsmtb.org) or at 913-681-0380.

**Massage Therapy and Bodywork Therapy Affiliated Credentialing Board  
Rule Projects (updated 03/09/23)**

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

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

**AGENDA REQUEST FORM**

1) Name and title of person submitting the request: Dialah Azam, Bureau Assistant		2) Date when request submitted: 3/10/2023 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Massage Therapy and Bodywork Therapy Affiliated Credentialing Board			
4) Meeting Date: 3/21/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Federation of State Massage Therapy Boards (FSMTB) Matters – Discussion and Consideration 1) 2022 Annual Meeting Materials	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: The Board will review the materials listed below: a. Meeting Agenda b. Interstate Massage Compact (IMpact) c. Toolkit for identifying human trafficking and fraud in higher education			
11) <span style="float: right;">Authorization</span> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border-bottom: 1px solid black; width: 60%; padding-bottom: 5px;"> <i>Dialah Azam</i> </div> <div style="border-bottom: 1px solid black; width: 30%; padding-bottom: 5px;">           3/10/2023         </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Signature of person making this request</span> <span>Date</span> </div> <hr/> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Supervisor (Only required for post agenda deadline items)</span> <span>Date</span> </div> <hr/> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Executive Director signature (Indicates approval for post agenda deadline items)</span> <span>Date</span> </div>			
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



**TUESDAY, OCTOBER 18, 2022**

**Delegate Orientation**

*FSMTB is pleased to dedicate a special session to help Delegates get acclimated to annual meeting procedures and introduced to the FSMTB leadership.*

**Welcome Reception**

*Gather in a relaxed setting to greet colleagues and meet new acquaintances as we prepare to discuss matters of importance to the massage and bodywork regulatory community.*

**WEDNESDAY, OCTOBER 19, 2022**

**President's Report**

*FSMTB President Craig Knowles will present an overview of FSMTB's activities during the past year under his leadership. President Knowles will review projects in progress by FSMTB volunteer committees and supported by staff to fulfill the Federation's mission and meet the needs of state regulatory boards.*

**Treasurer's Report**

*FSMTB Treasurer Sandra Anderson, Nevada State Board of Massage Therapy, will report on the financial status of FSMTB.*

**Massage Board Executive (MBE) Summit Report**

*Report on the Massage Board Executive Summit.*

**Presentation of Slate of Candidates**

*Nominating Committee Chair, Megan Maxey, Washington State Board of Massage, will present the slate of candidates seeking election to the FSMTB Board of Directors and the 2023 Nominating Committee.*

**Introduction of Resolution(s) and Proposed Bylaws Amendment(s)**

*The Delegate Assembly provides direction and policy for the Federation. Member Boards' resolution and bylaw amendment sponsors present proposals and rationale for adoption.*

**Human Trafficking and Unlicensed Practice**

**Membership Forum**

*This is the opportunity for delegates to share issues your state is experiencing, as well as gather ideas to help develop solutions.*

**Interagency Collaboration**

**Hosted Regulatory Networking Dinner**

*Optional networking opportunity hosted by FSMTB Board of Directors. Reserved for FSMTB members only.*



**THURSDAY, OCTOBER 20, 2022**

**Elections**

*The FSMTB Delegate Assembly will vote to elect new members to the Board of Directors and to the 2023 Nominating Committee.*

**Voting on Resolution(s) and Bylaw Amendments Put Forth by Members**

*The FSMTB Delegate Assembly will debate and vote on resolutions and bylaws amendments in accordance with the FSMTB Bylaws.*

**Sexual Misconduct Allegations**

**Online Massage Education**

**Interstate Massage Therapy Licensure Compact**

**Regulation of Establishments**

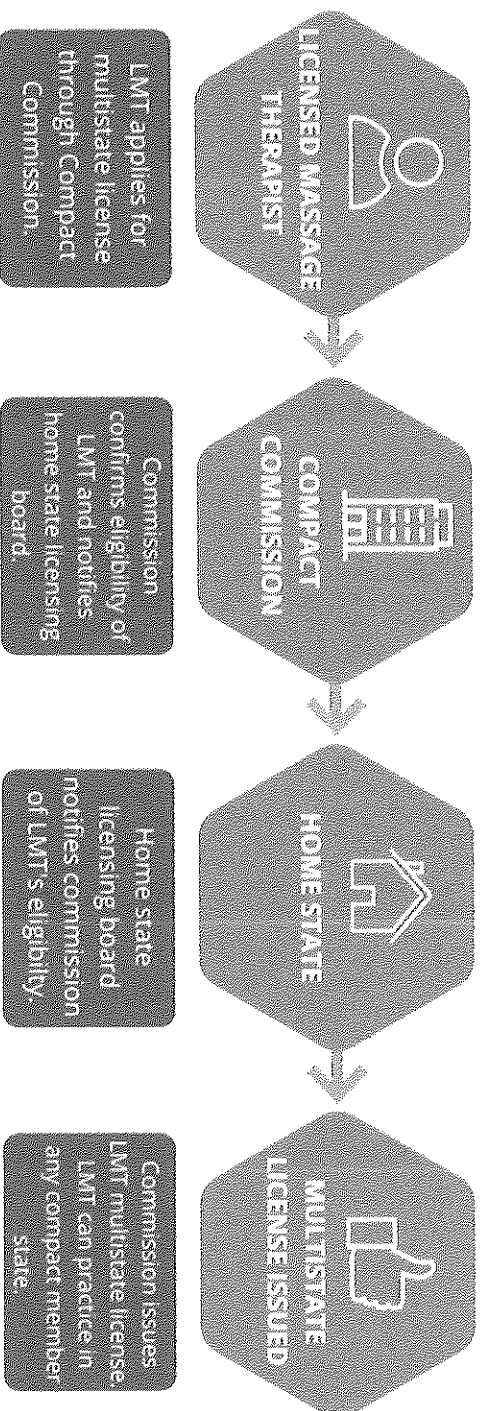
**Psychological Response to Trauma**

**At the Conclusion of the Annual Meeting**

**FSMTB Board of Directors Meeting (optional)**

*\*Agenda subject to change*

# Impact



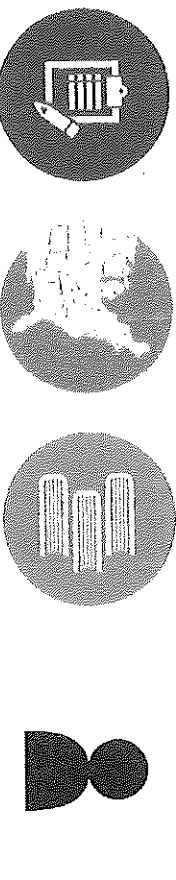
## INTERSTATE MASSAGE COMPACT (IMpact)

Since May of 2021, massage therapy regulators, practitioners, and educators, in collaboration with FSMTB and the Council of State Governments (CSG), have been developing a massage therapy interstate licensure compact. IMpact will enable licensed massage therapists to practice in all states that join the compact, rather than get an individual license in each state where they want to practice.

The initial draft of the Interstate Massage Compact underwent stakeholder review and public comment during the summer of 2022. Revisions pursuant to that stakeholder feedback will be made with the goal for the legislation to be introduced during each state's 2023 legislative session.

Once IMpact is activated, the Compact Commission will begin accepting applications for the massage therapy multistate license. A key component of IMpact is FSMTB's Massage Therapy Licensing Database (MTLD).

# MESSAGE THERAPY LICENSING DATABASE



Since the formation of the FSMTB, message regulatory boards have called for a national repository of licensing information. At the Annual Delegate Assembly in 2007, state regulators voted to create an informational database that could be used to validate massage therapy applicant information, in order to combat fraud in the licensure process. This vote led to the creation of the Massage Therapy Licensing Database (MTLD).

## VITAL INFORMATION

The information in MTLD is gathered from multiple data sources and provides a comprehensive view of therapists, including their licensure information from multiple states, if applicable; contact information, disciplinary and board action; school history and continuing education records.

## SUPPORTING THE LICENSURE PROCESS

The Massage Therapy Licensing Database is a vital component of the FSMTB's mission to simplify and standardize the licensure process. A state's participation in MTLD makes the task of validating application information more efficient. State board/agency administrative staff can search MTLD to quickly find therapist information anywhere in the United States using simple search methods. This eliminates the need to search multiple websites for current license status of applicants, saves time and is a practical solution to ensure accurate vetting of licensure applicants.

## IMPACT

With the implementation of the Interstate Massage Compact (Impact) on the horizon, the importance of MTLD participation has significantly increased. Multistate licensure information will be submitted to MTLD by the Compact Commission and will be available to all licensing boards/agencies participating in MTLD.

# VOLUNTEER COMMITTEES, PANELS & TASK FORCES

## COURSE DEVELOPMENT

Pattie Campbell (VA)  
 Mark Capriotti (PA)  
 Melissa Clark (OH)  
 Melissa Diberner (SD)  
 Jenny Maples (WA)  
 Monica Marzette (CA)  
 Sallie Uffter (PA)

## EXAMINATION DEVELOPMENT

Sarah Albarawi (VA)  
 Karen Armstrong (MI)  
 Su Bibik (MI)  
 Ed Bolden-Greer (TN)  
 Jerryd Bolden-Greer (TN)  
 Vickie Branch (NH)  
 Michelle Cordero (AZ)  
 Margarita Cozzan (NM)  
 Laurie Craig (GA)  
 Alexander (Sasha) Dale (CA)  
 Sandy Fritz (MI)  
 Rosendo Galvez (IL)  
 Dr. Lance Gilliland (AL)  
 Maria Leonard (MN)

Bethany Lowrie (PA)  
 Wendy McGinley (ND)  
 Julia Mims (TN)  
 Jodi Peck (AZ)  
 Dr. Tim Reischman (NC)  
 Drew Riffe (TX)  
 Celina Sahagun (CA)  
 Susan Salvo (LA)  
 Elan Schacter (NC)  
 Cherie Sohen-Moe (AZ)  
 Tracy Sullivan (CT)  
 Kay Warren (NC)  
 Charles Watson (KY)  
 Airautnei White (MO)

## EXAMINATION POLICY

*Board Liaison:* Charlene Russell (MS)  
*Chair:* Caroline Guerin (TX)  
 Elisabeth Barnard (NV)  
 Ed Bolden-Greer (TN)  
 Dr. Lance Gilliland (AL)  
 Linda Lyter (WV)

## NOMINATING

*Chair:* Megan Maxey (WA)  
 Karen Armstrong (MI)  
 Carla Hedtke (WI)  
 Kimberly Hodge (TN)

## POLICY

*Board Liaison:*  
*Chair:* Victoria Drago (FL)  
 Linda Lyter (WV)  
 Charisma Townsend (WI)  
 Kay Warren (NC)

## CE REGISTRY

Joseph Frazier (MA)  
 Dr. Lance Gilliland (AL)  
 Barbara Lis (IN)  
 Elan Schacter (NC)  
 Jan Shaw (SC)

## EXAMINATION ELIGIBILITY

*Board Liaison:* Robin Alexander (TX)  
*Chair:* Linda Lyter (WV)  
 Ed Bolden-Greer (TN)  
 Dr. Lance Gilliland (AL)

## LICENSE RENEWAL

*Chair:* Jan Shaw (SC)  
 Barbara Lis (IN)  
 Sharon Oliver (MD)  
 Bianca Smith (NV)  
 Charisma Townsend (WI)  
 Kay Warren (NC)



# A Toolkit for Identifying Human Trafficking and Fraud in Higher Education

Lorna Candler, J.D. and Debra Persinger, Ph.D.

Summer 2022



**COLORADO**  
Department of  
Higher Education



## Acknowledgments

The authors wish to thank Colorado Department of Higher Education team members Mary Kanaly and Bradlee Uyemura; Federation of State Massage Therapy Boards team member Colby Dixon; members of the Federation Authentic Information Review (FAIR) Task Force; and all regulators and administrative staff at state massage therapy licensing boards and higher education agencies.

We particularly wish to thank our peer reviewers who provided critical feedback on the penultimate draft of this document.

We also owe a debt of gratitude to the Seldin/Haring-Smith Foundation for their generous support of this project. In particular, the intellectual curiosity, passion for justice, and editorial insights from Abigail Seldin and Dr. Ellie Bruecker have been invaluable and gratefully appreciated.

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## Introduction

Human trafficking in adults involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act<sup>1</sup>. Human trafficking is an insidious crime and affects a variety of communities and industries. The purpose of this toolkit is to provide a practical guide for state authorizers to identify and take action on human trafficking in higher education institutions.

In the majority of the higher education-related trafficking cases we have encountered, the schools under suspicion are also in violation of a variety of state standards. These “red flags” independently constitute violations of state standards, and thereby require investigative or disciplinary action by state regulators. The most basic violations of record keeping (attendance, payment records, tracking progress, etc.) may be indicators of a far more pernicious violation.

The problem of human trafficking within higher education is multi-faceted. Both labor trafficking and sex trafficking occur in higher education, perpetrated by both individual actors and organized entities. This document is limited in scope and focuses on sex trafficking that is increasingly perpetrated in higher education by organized, sophisticated criminal enterprises that stretch regulatory and enforcement resources. In a number of cases, institutions of higher education offered an effective front for concealing trafficking-related illegal business activities. For example, state-authorized schools have engaged in fraudulent practices such as the bulk selling of illegitimate vocational degrees, diplomas, certificates, or transcripts, for traffickers to fraudulently seek licenses for their trafficking victims in order to offer sexual services under the guise of massage therapy.

State authorizers should aim to ensure accountability. Rigorous school oversight is critical in order to protect students, schools, and the public from low standards that promote the preconditions for fraud, deficient record keeping, and other dubious activity.

1. This definition is drawn from the [U.S. Department of Homeland Security](#).

This toolkit is specifically designed to assist state regulators and agencies, organizations, or entities that regularly intersect with the responsibilities and duties of state regulators (as discussed below). Thanks to the proactive and positive response from our fellow state regulators to recent discussions of this issue, we have opted to build this toolkit to answer their most pressing questions:

- **How do I identify if a school is engaged in trafficking?**
- **Do I have authority to act, and what do I do next?**
- **How do I support the victims, and when should I engage law enforcement?**

While the issue of trafficking in higher education remains complex, we designed this toolkit to serve as a practical introduction for how state higher education officials may engage with this challenge.

We hope this toolkit provides insights and fundamental preventative measures that we have deployed to successfully make an impact by methodically and collaboratively addressing red flags and fact patterns that often lead to trafficking networks among higher education institutions.

## **Scope, Authority, and Duties of State Regulators**

To offer occupational credentials or degrees, a postsecondary school must secure authorization from the designated state agency. Each state's specific regulatory language differs slightly, but the general scope requires state regulators to authorize or certify schools to operate after assessing and evaluating school applications (financial, instructional/educational and business documents) for initial licensure or renewal. The process also encompasses site visits and such things as verifying that essential training equipment is present. Most importantly, state authorizers also have a duty to protect consumers and other constituents of their state against fraudulent or substandard schools and/or agents. State authorizers typically approve and oversee postsecondary institutions in the private sector, including both Title IV and non-Title IV eligible institutions.

The powers of authorizers vary significantly across states. In addition to wide ranges in budgets and legal authority, state authorizers require different information and different cadences for authorization renewal across states.

States may also assign oversight and approval authority for certain vocational programs to agencies other than the primary post-secondary state agency, such as their respective licensure boards or state departments of health. Even in states where the primary postsecondary state authorizing body retains oversight of these schools, professional licensing boards provide an

important secondary form of quality assurance for these institutions. While many professional licensing boards cannot regulate institutions directly, they serve a critical function in identifying bad actors. In our experience, licensing boards have identified schools that produce graduates who routinely fail licensure exams and uncovered coordinated attempts by fraudulent schools to cheat on the exams that assess competence and provide public protection.

While state authorizers are not vested with criminal law enforcement power and cannot act as agents of law enforcement agencies, the general scope of authority does provide unique and important responsibilities that may serve to identify trafficking in postsecondary settings. In particular, they oversee operations and records for many sectors in which human trafficking is prevalent (notably massage therapy, cosmetology, and truck driving operations). Valuable information is conveyed through records and documents.

Unlike many professions, states that regulate massage therapy do not recognize a singular national accrediting authority<sup>2</sup>. Since the school review process varies among states in depth and breadth, states that endorse education from schools approved in other states are dependent upon the standards of an approval or accrediting body that may apply lesser standards. Degree mills, accreditation mills, and visa mills therefore operate in an environment that lacks a uniform, national school accreditation mechanism that could eliminate this lowest common denominator portability dilemma.

Although each state is governed by its own specific laws and rules, generally speaking, all state authorizers establish and maintain accountability for institutions through standards related to quality educational services, fiscal responsibility, and ethical business practices. **How do these standards empower state authorizers with the authority to act on suspicions of involvement in human trafficking?** The clearest explanation can be found in the Minnesota Office of Higher Education’s revocation order to a school in February 2020:

“While OHE does not investigate or regulate prostitution and/or human trafficking, any links to prostitution and/or human trafficking indicate a lack of authenticity and legitimacy of a private postsecondary education institution and its programs.”

Nonetheless, the suspicions of human trafficking in this case did not provide justification for the revocations; it was the numerous violations of state higher education standards that enabled the state authorizer to revoke the school’s authorization. Only through the effective engagement of the existing scope of authority was action available.

<sup>2</sup> “There are currently two principal pathways of review: voluntary peer review organizations (regional and national) like COMTA; and state approval entities that are provided with legal authorization to operate. State massage therapy boards are typically involved only insofar as the approval or accreditation relates to massage therapist credential application requirements, and the United States Department of Education’s (DOE) accreditation concerns are principally with an institution’s stability, including its financial profile for financial aid purposes.” See [Federation of State Massage Therapy Boards](#).



## Red Flags: Causes for Concern

For simplicity, we have combined red flags for licensure offices and those for state authorizers. Authorizers should be aware of red flags related to quality of educational services, fiscal responsibility, and ethical/legal business practices during both the initial approval and renewal processes and on-going oversight activities, such as announced and unannounced site visits. In states where licensure boards also act as school authorizers, licensure application red flags are equally critical. In states where authorizers operate separately from licensure boards, authorizers should be prepared to recognize these circumstances as causes for concern if alerted by a licensing agency.

When investigating a school, regulators should take the time to run Google searches on owners<sup>3</sup>, operators, and schools to determine whether there are associations with illicit or sexually-oriented businesses or other commercial exploitation practices. Similarly, regulators should make inquiries to other agencies in their states and in other states to gather important information prior to approving schools whose owners and agents may have records of noncompliance or criminal conduct in other states. Coordination among and between states and federal agencies is vital for effective regulation.

3 State authorizers do not typically have the authority to run background checks on school owners or operators.

### Quality of educational services and violations of ethical business practices



Absence of textbooks, teaching aids (such as skeletons and anatomy charts), or necessary equipment (such as massage tables and privacy screens)



Indications that the facility is being used as residence: food storage in rooms, sleeping bags, scent of cooking, laundry containing personal clothing items as opposed to appropriate supplies such as sheets or towels



The school's facility is a one room office with no separate or sanitary conditions for clinical practice; the address of school is an empty parking lot or other inaccurate location



Instruction or instructor qualifications are not compliant with industry standards or the school's advertisements; instructors that are not qualified, not licensed, not in good standing, or have previous arrests for solicitation or related offenses



Inconsistent dates on documentation, such as inconsistent time-cards or a mismatch between number of hours listed on transcript with those in course catalog, lack of appropriate signatures on agreements or enrollment contracts



Insufficient documentation of benchmarks met and courses completed, or school transcripts that do not indicate hours transferred, school seal, dates of attendance or date of program completion or graduation



Low graduation rates or low or inconsistent passage rates on licensure exams



Graduating or certifying a student who has not sufficiently completed all necessary course content and hours is a direct prohibition of each state's statute

### Fiscal responsibility and ethical and legal requirements










School bond coverage submitted to the state is discrepant with the number of certificates of completion awarded. For example, if a school is bonded for 20 students but is graduating a significantly different number, it is an independent violation and also an indicator that the school may be a diploma mill. Schools have bonds for the purpose of adequately refunding students for prepaid educational services that are not delivered. The bond is also optimally designed to ensure that the education that is provided is quality education that will result in licensure or certification that will lead to gainful employment.






## Licensure Applications

### Paperwork



-  Address inconsistencies such as the same mailing address is used for multiple applicants; application materials sent from an address that does not match the applicant's address or from multiple different addresses; or mailing addresses that do not return to a residence, or more specifically, return to a massage or nail business
-  Essential personal information, such as date of birth or Social Security number, is inconsistent across documentation or matches those of other applicants
-  Handwriting on documents from third parties is similar to handwriting on documents from applicant, similar or identical handwriting for multiple different applicants, or applicant signature does not match across documents
-  School-related documents have discrepancies, such as a mismatch between the school name on documents provided for licensing exam purposes and on transcripts provided with the licensure application, or inconsistent course hour totals on transcripts from the same institution; school transcripts are submitted by another person or entity rather than the institution
-  Alterations to certificates of completion related to the continuing education provider, such as signatures, dates, hours/credits awarded, grades achieved, and attendance, or document alterations changing the name of the applicant or Social Security number
-  Unsigned or undated documents submitted for licensure, or fraudulent resident or employment cards
-  Misspelled words on official or school-issued documentation, or the use of different ink, font, font sizes, and smudges on the same document

## Licensure Applications

### Applicant conduct

-  Unusual behavior by the applicant, such as refusing to provide necessary material in a reasonable timeframe or to accept/return phone calls; excessive contact with the agency through telephone calls, e-mails, and/or frequent walk-ins; inability to provide forms of personal identification; extreme explanations regarding their inability to provide required documentation, including when requested during investigation (e.g., the school owner died or the school burned down)
-  Individuals other than the applicant attempt to contact the licensing agency claiming to be a friend, spouse, church sponsor, or teacher
-  Nondisclosure by the applicant of required information, such as identifying all states in which they have applied for licensure, other professional licenses previously held, disciplinary history or pending investigations in other states, accurate criminal history as required by the jurisdiction

### Association with sexually-oriented businesses

-  Past disciplinary action by licensing authority, investigations, or previous arrests related to the practice of massage or illegal operation of an establishment; receipt of reports from law enforcement agencies revealing criminal history and/or investigation pertaining to sexually-oriented business operations
-  Address of the applicant or school appears on sites offering sexually-oriented services

## Interagency Collaboration

State authorizers, state licensing boards, the Federation of State Massage Therapy Boards, and other higher education regulators are neither designed nor equipped to combat human trafficking single-handedly. However, a collaborative, multidisciplinary model is effective and necessary to combat human trafficking. Through interagency collaboration, the many complex indicators of this type of human trafficking in or facilitated by higher education can be strategically addressed, perpetrators can be held to account, and survivors can be protected from re-victimization. The creation of a multi-agency task force will provide an opportunity to build these critical partnerships, aggregate resources, and ensure cross-training.

When you begin to build a task force to address sex trafficking in higher education – or if you expand an existing trafficking task force to include a focus on higher education – we recommend you seek the inclusion of the following stakeholders, and clearly define the roles of each:

**State Business License Agency / Professional Licensure Agency**

**Other States and Jurisdictions**

**Programmatic and Institutional Accrediting Agencies**

**State and Federal Law Enforcement Agencies or Departments**

**Victim Services**

**Anti-Human Trafficking Coalition or Agency**

**Expert in Trauma-Informed Practice**

At a more granular level, authorizers may wonder when the right time is to engage other agencies in an investigation. While conditions vary by state and circumstance, we have included information to highlight the key players in our own interagency collaborations. When in doubt, opt to engage law enforcement for safety, and victim services familiar with human trafficking, in order to support the survivors.

### **Victim Services**

The welfare of students, regardless of nationality, is central to state higher education regulators, and this commitment necessitates a strong working relationship with victim services. Connecting with the correct person(s) within your state will be case-specific, so the best practice is to identify the appropriate partners prior to launching any specific investigation. Preemptively joining a state or local task force will prove helpful for building trust and relationships with a cadre of resources and people specifically trained in supporting those subjugated to human trafficking and in language

translation when necessary. The National Human Trafficking Hotline (1-888-3737888) can also help you identify support in your area.

When beginning or strategizing for an investigation, keep in mind that victim services should not be your last call. Law enforcement is a crucial partner in this work, though victim services must be independent of – yet work collaboratively with – law enforcement. State regulators and other agencies should enlist victim services prior to an unannounced site visit to a school suspected of involvement in trafficking. If you are working with students who are not U.S. citizens, victim services will ideally include access to an immigration lawyer who is familiar with the complexities of human trafficking and options that are offered for victims of trafficking, or for students who may be at risk of deportation. You can also consider whether there is a need to have interpreters available and on-site.

It is wise to request victim services to accompany you to the school in circumstances where you suspect involvement in human trafficking. If this suspicion is not triggered until the visit, it is important to have a list of resources available (in the languages of students) as soon as possible. Again, err on the side of caution by utilizing victim services to assist with human trafficking victims to ensure that the state authorization process does not revictimize the individuals who are subjected to human trafficking.

Many victims of human trafficking are at risk of criminal charges or deportation; they may never feel comfortable disclosing information without support and guidance from an independent advocate. Understand that the majority of victims will not prosecute their trafficker, yet they must agree to cooperate with law enforcement to receive the trafficking-specific services. Remember, a victim-centered approach holds the victim's wishes and well being as priority in all matters and procedures.

### **Law Enforcement**

Law enforcement professionals have shared that the illicit massage industry is a particularly vexing issue, and have highlighted that working relationships with authorizers can be essential for identifying and prosecuting traffickers. Early in an investigation, regulators should engage local law enforcement to check for existing concerns or complaints connected with a suspected school and/or its associated businesses. Where there is a safety concern, regulators may ask that local law enforcement join unannounced site visits. If human trafficking is suspected, law enforcement should be called in conjunction with victim services. Victims may be wary of law enforcement, or some law enforcement may be unfamiliar with human trafficking and may criminally charge victims instead of supporting them as victims.

Similarly, regulators should invest in relationships with the local field office of the Federal Bureau of Investigation (FBI) and United States Citizenship and Immigration Services (USCIS), as they may encounter schools with operations in multiple states. Colorado has formed a task force with local, state and federal law enforcement agencies. Most likely, state regulators will be contacted by FBI or other federal agencies after the state agency has initiated contact because most federal investigations are highly confidential. However, once you have established a relationship with your local FBI agents, you may work in collaboration by communicating with them prior to your investigation or informing them of suspected trafficking operations. (Always remember that state authorizers may not act as agents of any law enforcement agency, but may communicate relevant information for the purposes of best managing resources for appropriate legal action). Even if you are unsure if human trafficking is occurring, it is important to contact law enforcement so that they can make the assessment and/or decide if another criminal violation is occurring.

### **State Business License Agency / Professional Licensure Agency**

When beginning an investigation, regulators should reach out to these agencies to look for sanctioned or expired business licenses or professional licenses connected to the school, its owners, its instructors, and its alumni.

### **Federation of State Massage Therapy Boards (FSMTB) and National Association of State Administrators and Supervisors of Private Schools (NASASPS)**

When beginning an investigation, regulators should reach out to these membership associations to learn whether regulators in other states have encountered a particular school or its owners in other states. FSMTB and NASASPS continue to build out educational materials to support regulators investigating suspicions of trafficking.

#### **US Department of Education and Accreditation Agencies**

If the school under investigation is accredited and/or eligible to administer federal student aid, regulators should reach out to the US Department of Education, including its Office of Inspector General, and the school's institutional and/or programmatic accreditor prior to taking any official action.

#### **Attorney General Office / District Attorney**

Regulators should connect with their Attorney General or relevant District Attorney after the investigation has matured to the point where agency action is likely or the state agency has determined that law enforcement is in a better position to manage the case and conveys that to the appropriate agency. It is always best practice to follow up and ensure the agency has acted or is in the process of acting (and documenting your files). Maintain open communication through the investigation and create channels for communication in future cases or inquiries.

### **What happens to the students at a school under suspicion of involvement in human trafficking?**

Authorizers should engage other agencies to ensure that victims are not mistaken for culprits in these complicated schemes – and to minimize re-victimization. It is critical to inform sister agencies of actions that may have collateral damage or cross impact. For example, an action by a state licensing board may impact a graduate or licensee's license and require additional training hours to reestablish compliance. If this occurs, it will be critical to inform the agency overseeing the education that such mandates are forthcoming, so that the agency can be prepared to arrange appropriate educational courses or approvals. When communications are not timely, agencies are working at cross purposes and students who have been harmed in the diploma mill may be unnecessarily re-victimized. As discussed in the previous section, foreign national students may be at particular risk in these situations, as their immigration status may be dependent on their enrollment in school. By changing their school situation, they may be at risk of deportation, which in some situations simply sends them back to their trafficker.

### **Best Practices and Policy Recommendations**

The strength of educational oversight regulations also varies by state, and human traffickers have demonstrated a sophistication in selecting new jurisdictions for operation. State authorizers and licensure boards must be aware of their own regulatory structure and those of neighboring states. For example, in states where massage therapy is not regulated at all, there may be no oversight other than the payment and transactional issuance of a business license. This permits known diploma mill operators to reopen under another school name in the same state or a neighboring state if the original school is caught for fraud.

Licensure boards can be on the lookout for fraudulent schools in reviewing applications for licensure. For example, a state's massage licensing board may not accept online education, yet the applicant's transcript shows and/or the school verifies and/or the student claims to have completed some or all of their education online. An applicant might also provide a transcript for an out-of-state school that is not approved to operate by that state; many states have lists

of approved schools that licensure boards can review (available by request or published on a website).

Governors and state legislators can also act preemptively to structure policy to better protect students. We offer these specific policy recommendations:

- **Allocate adequate resources to state authorizers.** State authorizing bodies are responsible for ensuring consumer protection in a wide range of educational institutions. Understaffed and underfunded agencies may lack the resource and staffing capacity to monitor institutions for indicators of human trafficking.
- **Track educational institutions on professional licenses.** In prior cases, authorizers have found a pattern of sanctioned massage therapy licenses held by graduates of a particular school. In states that do not track the school where the licensee was trained, it would be difficult for authorizers or licensure boards to identify these patterns.
- **Allow complaints to be filed by non-students.** Victims of trafficking tactics and diploma mills are least likely to report the scheme in which they are engaged. And yet, some states require complainants to be students of the school, preventing the state agency from acting on a complaint from an organization like the Federation of State Massage Therapy Boards.
- **Support sensible massage therapy regulation,** including uniform educational standards; independent assessment of professional competence; allocation of resources for technology to support data gathering and sharing, investigation and enforcement; establishment oversight; and educational initiatives for interagency collaboration and consumer protection.

## Lessons Learned

Addressing human trafficking within the confines of our regulatory authority is important work; these abuses epitomize the most egregious problems in society. It is another reason why our regulatory agencies must exist. Rarely does one agency have all the information, and no agency can handle human trafficking alone. State regulators are not trained to be experts in human trafficking, so we encourage you to ask for help and support. We don't know what we don't know, and resources or pieces of the equation that you have not yet learned about may be overlooked.

Even if you are in a larger agency with more resources, or have more experience, please understand that this work takes time and coordination with other agencies. It takes perseverance and endurance. Inevitably, you may need to re-prioritize regular duties – all the more reason for forging and nurturing partnerships and resources.

Success in combating this problem will depend not just on the number of recommended solutions that are pursued, but also on the degree of collaboration and level of sustained commitment to reducing the prevalence and impact of the problem over the long term. There is no doubt that stakeholders need to communicate and work together outside of our own

silos to check the interstate movement of human traffickers and their negative effects on the massage profession and public safety. Interagency and cross-jurisdictional collaboration will be necessary. While not all human trafficking has an interstate component, the state-based structure of licensing enhances the risk that bad actors slip through the cracks of our existing regulatory framework. And though our organizational goals and roles differ, we know from experience that a multidisciplinary, victim-centered, culturally sensitive/appropriate, and trauma-informed approach, based on a shared vision and purpose, is both effective and necessary.

Do not underestimate the emotional labor component that this work requires. Compassion fatigue is real. The cheating, lies, and deceit are rampant; one could easily become jaded. But we must not lose hope or commitment. We must persist because justice requires a constant, unrelenting effort. We are in a privileged position to bring our humanity to work at every opportunity, and unity in the enforcement community can make all the difference to improving the human condition. We hope that this toolkit will improve all of our efforts in the future. Your work – and our collective work – makes a difference!

## **Authors and Organizations**

Lorna Candler is the Director of the Division of Private Occupational Schools (DPOS) at the Colorado Department of Higher Education. The mission of DPOS is to improve private occupational schools and their educational services and to protect the citizens of Colorado against fraudulent or substandard schools.

Dr. Debra Persinger is the Executive Director of the Federation of State Massage Therapy Boards (FSMTB). FSMTB is a not-for-profit corporation whose membership is comprised of the massage therapy regulatory boards and agencies in the United States and Territories. The mission of FSMTB is to provide programs and services that assist its Member Boards in public protection through regulation of the profession of massage therapy.

On behalf of its Members, the FSMTB develops and administers the Massage & Bodywork Licensing Examination (MBLEx) that is the assessment tool used by the majority (96%) of states to determine safety and competence of those seeking to be licensed massage therapists. MBLEx eligibility requirements include verification of massage therapy education and training. This is commonly where FSMTB intersects with fraudulent application documentation and tactics.

## **Additional Resources**

### **The Federation of State Massage Therapy Boards**

The Federation of State Massage Therapy Boards is a not-for-profit corporation whose membership is comprised of the massage therapy regulatory boards and agencies in the United States and Territories.

### **U.S. Department of Homeland Security - Blue Campaign**

Blue Campaign is a national public awareness campaign designed to educate the public, law enforcement, and other industry partners to recognize the indicators of human trafficking, and how to appropriately respond to possible cases.

### **Helen Bamber Foundation**

The Helen Bamber Foundation is a human rights charity based in London which provides therapeutic care, medical consultation, legal protection and practical support to survivors of human rights violations. The Foundation's [Trauma-Informed Code of Conduct](#) is a useful resource.

### **Polaris Project**

Polaris is non-profit organization that works to combat sex and labor trafficking through data-driven projects, and operates the National Human Trafficking Hotline.

### **Truckers Against Trafficking**

Truckers Against Trafficking is a non-profit that exists to educate, equip, empower and mobilize members of the trucking, bus and energy industries to combat human trafficking.

### **Denver Anti-Trafficking Alliance**

The Denver Anti-Trafficking Alliance works to facilitate a victim-centered, multidisciplinary response to human trafficking in Denver through enhancing collaborative efforts; supporting trauma-informed services; promoting collaborative investigations and prosecution; improving education and awareness; and advancing public policy and advocacy.

### **Colorado Human Trafficking Council**

The Colorado Human Trafficking Council is designed to bring together leadership from community-based and statewide anti-trafficking efforts; build and enhance collaboration among communities and counties within the state; establish and improve comprehensive services for victims and survivors of human trafficking; assist in the successful prosecution of human traffickers; and help prevent human trafficking in Colorado.





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## PUBLIC AGENDA REQUEST FORM

### **Instructions:**

1. Fill out this form, and then save to your device.
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3. Attach your completed "Public Agenda Request" form and send.

First Name: Jeffrey

Last Name: Montoya

Association/Organization: \_\_\_\_\_

Subject: Interstate Massage Compact

Issue to Address:

Would like board feedback on preliminary draft of legislation to join the Interstate Massage Compact



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1        **AN ACT** *to repeal* 460.09 (title); *to renumber and amend* 440.03 (13) (c), 460.05  
2            (1), 460.05 (2), 460.07 (2) and 460.09; *to amend* 146.81 (1) (hp), 146.997 (1) (d)  
3            13., 440.03 (9) (a) (intro.), 440.03 (9) (a) 2., 440.03 (13) (b) (intro.), 440.15, 446.01  
4            (1v) (o), 460.01 (intro.), 460.01 (2m), 460.02, 460.03 (intro.), 460.03 (1), 460.04  
5            (2) (b), 460.04 (2) (e), 460.04 (2) (f), 460.04 (2) (g), 460.05 (4), 460.06 (intro.),  
6            460.07 (1), 460.08, 460.095 (4) (intro.), 460.10 (1) (intro.), 460.10 (1) (a), 460.10  
7            (2), 460.14 (1), 460.14 (2) (intro.), 460.14 (2) (j), 460.14 (2m) (intro.), 460.14 (3),  
8            460.14 (4), 460.145, 460.15, 460.17 (1), 460.17 (2) (a) 1., 460.17 (2) (a) 2. and  
9            895.48 (1m) (a) (intro.); and *to create* 14.897, 440.03 (11m) (c) 2u., 440.03 (13)  
10           (c) 1. i., subchapter I (title) of chapter 460 [precedes 460.01], 460.01 (2), 460.01  
11           (2k), 460.01 (5), 460.01 (8), 460.05 (3m), 460.07 (2) (bm) and subchapter II of

- 1 chapter 460 [precedes 460.50] of the statutes; **relating to:** ratification of the  
2 Interstate Massage Compact.
- 

***Analysis by the Legislative Reference Bureau***

This bill ratifies and enters Wisconsin into the Interstate Massage Compact, which provides for the ability of a massage therapist to become eligible to practice in other compact states. Significant provisions of the compact include the following:

1. The creation of an Interstate Massage Compact Commission, which includes the primary administrative officer of the licensure boards or licensing authorities of each member state, or their designees. The commission has various powers and duties granted in the compact, including establishing bylaws, promulgating binding rules for the compact, electing or appointing officers and hiring employees, and establishing and electing an executive committee. The commission may levy on and collect an annual assessment from each member state or impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the commission and its staff.

2. The ability for a massage therapist who is licensed in a home state and satisfies certain other criteria to obtain a multistate license, which allows a massage therapist to practice massage therapy in all other compact states (remote states). The compact specifies a number of requirements in order for a massage therapist to obtain a multistate license, including holding a massage therapist license in a home state, having completed at least 625 hours of massage therapy education or the substantial equivalent, not having certain disqualifying criminal convictions, not having any encumbrances or restrictions against an occupational or professional license in the previous two years, and paying any fees that may be imposed by a remote state. A massage therapist practicing in a remote state under a multistate license is subject to all scope-of-practice laws governing massage therapy services in that state. A remote state may take actions against a massage therapist's authorization to practice in the remote state, and if any adverse action is taken by a remote state against a licensee's authorization to practice, that adverse action applies to all authorizations to practice in all remote states. If a massage therapist's home state or multistate license is encumbered, the massage therapist loses the authorization to practice in all remote states until certain criteria are satisfied.

3. The ability of member states to issue subpoenas that are enforceable in other states.

4. The creation of a coordinated database and reporting system containing licensure and disciplinary action information on massage therapists. The compact requires all home state disciplinary orders that impose adverse actions to be reported to the commission. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable as required by the rules of the commission.

5. Provisions regarding resolutions of disputes between member states and between member and nonmember states, including a process for termination of a

state's membership in the compact if the state defaults on its obligations under the compact.

The compact becomes effective in this state upon enactment by seven states. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until 180 days after the effective date of that repeal.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 14.897 of the statutes is created to read:

2           **14.897 Interstate massage compact.** There is created an interstate  
3           massage compact commission as specified in s. 460.50. The delegate on the  
4           commission representing this state shall be appointed by the massage therapy and  
5           bodywork therapy affiliated credentialing board as provided in s. 460.50 (8) (b) 1. and  
6           shall be an individual described in s. 460.50 (8) (b) 2. The commission has the powers  
7           and duties granted and imposed under s. 460.50.

8           **SECTION 2.** 146.81 (1) (hp) of the statutes is amended to read:

9           146.81 (1) (hp) A massage therapist or bodywork therapist who is licensed  
10          under subch. I of ch. 460 or who is exercising an authorization to practice, as defined  
11          in s. 460.01 (2), in this state.

12          **SECTION 3.** 146.997 (1) (d) 13. of the statutes is amended to read:

13          146.997 (1) (d) 13. A massage therapist or bodywork therapist who is licensed  
14          under ch. 460 or who is exercising an authorization to practice, as defined in s. 460.01  
15          (2), in this state.

16          **SECTION 4.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

1           440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5),  
2 the department shall, biennially, determine each fee for an initial credential for  
3 which no examination is required, for a reciprocal credential, and for a credential  
4 renewal and any fees imposed under ss. 448.986 (2) ~~and, 448.9875 (2), and 460.51 (2)~~  
5 by doing all of the following:

6           **SECTION 5.** 440.03 (9) (a) 2. of the statutes is amended to read:

7           440.03 (9) (a) 2. Not later than January 31 of each odd-numbered year,  
8 adjusting for the succeeding fiscal biennium each fee for an initial credential for  
9 which an examination is not required, for a reciprocal credential, and, subject to s.  
10 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 448.986 (2)  
11 ~~and, 448.9875 (2), and 460.51 (2)~~, if an adjustment is necessary to reflect the  
12 approximate administrative and enforcement costs of the department that are  
13 attributable to the regulation of the particular occupation or business during the  
14 period in which the initial or reciprocal credential, credential renewal, or compact  
15 privilege is in effect and, for purposes of each fee for a credential renewal, to reflect  
16 an estimate of any additional moneys available for the department's general  
17 program operations as a result of appropriation transfers that have been or are  
18 estimated to be made under s. 20.165 (1) (i) during the fiscal biennium in progress  
19 at the time of the deadline for an adjustment under this subdivision or during the  
20 fiscal biennium beginning on the July 1 immediately following the deadline for an  
21 adjustment under this subdivision.

22           **SECTION 6.** 440.03 (11m) (c) 2u. of the statutes is created to read:

23           440.03 (11m) (c) 2u. The coordinated database and reporting system under s.  
24 460.50 (9), if such disclosure is required under the interstate massage compact under  
25 s. 460.50.

1           **SECTION 7.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

2           440.03 (13) (b) (intro.) The department may investigate whether an applicant  
3 for or holder of any of the following credentials has been charged with or convicted  
4 of a crime only pursuant to rules promulgated by the department under this  
5 paragraph, including rules that establish the criteria that the department will use  
6 to determine whether an investigation under this paragraph is necessary, except as  
7 provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4.,  
8 448.987 (3) (a) 5. a. and (5) (b) 2. a., and 455.50 (3) (e) 4. and (f) 4., and 460.50 (3) (a)  
9 5.:

10           **SECTION 8.** 440.03 (13) (c) of the statutes is renumbered 440.03 (13) (c) 1. (intro.)  
11 and amended to read:

12           440.03 (13) (c) 1. (intro.) The department shall require an all of the following  
13 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete  
14 set of the person's fingerprints:

15           a. An applicant for a private detective license or a private security permit under  
16 s. 440.26, ~~an.~~

17           b. An applicant for a juvenile martial arts instructor permit under sub. (17),  
18 ~~an.~~

19           c. An applicant for a real estate appraiser certification under s. 458.06 or  
20 license under s. 458.08, ~~an.~~

21           d. An applicant for a multistate license under s. 441.06 (1c) or 441.10 (1c), ~~an.~~

22           e. An applicant for a compact license under s. 448.05 (2) (f), ~~an.~~

23           f. An applicant for a physical therapist license under s. 448.53 or physical  
24 therapist assistant license under s. 448.535, ~~an.~~

1           g. An applicant for an occupational therapist or occupational therapy assistant  
2 compact privilege under s. 448.987 (4), and an applicant for an occupational  
3 therapist or occupational therapy assistant license described in s. 448.987 (5) (b) 2.  
4 a., an.

5           h. An applicant for a psychologist license under s. 455.04, and a.

6           z. A person for whom the department conducts an investigation under par. (b),  
7 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete  
8 set of the person's fingerprints.

9           2. The department of justice may submit the fingerprint cards, and the  
10 department of justice shall submit the fingerprint cards of all applicants for a real  
11 estate appraiser certification under s. 458.06 or license under s. 458.08, of all  
12 applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants  
13 for a compact license under s. 448.05 (2) (f), of all applicants for a physical therapist  
14 license under s. 448.53 or a physical therapist assistant license under s. 448.535, and  
15 of all applicants for a psychologist license under s. 455.04 identified in subd. 1. c. to  
16 i., to the federal bureau of investigation for the purpose of verifying the identity of  
17 the persons fingerprinted and obtaining records of their criminal arrests and  
18 convictions.

19           3. Information obtained from the federal bureau of investigation may be shared  
20 with the department or the appropriate credentialing board, but shall otherwise be  
21 kept confidential and is not subject to disclosure under s. 19.35.

22           **SECTION 9.** 440.03 (13) (c) 1. i. of the statutes is created to read:

23           440.03 (13) (c) 1. i. An applicant for a multistate license under s. 460.05 (3m).

24           **SECTION 10.** 440.15 of the statutes is amended to read:





1           **SECTION 16.** 460.01 (2m) of the statutes is amended to read:

2           460.01 (2m) “License holder” means a person ~~granted~~ who holds a single-state  
3 license granted under this chapter or who is exercising an authorization to practice  
4 under a multistate license granted in another state that is a party to the compact.

5           **SECTION 17.** 460.01 (5) of the statutes is created to read:

6           460.01 (5) “Multistate license” has the meaning given in s. 460.50 (2) (t).

7           **SECTION 18.** 460.01 (8) of the statutes is created to read:

8           460.01 (8) “Single-state license” means a single-state license, as defined in s.  
9 460.50 (2) (x), granted by the affiliated credentialing board under s. 460.05 (1m) or  
10 (2m).

11           **SECTION 19.** 460.02 of the statutes is amended to read:

12           **460.02 License required.** Except as provided in s. 460.03, no person may  
13 provide massage therapy or bodywork therapy, designate himself or herself as a  
14 massage therapist or bodywork therapist or masseur or masseuse, or use or assume  
15 the title “massage therapist and bodywork therapist” or “massage therapist” or  
16 “bodywork therapist” or “masseur” or “masseuse” or any title that includes “massage  
17 therapist,” “bodywork therapist,” or “bodyworker,” or append to the person’s name  
18 the letters “M.T.,” “R.M.T.,” “L.M.T.,” “C.M.T.,” “B.T.,” “B.W.,” “L.B.W.,” “R.B.W.,” or  
19 “C.B.W.,” or use any other title or designation that represents or may tend to  
20 represent that he or she is licensed under this chapter, unless the person is licensed  
21 under this chapter ~~subchapter~~ or holds a multistate license granted in another state  
22 that is a party to the compact.

23           **SECTION 20.** 460.03 (intro.) of the statutes is amended to read:

24           **460.03 Applicability.** (intro.) A license under this chapter ~~subchapter~~ is not  
25 required for any of the following:

1           **SECTION 21.** 460.03 (1) of the statutes is amended to read:

2           460.03 (1) A person holding a license, permit, registration, or certification  
3 granted by this state or the federal government who engages in a practice of massage  
4 therapy or bodywork therapy within the scope of his or her license, permit,  
5 registration, or certification and who does not imply that he or she is licensed under  
6 ~~this chapter~~ a license holder. A person who is exempt from licensure under this  
7 subsection may use the terms “bodywork,” “bodyworker,” and “bodywork therapy” to  
8 identify his or her practice.

9           **SECTION 22.** 460.04 (2) (b) of the statutes is amended to read:

10           460.04 (2) (b) Criteria for approving a training program for purposes of s.  
11 460.05 (1)(e) 1. (1m) (a) 5. a. Rules promulgated under this paragraph shall require  
12 the training program to meet the requirements under s. 460.095 and to consist of at  
13 least 600 classroom hours.

14           **SECTION 23.** 460.04 (2) (e) of the statutes is amended to read:

15           460.04 (2) (e) A requirement that an applicant for a single-state license under  
16 ~~this chapter~~ submit evidence satisfactory to the affiliated credentialing board that  
17 the applicant has current proficiency in the use of an automated external  
18 defibrillator achieved through instruction provided by an individual, organization,  
19 or institution of higher education approved under s. 46.03 (38) to provide such  
20 instruction.

21           **SECTION 24.** 460.04 (2) (f) of the statutes is amended to read:

22           460.04 (2) (f) Requirements to be satisfied by a person seeking a temporary  
23 license permit under s. 460.08. The rules promulgated under this subsection shall  
24 require the person to be a graduate of a massage therapy or bodywork therapy school  
25 or program and may require the holder of a temporary license to make disclosures

1 to clients and to practice under the supervision of a ~~massage therapist or bodywork~~  
2 ~~therapist licensed under this chapter~~ license holder.

3 **SECTION 25.** 460.04 (2) (g) of the statutes is amended to read:

4 460.04 (2) (g) A requirement, for purposes of s. 460.05 (1m) (a) 5., that an  
5 applicant for a license under ~~this chapter~~ s. 460.05 (1m) pass an examination on state  
6 laws and administrative rules governing massage therapy and bodywork therapy.

7 **SECTION 26.** 460.05 (1) of the statutes is renumbered 460.05 (1m) (a), and  
8 460.05 (1m) (a) 5. (intro.) and 8. b., as renumbered, are amended to read:

9 460.05 (1m) (a) 5. (intro.) Except as provided in ~~sub. (2) par. (b)~~, the person  
10 submits evidence satisfactory to the affiliated credentialing board that he or she has  
11 done all of the following:

12 8. b. An offense under federal law or a law of any other state that is comparable  
13 to an offense under ~~subd. 1.~~ 8. a.

14 **SECTION 27.** 460.05 (2) of the statutes is renumbered 460.05 (1m) (b) and  
15 amended to read:

16 460.05 (1m) (b) The affiliated credentialing board may waive a requirement  
17 specified in ~~sub. (1) (e) par (a) 5.~~ if a person establishes, to the satisfaction of the  
18 affiliated credentialing board, that he or she has education, training, or other  
19 experience that is substantially equivalent to the requirement.

20 **SECTION 28.** 460.05 (3m) of the statutes is created to read:

21 460.05 (3m) The affiliated credentialing board shall grant a multistate license  
22 to a person who holds a single-state license, satisfies the requirements under s.  
23 460.50 (4) (a), and pays any fee imposed under s. 460.51 (2).

24 **SECTION 29.** 460.05 (4) of the statutes is amended to read:

1           460.05 (4) The affiliated credentialing board may assign a unique license  
2 number to each person licensed under this chapter subchapter.

3           **SECTION 30.** 460.06 (intro.) of the statutes is amended to read:

4           **460.06 Examinations.** (intro.) The affiliated credentialing board may not  
5 grant a license under ~~this chapter s. 460.05 (1m)~~ unless the applicant achieves a  
6 passing grade on the following examinations:

7           **SECTION 31.** 460.07 (1) of the statutes is amended to read:

8           460.07 (1) ~~Each person who is licensed under this chapter~~ license holder shall  
9 conspicuously display the license in the place of business where he or she practices  
10 massage therapy or bodywork therapy so that the license can easily be seen and read.

11           **SECTION 32.** 460.07 (2) of the statutes is renumbered 460.07 (2) (a), and 460.07  
12 (2) (a) (intro.) and 2., as renumbered, are amended to read:

13           460.07 (2) (a) (intro.) ~~Renewal applications~~ An application for the renewal of  
14 a single-state license shall be submitted to the department on a form provided by the  
15 department on or before the applicable renewal date specified under s. 440.08 (2) (a)  
16 and shall include all of the following:

17           2. ~~If applicable, proof~~ Proof of completion of continuing education under s.  
18 460.10.

19           **SECTION 33.** 460.07 (2) (bm) of the statutes is created to read:

20           460.07 (2) (bm) Renewal of a multistate license granted under s. 460.05 (3m)  
21 shall be governed by s. 460.50 (4).

22           **SECTION 34.** 460.08 of the statutes is amended to read:

23           **460.08 Temporary license permit.** The affiliated credentialing board may  
24 grant a temporary license permit for a period not to exceed 6 months to an applicant

1 who satisfies the requirements established in the rules under s. 460.04 (2) (f). A  
2 temporary license permit may not be renewed.

3 **SECTION 35.** 460.09 (title) of the statutes is repealed.

4 **SECTION 36.** 460.09 of the statutes is renumbered 460.05 (2m) and amended  
5 to read:

6 460.05 (2m) Upon application and payment of the fee specified in s. 440.05 (2),  
7 the affiliated credentialing board shall grant a massage therapist or bodywork  
8 therapist license to a person who holds a similar license in another state or territory  
9 of the United States or another country if the affiliated credentialing board  
10 determines that the requirements for receiving the license in the other state,  
11 territory, or country are substantially equivalent to the requirements under s. 460.05  
12 sub. (1m).

13 **SECTION 37.** 460.095 (4) (intro.) of the statutes is amended to read:

14 460.095 (4) (intro.) Ensure that each instructor hired by the school or training  
15 program on or after December 1, 2010, to teach courses in theory and the practice of  
16 massage therapy or bodywork therapy is licensed under this ~~chapter~~ subchapter and  
17 has at least one of the following:

18 **SECTION 38.** 460.10 (1) (intro.) of the statutes is amended to read:

19 460.10 (1) (intro.) The affiliated credentialing board ~~may~~ shall promulgate  
20 rules establishing all of the following:

21 **SECTION 39.** 460.10 (1) (a) of the statutes is amended to read:

22 460.10 (1) (a) Requirements and procedures for ~~a license holder~~ the holder of  
23 a single-state license to complete continuing education programs or courses of study  
24 to qualify for renewal of his or her license. The rules promulgated under this  
25 paragraph may not require ~~a license holder~~ the holder of a single-state license to

1 complete more than 24 hours of continuing education programs or courses of study  
2 in order to qualify for renewal of his or her license.

3 **SECTION 40.** 460.10 (2) of the statutes is amended to read:

4 460.10 (2) The affiliated credentialing board may waive all or part of any  
5 requirement established in rules promulgated under sub. (1) (a) if it determines that  
6 prolonged illness, disability, or other exceptional circumstances have prevented ~~a~~  
7 ~~license holder~~ an individual from completing the requirement.

8 **SECTION 41.** 460.14 (1) of the statutes is amended to read:

9 460.14 (1) Subject to the rules promulgated under s. 440.03 (1), the affiliated  
10 credentialing board may make investigations and conduct hearings to determine  
11 whether a violation of this ~~chapter~~ subchapter or any rule promulgated under this  
12 ~~chapter~~ subchapter has occurred.

13 **SECTION 42.** 460.14 (2) (intro.) of the statutes is amended to read:

14 460.14 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
15 affiliated credentialing board may reprimand ~~a license holder~~ an individual who  
16 holds a single-state license or who is exercising an authorization to practice or may  
17 deny, limit, suspend, or revoke a single-state license under this chapter or  
18 authorization to practice if it finds that the ~~applicant or license holder~~ individual has  
19 done any of the following:

20 **SECTION 43.** 460.14 (2) (j) of the statutes is amended to read:

21 460.14 (2) (j) Violated this ~~chapter~~ subchapter or any rule promulgated under  
22 this ~~chapter~~ subchapter.

23 **SECTION 44.** 460.14 (2m) (intro.) of the statutes is amended to read:

24 460.14 (2m) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
25 affiliated credentialing board shall revoke ~~a license under this chapter~~ an

1 individual's single-state license or authorization to practice if the license holder  
2 individual is convicted of any of the following:

3 **SECTION 45.** 460.14 (3) of the statutes is amended to read:

4 460.14 (3) The affiliated credentialing board may, subject to the terms of the  
5 compact under s. 460.50, restore a single-state license or authorization to practice  
6 that has been suspended or revoked on such terms and conditions as the affiliated  
7 credentialing board may deem appropriate.

8 **SECTION 46.** 460.14 (4) of the statutes is amended to read:

9 460.14 (4) The affiliated credentialing board may, in addition to or in lieu of a  
10 reprimand or revocation, limitation, suspension, or denial of a license or  
11 authorization to practice, assess against a person who has done anything specified  
12 under sub. (2) (a) to (j) a forfeiture of not more than \$1,000 for each separate offense.  
13 Each day of continued violation constitutes a separate offense.

14 **SECTION 47.** 460.145 of the statutes is amended to read:

15 **460.145 Employment of unlicensed persons.** No person may employ or  
16 contract for the services of an individual to provide massage therapy or bodywork  
17 therapy who is required to be licensed under s. 460.02 unless the individual is  
18 ~~licensed under this chapter~~ a license holder.

19 **SECTION 48.** 460.15 of the statutes is amended to read:

20 **460.15 Penalty.** Any person who violates this ~~chapter~~ subchapter or any rule  
21 promulgated under this ~~chapter~~ subchapter may be fined not more than \$1,000 for  
22 each violation or imprisoned for not more than 90 days, or both.

23 **SECTION 49.** 460.17 (1) of the statutes is amended to read:

24 460.17 (1) A city, village, town, or county may not enact an ordinance that  
25 regulates the practice of massage therapy or bodywork therapy by a ~~person who is~~



1 ~~licensed by the affiliated credentialing board under this chapter~~ license holder. No  
2 provision of any ordinance enacted by a city, village, town, or county that is in effect  
3 before February 1, 1999, and that relates to the practice of massage therapy or  
4 bodywork therapy, may be enforced against a ~~person who is licensed by the affiliated~~  
5 ~~credentialing board under this chapter~~ license holder.

6 **SECTION 50.** 460.17 (2) (a) 1. of the statutes is amended to read:

7 460.17 (2) (a) 1. A city, village, or town may enact and enforce an ordinance that  
8 prohibits an individual from violating the prohibitions under s. 460.02 unless the  
9 individual is ~~licensed under this chapter as required~~ in compliance with the  
10 requirement under s. 460.02.

11 **SECTION 51.** 460.17 (2) (a) 2. of the statutes is amended to read:

12 460.17 (2) (a) 2. A city, village, or town may enact and enforce an ordinance that  
13 prohibits a person from employing or contracting for the services of an individual to  
14 provide massage therapy or bodywork therapy who is ~~required to be licensed in~~  
15 compliance with the requirement under s. 460.02 unless the individual is licensed  
16 ~~under this chapter~~ a license holder.

17 **SECTION 52.** Subchapter II of chapter 460 [precedes 460.50] of the statutes is  
18 created to read:

## 19 SUBCHAPTER II

### 20 INTERSTATE MASSAGE COMPACT

21 **460.50 Interstate massage compact. (1) ARTICLE 1 - PURPOSE.** The purpose  
22 of this compact is to reduce the burdens on state governments and to facilitate the  
23 interstate practice and regulation of massage therapy with the goal of improving  
24 public access to, and the safety of, massage therapy services. Through this compact,  
25 the member states seek to establish a regulatory framework which provides for a new

1 multistate licensing program. Through this additional licensing pathway, the  
2 member states seek to provide increased value and mobility to licensed massage  
3 therapists in the member states, while ensuring the provision of safe, competent, and  
4 reliable services to the public. This compact is designed to achieve the following  
5 objectives, and the member states hereby ratify the same intentions by subscribing  
6 hereto:

7 (a) Increase public access to massage therapy services by providing for a  
8 multistate licensing pathway;

9 (b) Enhance the member states' ability to protect the public's health and safety;

10 (c) Enhance the member states' ability to prevent human trafficking and  
11 licensure fraud;

12 (d) Encourage the cooperation of member states in regulating the multistate  
13 practice of massage therapy;

14 (e) Support relocating military members and their spouses;

15 (f) Facilitate and enhance the exchange of licensure, investigative, and  
16 disciplinary information between the member states;

17 (g) Create an interstate commission that will exist to implement and  
18 administer the compact;

19 (h) Allow a member state to hold a licensee accountable, even where that  
20 licensee holds a multistate license;

21 (i) Create a streamlined pathway for licensees to practice in member states,  
22 thus increasing the mobility of duly licensed massage therapists; and

23 (j) Serve the needs of licensed massage therapists and the public receiving their  
24 services; however,

1 (k) Nothing in this compact is intended to prevent a state from enforcing its own  
2 laws regarding the practice of massage therapy.

3 (2) ARTICLE 2 - DEFINITIONS. As used in this compact, except as otherwise  
4 provided and subject to clarification by the rules of the commission, the following  
5 definitions shall govern the terms herein:

6 (a) "Active duty military" - any individual in full-time duty status in the active  
7 uniformed service of the United States including members of the National Guard and  
8 Reserve.

9 (b) "Adverse action" - any administrative, civil, equitable, or criminal action  
10 permitted by a member state's laws which is imposed by a licensing authority or  
11 other regulatory body against a licensee, including actions against an individual's  
12 authorization to practice such as revocation, suspension, probation, surrender in lieu  
13 of discipline, monitoring of the licensee, limitation of the licensee's practice, or any  
14 other encumbrance on licensure affecting an individual's ability to practice massage  
15 therapy, including the issuance of a cease and desist order.

16 (c) "Alternative program" - a non-disciplinary monitoring or prosecutorial  
17 diversion program approved by a member state's licensing authority.

18 (d) "Authorization to practice" - a legal authorization by a remote state  
19 pursuant to a multistate license permitting the practice of massage therapy in that  
20 remote state, which shall be subject to the enforcement jurisdiction of the licensing  
21 authority in that remote state.

22 (e) "Background check" - the submission of an applicant's criminal history  
23 record information, as further defined in 28 CFR 20.3 (d), as amended from the  
24 federal bureau of investigation and the agency responsible for retaining state  
25 criminal records in the applicant's home state.

1 (f) "Charter member states" - member states who have enacted legislation to  
2 adopt this compact where such legislation predates the effective date of this compact  
3 as defined in sub. (12).

4 (g) "Commission" - the government agency whose membership consists of all  
5 states that have enacted this compact, which is known as the Interstate Massage  
6 Compact Commission, as defined in sub. (8), and which shall operate as an  
7 instrumentality of the member states.

8 (h) "Continuing competence" - a requirement, as a condition of license renewal,  
9 to provide evidence of participation in, and completion of, educational or professional  
10 activities that maintain, improve, or enhance massage therapy fitness to practice.

11 (i) "Current significant investigative information" - investigative information  
12 that a licensing authority, after an inquiry or investigation that complies with a  
13 member state's due process requirements, has reason to believe is not groundless  
14 and, if proved true, would indicate a violation of that state's laws regarding the  
15 practice of massage therapy.

16 (j) "Data system" - a repository of information about licensees who hold  
17 multistate licenses, which may include but is not limited to license status,  
18 investigative information, and adverse actions.

19 (k) "Disqualifying event" - any event which shall disqualify an individual from  
20 holding a multistate license under this compact, which the commission may by rule  
21 specify.

22 (L) "Encumbrance" - a revocation or suspension of, or any limitation or  
23 condition on, the full and unrestricted practice of massage therapy by a licensing  
24 authority.

1 (m) “Executive Committee” - a group of delegates elected or appointed to act  
2 on behalf of, and within the powers granted to them by, the commission.

3 (n) “Home state” - means the member state which is a licensee’s primary state  
4 of residence where the licensee holds an active single-state license.

5 (o) “Investigative information” - information, records, or documents received  
6 or generated by a licensing authority pursuant to an investigation or other inquiry.

7 (p) “Licensing authority” - a state’s regulatory body responsible for issuing  
8 massage therapy licenses or otherwise overseeing the practice of massage therapy  
9 in that state.

10 (q) “Licensee” - an individual who currently holds a license from a member  
11 state to fully practice massage therapy, whose license is not a student, provisional,  
12 temporary, inactive, or other similar status.

13 (r) “Massage therapy”, “massage therapy services”, and the “practice of  
14 massage therapy” - the care and services provided by a licensee as set forth in the  
15 member state’s statutes and regulations in the state where the services are being  
16 provided.

17 (s) “Member State” - any state that has adopted this compact.

18 (t) “Multistate License” - a license that consists of authorizations to practice  
19 massage therapy in all remote states pursuant to this compact, which shall be  
20 subject to the enforcement jurisdiction of the licensing authority in a licensee’s home  
21 state.

22 (u) “National licensing examination” - a national examination developed by a  
23 national association of massage therapy regulatory boards, as defined by  
24 commission rule, that is derived from a practice analysis and is consistent with

1 generally accepted psychometric principles of fairness, validity and reliability, and  
2 is administered under secure and confidential examination protocols.

3 (v) "Remote state" - any member state, other than the licensee's home state.

4 (w) "Rule" - any opinion or regulation promulgated by the commission under  
5 this compact, which shall have the force of law.

6 (x) "Single-state license" - a current, valid authorization issued by a member  
7 state's licensing authority allowing an individual to fully practice massage therapy,  
8 that is not a restricted, student, provisional, temporary, or inactive practice  
9 authorization and authorizes practice only within the issuing state.

10 (y) "State" - a state, territory, possession of the United States, or the District  
11 of Columbia.

12 **(3) ARTICLE 3 - MEMBER STATE REQUIREMENTS.** (a) To be eligible to join this  
13 compact, and to maintain eligibility as a member state, a state must:

14 1. License and regulate the practice of massage therapy;

15 2. Have a mechanism or entity in place to receive and investigate complaints  
16 from the public, regulatory or law enforcement agencies, or the commission about  
17 licensees practicing in that state;

18 3. Accept passage of a national licensing examination as a criterion for massage  
19 therapy licensure in that state;

20 4. Require that licensees satisfy educational requirements prior to being  
21 licensed to provide massage therapy services to the public in that state;

22 5. Implement procedures for requiring the background check of applicants for  
23 a multistate license, and for the reporting of any disqualifying events, including but  
24 not limited to obtaining and submitting, for each licensee holding a multistate  
25 license and each applicant for a multistate license, fingerprint or other

1 biometric-based information to the federal bureau of investigation for background  
2 checks; receiving the results of the federal bureau of investigation record search on  
3 background checks and considering the results of such a background check in  
4 making licensure decisions;

5 6. Have continuing competence requirements as a condition for license  
6 renewal;

7 7. Participate in the data system, including through the use of unique  
8 identifying numbers as described herein;

9 8. Notify the commission and other member states, in compliance with the  
10 terms of the compact and rules of the commission, of any disciplinary action taken  
11 by the state against a licensee practicing under a multistate license in that state, or  
12 of the existence of investigative information or current significant investigative  
13 information regarding a licensee practicing in that state pursuant to a multistate  
14 license;

15 9. Comply with the rules of the commission;

16 10. Accept licensees with valid multistate licenses from other member states  
17 as established herein;

18 (b) Individuals not residing in a member state shall continue to be able to apply  
19 for a member state's single-state license as provided under the laws of each member  
20 state. However, the single-state license granted to those individuals shall not be  
21 recognized as granting a multistate license for massage therapy in any other member  
22 state;

23 (c) Nothing in this compact shall affect the requirements established by a  
24 member state for the issuance of a single-state license; and

1 (d) A multistate license issued to a licensee shall be recognized by each remote  
2 state as an authorization to practice massage therapy in each remote state.

3 (4) ARTICLE 4 - MULTISTATE LICENSE REQUIREMENTS. (a) To qualify for a multistate  
4 license under this compact, and to maintain eligibility for such a license, an applicant  
5 must:

6 1. Hold an active single-state license to practice massage therapy in the  
7 applicant's home state;

8 2. Have completed at least six hundred and twenty-five (625) clock hours of  
9 massage therapy education or the substantial equivalent which the commission may  
10 approve by rule.

11 3. Have passed a national licensing examination or the substantial equivalent  
12 which the commission may approve by rule.

13 4. Submit to a background check;

14 5. Have not been convicted or found guilty, or have entered into an agreed  
15 disposition, of a felony offense under applicable state or federal criminal law, within  
16 five (5) years prior to the date of their application, where such a time period shall not  
17 include any time served for the offense, and provided that the applicant has  
18 completed any and all requirements arising as a result of any such offense;

19 6. Have not been convicted or found guilty, or have entered into an agreed  
20 disposition, of a misdemeanor offense related to the practice of massage therapy  
21 under applicable state or federal criminal law, within two (2) years prior to the date  
22 of their application where such a time period shall not include any time served for  
23 the offense, and provided that the applicant has completed any and all requirements  
24 arising as a result of any such offense;



1           7. Have not been convicted or found guilty, or have entered into an agreed  
2 disposition, of any offense, whether a misdemeanor or a felony, under State or federal  
3 law, at any time, relating to any of the following:

4           a. Kidnapping;

5           b. Human trafficking;

6           c. Human smuggling;

7           d. Sexual battery, sexual assault, or any related offenses; or

8           e. Any other category of offense which the commission may by rule designate.

9           8. Have not previously held a massage therapy license which was revoked by,  
10 or surrendered in lieu of discipline to an applicable licensing authority;

11           9. Have no history of any adverse action on any occupational or professional  
12 license within two (2) years prior to the date of their application; and

13           10. Pay all required fees.

14           (b) A multistate license granted pursuant to this compact may be effective for  
15 a definite period of time concurrent with the renewal of the home state license.

16           (c) A licensee practicing in a member state is subject to all scope of practice laws  
17 governing massage therapy services in that state.

18           (d) The practice of massage therapy under a multistate license granted  
19 pursuant to this compact will subject the licensee to the jurisdiction of the licensing  
20 authority, the courts, and the laws of the member state in which the massage therapy  
21 services are provided.

22           **(5) ARTICLE 5 - AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION AND**  
23 **MEMBER STATE LICENSING AUTHORITIES.** (a) Nothing in this compact, nor any rule of the  
24 commission, shall be construed to limit, restrict, or in any way reduce the ability of  
25 a member state to enact and enforce laws, regulations, or other rules related to the

1 practice of massage therapy in that state, where those laws, regulations, or other  
2 rules are not inconsistent with the provisions of this compact.

3 (b) Nothing in this compact, nor any rule of the commission, shall be construed  
4 to limit, restrict, or in any way reduce the ability of a member state to take adverse  
5 action against a licensee's single-state license to practice massage therapy in that  
6 state.

7 (c) Nothing in this compact, nor any rule of the commission, shall be construed  
8 to limit, restrict, or in any way reduce the ability of a remote state to take adverse  
9 action against a licensee's authorization to practice in that state.

10 (d) Nothing in this compact, nor any rule of the commission, shall be construed  
11 to limit, restrict, or in any way reduce the ability of a licensee's home state to take  
12 adverse action against a licensee's multistate license based upon information  
13 provided by a remote state.

14 (e) Insofar as practical, a member state's licensing authority shall cooperate  
15 with the commission and with each entity exercising independent regulatory  
16 authority over the practice of massage therapy according to the provisions of this  
17 compact.

18 **(6) ARTICLE 6 - ADVERSE ACTIONS.** (a) A licensee's home state shall have exclusive  
19 power to impose an adverse action against a licensee's multistate license issued by  
20 the home state.

21 (b) A home state may take adverse action on a multistate license based on the  
22 investigative information, current significant investigative information, or adverse  
23 action of a remote state.

24 (c) A home state shall retain authority to complete any pending investigations  
25 of a licensee practicing under a multistate license who changes their home state

1 during the course of such an investigation. The licensing authority shall also be  
2 empowered to report the results of such an investigation to the commission through  
3 the data system as described herein.

4 (d) Any member state may investigate actual or alleged violations of the scope  
5 of practice laws in any other member state for a massage therapist who holds a  
6 multistate license.

7 (e) A remote state shall have the authority to:

8 1. Take adverse actions against a licensee's authorization to practice;

9 2. Issue cease and desist orders or impose an encumbrance on a licensee's  
10 authorization to practice in that state.

11 3. Issue subpoenas for both hearings and investigations that require the  
12 attendance and testimony of witnesses, as well as the production of evidence.  
13 Subpoenas issued by a licensing authority in a member state for the attendance and  
14 testimony of witnesses or the production of evidence from another member state  
15 shall be enforced in the latter state by any court of competent jurisdiction, according  
16 to the practice and procedure of that court applicable to subpoenas issued in  
17 proceedings before it. The issuing licensing authority shall pay any witness fees,  
18 travel expenses, mileage, and other fees required by the service statutes of the state  
19 in which the witnesses or evidence are located.

20 4. If otherwise permitted by state law, recover from the affected licensee the  
21 costs of investigations and disposition of cases resulting from any adverse action  
22 taken against that licensee.

23 5. Take adverse action against the licensee's authorization to practice in that  
24 state based on the factual findings of another member state.

1 (f) If an adverse action is taken by the home state against a licensee's multistate  
2 license or single-state license to practice in the home state, the licensee's  
3 authorization to practice in all other member states shall be deactivated until all  
4 encumbrances have been removed from such license. All home state disciplinary  
5 orders that impose an adverse action against a licensee shall include a statement  
6 that the massage therapist's authorization to practice is deactivated in all member  
7 states during the pendency of the order.

8 (g) If adverse action is taken by a remote state against a licensee's  
9 authorization to practice, that adverse action applies to all authorizations to practice  
10 in all remote states. A licensee whose authorization to practice in a remote state is  
11 removed for a specified period of time is not eligible to apply for a new multistate  
12 license in any other state until the specific time for removal of the authorization to  
13 practice has passed and all encumbrance requirements are satisfied.

14 (h) Nothing in this compact shall override a member state's authority to accept  
15 a licensee's participation in an alternative program in lieu of adverse action. A  
16 licensee's multistate license shall be suspended for the duration of the licensee's  
17 participation in any alternative program.

18 (i) *Joint investigations.* 1. In addition to the authority granted to a member  
19 state by its respective scope of practice laws or other applicable state law, a member  
20 state may participate with other member states in joint investigations of licensees.

21 2. Member states shall share any investigative, litigation, or compliance  
22 materials in furtherance of any joint or individual investigation initiated under the  
23 compact.

24 (7) ARTICLE 7 - ACTIVE DUTY MILITARY AND THEIR SPOUSES. Active duty military  
25 personnel, or their spouses, shall designate a home state where the individual has

1 a current license to practice massage therapy in good standing. The individual may  
2 retain their home state designation during any period of service when that  
3 individual or their spouse is on active duty assignment.

4 **(8) ARTICLE 8 - ESTABLISHMENT AND OPERATION OF INTERSTATE MASSAGE COMPACT**  
5 **COMMISSION.** (a) The compact member states hereby create and establish a joint  
6 government agency whose membership consists of all member states that have  
7 enacted the compact known as the Interstate Massage Compact Commission. The  
8 commission is an instrumentality of the compact states acting jointly and not an  
9 instrumentality of any one State. The commission shall come into existence on or  
10 after the effective date of the compact as set forth in sub. (12).

11 (b) *Membership, voting, and meetings.* 1. Each member state shall have and  
12 be limited to one (1) delegate selected by that member state's state licensing  
13 authority.

14 2. The delegate shall be the primary administrative officer of the state licensing  
15 authority or their designee.

16 3. The commission shall by rule or bylaw establish a term of office for delegates  
17 and may by rule or bylaw establish term limits.

18 4. The commission may recommend removal or suspension of any delegate from  
19 office.

20 5. A member state's State licensing authority shall fill any vacancy of its  
21 delegate occurring on the commission within 60 days of the vacancy.

22 6. Each delegate shall be entitled to one vote on all matters that are voted on  
23 by the commission.

1           7. The commission shall meet at least once during each calendar year.  
2 Additional meetings may be held as set forth in the bylaws. The commission may  
3 meet by telecommunication, video conference or other similar electronic means.

4           (c) The commission shall have the following powers:

5           1. Establish the fiscal year of the commission;

6           2. Establish code of conduct and conflict of interest policies;

7           3. Adopt rules and bylaws;

8           4. Maintain its financial records in accordance with the bylaws;

9           5. Meet and take such actions as are consistent with the provisions of this  
10 compact, the commission's rules, and the bylaws;

11           6. Initiate and conclude legal proceedings or actions in the name of the  
12 commission, provided that the standing of any state licensing authority to sue or be  
13 sued under applicable law shall not be affected;

14           7. Maintain and certify records and information provided to a member state as  
15 the authenticated business records of the commission, and designate an agent to do  
16 so on the commission's behalf;

17           8. Purchase and maintain insurance and bonds;

18           9. Borrow, accept, or contract for services of personnel, including, but not  
19 limited to, employees of a member state;

20           10. Conduct an annual financial review;

21           11. Hire employees, elect or appoint officers, fix compensation, define duties,  
22 grant such individuals appropriate authority to carry out the purposes of the  
23 compact, and establish the commission's personnel policies and programs relating  
24 to conflicts of interest, qualifications of personnel, and other related personnel  
25 matters;

- 1           12. Assess and collect fees;
- 2           13. Accept any and all appropriate gifts, donations, grants of money, other  
3 sources of revenue, equipment, supplies, materials, and services, and receive, utilize,  
4 and dispose of the same; provided that at all times the commission shall avoid any  
5 appearance of impropriety or conflict of interest;
- 6           14. Lease, purchase, retain, own, hold, improve, or use any property, real,  
7 personal, or mixed, or any undivided interest therein;
- 8           15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
9 dispose of any property real, personal, or mixed;
- 10          16. Establish a budget and make expenditures;
- 11          17. Borrow money;
- 12          18. Appoint committees, including standing committees, composed of  
13 members, state regulators, state legislators or their representatives, and consumer  
14 representatives, and such other interested persons as may be designated in this  
15 compact and the bylaws;
- 16          19. Accept and transmit complaints from the public, regulatory or law  
17 enforcement agencies, or the commission, to the relevant member state(s) regarding  
18 potential misconduct of licensees;
- 19          20. Elect a chair, vice chair, secretary and treasurer and such other officers of  
20 the commission as provided in the commission's bylaws;
- 21          21. Establish and elect an executive committee, including a chair and a vice  
22 chair;
- 23          22. Adopt and provide to the member states an annual report.

1           23. Determine whether a state's adopted language is materially different from  
2 the model compact language such that the state would not qualify for participation  
3 in the compact; and

4           24. Perform such other functions as may be necessary or appropriate to achieve  
5 the purposes of this compact.

6           (d) *The executive committee.* 1. The executive committee shall have the power  
7 to act on behalf of the commission according to the terms of this compact. The powers,  
8 duties, and responsibilities of the executive committee shall include:

9           a. Overseeing the day-to-day activities of the administration of the compact  
10 including compliance with the provisions of the compact, the commission's rules and  
11 bylaws, and other such duties as deemed necessary;

12           b. Recommending to the commission changes to the rules or bylaws, changes  
13 to this compact legislation, fees charged to compact member states, fees charged to  
14 licensees, and other fees;

15           c. Ensuring compact administration services are appropriately provided,  
16 including by contract;

17           d. Preparing and recommending the budget;

18           e. Maintaining financial records on behalf of the commission;

19           f. Monitoring compact compliance of member states and providing compliance  
20 reports to the commission;

21           g. Establishing additional committees as necessary;

22           h. Exercise the powers and duties of the commission during the interim  
23 between commission meetings, except for adopting or amending rules, adopting or  
24 amending bylaws, and exercising any other powers and duties expressly reserved to  
25 the commission by rule or bylaw; and



- 1           i. Other duties as provided in the Rules or bylaws of the Commission.
- 2           2. The executive committee shall be composed of seven voting members and up  
3 to two ex-officio members as follows:
- 4           a. The chair and vice chair of the commission and any other members of the  
5 commission who serve on the executive committee shall be voting members of the  
6 executive committee; and
- 7           b. Other than the chair, vice-chair, secretary and treasurer, the commission  
8 shall elect three voting members from the current membership of the commission.
- 9           c. The commission may elect ex-officio, nonvoting members as necessary as  
10 follows: one ex-officio member who is a representative of the national association of  
11 state massage therapy regulatory boards and one ex-officio member as specified in  
12 the Commission's bylaws.
- 13           3. The commission may remove any member of the executive committee as  
14 provided in the commission's bylaws.
- 15           4. The Executive Committee shall meet at least annually.
- 16           a. Executive committee meetings shall be open to the public, except that the  
17 executive committee may meet in a closed, non-public session of a public meeting  
18 when dealing with any of the matters covered under par. (f) 4.
- 19           b. The executive committee shall give five business days advance notice of its  
20 public meetings, posted on its website and as determined to provide notice to persons  
21 with an interest in the public matters the executive committee intends to address at  
22 those meetings.
- 23           5. The executive committee may hold an emergency meeting when acting for  
24 the commission to:
- 25           a. Meet an imminent threat to public health, safety, or welfare;

1           b. Prevent a loss of commission or participating state funds; or

2           c. Protect public health and safety.

3           (e) The commission shall adopt and provide to the member states an annual  
4 report.

5           (f) *Meetings of the Commission.* 1. All meetings of the commission that are not  
6 closed pursuant to this subsection shall be open to the public. Notice of public  
7 meetings shall be posted on the commission's website at least thirty (30) days prior  
8 to the public meeting.

9           2. Notwithstanding subd. 1., the commission may convene an emergency public  
10 meeting by providing at least twenty-four (24) hours prior notice on the commission's  
11 website, and any other means as provided in the commission's rules, for any of the  
12 reasons it may dispense with notice of proposed rulemaking under sub. (10) (L). The  
13 commission's legal counsel shall certify the that one of the reasons justifying an  
14 emergency public meeting has been met.

15           3. Notice of all commission meetings shall provide the time, date, and location  
16 of the meeting, and if the meeting is to be held or accessible via telecommunication,  
17 video conference, or other electronic means, the notice shall include the mechanism  
18 for access to the meeting.

19           4. The commission may convene in a closed, non-public meeting for the  
20 commission to discuss:

21           a. Non-compliance of a member state with its obligations under the compact;

22           b. The employment, compensation, discipline or other matters, practices or  
23 procedures related to specific employees or other matters related to the commission's  
24 internal personnel practices and procedures;

1 c. Current or threatened discipline of a licensee by the commission or by a  
2 member state's licensing authority;

3 d. Current, threatened, or reasonably anticipated litigation;

4 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or  
5 real estate;

6 f. Accusing any person of a crime or formally censuring any person;

7 g. Trade secrets or commercial or financial information that is privileged or  
8 confidential;

9 h. Information of a personal nature where disclosure would constitute a clearly  
10 unwarranted invasion of personal privacy;

11 i. Investigative records compiled for law enforcement purposes;

12 j. Information related to any investigative reports prepared by or on behalf of  
13 or for use of the commission or other committee charged with responsibility of  
14 investigation or determination of compliance issues pursuant to the compact;

15 k. Legal advice;

16 L. Matters specifically exempted from disclosure to the public by federal or  
17 member state law; or

18 m. Other matters as promulgated by the commission by rule.

19 5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state  
20 that the meeting will be closed and reference each relevant exempting provision, and  
21 such reference shall be recorded in the minutes.

22 6. The commission shall keep minutes that fully and clearly describe all  
23 matters discussed in a meeting and shall provide a full and accurate summary of  
24 actions taken, and the reasons therefore, including a description of the views  
25 expressed. All documents considered in connection with an action shall be identified

1 in such minutes. All minutes and documents of a closed meeting shall remain under  
2 seal, subject to release only by a majority vote of the commission or order of a court  
3 of competent jurisdiction.

4 (g) *Financing of the commission.* 1. The commission shall pay, or provide for  
5 the payment of, the reasonable expenses of its establishment, organization, and  
6 ongoing activities.

7 2. The commission may accept any and all appropriate sources of revenue,  
8 donations, and grants of money, equipment, supplies, materials, and services.

9 3. The commission may levy on and collect an annual assessment from each  
10 member state and impose fees on licensees of member states to whom it grants a  
11 multistate license to cover the cost of the operations and activities of the commission  
12 and its staff, which must be in a total amount sufficient to cover its annual budget  
13 as approved each year for which revenue is not provided by other sources. The  
14 aggregate annual assessment amount for member states shall be allocated based  
15 upon a formula that the commission shall promulgate by rule.

16 4. The commission shall not incur obligations of any kind prior to securing the  
17 funds adequate to meet the same; nor shall the commission pledge the credit of any  
18 member states, except by and with the authority of the member state.

19 5. The commission shall keep accurate accounts of all receipts and  
20 disbursements. The receipts and disbursements of the commission shall be subject  
21 to the financial review and accounting procedures established under its bylaws. All  
22 receipts and disbursements of funds handled by the commission shall be subject to  
23 an annual financial review by a certified or licensed public accountant, and the  
24 report of the financial review shall be included in and become part of the annual  
25 report of the Commission.

1           (h) *Qualified immunity, defense, and indemnification.* 1. The members,  
2 officers, executive director, employees and representatives of the commission shall  
3 be immune from suit and liability, both personally and in their official capacity, for  
4 any claim for damage to or loss of property or personal injury or other civil liability  
5 caused by or arising out of any actual or alleged act, error, or omission that occurred,  
6 or that the person against whom the claim is made had a reasonable basis for  
7 believing occurred within the scope of commission employment, duties or  
8 responsibilities; provided that nothing in this subdivision shall be construed to  
9 protect any such person from suit or liability for any damage, loss, injury, or liability  
10 caused by the intentional or willful or wanton misconduct of that person. The  
11 procurement of insurance of any type by the commission shall not in any way  
12 compromise or limit the immunity granted hereunder.

13           2. The commission shall defend any member, officer, executive director,  
14 employee, and representative of the commission in any civil action seeking to impose  
15 liability arising out of any actual or alleged act, error, or omission that occurred  
16 within the scope of commission employment, duties, or responsibilities, or as  
17 determined by the commission that the person against whom the claim is made had  
18 a reasonable basis for believing occurred within the scope of commission  
19 employment, duties, or responsibilities; provided that nothing herein shall be  
20 construed to prohibit that person from retaining their own counsel at their own  
21 expense; and provided further, that the actual or alleged act, error, or omission did  
22 not result from that person's intentional or willful or wanton misconduct.

23           3. The commission shall indemnify and hold harmless any member, officer,  
24 executive director, employee, and representative of the commission for the amount  
25 of any settlement or judgment obtained against that person arising out of any actual

1 or alleged act, error, or omission that occurred within the scope of commission  
2 employment, duties, or responsibilities, or that such person had a reasonable basis  
3 for believing occurred within the scope of commission employment, duties, or  
4 responsibilities, provided that the actual or alleged act, error, or omission did not  
5 result from the intentional or willful or wanton misconduct of that person.

6 4. Nothing herein shall be construed as a limitation on the liability of any  
7 licensee for professional malpractice or misconduct, which shall be governed solely  
8 by any other applicable state laws.

9 5. Nothing in this compact shall be interpreted to waive or otherwise abrogate  
10 a member state's state action immunity or state action affirmative defense with  
11 respect to antitrust claims under the Sherman Act, Clayton Act, or any other state  
12 or federal antitrust or anticompetitive law or regulation.

13 6. Nothing in this compact shall be construed to be a waiver of sovereign  
14 immunity by the member states or by the commission.

15 **(9) ARTICLE 9 - DATA SYSTEM.** (a) The commission shall provide for the  
16 development, maintenance, operation, and utilization of a coordinated database and  
17 reporting system.

18 (b) The commission shall assign each applicant for a multistate license a  
19 unique identifier, as determined by the rules of the commission.

20 (c) Notwithstanding any other provision of state law to the contrary, a member  
21 state shall submit a uniform data set to the data system on all individuals to whom  
22 this compact is applicable as required by the rules of the commission, including:

- 23 1. Identifying information;
- 24 2. Licensure data;
- 25 3. Adverse actions against a license and information related thereto;

1           4. Non-confidential information related to alternative program participation,  
2           the beginning and ending dates of such participation, and other information related  
3           to such participation;

4           5. Any denial of application for licensure, and the reason(s) for such denial  
5           (excluding the reporting of any criminal history record information where prohibited  
6           by law);

7           6. The existence of investigative information;

8           7. The existence presence of current significant investigative information; and

9           8. Other information that may facilitate the administration of this compact or  
10          the protection of the public, as determined by the rules of the commission.

11          (d) The records and information provided to a member state pursuant to this  
12          compact or through the data system, when certified by the commission or an agent  
13          thereof, shall constitute the authenticated business records of the commission, and  
14          shall be entitled to any associated hearsay exception in any relevant judicial,  
15          quasi-judicial or administrative proceedings in a member state.

16          (e) The existence of current significant investigative information and the  
17          existence of investigative information pertaining to a licensee in any member state  
18          will only be available to other member states.

19          (f) It is the responsibility of the member states to report any adverse action  
20          against a licensee who holds a multistate license and to monitor the database to  
21          determine whether adverse action has been taken against such a licensee or license  
22          applicant. Adverse action information pertaining to a licensee or license applicant  
23          in any member state will be available to any other member state.

1 (g) Member states contributing information to the data system may designate  
2 information that may not be shared with the public without the express permission  
3 of the contributing state.

4 (h) Any information submitted to the data system that is subsequently  
5 expunged pursuant to federal law or the laws of the member state contributing the  
6 information shall be removed from the data system.

7 **(10) ARTICLE 10 - RULEMAKING.** (a) The commission shall promulgate reasonable  
8 rules in order to effectively and efficiently implement and administer the purposes  
9 and provisions of the compact. A rule shall be invalid and have no force or effect only  
10 if a court of competent jurisdiction holds that the rule is invalid because the  
11 commission exercised its rulemaking authority in a manner that is beyond the scope  
12 and purposes of the compact, or the powers granted hereunder, or based upon  
13 another applicable standard of review.

14 (b) The rules of the commission shall have the force of law in each member state,  
15 provided however that where the rules of the commission conflict with the laws of the  
16 member state that establish the member state's scope of practice as held by a court  
17 of competent jurisdiction, the rules of the commission shall be ineffective in that  
18 state to the extent of the conflict.

19 (c) The commission shall exercise its rulemaking powers pursuant to the  
20 criteria set forth in this subsection and the rules adopted thereunder. Rules shall  
21 become binding as of the date specified by the commission for each rule.

22 (d) If a majority of the legislatures of the member states rejects a rule or portion  
23 of a rule, by enactment of a statute or resolution in the same manner used to adopt  
24 the compact within four (4) years of the date of adoption of the rule, then such rule



1 shall have no further force and effect in any member state or to any state applying  
2 to participate in the compact.

3 (e) Rules shall be adopted at a regular or special meeting of the commission.

4 (f) Prior to adoption of a proposed rule, the commission shall hold a public  
5 hearing and allow persons to provide oral and written comments, data, facts,  
6 opinions, and arguments.

7 (g) Prior to adoption of a proposed rule by the commission, and at least thirty  
8 (30) days in advance of the meeting at which the commission will hold a public  
9 hearing on the proposed rule, the commission shall provide a notice of proposed  
10 rulemaking:

- 11 1. On the website of the commission or other publicly accessible platform;
- 12 2. To persons who have requested notice of the commission's notices of proposed  
13 rulemaking, and
- 14 3. In such other way(s) as the commission may by rule specify.

15 (h) The notice of proposed rulemaking shall include:

- 16 1. The time, date, and location of the public hearing at which the commission  
17 will hear public comments on the proposed rule and, if different, the time, date, and  
18 location of the meeting where the commission will consider and vote on the proposed  
19 rule;
- 20 2. If the hearing is held via telecommunication, video conference, or other  
21 electronic means, the commission shall include the mechanism for access to the  
22 hearing in the notice of proposed rulemaking;
- 23 3. The text of the proposed rule and the reason therefor;
- 24 4. A request for comments on the proposed rule from any interested person; and
- 25 5. The manner in which interested persons may submit written comments.

1 (i) All hearings will be recorded. A copy of the recording and all written  
2 comments and documents received by the commission in response to the proposed  
3 rule shall be available to the public.

4 (j) Nothing in this subsection shall be construed as requiring a separate  
5 hearing on each rule. Rules may be grouped for the convenience of the commission  
6 at hearings required by this subsection.

7 (k) The commission shall, by majority vote of all commissioners, take final  
8 action on the proposed rule based on the rulemaking record.

9 1. The commission may adopt changes to the proposed rule provided the  
10 changes do not enlarge the original purpose of the proposed rule.

11 2. The commission shall provide an explanation of the reasons for substantive  
12 changes made to the proposed rule as well as reasons for substantive changes not  
13 made that were recommended by commenters.

14 3. The commission shall determine a reasonable effective date for the rule.  
15 Except for an emergency as provided in par. (L), the effective date of the rule shall  
16 be no sooner than thirty (30) days after the commission issuing the notice that it  
17 adopted or amended the rule.

18 (L) Upon determination that an emergency exists, the commission may  
19 consider and adopt an emergency rule with 24 hours notice, provided that the usual  
20 rulemaking procedures provided in the compact and in this subsection shall be  
21 retroactively applied to the rule as soon as reasonably possible, in no event later than  
22 ninety (90) days after the effective date of the rule. For the purposes of this provision,  
23 an emergency rule is one that must be adopted immediately to:

24 1. Meet an imminent threat to public health, safety, or welfare;

25 2. Prevent a loss of commission or member state funds;

1           3. Meet a deadline for the promulgation of a rule that is established by federal  
2 law or rule; or

3           4. Protect public health and safety.

4           (m) The commission or an authorized committee of the commission may direct  
5 revisions to a previously adopted rule for purposes of correcting typographical errors,  
6 errors in format, errors in consistency, or grammatical errors. Public notice of any  
7 revisions shall be posted on the website of the commission. The revision shall be  
8 subject to challenge by any person for a period of thirty (30) days after posting. The  
9 revision may be challenged only on grounds that the revision results in a material  
10 change to a rule. A challenge shall be made in writing and delivered to the  
11 commission prior to the end of the notice period. If no challenge is made, the revision  
12 will take effect without further action. If the revision is challenged, the revision may  
13 not take effect without the approval of the commission.

14           (n) No member state's rulemaking requirements shall apply under this  
15 compact.

16           **(11) ARTICLE 11 - OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a)  
17 *Oversight.* 1. The executive and judicial branches of state government in each  
18 member state shall enforce this compact and take all actions necessary and  
19 appropriate to implement the compact.

20           2. Venue is proper and judicial proceedings by or against the commission shall  
21 be brought solely and exclusively in a court of competent jurisdiction where the  
22 principal office of the commission is located. The commission may waive venue and  
23 jurisdictional defenses to the extent it adopts or consents to participate in alternative  
24 dispute resolution proceedings. Nothing herein shall affect or limit the selection or

1 propriety of venue in any action against a licensee for professional malpractice,  
2 misconduct or any such similar matter.

3 3. The commission shall be entitled to receive service of process in any  
4 proceeding regarding the enforcement or interpretation of the compact and shall  
5 have standing to intervene in such a proceeding for all purposes. Failure to provide  
6 the commission service of process shall render a judgment or order void as to the  
7 commission, this compact, or promulgated rules.

8 (b) *Default, technical assistance, and termination.* 1. If the commission  
9 determines that a member state has defaulted in the performance of its obligations  
10 or responsibilities under this compact or the promulgated rules, the commission  
11 shall provide written notice to the defaulting state. The notice of default shall  
12 describe the default, the proposed means of curing the default, and any other action  
13 that the commission may take, and shall offer training and specific technical  
14 assistance regarding the default.

15 2. The commission shall provide a copy of the notice of default to the other  
16 member states.

17 (c) If a state in default fails to cure the default, the defaulting state may be  
18 terminated from the compact upon an affirmative vote of a majority of the delegates  
19 of the member states, and all rights, privileges and benefits conferred on that state  
20 by this compact may be terminated on the effective date of termination. A cure of the  
21 default does not relieve the offending state of obligations or liabilities incurred  
22 during the period of default.

23 (d) Termination of membership in the compact shall be imposed only after all  
24 other means of securing compliance have been exhausted. Notice of intent to  
25 suspend or terminate shall be given by the commission to the governor, the majority

1 and minority leaders of the defaulting state's legislature, the defaulting state's state  
2 licensing authority and each of the member states' state licensing authority.

3 (e) A state that has been terminated is responsible for all assessments,  
4 obligations, and liabilities incurred through the effective date of termination,  
5 including obligations that extend beyond the effective date of termination.

6 (f) Upon the termination of a state's membership from this compact, that state  
7 shall immediately provide notice to all licensees who hold a multistate license within  
8 that state of such termination. The terminated state shall continue to recognize all  
9 licenses granted pursuant to this compact for a minimum of one hundred eighty (180)  
10 days after the date of said notice of termination.

11 (g) The commission shall not bear any costs related to a state that is found to  
12 be in default or that has been terminated from the compact, unless agreed upon in  
13 writing between the commission and the defaulting state.

14 (h) The defaulting state may appeal the action of the commission by petitioning  
15 the U.S. district court for the District of Columbia or the federal district where the  
16 commission has its principal offices. The prevailing party shall be awarded all costs  
17 of such litigation, including reasonable attorney's fees.

18 (i) *Dispute resolution.* 1. Upon request by a member state, the commission  
19 shall attempt to resolve disputes related to the compact that arise among member  
20 states and between member and non-member states.

21 2. The commission shall promulgate a rule providing for both mediation and  
22 binding dispute resolution for disputes as appropriate.

23 (j) *Enforcement.* 1. The commission, in the reasonable exercise of its discretion,  
24 shall enforce the provisions of this compact and the commission's rules.

1           2. By majority vote as provided by commission rule, the commission may  
2 initiate legal action against a member state in default in the United States district  
3 court for the District of Columbia or the federal district where the commission has  
4 its principal offices to enforce compliance with the provisions of the compact and its  
5 promulgated rules. The relief sought may include both injunctive relief and  
6 damages. In the event judicial enforcement is necessary, the prevailing party shall  
7 be awarded all costs of such litigation, including reasonable attorney's fees. The  
8 remedies herein shall not be the exclusive remedies of the commission. The  
9 commission may pursue any other remedies available under federal or the defaulting  
10 member state's law.

11           3. A member state may initiate legal action against the commission in the U.S.  
12 district court for the District of Columbia or the federal district where the  
13 commission has its principal offices to enforce compliance with the provisions of the  
14 compact and its promulgated rules. The relief sought may include both injunctive  
15 relief and damages. In the event judicial enforcement is necessary, the prevailing  
16 party shall be awarded all costs of such litigation, including reasonable attorney's  
17 fees.

18           4. No individual or entity other than a member state may enforce this compact  
19 against the commission.

20           **(12)** ARTICLE 12 - EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT. (a) The compact  
21 shall come into effect on the date on which the compact statute is enacted into law  
22 in the seventh member state.

23           1. On or after the effective date of the compact, the commission shall convene  
24 and review the enactment of each of the charter member states to determine if the

1 statute enacted by each such charter member state is materially different than the  
2 model compact statute.

3 a. A charter member state whose enactment is found to be materially different  
4 from the model compact statute shall be entitled to the default process set forth in  
5 sub. (11).

6 b. If any member state is later found to be in default, or is terminated or  
7 withdraws from the compact, the commission shall remain in existence and the  
8 compact shall remain in effect even if the number of member states should be less  
9 than seven (7).

10 2. Member states enacting the compact subsequent to the charter member  
11 states shall be subject to the process set forth in sub. (8) (c) 23. to determine if their  
12 enactments are materially different from the model compact statute and whether  
13 they qualify for participation in the compact.

14 3. All actions taken for the benefit of the commission or in furtherance of the  
15 purposes of the administration of the compact prior to the effective date of the  
16 compact or the commission coming into existence shall be considered to be actions  
17 of the commission unless specifically repudiated by the commission.

18 4. Any state that joins the compact shall be subject to the commission's rules  
19 and bylaws as they exist on the date on which the compact becomes law in that State.  
20 Any rule that has been previously adopted by the commission shall have the full force  
21 and effect of law on the day the compact becomes law in that state.

22 (b) Any member state may withdraw from this compact by enacting a statute  
23 repealing that state's enactment of the compact.

24 1. A member state's withdrawal shall not take effect until one hundred eighty  
25 (180) days after enactment of the repealing statute.

1           2. Withdrawal shall not affect the continuing requirement of the withdrawing  
2 state's licensing authority to comply with the investigative and adverse action  
3 reporting requirements of this compact prior to the effective date of withdrawal.

4           3. Upon the enactment of a statute withdrawing from this compact, a state  
5 shall immediately provide notice of such withdrawal to all licensees within that  
6 state. Notwithstanding any subsequent statutory enactment to the contrary, such  
7 withdrawing state shall continue to recognize all licenses granted pursuant to this  
8 compact for a minimum of 180 days after the date of such notice of withdrawal.

9           (c) Nothing contained in this compact shall be construed to invalidate or  
10 prevent any licensure agreement or other cooperative arrangement between a  
11 member state and a non-member state that does not conflict with the provisions of  
12 this compact.

13           (d) This compact may be amended by the member states. No amendment to this  
14 compact shall become effective and binding upon any member state until it is enacted  
15 into the laws of all member states.

16           **(13) ARTICLE 13 - CONSTRUCTION AND SEVERABILITY.** (a) This compact and the  
17 commission's rulemaking authority shall be liberally construed so as to effectuate  
18 the purposes, and the implementation and administration of the compact.  
19 Provisions of the compact expressly authorizing or requiring the promulgation of  
20 rules shall not be construed to limit the commission's rulemaking authority solely for  
21 those purposes.

22           (b) The provisions of this compact shall be severable and if any phrase, clause,  
23 sentence or provision of this compact is held by a court of competent jurisdiction to  
24 be contrary to the constitution of any member state, a state seeking participation in  
25 the compact, or of the United States, or the applicability thereof to any government,



1 agency, person or circumstance is held to be unconstitutional by a court of competent  
2 jurisdiction, the validity of the remainder of this compact and the applicability  
3 thereof to any other government, agency, person or circumstance shall not be affected  
4 thereby.

5 (c) Notwithstanding par. (b), the commission may deny a state's participation  
6 in the compact or, in accordance with the requirements of sub. (11) (b), terminate a  
7 member state's participation in the compact, if it determines that a constitutional  
8 requirement of a member state is a material departure from the compact. Otherwise,  
9 if this compact shall be held to be contrary to the constitution of any member state,  
10 the compact shall remain in full force and effect as to the remaining member states  
11 and in full force and effect as to the member state affected as to all severable matters.

12 **(14) ARTICLE 14 - CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS.**

13 Nothing herein shall prevent or inhibit the enforcement of any other law of a member  
14 state that is not inconsistent with the compact. Any laws, statutes, regulations, or  
15 other legal requirements in a member state in conflict with the compact are  
16 superseded to the extent of the conflict. All permissible agreements between the  
17 commission and the member states are binding in accordance with their terms.

18 **460.51 Implementation of the interstate massage compact. (1)** In this  
19 section:

20 (a) "Affiliated credentialing board" means the massage therapy and bodywork  
21 therapy affiliated credentialing board.

22 (b) "Authorization to practice" has the meaning given in s. 460.01 (2).

23 **(2)** The department may impose a fee for an individual to receive a multistate  
24 license as provided in s. 460.50 (4) (a) 10.

