

**MASSAGE THERAPY AND BODYWORK THERAPY  
AFFILIATED CREDENTIALING BOARD  
TELECONFERENCE MINUTES  
DECEMBER 1, 2011**

**VIA TELEPHONE:** John Anderson, Elizabeth Krizenesky, Carole Ostendorf (8:35), Cindy Spitz, Wendy Wettengel-Perrigoue, Barbara Yetter

**STAFF PRESENT:** Tom Ryan, Executive Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; Other DSPTS staff

**GUESTS:** none

**CALL TO ORDER**

Elizabeth Krizenesky called the meeting to order at 8:30 a.m.

**ADOPTION OF AGENDA**

**Amendment**

- Review and Approval of Draft Letter to Schools
- Proposed Website Information Pertaining to the New Licensing Procedures
- Administrative Warning (closed session) – 11 MTB 007
- Case Closings (closed session)

**MOTION:** Cindy Spitz moved, seconded by John Anderson, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF AUGUST 26, 2011**

**Corrections**

- On page 2, under **Board Committee and Liaison Appointments**, add:
  - Travel Liaison – Elizabeth Krizenesky
  - Enforcement/Monitoring Liaison – John Anderson

**MOTION:** Carole Ostendorf moved, seconded by Barbara Yetter, to approve the minutes of August 26, 2011 as corrected. Motion carried unanimously.

### **DSPS SECRETARY MATTERS**

There were no issues to discuss.

### **EXECUTIVE DIRECTOR MATTERS**

There were no issues to discuss.

### **DISCUSSION OF SCOPE STATEMENT FOR RULE-WRITING RELATING TO 2009 WISCONSIN ACT 335 INCLUDING THE TEMPORARY CREDENTIAL**

The Board reviewed the scope statement to modernize Wis. Admin. Code chapters § RL 90 to § RL 94, regulating the practice of massage therapy and bodywork therapy as a result of the passage of 2009 Wisconsin Act 355.

**MOTION:** Carole Ostendorf moved, seconded by Wendy Wettengel-Perrigoue, to approve the scope statement as amended. Motion carried unanimously.

**MOTION:** Cindy Spitzza moved, seconded by Barbara Yetter, to proceed with the scope statement through all necessary channels expediently and as a priority. Motion carried unanimously.

**MOTION:** Cindy Spitzza moved, seconded by John Anderson, to authorize Elizabeth Krizenesky to make changes to the scope statement as necessary. Motion carried unanimously.

### **CONSIDERATION OF ACCEPTANCE OF EXISTING CLASSROOM HOUR REQUIREMENTS AND PROPOSED WEBSITE INFORMATION PERTAINING TO NEW LICENSING PROCEDURES**

Legal Counsel Sandy Nowack addressed the Board that due to the extensive rule-making process, there is not sufficient time to complete rule-making necessary for the changes in licensure requirements. This proposal has been approved by Ms. Nowack and General Counsel Michael Berndt and will allow staff to move forward with applications. Kris Hendrickson, Credentialing Supervisor, stated the grandfathering clause ends as of January 1, 2012. Pending

applicants must be informed that they must meet the current requirements by December 30, 2011, and if not, they will have to comply with the new requirements. Brittany Haberman, License/Permit Associate, stated she currently has over 200 pending applicants that need to be informed of the upcoming rule changes.

**MOTION:** Barbara Yetter moved, seconded by Cindy Spitz, to accept the proposed FAQ concerning timely completion of the requirements for licensure under grandfathering provisions as follows:

**Applicants for licensure under grandfathering provisions MUST have completed applications AND all requirements for licensure, and must have submitted them to the Department, before January 1, 2012.** For those whose applications were filed but missing required documentation, the applications will be deemed incomplete and abandoned.

Grandfathering provisions STRICTLY expire on January 1, 2012.

Applicants whose applications for grandfathering are not complete by the deadline, but who wish to be credentialed, must reapply under licensure requirements established by 2009 Wisconsin Act 355. If an applicant fails to complete the application and requirements for grandfathering, the applicant will be required to pay the application fee with the new application.

Motion carried unanimously.

**MOTION:** Barbara Yetter moved, seconded by Cindy Spitz, to accept the proposed FAQ concerning applicants who have not taken advantage of the opportunity for licensure under grandfathering as follows:

Ordinarily, credential holders who allow their credentials to expire retain a right to renew the credential within five years. After five years the applicant is required to submit a new application for licensure.

However, 2009 Wisconsin Act 355, eliminated the massage therapy credential previously authorized. Persons who held the credential were given an opportunity to maintain the credential through a grandfathering process, which expires January 1, 2012. After January 1, 2012, persons whose credentials have expired, and who have not availed themselves of the opportunity for grandfathering, may not simply renew the previous credential. Instead, they will be required to submit a new

application and meet requirements set out in 2009 Wisconsin Act 355.

Motion carried unanimously.

**MOTION:** Barbara Yetter moved, seconded by John Anderson, that pursuant to Wis. Stat. § 460.05(2), the Board shall waive the requirement specified in § 460.05(1)(e) if, before May 27, 2009, the educational approval board or the Department approved the massage therapy or bodywork therapy school or training program, and requests for approval of programs and schools pursuant to § 460.05(1)(e) but not approved by the educational approval board or the Department before May 27, 2009, shall be reviewed individually by the Board's credentialing liaisons using criteria previously provided by the board. Motion carried unanimously.

**MOTION:** Carole Ostendorf moved, seconded by Wendy Wettengel-Perrigoue, to delegate authority to Elizabeth Krizenesky and the credentialing liaison to work with DSPS staff concerning licensure requirements and requirements for the temporary license. Motion carried unanimously.

Kris Hendrickson will post the licensure information to the Department website as soon as possible.

### **REVIEW OF DRAFT LETTER TO SCHOOLS**

The Board reviewed the draft letter to the schools and made some language revisions. Tom Ryan asked Wendy Wettengel-Perrigoue to assist the Department with compiling a complete list of technical colleges that offer a MTBT course.

**MOTION:** Carole Ostendorf moved, seconded by John Anderson, to approve the draft letter to the schools as revised and to authorize Elizabeth Krizenesky to make any additional changes as necessary. Motion carried unanimously.

### **PUBLIC COMMENTS**

There were no public comments.

**CLOSED SESSION**

**MOTION:** Cindy Spitzza moved, seconded by John Anderson, to convene to Closed Session to deliberate on cases following hearing (Wis. Stat. § 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and, to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Roll call vote: John Anderson-yes; Elizabeth Krizenesky-yes; Carole Ostendorf-yes; Cindy Spitzza-yes; Wendy Wettengel-Perrigoue-yes; Barbara Yetter-yes. Motion carried unanimously.

Open session recessed at 9:21 a.m.

**RECONVENE IN OPEN SESSION**

**MOTION:** Cindy Spitzza moved, seconded by Barbara Yetter, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 9:50 a.m.

**VOTING ON ITEMS CONSIDERED OR DELBERATED IN CLOSED SESSION**

**ADMINISTRATIVE WARNING(S)**

**11 MTB 007**

**MOTION:** Carole Ostendorf moved, seconded by Elizabeth Krizenesky, to issue the Administrative Warning in case **11 MTB 007**. Carole Ostendorf-yes; Elizabeth Krizenesky-yes; Wendy Wettengel-Perrigoue-no; John Anderson-no; Cindy Spitzza-no; Barbara Yetter-no. Motion failed.

**MOTION:** Cindy Spitzza moved, seconded by Barbara Yetter, to close case **11 MTB 007** for insufficient evidence. Elizabeth Krizenesky-no. Carole Ostendorf abstained from voting. Motion carried.

### **CASE CLOSINGS**

**MOTION:** John Anderson moved, seconded by Carole Ostendorf, to close case **11 MTB 012** for insufficient evidence. Motion carried unanimously.

**MOTION:** Barbara Yetter moved, seconded by Cindy Spitza, to close case **11 MTB 008** for no violation. Motion carried unanimously.

**MOTION:** Cindy Spitza moved, seconded by Wendy Wettengel-Perrigoue, to close case **11 MTB 009** for no violation. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Barb Yetter moved, seconded by Cindy Spitza, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:52 a.m.