



Jeremiah W. (Jay) Nixon
Governor
State of Missouri

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DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
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John M. Huff, Director

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Loree V. Kessler, MPA
Executive Director

Meeting Notice
Missouri Board of Therapeutic Massage
September 9, 2013 – 9:00 a.m.
Brydon, Swearngen and England
312 East Capitol Avenue, Jefferson City Missouri

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the Board of Therapeutic Massage, P.O. Box 1335, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 522-6277 to ensure available accommodations. The text telephone for the deaf or hard of hearing is 800/735-2966 or 800/735-2466 for Voice Relay Missouri.

Except to the extent disclosure is otherwise required by law, the Missouri Board of Therapeutic Massage is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021 subsections (1), (3), (5), (7), (13), (14), and Chapter 324.001.8 and 324.001.9 RSMo.

The Board may convene in closed session at any time during the meeting. If the meeting is closed, the appropriate section will be announced to the public, with the motion and vote recorded in open session minutes.

Anyone requiring additional detail regarding the telephone conference call should contact the Missouri Board of Therapeutic Massage, P.O. Box 1335, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling Loree Kessler, Executive Director at (573) 522-6277. The TTY number for Relay Missouri is 800/735-2966 or 800/735-2466 for Voice Relay Missouri.

Please see attached agenda for this meeting.

Meeting Notice
Missouri Board of Therapeutic Massage
September 9, 2013 – 9:00 a.m.
Brydon, Swearngen and England
312 East Capitol Avenue, Jefferson City Missouri

Call to Order	Renate Brodecker, Chairperson
Roll Call	Executive Director
1. Approval of Agenda	
2. Approval of Open Minutes	
<ul style="list-style-type: none"> • July 29, 2013 Conference Call Minutes • July 31, 2013 Mail Ballot Minutes 	
3. Compliance Credits – 30/30 Law – Greg Mitchell Counsel	
Meeting Schedule	

Motions to Close

Section 610.021 subsections (14), 324.001.8 and 324.001.9 RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the licensee or applicant section 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings.

OPEN SESSION MINUTES
Missouri Board of Therapeutic Massage
July 29, 2013 – 11:30 a.m.
Division of Professional Registration
3605 Missouri Boulevard – Jefferson City, Missouri

At 11:30 a.m., on July 29, 2013 the Missouri Board of Therapeutic Massage conference call meeting was called to order by Renate Brodecker, Chairperson at the Missouri Division of Professional Registration located at 3605 Missouri Boulevard in Jefferson City. The processing licensure supervisor facilitated roll call.

Board Members Present

Renate Brodecker, Chairperson
Dawn Standley, Vice Chairperson
Brandy Mouser
Carl Nelson

Staff Present

Jeanette Wilde, Processing Licensure Supervisor
Greg Roach, Processing Technician II
Greg Mitchell, Counsel

Ms. Brodecker stated she would be voting in open and closed session.

A motion was made by Mr. Nelson and seconded by Ms. Mouser to approve the open session agenda. Board members voting aye: Ms. Brodecker, Ms. Mouser, Ms. Standley and Mr. Nelson. Motion carried unanimously.

A motion as made by Mr. Nelson and seconded by Ms. Mouser to approve the June 3, 2013 open session meeting minutes. Board members voting aye: Ms. Brodecker, Ms. Mouser, Ms. Standley and Mr. Nelson. Motion carried unanimously.

Missouri College – Course Review

The board reviewed the course description for PM 124 Pathology for Massage Therapists at Missouri College and determined the course could meet the requirements of anatomy & physiology. The school is to be reminded that when using this course for anatomy & physiology the instructor requirements for the core area must be met.

At 11:34 a.m., a motion was made by Mr. Nelson and seconded by Ms. Standley to convene in closed session pursuant to section 610.021 subsections (14), 324.001.8 and 324.001.9 RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the licensee or applicant section 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings

Missouri Board of Therapeutic Massage
Open Session Minutes
July 30, 2013
Page 1

under the subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings. Board members voting aye: Ms. Brodecker, Ms. Mouser, Ms. Standley and Mr. Nelson. Motion carried unanimously.

At 1:27 p.m., a motion was made by Ms. Mouser and seconded by Mr. Nelson to convene in open session. Board members voting aye: Ms. Brodecker, Ms. Mouser, Ms. Standley and Mr. Nelson. Motion carried unanimously.

Meeting Schedule

The board tentatively scheduled a face to face meeting for September 9 at 9:00 a.m.

At 1:28 p.m., a motion was made by Ms. Standley and seconded by Mr. Nelson to adjourn the conference call. Board members voting aye: Ms. Brodecker, Ms. Mouser, Ms. Standley and Mr. Nelson. Motion carried unanimously.



Executive Director

Approved by Board on

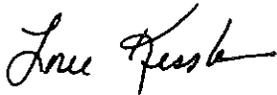
OPEN MINUTES
Missouri State Board of Therapeutic Massage
Division of Professional Registration
3605 Missouri Boulevard - Jefferson City, Missouri
July 31, 2013

On this date, a closed mail ballot was sent to the members of the Missouri Board of Therapeutic Massage pursuant to section 610.021(14) RSMo.

Mail Ballots Sent to:

Renate Brodecker, Chairperson
Brandy Mouser
Carl Nelson
Dawn Standley

The Missouri Board of Therapeutic Massage is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021 subsections (1), (3), (5), (7), (13) and (14), RSMo, and sections 324.001.85 and 324.001.9 RSMo.



Executive Director

Approved by Board on

Missouri Board of Therapeutic Massage
Open Mail Ballot Minutes
July 31, 2013

Missouri Revised Statutes

Chapter 217 Department of Corrections Section 217.703

August 28, 2012

Earned compliance credits awarded, when.

217.703. 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter 195 or for a class C or D felony, excluding the offenses of aggravated stalking, sexual assault, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section 565.060, sexual misconduct involving a child, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, incest, invasion of privacy, and abuse of a child;

(3) Supervised by the board; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

2. If an offender was placed on probation, parole, or conditional release for an offense of:

(1) Involuntary manslaughter in the first degree;

(2) Involuntary manslaughter in the second degree;

(3) Assault in the second degree except under subdivision (2) of subsection 1 of section 565.060;

(4) Domestic assault in the second degree;

(5) Assault of a law enforcement officer in the second degree;

(6) Statutory rape in the second degree;

(7) Statutory sodomy in the second degree;

(8) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or

(9) Any case in which the defendant is found guilty of a felony offense under chapter 571,

the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the

protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.

4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a violation report has been submitted or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. All earned credits shall be rescinded if the court or board revokes the probation or parole or the court places the offender in a department program under subsection 4 of section 559.036. Earned credits shall continue to be suspended for a period of time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination of time served in custody, if applicable, time served on probation, parole, or conditional release, and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court shall order final discharge of the offender, so long as the offender has completed at least two years of his or her probation or parole, which shall include any time served in custody under section 217.718 and sections 559.036 and 559.115.

8. The award or rescission of any credits earned under this section shall not be subject to appeal or any motion for postconviction relief.

9. At least twice a year, the division shall calculate the number of months the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the offender of the length of the remaining term.

10. No less than sixty days before the date of final discharge, the division shall notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be discharged under subsection 7 of this section.

(L. 2012 H.B. 1525)

Can an offender lose compliance credits if they receive a new violation?

The earned compliance credits remain with an offender even if they later have a non-compliant month. The exception to this is when an offender's supervision is revoked. If a supervision period is revoked, all compliance credits earned to that point are lost.

If an offender's offense is eligible, will they automatically earn a compliance credit each month?

No. An offender earns a compliance credit when they are compliant with their supervision responsibilities. This means that there are no Initial Violation Reports/Notices of Citations, or motions to revoke or suspend, during a calendar month and that the offender is not an absconder.

What can an offender do if they think the earned compliance credits were calculated wrong in my case?

The determination of earned compliance credits are not subject to formal appeal; however, as with all matters related to supervision, offenders are encouraged to discuss any questions they have with their supervising officer.

On August 28, 2012 House Bill 1525-Justice Reinvestment Initiative, which was signed by Governor Jay Nixon became law. This law established the Sentencing and Corrections Oversight Commission and changed some laws regarding criminal offenders under the supervision of the Missouri Department of Corrections, including creating an earned compliance credit for certain offenders.

Missouri Board
of Probation and Parole
3400 Knipp Drive
Jefferson City, MO. 65109
Phone: 573-751-8488
Fax: 573-751-8501

Missouri Board Of Probation and Parole

**Early Discharge/
Earned Compliance
Credit (RSMo 217.703)**



WWW.DOC.MO.GOV

What is an early discharge?

An early discharge is a final release, or discharge, from probation, parole or conditional release supervision prior to the scheduled supervision expiration date.

Who can authorize an early discharge?

The sentencing Court has authority to reduce the probation supervision term they originally established and the Parole Board can authorize an early discharge from parole or conditional release. The Division of Probation and Parole can also discharge an offender early based on earned compliance credits.

How can an offender obtain an early discharge?

The granting of an early discharge rests primarily with the sentencing Court or the Parole Board. For offenders that comply with their supervision conditions the Court may consider an early discharge as they determine. The Board can do this as well after the offender has completed three years of supervision in the community.

In the case of earned compliance credits, the early discharge is based solely on whether an offender meets the initial eligibility requirements and how well they comply with their supervision requirements. If an offender is interested in an early discharge granted by the Court or Board, or interested in learning more about earned compliance credits, they should discuss this with their supervising officer.

What is an earned compliance credit?

In 2012, legislation was passed that established earned compliance credits, which decrease a supervision term by 30 days for each month that an eligible offender is compliant on supervision for an eligible offense.

Who is eligible for earned compliance credit consideration?

Earned compliance credits are available for any offender who is:

- Not on lifetime supervision.
- On probation, parole or conditional release for a class C or D felony, or any offense listed in RSMo 195 (Drug Offenses), except for the following:
 - Aggravated Stalking
 - Sexual Assault
 - Deviate Sexual Assault
 - Assault 2nd
 - Sexual Misconduct Involving a Child
 - Endangering the Welfare of a Child
 - Incest
 - Invasion of Privacy
 - Abuse of a Child
- Supervised by the Division of Probation and Parole.
- In compliance with the conditions of supervision.
- Not ruled ineligible by the sentencing Court or Parole Board.
- Has completed at least two years of supervision

Under what circumstances can the sentencing Court make a ruling that an offender is ineligible for earned compliance credits?

A finding can be made on a probation case by the Court that, due to the nature and circumstances of the offense, or the history and character of the offender, a longer term of probation is required. This finding can only occur for the following offenses:

- Involuntary manslaughter in the first degree
- Involuntary manslaughter in the second degree
- Assault 2nd
- Domestic assault in the second degree
- Assault of a law enforcement officer in the second degree
- Statutory rape in the second Degree
- Statutory sodomy in the second degree
- Endangering the welfare of a child in the first degree
- Any case in which the defendant is found guilty of a felony offense under chapter 571

When did Earned Compliance Credits begin?

The credits started as of September 2012, with the first award for eligible offenders occurring on October 1, 2012.

OPEN SESSION MINUTES
Missouri Board of Therapeutic Massage
September 9, 2013 – 9:00 a.m.
Brydon, Swearingen & England Law Offices
312 East Capitol Avenue – Jefferson City, Missouri

At 9:03 a.m. on September 9, 2013 the Missouri Board of Therapeutic Massage was called to order by Renate Brodecker, Chairperson at the Law Offices of Brydon, Swearingen and England located at 312 East Capitol Avenue in Jefferson City Missouri. The executive director facilitated roll call.

Board Members Present

Renate Brodecker, Chairperson
Dawn Standley, Vice Chairperson
Brandy Mouser
Carl Nelson

Staff Present

Loree Kessler, Executive Director
Jeanette Wilde, Processing Licensure Supervisor
Greg Roach, Processing Technician II
Becky Dunn, Temporary Staff
Greg Mitchell, Counsel

Ms. Brodecker stated she would be voting in open and closed session.

A motion was made by Ms. Mouser and seconded by Ms. Standley to approve the open session agenda. Board members voting aye: Ms. Brodecker, Ms. Mouser, Ms. Standley and Mr. Nelson. Motion carried unanimously.

A motion was made by Ms. Mouser and seconded by Ms. Standley to approve the July 29 open session conference call minutes and July 31 mail ballot minutes. Board members voting aye: Ms. Brodecker, Ms. Mouser, Ms. Standley and Mr. Nelson. Motion carried unanimously.

Compliance Credits 30/30 Law

The board reviewed the statutory change relating to convictions and probation. Counsel provided information regarding potential implications for settlement agreements that mirror the time frame of probation of a license based upon criminal probation and reductions in time based upon the statutory change. No official action by the board.

Meeting Schedule

The board tentatively scheduled a conference call meeting for October 21, 2013 at 11:30 a.m.

At 9:10 a.m., a motion was made by Mr. Nelson and seconded by Ms. Standley to convene in closed session pursuant to section 610.021 subsections (14), 324.001.8 and 324.001.9 RSMo

for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the licensee or applicant section 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings. Board members voting aye: Ms. Brodecker, Ms. Mouser, Ms. Standley and Mr. Nelson. Motion carried unanimously.

At 1:37 p.m., a motion was made by Ms. Mouser and seconded by Ms. Standley to convene in open session and adjourn. Board members voting aye: Ms. Brodecker, Ms. Mouser, Ms. Standley and Mr. Nelson. Motion carried unanimously.



Executive Director

Approved by Board on October 21, 2013