Board of Registration of Massage Therapy
May 8, 2017, Public Session Meeting Minutes
Location: 1000 Washington St., Boston, MA 02118, Room 1D

Present:

Board members present:
Paul Andrews, Board Chair
Alexei Levine, Vice Chair
Matthew Olds, Board Member
Sheri Sarmento, Board Secretary
Ann Marie Kennedy, Board Member

DPL Staff present:
Ana Garcia, Executive Director
Peter Kelley, Board Counsel
Joann Termine, Board Administrator

Board member not present:
Jennie Pelletier, Board member

Item 1) 10:05 a.m. Meeting called to order:

Housekeeping and Evacuation Procedure – Executive Director detailed the evacuation plan to be followed in the event of an emergency.

Item 2) 10:06 a.m. Board Meeting Business:

Board Elections

- Motion made by Ms. Kennedy to nominate Mr. Paul Andrews for Board Chair, seconded by Mr. Olds. Following a vote, all "yes", motion passes unanimously.
- Motion made by Ms. Kennedy to nominate Mr. Levine for Vice Chair, seconded by Mr. Olds. Following a vote, all "yes", motion passes unanimously.
- Motion made by Ms. Kennedy nominating Ms. Sarmento for Secretary, seconded by Mr. Andrews. Following a vote, all "yes", motion passes unanimously.

Board meeting minutes

- **April 10, 2017 Public Minutes-** Mr. Levine moved to approve, as amended, the April 2017 Public minutes. Mr. Olds seconded. Motion passed unanimously.

Item 3) 10:14 a.m. Board Counsel Report

Board discussed delegating to the Executive Director its authority to determine the ongoing confidentiality of information contained in executive session minutes. Board will make such delegation going forward as it approves executive session minutes. Any substantive discussion of contents of executive session minutes, during review and approval, must itself occur in executive session, although routine approval can occur in open session.

Item 4) 10:16 a.m. <u>Curriculum Review</u>

- **Shang Shung Institute of America (School Licensure Renewal)**

10:06 a.m. Mr. Levine took no part in the discussion of this matter.

In anticipation of its upcoming discussion, presentation, and decision related to the curriculum of Shang Shung Institute of America, the board discussed the differences between massage as defined in the board's statutes and the modalities exempt and characterized as bodywork.

Massage, as defined by G. L. c. 112, § 227, which has been characterized by the Board since its inception as either Western or Swedish massage, is the manual and scientific manipulation of the soft tissues of the body and is a system developed by Pehr Henrick Ling and promoted within the Western medical model by Johann Mezger. It is characterized by:

1. The five basic techniques of effleurage (gliding), pétrissage (kneading), friction, compression, tapotement (percussion), and vibration (shaking);
2. Anatomy, physiology and pathology form the basis for assessment and treatment; and
3. The primary focus is reduction in pain, increased range of motion, functional outcome enhancement, and general relaxation.

Those practices exempt from massage therapy licensure pursuant to G. L. c, 112, § 228(b), which have been characterized by the Board since its inception as Asian bodywork, are the use of traditional Asian techniques and strategies to treat the human body, mind, and spirit, including the body's electromagnetic or energetic field. It is characterized by:

1. Use of traditional Chinese medicine for assessing and evaluating the energetic system. Additionally, the technique involves the use of pressure or manipulation to maintain or restore health and balance to the human body, emotions, mind, energy field, and spirit;
2. Observation of the tongue and wrist pulse to detect imbalances and disharmonies in various parts of the body and utilization of the theory of the five elements (or phases) forming the basis for diagnosis and treatment; and
3. The primary focus is stimulation and soothing particular points on the energy meridians or chakras, thereby creating effects and restoring balance to body, emotions, mind, energy field, and spirit on various parts regulated by points along the meridians.

Board will review these substantive points as part of its review of the minutes at an upcoming meeting.

10:40 a.m. Mr. Levine re-entered the conference room.

- **Mildred Elley (School Licensure Renewal)-**

The board addressed questions regarding credits vs contact hours being offered in the program. There is a question as to whether or not the anatomy course is taught on-line. Board requests that board or occupational school staff inquire as to whether there are actually any courses taught on-line (distance learning) and whether the contract hours are true clock hours. Mr. Levine moved conditionally to approve the curriculum provided there is favorable information obtained from the school related to the board's two issues. Mr. Olds seconded the motion. The motion passed unanimously.

Item 5) 11:00 a.m. <u>Application Review</u>

- **2018-287-MT-MT-APP [SS]** – Reinstatement application deficient in massage theory and technique hours. Board reviewed passing score of NCBTMB exam for consideration of up to 100 hour towards deficiencies in massage theory and technique. Mr. Levine made a motion to grant licensure, Ms. Kennedy seconded, motion passed unanimously.

Item 6) 11:05 a.m. <u>GMC Application Review:</u> *[Executive Session-closed pursuant to G.L.c.30A, §21 (1)]*

- Mr. Olds moved to enter into *Executive Session pursuant to G.L.30A §21(1)* to discuss the character rather than competence of an applicant for licensure and to approve executive session minutes from a prior meeting involving discussion of the contents of those minutes. Mrs. Kennedy seconded. After taking a roll call vote (all "yes"), motion passed unanimously.

At the conclusion of the Executive Session, Mr. Levine moved to exit executive session and to enter open session. Mrs. Kennedy seconded and following a roll call vote, all in favor, the motion passed.

Item 7) 11:10 a.m. <u>Investigative Conference</u>: Review Cases and Appeals: [closed session pursuant to MGL c. 112, S65C]

Mr. Levine moved to enter closed session for the purposes of conducting investigative conferences and settlement conferences pursuant to *MGL c. 112, §65C.* Mrs. Kennedy seconded. Motion passed unanimously.

During the investigative conference the Board voted to take the following action:

2016-0119MT103-IT-ENF [EF] - Forward to Prosecutions
2015-1208MT084-IT-ENF [FC] – Return for further investigation
2016-0504MT159-IT-ENF [SP] – Dismiss

Item 8) 11:17 a.m. **Settlement Conference**

Board discussed settlement offers presented by prosecuting counsel.

Mr. Olds moved to exit closed session and enter open session. Mrs. Kennedy seconded. Motion passed unanimously.

At the conclusion on the Settlement Conference the open meeting resumed.

Item 9) 11:37 p.m. **New Business/Open Session for topics**

Board discussed what an appropriate civil administrative penalty would be for first time advertising offense. Board agreed that $250 would be adequate amount for a first time advertisement of massage therapy services without proper massage establishment licensure.

Item 10) 11:37 p.m. **Adjournment:**

Ms. Kennedy moved to adjourn the meeting. Ms. Levine seconded.

Respectfully submitted,

Ana Garcia
Executive Director