

**Board of Registration of Massage Therapy  
April 8, 2019, Public Session Meeting Minutes  
Location: 1000 Washington St., Boston, MA 02118, Room 1D  
Public Session Minutes**

**Present:**

**Board members:**

Paul Andrews, Vice Chair  
Alexei Levine, Vice Chair  
Mindy Ruddock, Board Member  
Saskia Coté, Board Chair  
Anne Marie Kennedy, Board Member

**DPL Staff:**

Ana Garcia, Executive Director  
Peter Kelley, Board Counsel  
Anne Driscoll, Investigator  
Liam Powers, Investigator  
Denise Quintiliani, Board Administrator

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

- **Housekeeping and Evacuation Procedure:** Executive Director Garcia detailed the evacuation plan to be followed in the event of an emergency. Do not use the elevators, exit down the stairwell and go across Harrison St. to Whole Foods parking lot.

**Item 2) 10:11a.m.    Board Meeting Business:**

- **Public & Executive Minutes for March 11, 2019** – Tabled for May

**Item 3) 10:12 a.m.    Investigative Conference: Review Cases:** [closed session pursuant to MGL. C. 112 §65C] Alexei Levine moved to exit open session and enter into closed session for the purpose of conducting investigative conferences. Paul Andrews seconded. After a roll call vote, all “yes.” The motion passed unanimously.

During investigatory conference, the Board took the following action:

- 2017-000721-IT-ENF [BJ]-**Fwd to Prosecutions**

At the end of the investigatory conference, the close meeting resumed.

**11:21 a.m. Paul Andrews moved to exit closed session and enter open session for Application Review. Ann Marie Kennedy seconded. After a roll call vote, all “yes.” The motion passed unanimously.**

**Item 4) 11:21 a.m.    Application Review:**

- **2019-31-MT-MM-APP [Extreme Healthy Spa-Zheng Zhou] – No Action**

Motion by Paul Andrews to invite compliance officer to the May meeting for further questioning regarding the pending application. Ann Kennedy seconded. The motion passed unanimously.

• **2019-74-MT-MT-APP [Funu Lian]**- Application for Initial Licensure of Funi Lian was presented to the board due to school in which the applicant completed a Massage Therapy Program, American Training Schools for Medical Professionals located in New Jersey. After a cross reference check with the New Jersey Department of Workforce Labor, the school was not listed as an approved Massage Therapy School through the NJDWL, which is the current entity in which licenses private occupational schools in NJ.

The board discussed the current board policy/regulations per CMR 3.01(2)(e), that an applicant must complete a program at a licensed massage school.

**Paul Andrews made a motion to deny Funu Lian’s application for Initial Licensure due to not meeting requirement set forth in CMR 3.01(2)(e). Ann Marie Kennedy seconded. The motion passed unanimously.**

After the board meeting, application **2019-74-MT-MT-APP [Funu Lian]** was administratively approved and licensure granted as the applicant graduated before the school was out of compliance with the New Jersey Workforce Labor due to an expired Fire Certificated required to operate the school.

- **2019-18-MT-MM-APP [Amy Gong-New Waltham Wellness Place] –**

Application for Multiple Establishment was submitted by operator Amy Gong. The application came before the board due to the initial inspection failing when DPL inspectors attempted to conduct the initial inspection on February 28, 2019. The inspection was denied due to deficiencies such damage to the massage room, no evidence of liability insurance on premise, and lack of knowledge of the role of Compliance Officer.

Board counsel advised to the board that these were deficiencies that could be remedied by the Operator and to allow the opportunity to cure the deficiencies within 90 days of notice.

Paul Andrews made a motion to allow Ms. Gong (90 days) to correct deficiencies highlighted in the initial inspection conducted on February 28, 2019 and to re-invite Ms. Gong once the deficiencies have been cured. Ann Marie Kennedy seconded. The motion passed unanimously.

**Item 3) 11:35 a.m.    Compliance Monitoring:**

*11:35 a.m. Mindy Ruddock recused herself from the meeting and left the room.*

- **2017-000869-IT-ENF [Thomas Chacko] – Proposed Compliance Monitor Interviews:**

Thomas Chacko appeared with Ms. Ann Hoyer and his attorney Mr. Cal Stein. Mr. Andrews spoke about why a monitor was needed for Mr. Chacko. Mr. Andrews asked the proposed monitor if they had read the consent agreement since the last meeting (as she had not previously).

Ms. Hoyer told the board that after reading the consent agreement, she was aware that it would be her responsibility to arrange meeting times with Mr. Chacko to review and evaluate his clinical practice and to report to the board any or all deficiencies in his practice as a massage therapist. The board expressed concern regarding Ms. Hoyer was not currently practicing massage therapy even though her license was current.

11:43 a.m. Discussion tabled to a later portion of the meeting to await second monitor Roxy Rucker to arrive.

*11:44 a.m. Mindy Ruddock returns to the board meeting.*

**Item 4) 11:45 a.m. Curriculum Review:**

- **Jupiter Beauty Academy-** Board reviewed curriculum submission of proposed 650 hour Massage Therapy Program as part of school licensure application with the Office of Private Occupational Schools.

During the discussion, the board highlighted that the catalogue submitted incorrectly referred to Shiatsu as “Basic Massage” and that the school should correct the language on the catalogue to reference Shiatsu as an exempt modality.

**Paul Andrews made a motion to approve the proposed massage therapy curriculum for Jupiter Beauty Academy contingent upon suggested corrections being made in the school catalogue with delegation of authority to Executive Director to review once revised submission is received. Mindy Ruddock seconded. The motion passed unanimously.**

- **Mildred Elley-** Board reviewed curriculum submission of Mildred Elley’s current massage therapy curriculum for their school licensure renewal with the Office of Private Occupational Schools. During the review, the board highlighted that the total hours on the Private Occupational School “Approval Form” submitted had a discrepancy between the total hours submitted versus the total hours highlighted on the supporting documentation provided by the school.

**Alexei Levine motioned approve contingent upon the school making appropriate corrections on the form with Private Occupational Schools with delegation of authority to Executive Director to review once revised submission is received.**

**Item 5) 11:53 a.m. Compliance Monitoring:**

*11:54a.m. Mindy Ruddock recused herself from the meeting and left the room.*

- **2017-000869-IT-ENF [Thomas Chacko] – Compliance Monitor Interviews:**

The Board continued the compliance monitoring interviews for Mr. Thomas Chacko with Ms. Roxy Rucker. The board asked Ms. Rucker if she has read over the current consent agreement between Mr. Chacko and the Board. Ms. Rucker indicated that had indeed read the consent agreement and was fully aware that in her role of monitoring. Ms. Rucker indicated that she would be reporting to the board Mr. Chacko's clinical practice as a massage therapist and would highlight any deficiencies to the board during her reviews, in her own profession opinion, specifically regarding informed consent.

Board counsel highlighted to the board that while both monitors proved to be adequate, Ms. Rucker is currently practicing as a licensed massage therapist where as Ms. Hoye is licensed but not actively practicing.

**Paul Andrews motioned to approve Roxy Rucker as compliance officer for Mr. Thomas Chacko 2017-0000869-IT-ENF. Ms. Kennedy seconded. The motion passed unanimously.**

*12:10 p.m. Ms. Ruddock returned to the meeting.*

**Saskia Coté moved to enter into closed Executive Session pursuant to G.L.30A §21(1) to discuss the character rather than competence of applicants for licensure and pursuant to G. L. c. 30A, § 21(a)(7) to comply with the public record law G. L. c. 66, § 10, and preserve the confidentiality of medical record information. Mindy Ruddock seconded. After taking a roll call vote (all "yes"), motion passed unanimously.**

**Item 6) 12:11 p.m. Candidate Interview: [Executive Session – closed pursuant to G.L c. 30A, §21 (1)] to review character rather than competence]:**

**Item 7) 12:14 p.m. Candidate Interview-Executive Session [closed pursuant to G. L. c. 30A, §21(a) (7) to comply with G. L. c. 66, § 10, G. L. c. 4, § 7, ¶ 26(c) (medical record information)]:**

**12:48 p.m. Mindy Ruddock moved to exit executive session, enter and then exit open session and enter closed session for the purpose of conducting investigatory conferences pursuant MGL. C. 112 §65C and adjudicatory conference pursuant to MGL. C. 30A, § 18, 5 (d). Ann Marie Kennedy seconded. After a roll call vote, all "yes." The motion passed unanimously.**

**Item 8) 12:50 p.m. Investigative Conference: Review Cases: [closed session pursuant to MGL. C. 112 §65C]**

During investigatory conference, the Board took the following action:

- **2017-000721-IT-ENF-Fwd to Prosecutions**  
*1:36 p.m. Saskia Coté left the meeting.*
- **2018-000734-IT-ENF-Dismiss w/o prejudice**
- **2018-000733-IT-ENF-Dismiss w/advisory**

- 2018-000905-IT-ENF-Fwd to Prosecutions
- 2019-20139-FI-ENF-Dismiss w/o prejudice

**Item 9) 2:10 p.m. Final Decision & Order: [Deliberative Session: closed session pursuant to G.L. c. 30A, §18, (5)(d)]**

The board reviewed cases in closed session to conduct quasi-judicial deliberations.

At the end of the discussion, the closed session resumed.

**1:15 p.m. Paul Andrews motion to exit closed session and enter open session. Mindy Ruddock seconded. The motion passed unanimously.**

**Item 10) 2:56 p.m. New Business:**

Board discuss that historically a board member has volunteered to assist with educational reviews for the Initial Massage Therapist applications. A member has not volunteered since prior member Matt Olds' term expired with the board.

**Paul Andrews moved to nominate board member Saskia Cote to assist with educational reviews for applications submitted to the board. Ann Marie Kennedy seconded. The motion passed unanimously.**

**Item 9) 3:06 p.m. Adjournment:**

Mr. Andrews made a motion to adjourn. Ms. Ruddock seconded. The motion passed unanimously.

Respectfully submitted,



Ana Garcia  
Executive Director