

Board of Registration of Massage Therapy

FEBRUARY 8, 2021 MEETING MINUTES

A posted public meeting of the Massachusetts Board of Registration in Massage Therapy (the Board) was held remotely via video and telephone conferencing pursuant to an Executive Order issued by the Governor of Massachusetts dated March 12, 2020 suspending certain provisions of the open meeting law.

Attending: Members: Paul Andrews/Chair, Alexei Levine/Vice Chair, Ellen Walker/Secretary, Kimberlee Schuler

Members absent: Sheri Miller-Bedau

Staff: Danielle O'Neil, Executive Director and Sheila York, Board Counsel

MT Public Meeting

Monday, February 8, 2021 10:07AM-1:27PM

Microsoft Teams meeting

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Meeting Called to Order

- Remote meeting procedures – Paul Andrews noted we had a quorum and confirmed quorum via roll call which showed the following members participating via remote means: Paul Andrews, Alexei Levine (by phone), Ellen Walker, Kimberlee Schuler; Mr. Andrews called the meeting to order at 10:07am

Board Meeting Business

- Review and Approve Public Minutes for 1.21.21 – Motion to accept 1.21.2021 Minutes as is
 - Kimberlee Schuler motioned; Ellen Walker seconded
 - Paul Andrews held roll call vote:
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler
 - Members opposed: None; Motion passed
- Review Regulation and Proposed Changes: Paul Andrews noted that two listening sessions have been held and the next step will be to review comments received and an updated draft of the working draft of proposed regulation changes.
 - 269 CMR 2
 - 269 CMR 3
 - 269 CMR 4 – Continuing Education
 - 269 CMR 5
 - 269 CMR 6:
 - Interviewing Proposed Compliance Officers

- Maintaining List of Employees
- Paul Andrews stated that the Board will plan to review the public comments received and the proposed regulations at the March meeting.

Board Counsel Report

- COVID Remote School Hours Policy – Sheila York informed the Board that DPL/OCA level has not yet approved the policy; she hopes to get the policy on website as quickly as possible for eLicensing; OS can send it out; at March meeting the Board can consider whether to extend the policy an additional 60-90 days

Correspondence

- Email dated 1.27.21 to MT board from Donald Oliva {CE Servicing Company}; software contractors for CE/CMU tracking; Federation Board also has a process (DB)
- Danielle recommended that the correspondence be read and filed until the board implements continuing education requirements. Once CE requirements are effective, entities offering CE tracking services may request an opportunity to address the Board;
- No action taken at this time.

Application Review

- 2020-251-MT-MT-APP [Leah Ivanhoff] –Board members reviewed applicant’s education and determined kinesiology includes anatomy and taken in the aggregate the applicant meets the licensing standards; Move to approve to continue application
 - So Moved Kimberlee Schuler; Alexei Levine seconded
 - Paul Andrews held roll call vote:
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler
 - Members opposed: None; Motion passed
- 2020-241-MT-MT-APP [Kelly Carpenter] - Board members reviewed applicant’s education and determined applicant met licensing standards; Move to approve to continue application
 - So Moved Alexei Levine; Kimberlee Schuler seconded
 - Paul Andrews held roll call vote:
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler
 - Members opposed: None; Motion passed
- The Board requested that staff look for course hour breakdown form and distribute for discussion in March regarding “Regulations vs Guidance” to marry the app/policy/regs.
- 2020-169-MT-MT-APP [Justin Gatti] – Board noted that applicant is missing 100 clinical hours; does not meet requirements; Sheila York to determine process; Motion to send applicant a deficiency letter based on insufficient education
 - Paul Andrews held roll call vote:
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler
 - Members opposed: None; Motion passed
- 2020-128-MT-MT-APP [Patricia Kilday] – Sheila York to research VT oversight status, staff will request course catalog from applicant and provide update report in March
- 2019-618-MT-MT-APP [Guiling Cote]

- 2020-155-MT-MT-APP [Yuyin Wang]
- 2020-156-MT-MT-APP [Zuohua Wang]
 - Board concerned over exact/close wording on application, references, hours; May not meet licensure requirements; Motion to invite applicants to meeting; Kimberlee Schuler seconded; Alexei Levine expressed concern over prior translator that the Board used, staff will ensure that we are sent another interpreter from the state approved list– Neil McGee will be present at interviews.
 - Paul Andrews held roll call vote:
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler
 - Members opposed: None; Motion passed
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Establishment Application Review

- 2021-2-MT-MM-APP [Soothe] – technical issues with audio and video of C.O. applicant for Soothe; VP of Operations on the call as well; Board requested changes in Compliance Plan, adding vetting process in company description and protocol; extend dissolution to class regs; Motion to take C.O. issue under advisement – requested applicants CV and written compliance plan.
- 2020-103-MT-MM-APP [Thai Spa West Broadway] – Applicant seeks to open new MT shop and to serve as CO. Applicant already owns two MT establishments. Owner had previous discipline at one of her other shops which was not disclosed on one form; process started in 8/2013; status: Board seeks Boston C.O. plan. Applicant’s counsel expressed concern over the delay in the processing of this establishment application and lack of information provided throughout the process.
- Move to approve the applicant to continue the establishment application process provided applicant submits updated C.O. plan to Danielle O’Neil and it is reviewed and approved by Paul Andrews
 - Kimberlee Schuler seconded
 - Paul Andrews held roll call vote:
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler
 - Members opposed: None; Motion passed

New Business/ Open session for topics *(not reasonably anticipated by chair 48 hours in advance of meeting)*

11:13AM

- Paul Andrews requested a Motion to close and adjourn the public session and enter into the following sessions: closed session pursuant to c. 112, s. 65C to discuss investigatory matters and settlement terms and closed quasi-judicial session pursuant to G.L. c. 30A, s. 18(d), para. 5, to discuss the issuance of final decisions in adjudicatory matters.
 - So moved by Ellen Walker
 - Seconded by Kimberlee Schuler
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler
 - Members opposed: None; Motion passed

Investigative Conference Closed Session [Closed session pursuant to G.L. c. 112, §65C]:

Report of actions taken in Closed Investigative Conference:

2020-000949-IT-ENF [Liangqiong Xiong] – No show; Motion to invite to March Meeting by Paul Andrews; So Moved Kimberlee Schuler; Alexei Levine seconded

- Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler
- Members opposed: None; Motion passed

2020-000844-IT-ENF [Yingxue Chen] –Motion to dismiss by Alexei Levine; Kimberlee Schuler seconded

- Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler
- Members opposed: None; Motion passed

Settlement Conference [Closed session pursuant to G.L. c. 112, §65C]:

Report of actions taken in Settlement Conference.

- 2019-000036-IT-ENF [Soothe] – Tabled.
- 2019-000488-IT-ENF [Meihua Zhang] – Discussed settlement with prosecutor.

Adjudicatory Session [Closed session pursuant to G. L. c. 30A, § 18, ¶ 5(d)]:

Report of actions taking in Adjudicatory session:

2020-000784-IT-ENF [YuYun Chen] –Final Decision by default to be issued
2020-000947-IT-ENF [Mingzi Cui] -Final Decision by default to be issued
2020-000832-IT-ENF [Xiaodong Lee] -Final Decision by default to be issued
2020-000779-IT-ENF [Yongfang Gao] -Final Decision by default to be issued
2020-000916-IT-ENF [Zeng Xia] -Final Decision by default to be issued
2020-000299-IT-ENF [ShaoYing Wu] -Final Decision by default to be issued

2020-001129-IT-ENF [Ling Lui; Anjun Spa]: Final Decision to be issued.

Adjourn at 1:27PM

Respectfully submitted,

Ellen Walker

Board Secretary

Documents used in public session:

Draft minutes of 1/11/21 meeting
Email dated 1.27.21 to MT board from Donald Oliva
2020-251-MT-MT-APP [Leah Ivanhoff]
2020-241-MT-MT-APP [Kelly Carpenter]
2020-169-MT-MT-APP [Justin Gatti]
2020-128-MT-MT-APP [Patricia Kilday]
2019-618-MT-MT-APP [Guiling Cote]

2020-155-MT-MT-APP [Yuyin Wang]
2020-156-MT-MT-APP [Zuohua Wang]
2021-2-MT-MM-APP [Soothe]
2020-103-MT-MM-APP [Thai Spa West Broadway]