

Board of Registration of Massage Therapy

MARCH 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, Sheri Miller-Bedau

Members absent: None

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

MT Public Meeting

Monday, March 8, 2021 10:03AM-4:43PM

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 vote which showed the following members participating via remote means: Paul Andrews, Alexei Levine (by phone), Ellen Walker, Kimberlee Schuler, Sheri Miller-Bedeau; Mr. Andrews called the meeting to order at 10:03am

Hearing

- 2020-000789-IT-ENF [Sheng Zhong] – Paul Andrews reviewed remote procedures and announced video recording of the Hearing. Prosecuting Counsel James Read presented 10 Items of Exhibit (see administrative review of hearing); stated he would add an 11th item during witness testimony and explain at that time; Ms. Zhong had an interpreter who stated on her behalf that she had no counsel with her and no exhibits; both Read and Zhong made opening remarks.
- Counsel Read had two witnesses: M. Hernandez and C. Lee; Zhong had no witnesses
- Break 11:58Am-12:08PM and at 2:03PM-2:13PM
- Both Read and Zhong made closing remarks
- Hearing was closed at 2:01PM

Break 2:03-2:13PM

2:14PM Meeting Restarted with Board Meeting Business

Board Meeting Business

- Review and Approve Public Minutes for 2.8.21– Motion to accept 2.8.21 Minutes with removal of word “vote”
 - Kimberlee Schuler motioned to approve with correction; Ellen Walker seconded
 - Paul Andrews held roll call vote:
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller-Bedeau, Kimberlee Schuler
 - Members opposed: None; Motion passed
- Subcommittee for Application Reviews – Paul Andrews suggested creation of subcommittee with weekly meetings (date and time TBA) and volunteered to be a part of it; Alexei Levine also volunteered. Paul Andrews appointed a Subcommittee for Application Reviews comprised of Paul Andrews and Alexei Levine. The Subcommittee will assist staff in determining which applications meet licensure requirements and refer applications for board review where necessary.
- Review Regulation and Proposed 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
 - 269 CMR 6:
 - Interviewing Proposed Compliance Officers
 - Maintaining List of Employees
- Paul Andrews postponed discussion on potential regulation changes to next month’s meeting due to time delays.

Board Counsel Report

- COVID Remote School Hours Policy – Sheila York informed the Board that this policy had not yet been approved by DPL/OCA; given the time sensitive nature of the policy, the Board hopes to get the policy posted on website as quickly as possible once approval is obtained. She further noted that the current expiration date on the policy was March 31st and that the Board would need to vote today if it wanted to extend the policy for an additional time period.
- Motion to extend COVID Remote School Hours Policy for an additional 60 days by Alexei Levine
 - Alexei Levine motioned; Ellen Walker seconded
 - Paul Andrews held roll call vote:
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller-Bedeau, Kimberlee SchulerMembers opposed: None; Motion passed

Application Review

- 2019-618-MT-MT-APP [Guiling Cote] *Applicant did not appear for conference.*
- 2020-155-MT-MT-APP [Yuyin Wang] *Applicant did not appear for conference.*

- 2020-156-MT-MT-APP [Zuohua Wang] *Applicant did not appear for conference.*
- Motion to invite above-named applicants to next meeting as the time delay in the Board's schedule may have impacted their appearance before the Board.
 - Paul Andrews motioned; Sheri Miller-Bedeau seconded
 - Paul Andrews held roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller-Bedeau, Kimberlee Schuler
 Members opposed: None; Motion passed

Compliance Monitoring

- 2019-000729-IT-ENF [Eric D'Errico] – Alexei Levine stated emphasis is on communication and should add boundaries before the client is on the table to the next compliance report – Motion to accept report by Alexei Levine
 - Alexei Levine motioned; Ellen Walker seconded
 - Paul Andrews held roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller-Bedeau, Kimberlee Schuler
 - Members opposed: None; Motion passed

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

Paul Andrews requested that applicant O.B. scheduled for appearance in Executive Session call back in 30 minutes.

Establishment Application Review

- 2021-2-MT-MM-APP [Soothe] *Conference with Soothe's proposed compliance officer, Malena Hansen, LMT; Senior Vice President of Operations: Hao Meng, and CEO: John Ellis.*
- Soothe presented compliance program updated with MT Board recommendations; Paul Andrews recommended adding that MTs who use Soothe app to find clients shall carry and present individual license to client; Board would need to issue variances to enable this business to receive an establishment license. Board members expressed concern that Soothe would not be in compliance with documentation requirements of establishment license. Board to digest information presented, no decision reached at this time.

3:05PM Motion to first move into Closed Investigative Session under G.L. c. 112, s. 65C to discuss open investigative matters and settlement terms; to be followed by Executive Session pursuant to G. L. c. 30A, §21(a)(7), to discuss applicant O.B. in compliance with the public record law pursuant to G. L. c. 66, § 10; G. L. c. 4 § 7, ¶ 26(a) and to preserve the confidentiality protections of criminal record information. G. L. c. 6, § 172; to be followed by an Adjudicatory Session. Motion by Ellen Walker; Kimberlee Schuler seconded; Paul Andrews held roll call vote.

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

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

Report of action taken in closed session:

- Board held investigative conference with Licensee. Board took matter under advisement

Executive Session pursuant to G. L. c. 30A, §21(a)(7),

at 3:35PM; to comply with the public record law *pursuant to G. L. c. 66, § 10; G. L. c. 4 § 7, ¶26(a) and to preserve the confidentiality protections of criminal record information. G. L. c. 6, § 172.* by Ellen Walker; Kimberlee Schuler seconded. Paul Andrews held roll call vote.

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

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

Report of action taken in closed session:

- 2020-000752-IT-ENF [Juan Tang]
- 2020-001280-IT-ENF [Pinyu Lu]
- 2019-000489-IT-ENF [Zhou Feng]
- Motion to issue final decision in the above-entitled matters; So moved Ellen Walker
 - o Paul Andrews voted by roll call
 - o Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller-Bedeau, Kimberlee Schuler
 - o Members opposed: None; Motion passed

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

Report of action taken in closed session:

- 2019-000036-IT-ENF [Soothe] – Motion to Dismiss with Advisory
 - o Alexei Levine motioned; Kimberlee Schuler seconded
 - o Paul Andrews voted by roll call
 - o Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller-Bedeau, Kimberlee Schuler
 - o Members opposed: None; Motion passed

Adjourn at 4:43PM

Respectfully submitted,

Ellen Walker

Board Secretary

Documents used in public session:

Agenda March 3, 2021 Meeting
Draft Minutes of February 8, 2021 Meeting
Draft COVID Remote School Hours Policy