

Board of Registration of Massage Therapy

JANUARY 11, 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, January 11, 2021 10:13AM-2:18PM

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, Ellen Walker, Kimberlee Schuler, Sheri Miller-Bedau; Mr. Andrews called the meeting to order at 10:13am

Board Meeting Business

- Review and Approve Executive Minutes for 11.30.2020 – Motion to accept 11.30.2021 Minutes as is
 - Ellen Walker motioned; Sheri Miller-Bedau seconded
 - Paul Andrews held roll call vote:
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Sheri Miller-Bedau
 - Members opposed: None; Motion passed
- Review and approve public minutes for 12.14.20 - Motion to accept 12.14.20 minutes with edits
 - Ellen Walker motioned; Kimberlee Schuler seconded
 - Paul Andrews held roll call vote
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Sheri Miller-Bedau
 - Members opposed: None; Motion passed
- Review Regulation and Proposed Changes
 - 269 CMR 2
 - 269 CMR 3
 - 269 CMR 4 – Continuing Education
 - 269 CMR 5
 - 269 CMR 6:
 - The Board discussed adding a definition of compliance officer in this section, and clarifying terms and requirements for mobile unit and MT referral services. The Board also discussed how regulations could be

updated to allow more than one MT operating as a separate business entity to remain solo establishments and not trigger multi-therapist establishment license.

- The Board discussed updating the exemption requirement in 6.03(8) regarding public or charitable events where massage offered for less than 24 hours. Sheila York will review s. 228 of licensing statute to determine parameters of exemption.
 - Interviewing Proposed Compliance Officers- The Board discussed whether an interview of proposed compliance officer should be mandatory rather than discretionary requirement before issuing a Multi-Establishment license. It was noted that such an interview requirement would assist licensees in understanding the role of the CO, but also likely extend the time it takes to receive an Establishment license.
 - Kimberlee Schuler stated she would like to make changes to expedite the Establishment licensure process not delay it. She asked whether regulations could be amended to allow temporary licensure while awaiting Board inspection. Currently, licensees may end up paying rent for a location for weeks waiting for Board inspectors to inspect shop and licensee cannot legally operate establishment until that inspection is completed. Sheri Miller-Bedau asked whether licensees could submit photos and certify compliance with regulations to obtain temporary establishment license allowing them to operate while awaiting inspection. Danielle O'Neil noted that the agency has hired two additional MT investigators so there are four total, but they have been doing COVID related inspections as well.
 - Maintaining List of Employees – The Board discussed that Establishments should be required to maintain a list of current and past workers. Workers is a more general term and includes anyone working at the location not just individuals classified as employees.
 - Location of handwashing sink: Alexei Levine noted that the current 50 ft requirement seemed arbitrary and could present a hardship. The Board agreed to propose changing the requirement to a handwashing sink within 150 feet of treatment room.
 - Board members proposed other changes to interior specification regulation and establishment licensure requirements. Board Counsel will incorporate proposed changes into working draft for review at future board meeting.
-
- Board asked staff to invite the Office of Investigations to future Board meeting to discuss timeframes and how can the Board help.
 - Board has completed first round of Regulation review; Listening sessions to be scheduled.
-
- Kimberlee Schuler left the meeting at 12:07PM

Board Counsel Report

- COVID Remote School Hours Policy – Sheila York noted all policy changes during COVID-pandemic need to go up the chain of command for review and approval. She had received feedback as to whether there was a time limit to policy.
 - Motion to add sunset clause to suggested policy changes to remote school hours policy
 - Paul Andrews motioned; Sheri Miller-Bedau seconded
 - Paul Andrews held roll call vote
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller-Bedau
 - Members opposed: None; Motion passed
- Letter to the Cosmetology Board – Sheila York awaiting DPL approval to send.
- At 12:17PM, Paul Andrews noted that the remaining topics to be discussed were appropriate for discussion in Closed Investigative Conference and Closed Adjudicatory sessions. There would be no further topics discussed in public session.
- Paul Andrews requested a Motion to closed 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 Alexei Levine
 - Seconded by Ellen Walker
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Sheri Miller-Bedau
 - Members opposed: None; Motion passed

Actions taken in Closed session: Settlement Conference

2019-001496-IT-ENF [Susan Kmon] – Settlement terms discussed with prosecutor.
 2019-000036-IT-ENF [Soothe] – Move to March agenda

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

- 2020-000896-IT-ENF – Final Decision by Default to be issued.
- 2020-000859-IT-ENF – Final Decision by Default to be issued.
- 2020-000862-IT-ENF – Final Decision by Default to be issued.
- 2020-000861-IT-ENF- Voluntary surrender of license – off the table, no further action necessary.

Return to closed session at 1:20PM

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

- 2020-000844-IT-ENF [Yingzue Chen] – Conference held with licensee. Tabled for further information.
- 2020-000863-IT-ENF [Zixiu Zhou] – Licensee did not attend conference. Referred to the office of prosecutions.
- 2020-000946-IT-ENF [Youjun, Guo] – Dismissed.

- 2020-000905-IT-ENF [Tao Zhai] – Voluntary surrender of license – off the table, no further action necessary.
-

Adjourn at 2:18PM

Respectfully submitted,

Ellen Walker

Board Secretary

List of Documents used in Public Session

Draft Executive Minutes for 11.30.2020 – confidential

Draft Public Minutes for 12.14.2020

Draft Letter to Cosmetology Board re: school curriculum regulations