

Board of Registration of Massage Therapy

JULY 12, 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 Act Extending Certain COVID-19 Measures Adopted during the State of Emergency, which was signed into law on June 16, 2021. This Act includes an extension, until April 1, 2022, of the remote meeting provisions of Governor Baker's March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law.

Attending: Members: Paul Andrews/Chair, Alexei Levine/Vice Chair, Ellen Walker/Secretary, Kimberlee Schuler, Pallas Hutchison
Members absent: Sheri Miller-Bedau
Staff: Danielle O'Neil, Executive Director and Sheila York, Board Counsel

MT Public Meeting
Monday, July 12, 2021, 10:00AM-2:23PM

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 857-327-9245,184235442#](#) United States, Boston

Phone Conference ID: 184 235 442#

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, Pallas Hutchison; Mr. Andrews called the meeting to order at 10:00am. Kimberlee Schuler arrived at 10:01am.

Board Meeting Business

- Introduce Erin Dunham New Chief Investigator- Chief Investigator Dunham introduced herself to the Board and discussed the priorities for her massage therapy investigative team.
- Subcommittee Applications:
 - 2021-86-MT-MT-APP [AM]
 - 2931-MT-MT [MH]
 - 2021-141-MT-MT-APP [CC]
 - 2021-142-MT-MT-APP [HW]
 - 2021-143-MT-MT-APP [JJ]
 - 2021-117-MT-MT-APP [MM]
 - Subcommittee met last week and ratified the above applications

- Review Regulation and Proposed Changes
 - 269 CMR 2
 - 269 CMR 3
 - 269 CMR 5
 - 269 CMR 6
 - Interviewing Proposed Compliance Officers – updated to include Solo Practitioner is the Compliance Officer
 - Maintaining List of Employees – no change
 - Continuing Education proposed 269 CMR 4 – lengthy discussion on Ethics and Certified CPR; Sheila York to look at statutes and will update Sec 3.01 / 01 by adding CPR as a licensure and renewal requirement.

Discussion

- Is Fire Cupping within scope of practice – Motion to create a policy informing licensees and members of the public that cupping with the use of fire is not within the scope of a massage therapist. There are other forms of cupping that may be within the scope of the massage therapist. So moved by Alexei Levine; seconded by Ellen Walker
 - Paul Andrews held a roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchison
 - Members opposed: None; Motion passed

Curriculum Review Renewal

- Jupiter Academy – Alexei Levine reported on this request for curriculum approval; Jupiter CFO was asked two questions regarding use of mannequins and attendance percentage; the Board requested that language be added to the policy to clarify these issues.
 - Motion to move application forward with the added language - So moved by Alexei Levine; seconded by Kimberley Schuller
 - Paul Andrews held a roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchinson
 - Members opposed: None; Motion passed
- Mildred Elley
- Elizabeth Grady
 - Both schools requested permanent online schooling; Motion to approve schools request after typo in clock hours is fixed; So moved by Alexei Levine and seconded by Ellen Walker
 - Paul Andrews held a roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchinson
 - Members opposed: None; Motion passed
- The Massage School
 - Alexei Levine recused himself
 - Motion to approve schools for 650 and 750 hours as presented; So moved by Kimberlee Schuler; seconded by Ellen Walker
 - Paul Andrews held a roll call vote.
 - Members in favor: Paul Andrews, Ellen Walker, Kimberlee Schuler, Pallas Hutchinson
 - Members opposed: None; Member Recused: Alexei Levine; Motion passed

Application Review

- 2020-180-MT-MT-APP [Meiying Lu] – Motion to accept. So moved by Kimberlee Schuler; seconded by Ellen Walker
 - Paul Andrews held a roll call vote.
 - Members in favor: Paul Andrews, Ellen Walker, Kimberlee Schuler, Pallas Hutchinson
 - Members opposed: None; Member Recused: Alexei Levine; Motion passed
- 2021-27-MT-MT-APP [Sharon Rice] – Table until next meeting; still gathering information

Compliance Monitoring

- 2019-000729-IT-ENF [Eric D’Errico] – 2nd report received; MT Board should have been advised when the Monitor dropped off the schedule; that being said, this was one of the best reports the Board has seen.
 - Motion to reiterate consent requirements to licensee and monitor; Board must receive prompt notification from licensee and monitor if consent agreement obligations cannot be met by current monitor; So moved by Alexei Levine; seconded by Kimberlee Schuler
 - Paul Andrews held a roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchinson
 - Members opposed: None; Motion passed

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

- Paul Andrews advised that the FSMTB (Federation of State Massage Therapy Boards) Conference is October 7-9 in Charlotte, NC and was looking for anyone interested, as a voting member, in attending. Alexei Levine expressed interest. Motion to have Alexei Levine attend as the Voting Delegate and Paul Andrews is the Alternate made by Paul Andrews; seconded by Ellen Walker.
 - Paul Andrews held a roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchinson
 - Members opposed: None; Motion passedBoard counsel reminded board members that if they plan to accept reimbursement from the FSMTB or other non-state entity for travel/lodging/hospitality expenses at conference, they need to complete an Ethics disclosure and have it approved by appointing authority prior to accepting the reimbursement.

The Chair noted that there were no further items to be discussed in open session and that the Board needed to go into closed session pursuant to G.L. c. 112, s. 65C and closed adjudicatory session pursuant to G.L. c. 30A, s. 18(d)(5). He did not anticipate public session resuming after the closed session matters.

12:26pm Motion to go into closed session and investigatory session – So moved by Kimberlee Schuler; seconded by Ellen Walker.

- Paul Andrews held a roll call vote.
- Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchinson
- Members opposed: None; Motion passed

12:27-1:37pm Break

Report of Actions taken in Closed session:

Settlement Conference

- 2020-000760-IT-ENF [Ping Min] – Discussed potential settlement terms with prosecutor.
- 2020-000267-IT-ENF [Phoung Tran] – Discussed potential settlement terms with prosecutor.

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

- 2020-001328-IT-ENF – Pallas Hutchison recused herself; Referred to prosecutions.
- 2020-001205-IT-ENF – Dismissed due to voluntary surrender of license on July 12, 2021.
- 2020-000081-IT-ENF - Send back to investigations for follow up
- 2020-000339-IT-ENF - Dismissed
- 2020-001148-IT-ENF – Referred to prosecutions.
- 2021-000116-IT-ENF – Referred to prosecutions.
- 2020-001550-IT-ENF – Referred to prosecutions.

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

- 2020-001202-IT-ENF [Lijuan Liu]
- 2020-001218-IT-ENF [Hongrong Qin]
- 2020-001209-IT-ENF [Xueyan Meng]
- 2020-001515-IT-ENF [ChinhSueh Lee]
- 2020-001517-IT-ENF [ChingYee Lee]
- 2020-001510-IT-ENF [Bong Weil Kim]
- 2020-001507-IT-ENF [Mulvaney Junli]
- 2020-001252-IT-ENF [Yingfan Tong]
- 2020-001210-IT-ENF [Yang Meng]
- 2020-001307-IT-ENF [Jinzhen Shi]
- 2020-001289-IT-ENF [Chungling Ma]
- 2020-001407-IT-ENF [Taihua Xianyu]
- 2020-001405-IT-ENF [Jili Wu]
 - All 13 above cases failed to respond to initial charges and Board charges; Board voted to issue final decision by default and order licenses revoked.

Adjourn at 2:23PM

Respectfully submitted,

Ellen Walker
Board Secretary

List of Documents used in Public Session:

- Agenda of July 12, 2021 Meeting
- Draft changes to 269 CMR dated 7/8/21
- Curriculum approval requests from:
 - Mildred Elley
 - Jupiter Academy
 - Elizabeth Grady
 - The Massage School
- Application documents from Eastern Massage School
- Second Monitor report for 2019-000729-IT-ENF [Eric D'Errico]