

Board of Registration of Massage Therapy
June 10, 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, Board Member
Mindy Ruddock, Board Member
Saskia Coté, Board Chair
Ann Marie Kennedy, Board Member

DPL Staff:

Ana Garcia, Executive Director
Peter Kelley, Board Counsel
Brian Cullen, Investigator
Anne Driscoll, Investigation Supervisor

Board members not present:

Ellen Walker, Board Member

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 onto Dwight St.

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

- **Public & Executive Minutes April 8th, 2019 and May 13, 2019-** Motion made by Ms. Ruddock to table both April and May Public and Executive minutes for next board meeting. Seconded by Ms. Kennedy. The motion passed unanimously.

Item 3) 10:10 a.m. Executive Director Report:

- **Board member appointments-** Executive Director gave the board updates on open board member seats. Currently the only seat that is open would be a municipal health board member seat.
- **Curriculum Review Update-Shang Shung Institute-** Board reviewed proposed updates to the curriculum for Shang Shung Institute at the May 10, 2019 meeting, in which the board delegated authority to the Executive Director to clarify some questions of the materials presented (description of supervised practice and externship hours, accreditation clarification, and diagnosis & assessment/urine analysis).

Motion made by Ms. Ruddock approve the curriculum. Seconded by Mr. Levine. The motion passed unanimously.

- **Reminder-Travel Forms FY19-**Executive Director Garcia reminded board members of travel reimbursement forms which are to be submitted quarterly rather than end of fiscal year.

Item 4) 10:25 a.m. Application Reviews:

- **2019-3-MT-MM-APP [Meini Spa-Anni Dai]**-*tabled from March*- applicant Anni Dai attended the March 11, 2019 scheduled meeting in which the application was tabled for further information to be submitted within 90 days of the March board meeting and was to appear before the board once revised documentation was submitted. She appeared with her Attorney Mr. Robert Ward as her representing counsel.

Ms. Dai was previously denied by board on February 11, 2019 to serve as proposed compliance officer due to her lack of knowledge of the facility regulations and the role of compliance officer when asked at the February board meeting. Mr. Litao Liang appeared. He was asked by Ms. Dai to be the manager of the new facility in Ashland. The old facility was in Hudson. He stated that he is a licensed massage therapist in MA. Board staff addressed to the board that there were several deficiencies in the required documents submitted which was not in good order. Also, the board's inspector conducted a random inspection on February 27, 2019 (after the February meeting) and found Ms. Dai was operating the facility without proper licensure after meeting with the board where a \$500 fine was imposed (M402787). The Board motioned to table the application to allow Ms. Dai to rectify deficiencies highlighted in the application. Ms. Coté asked Ms. Dai several questions relative to the facility regulations in 269 CMR 6.01-6.09 due to the prior February meeting with the board in which Ms. Dai showed lack of knowledge to the facility regulations in order to serve as the compliance monitor. Ms. Dai was able to correctly answer questions asked relative to the facility regulations.

Motion made by Mr. Andrews to allow 2019-3-MT-MM-APP [Meini Spa-Anni Dai] to proceed with the application process. Ms. Kennedy seconded. The motion passed unanimously.

- **2019-178-MT-MT-APP [Isley Boyarski]**-*tabled from May*- Board reviewed pending application for Initial Licensure as a Massage Therapist. Board contacted state of Montana licensing board which confirmed, that the state of Montana has no approval for licensure or certification of private-occupational schools. Board originally motioned to deny application Ms. Boyarski's application based on not meeting with requirements for licensure per 269 CMR 3.01 (2)(e). Applicant would need to seek a licensed massage school that will allow transfer of hours to meet MA requirements for licensure.

Board staff represented the application for reconsideration as Montana does have a licensing body and the school is accredited by a national agency. Also, the certifying agency has standards that meet MA requirement.

Motion made by Mr. Levine to re-consider denial of 2019-178-MT-MT-APP for Isley Boyarski and to proceed with the application process. Ms. Kennedy seconded. The motion passed unanimously.

- **2019-247-MT-MT-APP [Keiko Sato]**-the Board received application for Keiko Sato on April 22, 2019. Mr. Sato attending Axiom Health Care Academy in New Jersey. Part of the requirements for licensure per 269 CMR 2.01 (2)(e), individuals must complete a program from a licensed massage school. In review of the application, board staff reached out to New Jersey and determined that the school had closed June 30, 2014, where Mr. Sato's submitted transcript indicated a graduation date of December 27, 2015.

Motion made by Ms. Coté to deny application 2019-247-MT-MT-APP [Keiko Sato] for not meeting requirements set for in 269 CMR (2)(e) for individual licensure as a massage therapist. Ms. Kennedy Seconded. The motion passed unanimously.

Item 5) 11:14 a.m. Compliance Monitoring

Ms. Ruddock moved to exit open session and enter into executive session pursuant to G. L. c. 30A, §21(a) (7) to comply with G. L. c. 66, § 10, G. L. c. 4, § 7, ¶ 26(c) for the purpose of reviewing medical record information. Mr. Andrews seconded. After a roll call vote, all “yes.” The motion passed unanimously.

Ms. Ruddock moved to exit executive session, enter and exit open session and enter closed session to conduct investigative and adjudicatory conferences pursuant to G. L. c. 112, § 65C and G. L. c. 30A, § 18, ¶ 5(d). Ms. Kennedy seconded. After a roll call vote, all “yes.” The motion passed unanimously.

During investigatory conference, the Board took the following action:

- 2019-320-IT-ENF [SG]-**Invite licensee in for invest. conference**
- 2019-0003471-IT-ENF [ML]- **Invite licensee in for invest. conference**

11:45 a.m. Mr. Andrews motion to exit closed session and enter open session. Ms. Ruddock seconded. The motion passed unanimously.

Item 8) 11:45 p.m. Board member to attend a hearing

- **Matter of Sarah Underwood, 2018-001230-IT-ENF for October 2, 2019 at 11:30 a.m.-Board Chair-Ms. Coté volunteered to attend.**

Item 9) 11:50 a.m. New Business:

- None

Item 10) 11:58 a.m. Adjournment:

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

Respectfully submitted,



Ana Garcia
Executive Director