

**Board of Registration of Massage Therapy
May 13, 2019, Public Session Meeting Minutes
Location: 1000 Washington St., Boston, MA 02118, Room 1D
Public Session Minutes**

Present:

Board members:

Paul Andrews, Board Chair
Alexei Levine, Vice Chair
Mindy Ruddock, Board Member
Saskia Coté, Board Member
Ann Marie Kennedy, Board Member
Sherri Sarmento, Board Member

DPL Staff:

Ana Garcia, Executive Director
Peter Kelley, Board Counsel
Anne Driscoll, Investigator
Liam Powers, Investigator
Denise Quintiliani, Board Administrator

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 and go across Harrison St. to Whole Foods parking lot.

Item 2) 10:12 a.m. Board Meeting Business:

- **Public Session Minutes for March 11, 2019-** Spelling for board member Ann Marie Kennedy's first name was spelled incorrectly. Mr. Andrews motioned to approve minutes with corrections. Ms. Ruddock seconded. Motion passed unanimously.
- **Executive Session Minutes for March 11, 2019-** Mr. Andrews motioned to approve the executive session minutes with corrections. Mindy Ruddock seconded. Motion passed unanimously.
- **Public & Executive Session Minutes for April 8, 2019-** Mr. Andrews moved to table these minutes and Ms. Kennedy seconded. Motion passed unanimously.

Item 3) 10:15 a.m. Curriculum Review:

- **The Massage School-**Board reviewed curriculum submission of school's Massage Therapy Program as part of school licensure renewal with the Office of Private Occupational Schools. After review, the board found no deficiencies in the curriculum presented.

Mindy Ruddock motioned to approve the 650 hour and 750 hour program for The Massage School as presented. Anne Marie Kennedy seconded. Motion passed unanimously. Mr. Levine and Ms. Coté took no part in either the discussion of or deliberation upon this matter.

10:20 a.m. Board member Sherri Sarmento left the board meeting.

- **Shang Shung Institute-** Board reviewed curriculum submission of school's

Massage Therapy Program as part of the school licensure renewal with the Office of Private Occupational Schools. The Board discussed concerns with the submission:

- **Direct Supervision of Internship & Externship experience hours**-board looking for clarification on the total number of hands-on hours and where will the externship hours be completed?
- **Accreditation**- documentation submitted indicated that DPL/Board was the accreditation body. Board seeking clarification on this statement as it appears to have been a typo or mistake.
- **Diagnosis & Assessment/Urine Analysis**- board seeking clarification on eastern medical courses being offered towards the required massage therapy courses required for licensure as defined by M.G.L. CH 112 section 227. Were these courses part of an elective course and are students aware that once licensure is obtained as a massage therapist, this would not be within the scope of practice of massage therapist in MA?

Alexei Levine made a motion to table discussion and delegate authority to board staff to seek further clarification from school and invite administrators to the next scheduled board meeting. Paul Andrews seconded. Motion passed unanimously.

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

- 2019-31-MT-MM-APP [Extreme Health Spa-Zhengai Zhou]-*tabled from April*- Application was presented before the board due to the residential address of the operator noted on the Business Certificate from the Town of Milford was altered on the copy provided to the Board of Registration of Massage Therapy appose to the original on file with the Town of Milford. Ms. Zhou was asked to elaborate why the address had been changed on the copy of the certificate submitted with the establishment application? Ms. Zhou indicated that a friend of hers assisted her in completing the application and that her friend was under the impression that she needed to have a MA residence noted on the certificate because the board would reject it as part of the application. The board clarified with Ms. Zhou that information was incorrect.

Mr. Andrews made a motion to deny the application based upon fraudulent documentation submission. May not reapply for 6 mos. and operator cannot serve as compliance officer. Ms. Ruddock seconded. Motion passed unanimously.

Item 5) 11:18 p.m. Candidate Interview: *Mr. Andrews moved to exit open session and enter 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) (medical record information) and pursuant to G.L c. 30A, §21 (1)] to review character rather than competence. Ms. Ruddock seconded. Following a roll call vote, all in favor, the motion passed unanimously.*

1:09 p.m. Motion Made by Mr. Andrews to exit executive session and enter open session. Seconded by Ms. Ruddock. *Following a roll call vote, all in favor, the motion passed unanimously.*

Item 6) 1:09 p.m. Application Reviews-continued:

- **2019-87-MT-MF-APP [Intuitive Hands Massage - SB]** - Board reviewed variance request for pending solo establishment license. Distance from nearest sink or bathroom exceed beyond 54ft

per the interior specifications by facility regulations. Floor plan submitted displayed distance for application was 102ft. away from treatment room.

Motion made by Mindy Ruddock to deny variance request as distance far exceeds required maximum. Seconded by Mr. Andrews. Motion passed unanimously.

- **2019-88-MT-MF-APP [A Gentle Touch-DP]** - Board reviewed variance request for pending solo establishment license. Distance from nearest sink or bathroom exceed beyond 54ft per the interior specifications by facility regulations. Two sinks within facility that are 57 ft away and 66 ft way from treatment room.

Motion made by Mr. Levine to approve variance request. Seconded by Mr. Andrews. Motion passed unanimously.

- **2019-19-MT-MM-APP [All Seasons Spa, Inc.-YC]**- Board reviewed denial of initial inspection of premises conducted in March of 2019. Inspector found that establishment violated § 6.07(5)(b) and that sign on awning indicated a different business name.

Motion made by Mr. Andrews to approve with advisory letter regarding draping and to be re-inspected within (90) days post licensure. Seconded by Ms. Kennedy. Motion passed unanimously.

- **2019-178-MT-MT-APP [IB]**-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.

Motion made by Mr. Levine to deny application 2019-178-MT-MT-APP based on failure to complete a board-approved MT program. Applicant may seek a licensed massage school that might allow transfer of hours to meet MA requirements for licensure. Seconded by Mr. Andrews. Motion passed unanimously.

1:49 p.m. Mr. Andrews moved to exit open session and enter into closed session for the purpose of conducting investigative conferences, , adjudicatory conferences and settlement conferences pursuant to MGL c. 112, §65C; MGL. C. 30A, § 18, 5 (d). Ms. Kennedy seconded. The motion passed unanimously.

Item 7) 1:49 p.m. Investigative Conference: Review Cases: [closed session pursuant to MGL. C. 112 §65C]

During investigatory conference, the Board took the following action:

- 2019-000041-IT-ENF [MA]- **Forward to Pros**
- 2019-000036-IT-ENF [S.LLC]- **Returned to OI for further investigation**

- 2019-204695-FI-ENF [AI]- **Uphold Fine as to business only**
- 2019-204691-FI-ENF [CN]- **Reduce Fine**

2:08 p.m. Ms. Ruddock left the board meeting.

2:16 p.m. Mr. Andrews moved to come out of closed Investigatory Conference to go into Open Session for Application Review. Ms. Coté Kennedy seconded. After a roll call vote, all “yes.” The motion passed unanimously.

Item 10) 2:25 p.m. New Business:

Board discuss offsite meeting location for August 2020 rather than Springfield. Board chair Coté suggested a location in the Cape Code area. Executive Director to contact several locations for inquiry.

Item 11) 2:30 p.m. Adjournment:

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ana Garcia". The signature is fluid and cursive, with the first name "Ana" and last name "Garcia" clearly distinguishable.

Ana Garcia
Executive Director