

Commonwealth of Massachusetts  
**Board of Registration of Massage Therapy**

**AUGUST 10, 2020 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 provision of the open meeting law.

**Attending:** Members: Saskia Cote, Chair; Paul Andrews, Vice Chair; Alexei Levine, Member; Ellen Walker, Member

**Members absent:** none

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

Chairperson Saskia Cote noted we have a quorum of members present and called the meeting to order at 10:02 a.m.

Meeting called to order Saskia Cote – 10:02 a.m.

Evacuation procedures: N/A

Sheila York requested roll call votes because it is a remote meeting.

Board Meeting Business

June 8 Public Minutes: discussed correcting spelling of names: Alexei Levine and Saskia Cote

June 8 Executive Session Minutes discussed correcting same name corrections

Motion to approve June 8 Public and Executive Session minutes with changes, made by Saskia Cote; seconded by Ellen Walker and voted by roll call:

Members in favor: Saskia Cote, Paul Andrews, Alexei Levine, Ellen Walker

Members opposed: None; Motion passed

Correspondence

Commissioner D’Emilia addressed the Board and gave a history of her short time in the role of Commissioner, the impact of COVID-19 on efforts, and goals for the division. She reviewed her communication of July 8, 2020 with recommendations for the Board to consider and move forward in regard to the licensing review process. Mark Molloy introduced himself and offered his assistance; Judy Gawron of Berkshire Community College asked for clarification on how to apply for permission for online for labs.

The Board directed staff to add Commissioner D’Emilia’s letter to the September agenda for discussion on next steps.

Sports Clips Neck and Should Massage Approval Email – Sports Clips Neck promotes use of a “massage” tool which is of concern to the Board – both the promotion and the actual tool as Mass law

allows only MT's use of the term massage and there are public safety concerns with non-MTs performing massage. Board directed staff to add topic to September agenda for follow up discussion.

Board Counsel Report – Sheila York informed the Board that the General Counsel of DPL had suggested that the Board adopt a more detailed CORI policy. She discussed that she will present a draft Policy on Applicants with Criminal Convictions or Pending Criminal Charges for Board review. Saskia Cote asked that the Board maintain the ability to make individual assessments on a case by case basis and noted an increase in more virtual/social crimes. Board Counsel will discuss this topic further at the next Board meeting.

Board Hearing Procedures: The agency has opened a number of complaints alleging receipt of licensing under false pretenses. The Board has the choice to adjudicate and resolve these matters through hearings before the Board or to delegate the hearings to DPL hearings officers. The Board is leaning towards (virtual) hearings before the Board. Advantages are that the cases are well-defined and can be resolved more efficiently; but it will require an increase in meetings by the Board. Paul Andrews suggested meeting every other week for the next few months to allow the Board to better serve the public. Alexei Levine mentioned good synopsis is key.

Legal Update: None

Motion to approve Board meetings every other week for the next three (3) months – Saskia Cote and voted by roll call:

Members in favor: Saskia Cote, Paul Andrews, Alexei Levine, Ellen Walker

Members opposed: None; Motion passed

#### Discussion –

New School Regulation – Alexei Levine suggested changes to protect against fraudulent applications and to lessen the work that is being put on establishment owners. Shave a few hours and save MT's money (500 hrs. vs 600). Saskia Cote mentioned sharing with the community for input. Alexei Levine suggested Board should discuss, decide, vote on draft proposal and then hold hearings with the community.

Proposed Continuing Education Regulations – Sheila York stated the Commissioner requested review by the Board. In section 4.01 Saskia Cote led the discussion on CPR as part of training; Paul Andrews recommended changing language; 4.01(a) to clarify that it applies to the MT who published the article or chapter as a writer/author, not merely reading a published work, 4.01(b) is for people who are instructors, 4.01(c) no sense; hours can be carried over, 4.01(d) naming specific organizations is limiting – Paul Andrews recommended adding a caveat when a new, organization qualifies or is verified as viable. Section 4.03 extend time limit, remove redundant when approved nationally. Board Counsel will input the changes and bring back to the Board.

New Business / Open Session for topics not anticipated: none.

Investigative and Settlement Conferences [closed session pursuant to G.L. c. 112, §65C]

Saskia Cote motioned to close the public portion of the meeting and enter closed session pursuant to G. L. c. 112, § 65C to discuss investigative matters and settlement terms in 2019-209141-IT-ENF and 2019-000708-IT-ENF, seconded by Alexei Levine, and to conduct quasi-judicial deliberations. Following a roll call vote, Members in favor: Cote, Andrews, Levine, Walker  
Members opposed: None. The motion passed.

Public session resumed. During closed session the Board took the following actions:

Settlement Conference –

2019-209141-IT-ENF: Discussed settlement terms.

2019-000708-IT-ENF: Discussed settlement terms.

2019-000036-IT-ENF: Discussed settlement terms.

Adjudicatory Hearing decisions:

The Board held quasi-judicial deliberations in closed session in the following matters:

2018-0001081-IT-ENF (Eclipse Massage Therapy) (Antone Dias) (tabled – Alexei Levine recused, loss of quorum)

2019-0001061-IT-ENF (Eclipse Massage Therapy) (Izuchi-Johnson) (decision issued)

2019-000603-IT-ENF (Eclipse Massage Therapy) (Zeng) (decision issued)

Adjourned – 12:50 p.m. motioned by Saskia Cote, seconded by Paul Andrews, and voted by roll call vote:

Members in favor: Saskia Cote, Paul Andrews, Alexei Levine, Ellen Walker

Members opposed: None; Motion passed.

*Respectfully submitted,*

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Ellen Walker  
Board Secretary

List of Documents Used in the Open Session of the Meeting:

Agenda of the August 9, 2020 Meeting

Draft of the June 8 Public and Executive Session Minutes