

Board of Registration of Massage Therapy

JANUARY 10, 2022, 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 Chapter 20 of the Acts of 2021, allowing remote participation by Board members and the public.

Attending: Members: Paul Andrews/Chair, Alexei Levine/Vice Chair, Ellen Walker/Secretary, Kimberlee Schuler (arrived 10:03am) and Pallas Hutchison
Staff: Danielle O'Neil and Caitriona Taylor, Executive Director, and Sheila York and Kristina Gasson, Board Counsel

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 and Pallas Hutchison; Member not present: Sheri Miller-Bedau; Paul Andrews called the meeting to order at 10:01am; Member Kimberlee Schuler arrived at 10:03am.

Board Meeting Business

- Introduction to Kristina Gasson, new Board Counsel
- Review and Approve Public Meeting Minutes for November 8, 2021 – Motion to approve public minutes as presented; So Moved by Kimberlee Schuler, Seconded by Ellen Walker
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Sheri Miller-Bedau
 - Members opposed: None; Motion passed
- Review and Approve Executive Meeting Minutes for November 8, 2021 – Motion to approve executive minutes as presented; So Moved by Kimberlee Schuler, Seconded by Ellen Walker
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Sheri Miller-Bedau
 - Members opposed: None; Motion passed
- Review and Approve Public Meeting Minutes for December 13, 2021 - Motion to approve public minutes as presented; So Moved by Kimberlee Schuler, Seconded by Pallas Hutchison
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Sheri Miller-Bedau
 - Members opposed: None; Motion passed

- Review and Approve Executive Meeting Minutes for December 13, 2021 - Motion to approve executive minutes as presented; So Moved by Kimberlee Schuler, Seconded by Pallas Hutchison
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Sheri Miller-Bedau
 - Members opposed: None; Motion passed

- Compliance Plan Template – There was a discussion on item 6 on page 3 (latex gloves in use if applicable; Motion to accept template with latex update; So Moved by Kimberlee Schuler; Seconded by Pallas Hutchison
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Sheri Miller-Bedau
 - Members opposed: None; Motion passed

- Floor plan example submitted for website – discussion around specific minimum requirements; reminder that this is a tool; Motion to accept floor plan example as is; So Moved by Kimberlee Schuler; Seconded by Pallas Hutchison
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Sheri Miller-Bedau
 - Members opposed: None; Motion passed

- Out of country education information on website – Executive Director looking for more direction from the board about how to handle out-of-country education. The Board discussed that it does not count these education hours since we cannot validate, same with VT and MT who do not have state standards; must be from a school that has state validation

Board Counsel Report

- Regulation Update Kristina Gasson stated that the regulations were submitted for review by the Office of Consumer Affairs and Business Regulation and that she will continue to follow up.

Curriculum Review

- Cape Cod Massage – Alexei Levine stated a lot of information is missing; no hours on the courses and no representative from the school was present at the meeting, looking for clarification; Motion to delegate authority to Alexei Levine to work with counsel to answer all questions; So Moved by Paul Andrews; Seconded by Kimberlee Schuler
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Sheri Miller-Bedau
 - Members recused: Pallas Hutchison
 - Members opposed: None; Motion passed

Correspondence

- The Board reviewed an Email from Paul Andrews to Massage Board on 12.18.21 for discussion about New York State English Proficiency Requirements, The Board discussed whether English proficiency would be used in Massachusetts; Alexei Levine stated

wording is not helpful and puts too much on the schools. Mark Molloy stated that English proficiency policy not necessary as the information is already in the application process. The Board reviewed an Email from Dolores Olivero to Massage Board on 1.4.22 with respect to whether lymph node drained massage is within the scope of Massage Therapy. Board Counsel and Executive Director to draft language after reviewing correspondence specific to lymph node drained massage and other precedents and to provide suggestions for list of scope topics for quick reference. Public member offered assistance to the board in regard to “Rolfing” massage technique and structural integration.

Compliance monitoring

- 2020-000432-CP-ENF [Eric D’Errico] – The Board had a discussion on what has been learned by both the monitor and the applicant in the one year of probation; Motion to terminate probation from applicants’ establishment license; So Moved by Alexei Levine, Seconded by Kimberlee Schuler
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Sheri Miller-Bedau
 - Members opposed: None; Motion passed

Motion to move into Closed Executive Session at 11:08am. So Moved by Kimberlee Schuler; Seconded by Ellen Walker. All in favor.

Executive Session Conference *[Closed pursuant to G. L. c. 30A, §21(a)(7), to comply with the public record law pursuant to G. L. c. 66, § 10; G. L. c. 4 § 7, ¶ 26(a) and to preserve the confidentiality protections of criminal record information. G. L. c. 6, § 172.]*

2021-180-MT-MF-APP [HP]

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

During closed Investigative Conference, the Board took the following actions:

- 2021-000596-IT-ENF– Referred to prosecutions
- 2021-000941-IT-ENF– Referred to prosecutions
- 2021-205618-FI-ENF– Fine waived
- 2021-204852-FI-ENF– Fine waived
- 2021-206029-FI-ENF– Fine upheld
- 2021-205889-FI-ENF – Fine upheld
- 2021-205853-FI-ENF–Fine upheld
- 2021-204853-FI-ENF– Fine waived

Motion to adjourn Pallas Hutchison; Seconded by Kimberlee Schuler. All in favor.

Adjourn at 12:15PM

Respectfully submitted,

Caitriona Taylor

Caitriona Taylor
Executive Director

Paul Andrews

Paul Andrews
Board Chair

List of Documents used in Public Session:

- #2019 mt-establishment-sample-compliance-plan
- 2021-12-3 DRAFT mt-establishment-sample-compliance-plan
- 2021-12-3 Final mt-establishment-sample-compliance-plan
- Massage Sample Floor Plan
- MT Minutes Public 11_8_2021
- MT Minutes Executive 11_8_2021
- MT Minutes Public 12_13_2021
- MT Minutes Executive 12_13_2021
- Feedback MICC 700-Hour Massage Program 2021
- Massage Schools as of 12-29-21
- MICC 700-Hour Massage Program 2021
- Dolores Olivero email to board re: lymph nodes drained massage
- NYS Massage Board English Proficiency
- NYS Massage Therapy License Requirements
- Board Chair email to Board re NYS English Proficiency Requirements
- Dealing with Ethical Gray Areas in Massage Therapy