

Board of Registration of Massage Therapy

FEBRUARY 7, 2022 PUBLIC 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.

Attending: Members: Paul Andrews/Chair, Alexei Levine/Vice Chair, Ellen Walker/Secretary, Pallas Hutchison, Sheri Miller-Bedau

Not Attending: Kimberlee Schuler

Staff: Danielle O'Neil and Caitriona Taylor, Executive Director and Kristina Gasson, Board Counsel

Meeting Called to Order

- Remote meeting procedures – Paul Andrews noted there was 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 and Sheri Miller-Bedau; Member not present: Kimberlee Schuler; Paul Andrews called the meeting to order at 10:01am.

Board Meeting Business

- Review and Approve Meeting Minutes for January 10, 2022 - Motion to accept Minutes as is; So Moved by Ellen Walker, Seconded by Alexei Levine
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Kimberlee Schuler
 - Members opposed: None; Motion passed
- Discussion on reciprocity – Per Kristina Gasson, reciprocity between states is based on statutes and the Board's regulations constrains us
- Policy & Delegated authority review – Paul Andrews recommended an annual review on our agenda in regard to delegated authority; also to update new board members; add to March agenda
- Discussion delegate issuance of default decisions to the Board Counsel and ED – this was included in the above
 - Kristina Gasson to review next month; board issue, maximum fine; use other cosmetology board process
- Introduction of Brian Preston to the board

Executive Director Report and Board Discussion, Including

- Update on posted floor plan and question on sink distance – The Board approved a policy to update it to no more than 150 feet from entrance to treatment; Motion by Paul Andrews, Seconded by Alexei Levine
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Kimberlee Schuler
 - Members opposed: None; Motion passed

Board Counsel Report

- Regulation Update – Regulations were reviewed and approved by counsel and director; under review by OCA; then to ANF; board to address any questions; eventually finalize with Secretary of State and promulgate and lead time will be amended if needed

Curriculum Review

- Cape Cod Massage – Pallas Hutchison recused; Alexei Levine reviewed documents and deficiencies were corrected; syllabae amended; Motion to approve moving forward with application by Alexei Levine; Seconded by Ellen Walker
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Kimberlee Schuler
 - Members recused: Pallas Huchison
 - Members opposed: None; Motion passed

Correspondence

- Email from Dolores Olivero to Massage Board on 1.4.22 – Paul Andrews stated the need to craft a reply that educates as to whether the within scope; the board expects licensees to be educated and trained in that modality; Motion to respond by Paul Andrews with delegating Caitriona Taylor to draft and reply as Executive Director; Seconded by Sheri Miller-Bedau
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Kimberlee Schuler
 - Members opposed: None; Motion passed

10:32AM Motion to go into closed Investigative Conference, **/Closed session pursuant to G.L. c. 112, §65C/**:

by Paul Andrews; So Moved by Ellen Walker; Seconded by Sheri Miller-Bedau. Unanimously approved

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

Settlement Discussions:

2020-000267-IT-ENF (PT) –Request to approve monitor for consent agreement; Board directed staff to obtain additional information for the consent agreement.

Review of Complaints Prior to the Issuance of an Order to Show Cause:

2021-000807-IT-ENF (TY) – Referred to prosecutions with a fine of \$400 and a 1 year suspension

2021-000853-IT-ENF (AS) – Referred to prosecutions with a \$1,000 fine

The following cases were dismissed without prejudice:

2020-001194-IT-ENF	2020-001391-IT-ENF
2020-001204-IT-ENF	2020-001392-IT-ENF
2020-001206-IT-ENF	2020-001398-IT-ENF
2020-001215-IT-ENF	2020-001403-IT-ENF
2020-001216-IT-ENF	2020-001410-IT-ENF
2020-001219-IT-ENF	2020-001412-IT-ENF
2020-001223-IT-ENF	2020-001425-IT-ENF
2020-001233-IT-ENF	2020-001439-IT-ENF
2020-001267-IT-ENF	2020-001448-IT-ENF
2020-001269-IT-ENF	2020-001449-IT-ENF
2020-001272-IT-ENF	2020-001451-IT-ENF
2020-001279-IT-ENF	2020-001454-IT-ENF
2020-001281-IT-ENF	2020-001458-IT-ENF
2020-001289-IT-ENF	2020-001459-IT-ENF
2020-001290-IT-ENF	2020-001476-IT-ENF
2020-001305-IT-ENF	2020-001481-IT-ENF
2020-001309-IT-ENF	2020-001487-IT-ENF
2020-001331-IT-ENF	2020-001489-IT-ENF
2020-001337-IT-ENF	2020-001512-IT-ENF
2020-001339-IT-ENF	2020-001543-IT-ENF
2020-001350-IT-ENF	2020-001556-IT-ENF
2020-001353-IT-ENF	2020-001562-IT-ENF
2020-001356-IT-ENF	2020-001563-IT-ENF
2020-001360-IT-ENF	2020-001568-IT-ENF
2020-001368-IT-ENF	2020-001574-IT-ENF
2020-001374-IT-ENF	2020-001591-IT-ENF
2020-001386-IT-ENF	

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

2021-000439-IT-ENF (XW) – Motion to accept hearing officer’s tentative decision and issue final decision revoking license;

11:15AM Motion to return to Public Session by Alexei Levine; Seconded by Sheri Miller-Bedau

- Alexei Levine suggested creation of policy on breast massage at next public session meeting; add to March agenda
- Paul Andrews suggested creation of sub-committee for outstanding dockets during non-meeting time; add to March agenda

Motion to adjourn by Ellen Walker; Seconded by Sheri Miller-Bedau

The meeting adjourned at 11:17AM

Respectfully submitted,

Caitriona Taylor

Caitriona Taylor
Executive Director

Paul Andrews

Paul Andrews
Board Chair

List of Documents used in Public Session:

- Draft Minutes of 1/10/2022 Minutes
- Massage Sample Floor Plan
- 1_269 CMR 2.00 Amendments
- 1_269 CMR 3.00 Amendments
- 1_269 CMR 4.00 Continuing Education
- 1_269 CMR 5.00 Amendments
- 1_269 CMR 6.00 Amendments
- Massage Institute of Cape Cod Curriculum Review Documents (13)
- Dolores Olivero email to board re lymph nodes drained massage