

Board of Registration of Massage Therapy

MARCH 7, 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, Kimberlee Schuler and Pallas Hutchison.

Staff: Caitriona Taylor, Executive Director 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, Kimberlee Schuler and Pallas Hutchison.; Member not present: Ellen Walker and Sheri Miller-Bedau; Paul Andrews called the meeting to order at 10:06am.

Board Meeting Business

- Review and Approve Public Meeting Minutes for February 7, 2022 TABLED
- The Board reviewed current delegations of authority. Board Chair Andrews asked that the board review and update annually as needed. After a discussion of the current delegated authorities, two delegated authorities were proposed as follows:
 - 1) Motion to approve a variance allowing a sink distance up to 150 feet from the massage room entrance for establishment applications. So Moved by Paul Andrews; Seconded by Alexie Levine. Hutchison asked for clarification of what the difference is between a delegation and a variance and the Board discussed the differences.
 - Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Ellen Walker and Sheri Miller-Bedau
 - Members opposed: None; Motion passed
 - 2) Motion to delegate authority to execute Default Final Decisions on behalf of the Board when the Respondent fails to answer appear, and defend against the Order to Show Cause and institute the maximum allowable sanction for unlicensed practice or for violations of the Board's statutes or regulations; or to suspend or revoke current licenses and the right to renew licenses that are lapsed or expired, consistent with terms established by the Board, to its Executive Director or the Deputy Commissioner for Policy and Boards of the Division of Occupational Licensure. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the Board.". So Moved by Paul Andrews; Seconded by Kimberlee Schuler.

- Paul Andrews voted by roll call
 - Members in favor: All
 - Members not present: Ellen Walker and Sheri Miller-Bedau
 - Members opposed: None; Motion passed
- The board had a discussion on practice and education of breast massage. Levine noted that when complaints are brought forth to the board, in many instances, the licensee must have a compliance monitor. Levine will pass on to the Board staff a name of an individual who has a compliance monitoring agreement on this topic that has not complied and is advertising the education of breast massage to the public. The group discussed the option of drafting a policy to provide guidance on breast massage. However the Board noted that it has regulations on this topic, including Code of Ethics within which licensees must maintain compliance. Hutchison gave information on why it there are some practical reasons for a breast massage but that it should not be a part of a relaxing massage. The Board emphasized the need for informed consent during that process.

Executive Director Report and Board Discussion, Including

- The Executive Director shared that with everything opening up as COVID restrictions are eased, the staff is seeing an increase in applications. For the time period of January 1, 2021 to March 7, 2021 versus that of January 1, 2022 to March 7, 2022, individual applications are up 42% (55 vs. 77); Multi-establishments up 24% (17 vs. 21); Solo establishments up 77% (35 vs 62).
- As the administrative team continues to understand delegated authority in terms of applications, the Board Counsel was asked to attend an upcoming MT subcommittee meeting to review current policies.
- The Executive Director asked the Board if there was any interest in attending the May AMTA annual meeting. Once time and location are confirmed, the Executive Director can confirm attendance.

Board Counsel Report

- Board Counsel provided an update that as of last month, the regulation update packet was sent to Office of Consumer Affairs and Business Regulation and she will continue to update the board.

Correspondence

- The Board reviewed an Email from FSMTB in regards to initiated litigation to protect the integrity of the MBLEX. Board members discussed attending these information sessions. Those that can attend will report back to the board.

Compliance monitoring

- 2020-0004790CP-ENF (EM) – The Board had a discussion on the proposed Compliance Monitor. The Board asked that the licensee and proposed compliance monitor attend the next board meeting to review the request.

Open for Public Comment

Public attendee Mark Molloy thanked the board for their efficiency.

10:40AM Motion to go into closed Investigative Conference, **[Closed session pursuant to G.L. c. 112, §65C]:**

So Moved by Pallas Hutchinson; Seconded by Kimberlee Schuler.

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

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

2022-000050-IT-ENF (LHMT) - Referred to prosecutions.

2022-000133-IT-ENF (CN) – Dismissed with advisory letter.

12513-MT-MT (ZZQ) – Dismissed with advisory letter.

The following cases were dismissed without prejudice:

2020-001111-IT-ENF	2020-001464-IT-ENF
2020-001190-IT-ENF	2020-001469-IT-ENF
2020-001191-IT-ENF	2020-001473-IT-ENF
2020-001235-IT-ENF	2020-001475-IT-ENF
2020-001242-IT-ENF	2020-001477-IT-ENF
2020-001282-IT-ENF	2020-001478-IT-ENF
2020-001283-IT-ENF	2020-001513-IT-ENF
2020-001287-IT-ENF	2020-001514-IT-ENF
2020-001291-IT-ENF	2020-001518-IT-ENF
2020-001296-IT-ENF	2020-001541-IT-ENF
2020-001297-IT-ENF	2020-001542-IT-ENF
2020-001299-IT-ENF	2020-001559-IT-ENF
2020-001333-IT-ENF	2020-001580-IT-ENF
2020-001344-IT-ENF	2020-001581-IT-ENF
2020-001373-IT-ENF	2020-001583-IT-ENF
2020-001382-IT-ENF	2020-001584-IT-ENF
2020-001399-IT-ENF	2020-001585-IT-ENF
2020-001416-IT-ENF	2020-001586-IT-ENF
2020-001426-IT-ENF	2020-001590-IT-ENF
2020-001431-IT-ENF	2020-001395-IT-ENF
2020-001455-IT-ENF	2020-001485-IT-ENF
2020-001456-IT-ENF	2020-001588-IT-ENF
2020-001461-IT-ENF	
2020-001463-IT-ENF	

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

During closed Quasijudicial Session, the Board took the following actions:

2021-001150-IT-ENF (JP) – Motion to revoke license by default.

Motion to adjourn Kimberlee Schuler, Seconded by Alexei Levine. All in favor.

Adjourned at 11:23AM.

Respectfully submitted,

Caitriona Taylor

Caitriona Taylor
Executive Director

Paul Andrews

Paul Andrews
Board Chair

List of Documents used in Public Session:

- Draft Minutes of 1/10/22 Public Meeting
- List of Delegated Authorities
- Massage Therapy Curriculum Guidelines update 05-21-2015
- Policy #15-001
- FSMTB Email
- 2.9.22 Miano Letter to Board Counsel
- Edward Miano Executed Consent Agreement
- Murphy Resume
- Request for Approval of Monitor Note