

Board of Registration of Massage Therapy

AUGUST 9, 2021, 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: Paul Andrews/Chair, Alexei Levine/Vice Chair, Ellen Walker/Secretary, Kimberlee Schuler, Pallas Hutchison, Sheri Miller-Bedau
Staff: Danielle O'Neil, Executive Director and Sheila York, Board Counsel

MT Public Meeting
Monday, August 9, 2021, 10:15AM-1:30PM

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 857-327-9245,958033792#](#) United States, Boston

Phone Conference ID: 958 033 792#

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, Pallas Hutchison, Sheri Miller-Bedau, Kimberlee Schuler. Paul Andrews called the meeting to order at 10:15am.

Board Meeting Business

- Review and Approve Minutes for June 7, 2021 – Motion to accept the minutes of the public session of the June 7, 2021 meeting as they are by Paul Andrews; So Moved by Kimberlee Schuler; seconded by Ellen Walker
 - Paul Andrews held a roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchison, Sheri Miller-Bedau
 - Members opposed: None; Motion passed
- Motion to accept the minutes of the executive session of the June 7, 2021 meeting as they are by Paul Andrews; So Moved by Kimberlee Schuler; seconded by Ellen Walker
 - Paul Andrews held a roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchison, Sheri Miller-Bedau

- Motion to accept minutes of the public session of the July 12, 2021 meeting as they are by Paul Andrews; So Moved by Ellen Walker; seconded by Kimberlee Schuler
 - Paul Andrews held a roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchison, Sheri Miller-Bedau
 - Members opposed: None; Motion passed
- Review Regulation and Proposed Changes
 - 269 CMR 2
 - 269 CMR 3
 - 269 CMR 4 – proposed new regulation on continuing education
 - 269 CMR 5
 - 269 CMR 6

The Board reviewed and discussed the updated draft of the proposed regulation changes. Discussion centered around incoming applications for students educated outside of Massachusetts. There is concern that these students do not receive education on Massachusetts regulations and laws. For Massachusetts schools, the Board approves school curricula and can require education in those topics. The Board considered adopting a requirement that licensees who attend out-of-state schools pass a jurisprudence exam; Alexei Levine suggested electronic testing method for schools outside of Massachusetts; no additional cost; Sheila York to flesh out potential wording in the regulation for review at next meeting.

Discussion

- Do Craniosacral Therapy practitioners need to be licensed massage therapists in order to practice Craniosacral Therapy in Massachusetts?
 - The Board discussed that CST is within the scope of an MT in MA, and also performed by other health care professionals. Table for further discussion; referred to Sheila York to draft response for review at next meeting.
- Update on Governor's Article 87 Reorganization Plan and potential impact on MT establishment license exclusion for DPH facilities in 269 6.03(8)(a)(1)
 - Sheila York updated the Board on legislation that changed DPL's name from the Division of Professional Licensure (DPL) to the Division of Occupational Licensure (DOL). The legislation also transferred 13 health-related boards from DOL to DPH, effective at the end of June 2022. The Board discussed how this change could impact the Board of MT. One issue identified was whether facilities licensed by the transferred boards (e.g. CH and PT facilities) would be exempt from the MT establishment license requirement because they may now be considered DPH licensed facilities. Sheila York will seek clarification from the General Counsel at DOL.

Curriculum Review Renewal

- Lincoln Tech – Danielle O'Neil will have them relabeled

Compliance Monitoring

- 2019-000729-IT-ENF [Eric D’Errico] – Invite in for a full review; license and compliance monitor; So Moved by Paul Andrews; seconded by Alexei Levine
 - Paul Andrews held a roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchison, Sheri Miller-Bedau
 - Members opposed: None; Motion passed

New Business/ Open session for topics *(not reasonably anticipated by chair 48 hours in advance of meeting)*

- Paul Andrews reiterated Alexei Levine is a Voting Delegate for the October FSTBA Conference; reimbursable; conference to vote to create and implement regulations; Paul Andrews will attend as a second; Paul Andrews motioned for delegate to vote yes on resolution; seconded by Alexei Levine; Paul Andrews held a roll call vote.
 - Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchison, Sheri Miller-Bedau
 - Members opposed: None; Motion passed
- Upcoming meetings for Adjudicatory Hearings (remote) will be 9/27/2021 and 10/25/2021 from 9:00am to 3:00pm

Paul Andrews announced the next agenda item was appropriate for discussion in Executive Session pursuant to G. L. c. 30A, §21(a)(7), for the purpose of complying 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, at 11:32am; Motion to go into Executive Session for those purposes, by Ellen Walker; seconded by Sheri Miller-Bedau

- Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchison, Sheri Miller-Bedau
- Members opposed: None; Motion passed

The Chair estimated that executive session would last 20 minutes and public session would not resume after the Executive Session.

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

- 2021-000634-IT-ENF [LL] – Referred to prosecution.
- 2021-000299-IT-ENF [LS] – Referred to prosecution.
- 2020-001083-IT-ENF [SG] –Tabled
- 2020-001084-IT-ENF [YZ] –Dismissed without prejudice.
- 2021-000501-IT-ENF [Crescent Moon] – Referred to prosecution.
- 2021-000441-IT-ENF [New Prospective] – Referred to prosecution.

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

- 2019-000982-IT-ENF [RA] – Voted to issue Final Decision
- 2020-000789-IT-ENF [SZ] –Voted to issue Final Decision
- 2020-001307-IT-ENF – Licensee sent written request to cancel license. Board voted to issue final decision by default due to failure to defend against the charges, and order license revoked.
- 2020-001336-IT-ENF -voted to issue final decision by default and order license revoked.
- 2020-001197-IT-ENF - voted to issue final decision by default and order license revoked.

- 2020-001577-IT-ENF - voted to issue final decision by default and order license revoked.
- 2020-001351-IT-ENF voted to issue final decision by default and order license revoked.
- 2020-001288-IT-ENF - voted to issue final decision by default and order license revoked.
- 2020-001293-IT-ENF voted to issue final decision by default and order license revoked.

Motion to move to open session and to adjourn by Paul Andrews; seconded by Kimberlee Schuler, Roll call vote:

- Members in favor: Paul Andrews, Alexei Levine, Ellen Walker, Kimberlee Schuler, Pallas Hutchison, Sheri Miller-Bedau
- Members opposed: None; Motion passed

Adjourn at 1:30PM

Respectfully submitted,

Ellen Walker
Board Secretary

List of Documents used in Public Session:

Draft Minutes of Public Meeting June 7, 2021 and July 12, 2021
Working draft of proposed regulation changes, dated 7/13/21 and 7/27/21
Email from Lorelei M. re: Craniosacral therapy dated 8/3/21
Email from Paul Andrews re: Craniosacral therapy dated 7/30/21
Lincoln Tech Course approval form, dated 7/21/21, and exhibits
Monitoring report re D'Errico from Elaine Coolbrith LMT, SI, dated 7/12/21