

Board of Registration of Massage Therapy
June 6, 2022 PUBLIC MEETING MINUTES

A posted public meeting of the Massachusetts Board of Registration of Massage Therapy (the Board) was held remotely via video and telephone conferencing pursuant to Chapter 22 of the Acts of 2022, allowing remote participation by Board members and the public.

Attending Members: Paul Andrews/Chair, Alexei Levine/Vice Chair, Ellen Walker/Secretary, Sheri Miller-Bedeau, Kimberlee Schuler and Pallas Hutchison

Staff: Caitríona 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, Pallas Hutchison, Ellen Walker and Sheri Miller-Bedeau; Paul Andrews called the meeting to order at 10:00am.

Board Meeting Business

- Review and approve Public Meeting Minutes May 9, 2022 - Motion to approve as is; So Moved by Kimberlee Schuler, Seconded by Ellen Walker
 - Paul Andrews voted by roll call vote
 - Members in favor: All
 - Members opposed: None; Motion passed
- Review and approve Public Meeting Minutes May 9, 2022 - Motion to approve as is; So Moved by Kimberlee Schuler, Seconded by Ellen Walker
 - Paul Andrews voted by roll call vote
 - Members in favor: All
 - Members opposed: None; Motion passed

Executive Director Report and Board Discussion, Including

- The Executive Director lead the Board in a discussion about the instances in which an establishment would require both a multi- and solo- license for operation based on public perception that an establishment is advertised under the two establishment names.

Board Counsel Report

- The Board Counsel reviewed the expiring Executive Order for remote meetings which ends on July 15, 2022. The August meeting will be in person at 1000 Washington Street, Boston, MA 02118 unless there is new legislation permitting remote meetings. The Executive Director stated there would be more information at the July meeting on room location and vendor numbers for Board member expense reimbursements.

- The Board Counsel gave an update on the updated massage regulations, including the process of receiving feedback from the Housing and Economic Development department. After this feedback and Board vote, the regulations will go to public hearings for comments, which may be in the fall.

Correspondence

- After Board discussion about the Brazilian Lymphatic Drainage Massage by Josie Rushing curriculum, the Board advised Ms. Rushing to check in with other Boards (Chiropractic and Cosmetology); they advised any marketing materials must refer to her Texas massage therapy credentials so there is no confusion about the state she is licensed in; and the Board reminded Ms. Rushing about the Massachusetts refund regulations. The Board also asked Ms. Rushing to check to make sure compliance with the new regulations once promulgated.
- FSMTB Email 5.18.22 Call for Amendments of Regulations, No By-law Amendment to put forward at this time
- The Board discussed the example of North Carolina's Out of State Application form. It was noted it was a useful form. School Board Member Alexei Levine stated that the school director has more knowledge and at stake when filling this out. The Board discussed revisions to the form, including updating it to give an option stating they do not meet Massachusetts requirements as most states do not have the same requirements. Also, the Executive Director suggested state school licensure and/or credentialing information, such as number or approving body, to make sure no fraudulent schools could be used in obtaining a Massachusetts massage therapy individual license. The Board Chair Paul Andrews made motion to empower the subcommittee to work with Executive Director and Board Chair to draft a template for verification of curriculum from to submit to the Board. Motion seconded by Kimberlee Schuler.
 - Paul Andrews voted by roll call vote
 - Members in favor: All
 - Members opposed: None; Motion passed
- The Board discussed the new reciprocity law in New Hampshire, shared by Board Member Alexei Levine. The state's regulations do allow for reciprocity, and the Board Counsel reminded the Board we can do so if it is sustainably equivalent. Board Chair Paul Andrews suggested an upcoming virtual FMSTB on reciprocity and asked the Executive Director to share the event information with Board members after the Board meeting. Public member Mr. Molloy made a comment as the Board to consider the interplay with current policy 15-001. Board Counsel stated that you can put a policy but it could also be put in the regulations. The Board decided to continue this discussion at the July Board meeting.

Application Review

- 2021-342-MT-MT-APP (ND) Motion to move 25 hours from A&P to Kinesiology, 20 hours from contraindications to Kinesiology, 5 hours from Contraindications to Pathology, 5.02 from contraindications to Massage Theory and send a Deficiency

letter for 100 hours of clinical; So moved by Alexei Levine, Seconded by Kimberlee Schuler.

- Paul Andrews voted by roll call vote
 - Members in favor: All
 - Members opposed: None; Motion passed
- 2022-104-MT-MT-APP (DB) Motion to approve as presented; So moved by Alexei Levine, Seconded by Pallas Hutchinson.
 - Paul Andrews voted by roll call vote
 - Members in favor: All
 - Members opposed: None; Motion passed
- 2022-107-MT-MT-APP (ER) – Motion to move 45 hours from A&P to Pathology, send deficiency letter for 40 hours of clinical; So moved by Alexei Levine, Seconded by Sheri Miller-Bedeau
 - Paul Andrews voted by roll call vote
 - Members in favor: All
 - Members opposed: None; Motion passed
- 2022-66-MT-MT-APP (DF) – Motion to check with NC Board to see if the Whole You School of Massage was licensed at the time of the transcript, and if she has an active NC MT license, if so, accept 33.5 hours of clinical as satisfied under our policy, move 5 hours from A&P to Pathology, move 20.5 hours from A&P to Kinesiology, send a deficiency letter for 24.50 of Kinesiology, 30 hours of Ethics & Business & 47 hours of Massage Theory; So Moved by Alexei Levine, Seconded by Ellen Walker
 - Paul Andrews voted by roll call vote
 - Members in favor: All
 - Members opposed: None; Motion passed
- Motion to empower subcommittee to work on developing verification of curriculum for common applications – So Moved by Pallas Hutchison, Seconded Kimberlee Schuler
 - Paul Andrews voted by roll call vote
 - Members in favor: All
 - Members opposed: None; Motion passed

Compliance Monitoring

- 2020-000267-IT-ENF (Phuong Tran) – Motion to approve Roxy Rocker as compliance monitor; So Moved by Alexei Levine, Seconded by Sheri Miller-Bedeau
 - Paul Andrews voted by roll call vote
 - Members in favor: All
 - Members opposed: None; Motion passed

11:04AM Break 5 minutes

- 2020-000829-CP-ENF (Jun Ke) – Motion to not approve the two compliance monitors; So Moved by Kimberlee Schuler, Seconded by Pallas Hutchison
 - Paul Andrews voted by roll call vote
 - Members in favor: All
 - Members opposed: None; Motion passed

Open for Public Comment

There were no public comments.

Discuss other matters not reasonably anticipated 48 hours in advance of meeting

There were no unanticipated matters to discuss.

At 12:10pm, Motion to go into Closed Executive Session and not to return to the public meeting; So Moved by Kimberlee Schuler, Seconded by Sheri Miller-Bedeau.

- Paul Andrews voted by roll call vote
- Members in favor: All
- Members opposed: None; Motion passed

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]*

At 12:35pm, Motion to leave Executive Session Conference; So moved by Kimberlee Schuler, Seconded by Ellen Walker.

- Paul Andrews voted by roll call vote
- Members in favor: All
- Members opposed: None; Motion passed

At 12:36pm, Motion to go into Closed Investigative Conference; So moved by Alexei Levine, Seconded by Kimberlee Schuler.

- Paul Andrews voted by roll call vote
- Members in favor: All
- Members opposed: None; Motion passed

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

- 2021-000633-IT-ENF (YL) – Referred to Prosecutions
- 2022-000430-IT-ENF (RT) – Referred to Prosecutions
- 2020-001343-IT-ENF (QH) – Referred to Prosecutions
- 2020-000760-IT-ENF (PM) – Referred to Prosecutions
- 2020-000949-IT-ENF (XL) – Referred to Prosecutions
- 2022-000063-IT-ENF (LJ) and 2022-000064-IT-ENF (LI) – Tabled
- 2019-001136-IT-ENF (EM) – Tabled
- 2021-001019-IT-ENF (WL) – Referred to Prosecutions

At 1:54 pm, Kimberlee Schuler left the meeting.

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The following cases were dismissed without prejudice:

2020-001501	2020-001434	2020-001494
2020-001317	2020-001493	2020-001427
2020-001435	2020-001496	2020-001498
2020-001437	2020-001318	2020-001243
2020-001189	2020-001193	2020-001236
2020-001240		

At 1:52pm, Motion to go into Closed Quasijudicial Session; So moved by Pallas Hutchinson, Seconded by Alexei Levine.

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

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

- 2020-205654-FI-ENF (VF) Motion to issue final decision and order to issue a fine.
- 2021-000922-IT-ENF (CR) Motion to issue final decision and order to revoke license by default.

Motion to adjourn Alexei Levine, Seconded by Pallas Huchinson.

- Paul Andrews voted by roll call vote
- Members in favor: All
- Members opposed: None; Motion passed

Adjourned at 2:11 pm.

Respectfully submitted,

Caitriona Taylor

Caitriona Taylor
Executive Director

Paul Andrews

Paul Andrews
Board Chair

Approved At The Public Meeting Of July 11, 2022.

List of Documents used in Public Session:

- MT Public Agenda 6.6.22
- Draft Public Minutes 5.9.22
- Draft Executive Session Minutes 5.9.22
- MASS Regulations Facility Licensure
- Brazilicious Beauty Spa curriculum submission
- Call for Resolutions and Bylaw Amendments
- North Carolina Out of State example application form
- New reciprocity law in New Hampshire
- Subcommittee Agenda 06012022
- 2020-000267-IT-ENF (PT) compliance monitoring documents
- 2020-000829-CP-ENF (JK) compliance monitoring documents