

Commonwealth of Massachusetts
Board of Registration of Massage Therapy – Virtual Meeting
1000 Washington Street Boston, MA 02118

DATE: July 13, 2020

Location: Virtual Meeting

TIME: 11:14 a.m.

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 provisions of the open meeting law.

Board Members Present:

Saskia Cote, Board Chair

Paul Andrews, Board Vice chair

Alexei Levine, Board member

Ellen Walker, Board Secretary

DPL Staff Present at Various Times: Peter Kelley, Danielle O’Neil, Sheila York, Kerry Cassidy
Members of the public attending; Mark Molloy, Tamera, and Allison Archambault

Meeting Called to Order – 11:14 by Saskia Cote

Evacuation procedures – Saskia Cote confirmed everyone was aware of their evacuation procedure

Board Meeting Business

- June 8, 2020 and June 22, 2020 Meeting minutes – move approval of Minutes to August meeting
- August meeting was scheduled for Springfield / in person; however until further notice all meetings will be virtual

Alexei Levine asked if the public members would like to speak. Allison Archambault voiced concerns over inability to finish clinicals, all learning on hold, questioned if there are online/virtual solutions and what is impact to graduating. Tamera expressed similar concerns; there is not information available to students and many are just hours away from clinical being completed.

Paul Andrews reiterated the Advisory Board and CDC make these decisions.

Correspondence

- Correspondence from Lincoln Tech dated 7.2.20 requesting to move partial program online
- Correspondence from Shang Shung dated 7.2.20 requesting to move partial program online
 - As this was Peter Kelley’s last meeting both he and Sheila York responded to many of the questions raised; Sheila York did not realize that Alexei Levine’s role and a prior

Board delegation of authority authorizes Mr. Levine to respond to these questions on behalf of the Board

- Peter Kelley stated due to the current structure of the Board, with only three (3) members as Saskia Cote has to recuse herself, a full review cannot be made at this time by the Board
- Saskia Cote asked Peter Kelley about Conflict of Interest Forms - Peter Kelley stated the Governor's Office signed off; Saskia Cote and the other board members who submitted disclosure forms can participate in the proposed continuing education regulations.
- Alexei Levine raised another question about schools (one school over another) and Peter Kelley referred him to Sheila York before next meeting
- Correspondence from Commissioner D'Emelia to MT Board dated 7.8.20 regarding efficient and effective MT licensure processes
 - Sheila York reviewed the letter from Commission D'Emelia; will work with Board, DPL and Danielle O'Neil
 - No action at this time
 - Alexei Levine has ideas, thought-provoking; Sheila York suggested he work with Saskia Cote to add his proposed topics to August meeting agenda

Board Counsel Report

- 2019-000036-IT-ENF, [Soothe Inc.] Draft responses for three interrogatories
 - Peter Kelley explained the difference between interrogatories (written) and depositions (verbal)
 - Sheila York – explained that the interrogatories were part of a discovery requests on an open case; concern was expressed by Sheila York, Saskia Cote and Paul Andrews regarding the public on the virtual meeting as open cases were being discussed; no confidentiality was breeched
 - Sheila York stated we do not have enough information on #4 and #6
 - Sheila York will work the Board and the agency on #5 to get the lists
 - Mobile not physical is on public website; some duplication of effort concern was raised by Paul Andrews

Discussion

- At DPL's request, Sheila York to draft policy for Board review regarding – applicants with criminal background
 - Crime within 10 years – sexually related crimes – statutory language exists as well as Moral turpitude and Good Character. Sheila will distribute a draft policy for Board consideration at a future meeting.
- 1133-MT-MM [Equinox] Removal of discipline
 - Equinox met the two changes requested by the Board and are compliant.

- Alexei Levine motioned; Paul Andrews seconded to find that Equinox has met its compliance terms. Motion passed by Roll call vote: Members in favor: Cote, Levine, Andrews, Walker. Members opposed: None
- 2018-000503-IT-ENF [Guanhong, Ma] Removal of Probation on license
 - Sheila York stated that based on the terms of the Consent Agreements she did not recommend extending probation due to unforeseen events
 - Saskia Cote motioned to remove probation; Ellen Walker seconded. Motion passed by Roll call vote: Members in favor: Cote, Levine, Andrews, Walker. Members opposed: None.
 - This prompted discussion by Saskia Cote to consider incorporating verbiage into regulations for probation period to allow for extensions in pandemic/other national emergency situations

Investigative and Settlement Conferences [closed session pursuant to G.L. c. 112, §65C]

Saskia motioned to close the public portion of the meeting and enter closed session pursuant to G.L. c. 112, §65C to discuss investigative matters and settlement terms in 2019-000729-IT-ENF, seconded by Alexei Levine. Following a roll call vote, Members in favor: Cote, Andrews, Levine, Walker

Members opposed: None. Motion passed.

Public session resumed.

During Closed G.L. c. 112, §65C session the Board took the following actions:

- Notifications re [LV] dated 6.29.20- Read and Filed
- 2019-000729-IT-ENF: discussed settlement terms with DPL prosecutor

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

Adjourn – 12:19pm Saskia Cote motioned; Ellen Walker seconded, to adjourn the meeting. Motion passed by Roll call vote:

Members in favor: Cote, Levine, Andrews, Walker

Members opposed: None.

Respectfully Submitted,

Ellen Walker
Board Secretary

List of Documents Used in the Open session of the meeting
Agenda of the July 13, 2020 meeting

Correspondence from the Commissioner D'Emelia to MT board dated 7.8.20
2019-000036-IT-ENF, [Soothe Inc] Request of interrogatories

Reasonable accommodations or modifications will be provided to individuals with disabilities to participate in the meeting taking place on the date listed above. All requests should be directed to Cheryl Yebba at 617-727-4992 or TTY/TDD: (617) 727-2099 by no later than 48 hours prior to the meeting. While the Board will attempt to honor all requests those requests received less than 48 hours prior to the meeting may not be provided due to feasibility.