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**Board of Registration of Massage Therapy**  
**November 6, 2023 MEETING MINUTES**

A public meeting of the Massachusetts Board of Registration of Massage Therapy (the Board) was held remotely via video and telephone conferencing pursuant to Chapter 20 of the Acts of 2022, allowing remote participation by Board members and the public.

**Attending Members:** Paul Andrews/Chair, Alexei Levine/Vice Chair, Pallas Hutchison, Kimberlee Schuler

**Members Absent:** Ellen Walker and Sheri Miller-Bedau

**Staff:** Kerry Cassidy, Executive Director, Peter Kelley, Board Counsel

**Meeting Called to Order**

- Remote meeting procedures – At approximately 10:03 AM, Paul Andrews confirmed quorum via roll call vote which showed the following members participating via remote means; Paul Andrews, Alexei Levine, Pallas Hutchison, Kimberlee Schuler; Paul Andrews called the meeting to order.

**Board Business**

- The Board reviewed the Public Meeting Minutes for October 16, 2023. Motion was made to approve minutes as written; So Moved by Kimberlee Schuler; Seconded By Pallas Hutchison
  - Paul Andrews called for a roll call vote
  - Members in favor: Paul Andrews, Alexei Levine, Pallas Hutchison, and Kimberlee Schuler
  - Members opposed: None; Motion passed
- Review of Current Fines – The Board reviewed the Chart for Authorized Fines Civil Administrative Penalties and the Board of Massage Therapy General Inspection Report. An explanation was given by Board Counsel on the minimum and maximum fines that are allowed per G.L. c. 112, ss. 65A, 232. There was a brief discussion on how raising the fine would pertain to the Delegated Authority in allowing the Executive Director and Board Counsel more flexibility when reducing such fines.
- Review of Updated Delegated Authority – The Board reviewed the Updated Delegated Authorities that was approved at the October 16, 2023 meeting. Alexei raised the question if there was delegated



authority for granting licenses to out of state applicants when applications are unclear. Board Counsel pointed out that there are specific policies stated within the Delegated Authorities for processing applications that can assist the staff when necessary.

- FSMTB Letter to Membership- Paul shared a letter from the FSMTB that detailed issues regarding misinformation and misguided opinions circulating the membership. There was discussion about the nomination of the Board of Directors to the Federation; specifically, how it occurs and if it is equitable for every member state. Paul has volunteered to participate on a committee to review that policy and process.

### **Executive Director Report**

- Kerry Cassidy reported that she is pleased to have clear direction with the Delegated Authority moving forward with fines and enforcement. Kerry also stated that there may be a few applications for sub-committee and a date should be forthcoming.

### **Board Counsel Report**

- Board Counsel, Peter Kelley, re-introduced himself to the Board. Peter stated that he will be working with the General Counsel regarding the Amended Regulations.

### **Discuss other matters not reasonably anticipated within 48 hours in advance of meeting.**

- Alexei spoke briefly about the Gainful Employment Rule that could potentially put many massage schools accredited for financial aid out of business. It would allow the federal government to track employment to determine if massage therapist make enough money to pay off student loans and reducing schools' program hours from 150% to 100% of licensure requirement.

Motion to exit Public Session at 10:26 AM and enter into Closed Session to conduct Investigatory Conferences, Settlement Conferences, pursuant to G. L. c. 112, § 65C and Adjudicatory Conferences pursuant to G. L. c. 30A, § 18, ¶ 5(d); So Moved by Kim Schuler; Seconded By Pallas Hutchison.

- Paul Andrews called for a roll call vote
- Members in favor: Paul Andrews, Alexei Levine, Pallas Hutchison, and Kimberlee Schuler
- Members opposed: None; Motion passed

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

The Board took the following actions during the closed session:

- Ticket Review
  - 2022-205969-FI-ENF – Forward to Prosecutions
  - 2023-201486-FI-ENF – Dismiss with Advisory
  - 2022-204039-FI-ENF – Forward to Prosecutions
  - 2023-201197-FI-ENF – Dismissed
  - 2023-200629-FI-ENF – Rescind and Dismiss
- Review Matters Prior to Issuance of an Order to Show Cause
  - 2023-000636-IT-ENF – Forward to Prosecutions
  - 2023-000531-IT-ENF – Dismissed
  - 2023-000520-IT-ENF – Forward to Prosecutions
  - 2023-000679-IT-ENF – Forward to Prosecutions


- 2023-000381-IT-ENF – Tabled

Motion to exit closed session, enter open session and to adjourn the meeting at 12:01 PM; So Moved by Pallas Hutchison; Seconded by Kim Schuler.

- The meeting adjourned at 12:01 PM.

Respectfully submitted,

  
Kerry Cassidy  
Executive Director

  
Paul Andrews  
Board Chair

List of Documents used in Public Session:

MT Public Agenda  
MT Public Meeting Minutes 10.16.2023  
MT Inspection Form  
Authorized Fines Civil Administrative Penalties  
Delegated Authorities  
FSMTB Letter to Membership