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**Board of Registration of Massage Therapy**  
**November 4, 2024**

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, Sheri Miller-Bedau

**Members Absent:** None

**Staff:** Kerry Cassidy, Executive Director, Richard Holtz, Deputy General Counsel, Peter Kelley, Board Counsel

**Meeting Called to Order**

Remote meeting procedures – At approximately, 10:01 AM, Paul Andrews confirmed quorum via roll call vote which showed the following members participating via remote means; Paul Andrews, Alexei Levine, Pallas Hutchison, and Kimberlee Schuler; Paul Andrews called the meeting to order.

**Board Business**

- The Public Session Meeting Minutes for September 9, 2024 were tabled.
- The Executive Session Meeting Minutes for September 9, 2024 were tabled.
- Based on a discussion that transpired during September 9, 2024, the Board meeting, Peter Kelley recommended that a delegated authority should be developed for the Board Subcommittee. The delegated authority would state specific duties, such as reviewing transcripts for validity, fraud, deficiencies, and performing interviews for reinstatements of licenses that have been revoked or voluntarily surrendered. Paul Andrews stated that licenses which have been voluntarily surrendered or revoked were issued for a reason and should be scrutinized. Therefore, Paul suggested that the Subcommittee should do the review and the vetting before bringing it to the Board for a ratification vote. Peter Kelley will draft a delegated authority for the Board to review. A motion is not required at this time.
- The Board reviewed the proposed 2025 meeting schedule. The schedule has been updated to reflect alternating regular Board meetings with Subcommittee meetings, as needed. Motion was made to approve the 2025 meeting schedule as presented; So Moved by Sheri Miller-Bedau; Seconded by Pallas Hutchison



- Paul Andrews called for a roll call vote
  - Members in favor: Paul Andrews, Alexei Levine, Pallas Hutchison, Kimberlee Schuler, and Sheri Miller-Bedau
  - Members opposed: None; Motion passed
- The Office of Investigations is requesting guidance when they encounter an individual or an establishment that either has a revoked license or a license that has been voluntarily surrendered. Currently, these types of issues are being sent for Board Review. But in the past, the Office of Investigations has issued fines; however, this is difficult for investigators to track while in the field. Paul Andrews recommended that the Board open a complaint against the establishment, the unlicensed individual, and the compliance officer for not vetting these individual/s. Alexei Levine added that an inability to renew their license/s should also be considered. Motion was made to instruct the Office of Investigations to open complaints against the establishment, compliance officer, and the unlicensed individual when there is an unlicensed practice that involves a revocation or a voluntary surrender or a prior adjudicated instance of unlicensed practice: So Moved by Alexei Levine; Seconded by Sheri Miller-Bedau
    - Paul Andrews called for a roll call vote
    - Members in favor: Paul Andrews, Alexei Levine, Pallas Hutchison, Kimberlee Schuler, and Sheri Miller-Bedau
    - Members opposed: None; Motion passed
- The annual FSMTB conference was held in October. Paul Andrews and Pallas Hutchison attended. Pallas is the Board delegate and provided a report on the following highlights. Pallas announced that Paul was elected to the Board of Directors for one year. All proposals and by-law changes that were presented were either passed or withdrawn; such as, the completion of a massage program is not required to take the MBLEX, this is a reversal of a previous decision. The attorney panel discussed that voluntary surrenders are not considered to be discipline. However, it was suggested that Board's would be better served using consent agreements with all the details outlined. A suspension or other discipline maintains jurisdiction over licensees, whereas revocation or the voluntary surrender removes that jurisdiction. FSMTB has created an establishment license tool kit. This includes such items as non-licensed massage therapist owners could be required to complete a jurisprudence exam and landlord letter templates that can be utilized for tenants. FSMTB also provides a quarterly conference specifically for attorneys. Paul Andrews mentioned that the Board should work with the Attorney General's Office regarding the landlord letters, as they have been effective for many states in alerting landlords of their responsibilities. The Interstate Massage Compact (IMpact) has not passed and unfortunately, Pallas was unable to obtain any information and appears to be stalled. Peter Kelley stated that if the Board is interested in joining the IMpact, the Governor's Office would be involved in proposing this legislation. Paul Andrews offered to contact FSMTB regarding their ability to present to the Board on the IMpact and answer any questions.

### **Other Board Business**

- Kerry Cassidy announced to the Board that DOL will be moving in March of 2025, to One Federal Street in Boston.

### **Executive Director Report**

- Kerry Cassidy queried the Board to determine when members might have availability for an upcoming Subcommittee meeting in November. Paul Andrews and Alexei Levine are both available for a meeting on November 20 at 1:00 p.m. The meeting link will be

disseminated to all Board members. In addition, Kerry provided a report on the current number of establishment and individual applications, as well as the most common types of issues that hold up an application.

### **Board Counsel Report**

- Peter Kelley re-introduced Richard Holtz, Deputy General Counsel, as the incoming Board Counsel. It does appear that the Board may be asked to provide information at some point in the near future regarding the proposed regulations.

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

- No unanticipated matters were discussed.

At 11:00 AM, Sheri Miller-Bedau moved to exit Public Session and enter into Executive Session for the purpose of reviewing reputation or character rather than professional competence pursuant to G. L. c. 30A, §21(a)(1)] and enter into Closed Session pursuant to G.L. c. 112, §65C for the purpose of conducting investigatory and settlement conferences and pursuant to G. L. c. 30A, § 18, ¶ 5(d) for the purpose of conducting adjudicatory conferences; So Moved by Sheri Miller-Bedau; Seconded by Pallas Hutchison

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

The Board took the following actions during closed session:

- 2024-201988-FI-ENF – Refer to Staff/Refer to Prosecution
- 2024-202671-FI-ENF - Refer to Staff/Refer to Prosecution
- 2024-202749-FI-ENF - Refer to Staff/Refer to Prosecution
- 2024-205363-FI-ENF - Refer to Staff/Refer to Prosecution
- 2024-000419-IT-ENF – Refer to Prosecution
- 2024-000274-IT-ENF – Refer to Prosecution
- 2024-000263-IT-ENF - Dismissed
- 2023-000381-IT-ENF – Dismissed
- 2023-000091-IT-ENF – Dismissed
- 2024-000650-IT-ENF – Refer to Prosecution

Motion to adjourn the meeting: So Moved by Kimberlee Schuler; Seconded by Pallas Hutchison. Following a roll call vote, all members voting in favor, the motion passed.

- The meeting adjourned at 12:22 PM.

Respectfully submitted,

  
Kerry Cassidy  
Executive Director



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Paul Andrews  
Board Chair

List of Documents used in Public Session:

MT Public Agenda  
Proposed Board Meeting Schedule for 2025  
FSMTB Election Results