

Board of Registration of Massage Therapy

OCTOBER 19, 2020 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 provisions of the open meeting law.

Attending: Members: Paul Andrews, Chair; Alexei Levine, Vice Chair; Kimberlee Schuler, Board Member; Ellen Walker, Secretary

Members absent: Sheri Miller-Bedeau, Board Member;

Staff: Danielle O'Neil and Sheila York

MT Public Meeting

Thursday, October 19, 2020 9:00AM – 11:00AM (EDT)

Please <https://global.gotomeeting.com/join/921666205>

Meeting Called to Order – 9:00AM by Paul Andrews

Remote meeting procedures reviewed with reminder for roll call votes

Board Meeting Business

- Board Election of Officers
 - Alexei Levine nominated Paul Andrews for Chair; Ellen Walker seconded
 - Vote by roll call
 - Members in favor: Paul Andrews, Alexei Levine, Kimberlee Schuler, Ellen Walker
 - Members opposed: None; Motion passed
 - Paul Andrews nominated Alexei Levine as Vice Chair and Ellen Walker as Secretary
 - Vote by roll call
 - Members in favor: Paul Andrews, Alexei Levine, Kimberlee Schuler, Ellen Walker
 - Members opposed: None; Motion passed
- Review and Approve Minutes for 9.2.2020 and 9.17.2020
 - Paul Andrews asked for a motioned to approve 9.2.2020 minutes with Sheila York's edits; Kimberlee Schuler so moved; Alexei Levine seconded
 - Vote by roll call
 - Members in favor: Paul Andrews, Alexei Levine, Kimberlee Schuler, Ellen Walker
 - Members opposed: None; Motion passed
 - Paul Andrews asked for a motioned to approve 9.17.2020 minutes with Sheila York's edits; Alexei Levine so moved; Kimberlee Schuler seconded
 - Vote by roll call
 - Members in favor: Paul Andrews, Alexei Levine, Kimberlee Schuler, Ellen Walker
 - Members opposed: None; Motion passed

- Review Regulation and Proposed Changes: Sheila York reminded board members that they are discussing proposed changes to their regulations. These proposed changes will not be effective until the regulation amendment process is completed. That process includes obtaining required approvals, holding a public hearing and comment period, and voting on final amendment language. The Board also discussed holding listening sessions to give stakeholders input after we have a draft of the proposed regulations.
 - 269 CMR 2
 - Paul Andrews request update to designations (LMT) and additional language
Sheila York to add language; definitions in Section 6 referenced.
 - 269 CMR 3
 - National Exam
 - Paul Andrews motioned to amend regulation to implement passing score on National Exam effective 1/1/2023; Kimberlee Schuler seconded
 - Vote by roll call
 - Members in favor: Paul Andrews, Alexei Levine, Kimberlee Schuler, Ellen Walker
 - Members opposed: None; Motion passed
 - Proposed School Regulations Changes (Alexie Levine)
 - 3.01 Reciprocity
 - Motion to maintain 650 hours; Paul Andrews stated we are at Status Quo and therefore do not need to vote to keep the requirement the same.

Paul Andrews stopped at 3.01 to hold the remaining Review Regulation and Proposed Changes to next meeting beginning with 3.02

- 269 CMR 4 – Continuing Education
- 269 CMR 5
- 269 CMR 6
 - Interviewing Proposed Compliance Officers
 - Maintaining List of Employees

Correspondence

- Update on Sports Clips
 - Paul Andrews asked Sheila York if she could approach the Cosmetology Board counsel regarding Sports Clips request to that Board to use massage devices and to discuss the omission of barbers and the need for education on devices, all board members comfortable with this request
- Email Dated 10.13.20 To MT board From Greg Hurd (stretching homework)
 - The Board discussed the above email and received comments from Greg Hurd. Paul Andrews asked for a motion for the Board to reply to correspondence that it is not within

the scope of an MT to give homework stretch/exercise to client; Alexei Levine so moved; Ellen Walker seconded

- Vote by roll call
 - Members in favor: Paul Andrews, Alexei Levine, Kimberlee Schuler, Ellen Walker
 - Members opposed: None; Motion passed
- Email dated 9.25.20 To MT board From The Massage School (Externship Option)
 - Alexei Levine noted NCB approval is being given up by many schools. He stated that he needed to recuse himself from discussion of this topic at 9:25AM because it involves his business. This means no quorum for this topic; The Board cannot discuss the Massage School's request at this time. Alexei Levine stated that in any event he wanted to revise his draft. This matter will be postponed until a future meeting.

Board Counsel Report

- Sheila York reminded Board that in certain cases involving allegations of fraudulent schooling they will have hearings before the Board and issue direct Board decisions; rather than delegate the hearing to Hearings Officer to issue a recommended decision. These Board hearings have not been scheduled but she wanted the Board members to be aware they will be upcoming.

Discussion

- New School Regulations (Alexei Levine)
 - As indicated under Regulation and Proposed Changes, this will be moved to next meeting
- Compliance Monitor 2019-000729-IT-ENF [Eric D'Errico]
 - Board interviewed two of the three COs; Consent Agreement Paragraph 4B
 - Paul Andrews asked for a motioned to approve Elaine Coolbrith as Compliance Officer acting on behalf of the Board effective 10/19/2020; Alexei Levine so moved; Ellen Walker seconded
 - Vote by roll call
 - Members in favor: Paul Andrews, Alexei Levine, Kimberlee Schuler, Ellen Walker
 - Members opposed: None; Motion passed
- **New Business/ Open session for topics** (*not reasonably anticipated by chair 48 hours in advance of meeting*)
 - Paul Andrews asked for a motion to go into closed session to hold investigative and settlement conferences under G.L. c. 112, s. 65C, and to deliberate on final adjudicatory decisions under G.L. c. 30A, s. 18 ¶ 5(d) at 10:55AM; Alexei Levine so moved; Kimberlee Schuler seconded
 - Vote by roll call
 - Members in favor: Paul Andrews, Alexei Levine, Kimberlee Schuler, Ellen Walker

- Members opposed: None; Motion passed

Report of Actions taken in Closed Session:

Investigative Conference

- Opened investigation regarding certain out-of-state schools to ensure education was not fraudulent.
- Directed staff to invite licensees in the following matters to appear for investigative conference before the Board:
 - 2020-000905-IT-ENF [Tao Zhai]
 - 2020-000946-IT-ENF [Youjun Gao]
 - 2020-000844-IT-ENF [Yingxue Chen]
 - 2020-000863-IT-ENF [Zixiu Zhou]
 - 2020-000871-IT-ENF [Lili Huang]
- Referred the following matters to prosecutions:
 - 2020-000838-IT-ENF [Sue Shi Hutchenson]
 - 2020-000771-IT-ENF [Huxian Liao]
 - 2020-000794-IT-ENF [Juan Tan]
 - 2020-000782-IT-ENF [Qiuyan Wu]
 - 2020-000821-IT-ENF [Zhenfang Xu]
 - 2020-000773-IT-ENF [Qiong Zhao]
 - 2020-000789-IT-ENF [Sheng Zhong]
 - 2020-000837-IT-ENF [Fenghong Song]
 - 2020-000867-IT-ENF [Ao Li]
 - 2020-000752-IT-ENF [Juan Tang]

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

- Sooth settlement terms
 - Discussed settlement terms.
- 2019-001496-IT-ENF [Shyla Maung]
 - Move to next meeting

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

- 2018-001081-IT-ENF [Eclipse] – Tabled, no quorum.

Adjourn – 11:12PM Paul Andrews motioned; Ellen Walker Second

- Vote by roll call
- Members in favor: Paul Andrews, Alexei Levine, Kimberlee Schuler, Ellen Walker
- Members opposed: None; Motion passed

Respectfully submitted,

Ellen Walker
Board Secretary

List of Documents Used in the Public Session

Agenda October 19, 2020 meeting
Draft 9.2.20 and 9.17.20
Review Regulation and Proposed Changes
Update on Sports Clips
Email dated 9.25.20 To MT board From The Massage School (Externship Option)
Email Dated 10.13.20 To MT board From Greg Hurd (stretching homework)
New School Regulation proposal (Alexei Levine)