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Board of Registration of Massage Therapy

NOVEMBER 7, 2022 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 20 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, and Pallas Hutchison; Kimberlee Schuler arrived at 10:02

Not Attending Members: Sheri Miller-Bedeau

Staff: Danielle O'Neil, Acting Executive Director, Janet Dougherty, Executive Director, Kristina Gasson, Deputy General Counsel, and Stephen Jacobson, Board Counsel

Meeting Called to Order

- Remote meeting procedures - Paul Andrews confirmed quorum via roll call vote. The following members participated via remote means: Paul Andrews, Alexei Levine, Kimberlee Schuler, Pallas Hutchison and Ellen Walker; Kimberlee Schuler arrived at 10:02am; Not Attending: Sheri Miller-Bedeau; Andrews called the meeting to order at 10:02am

Board Meeting Business

- Review and Approve Public Meeting Minutes October 17, 2022 – Motion to accept minutes as submitted by Alexei Levine; Seconded by Ellen Walker
 - Paul Andrews called for a roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Alexei Levine, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedeau
 - Members opposed: None; Motion passed
- Review and Approve Executive Meeting Minutes October 17, 2022 – Motion to accept minutes as presented by Kimberlee Schuler; Seconded by Ellen Walker
 - Paul Andrews called for a roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedeau



- Members abstained: Alexei Levine
- Members opposed: None; Motion passed
- FSMBT Annual Meeting Update – Hunter Iron and Paul Andrews
- **Executive Director Report and Board Discussion**
 - Introduction Janet Dougherty, Executive Director
 - Danielle O’Neil, Acting Executive Director advised that there are 26 Board applications in process.
- **Board Counsel Report**
 - Stephen Jacobson – no update at this time
 - Kristina Gasson – The Division of Occupational Licensure (DOL) has requested budget information to provide information to the Office of Administration and Finance (A&F) regarding the regulations. Boards will be moving to DPH after January 1; The DOL is waiting on feedback as to whether physical therapists and chiropractors will be required to have massage establishment licenses if employing massage therapists.
- **Compliance Monitoring**
 - 2020-000267-IT-ENF [PT] – The Board voted to return report as unaccepted; invite to next meeting to make corrections and answer questions; So Moved by Paul Andrews; Seconded by Ellen Walker
 - Paul Andrews called for a roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Alexei Levine, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedeau
 - Members opposed: None; Motion passed
- **Discuss other matters not reasonably anticipated 48 hours in advance of meeting**

No unanticipated matters were discussed.
- **Executive Session** *[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.]*

The Board did not convene a closed Executive Session.

At 10:27am, Motion to go into Closed Investigative Conference and not return to the public meeting; So moved by Kimberlee Schuler, Seconded by Ellen Walker.

- Paul Andrews called for a roll call vote
- Members in favor: Paul Andrews, Pallas Hutchinson, Alexei Levine, Kimberlee Schuler, Ellen Walker
- Members not present: Sheri Miller-Bedeau
- Members opposed: None; Motion passed

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

The Board took the following actions in closed Investigative Conference

- 2022-000604-IT-ENF – Dismissed
- 2022-000700-IT-ENF - Reviewed, licensee invited to next meeting to provide clarification
- 2022-000702-IT-ENF - Reviewed, licensee invited to next meeting to provide clarification
- 2022-000706-IT-ENF - Reviewed, licensee invited to next meeting to provide clarification
- 2022-000767-IT-ENF –Dismissed
- 2022-000786-IT-ENF – Refer to prosecutions

Settlements

2022-201594-FI-ENF– The Board reviewed the settlement offer

2021-001019-IT-ENF- Tabled to next meeting for clarification on settlement offer

2020-000949-IT-ENF - Potential monitor invited to next meeting

2020-001083-IT-ENF - Dismissed

Motion to move from closed Investigative conference to closed Quasijudicial Session; So moved by Pallas Hutchison; Seconded by Alexei Levine

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

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

Final Decision

#20151201MT080-IT-ENF – Board voted to issue a final order revoking license and right to renew denied.

Motion to adjourn; So moved by Pallas Hutchison; Seconded by Kimberlee Schuler

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

Adjourned at 11:22am

Respectfully submitted,



Janet Dougherty, Executive Director



Paul Andrews Board Chair
Approved at the Public Meeting of December 12, 2022

List of Documents used in Public Session:

MT Public Agenda 11.7.22
Draft Public Minutes 11.7.22
Draft Executive Session Minutes 11.7.22
Compliance report for case 2020-000267-IT-ENF
Reinstatement request 2021-000440-IT-ENF