

Board of Registration of Massage Therapy
July 10, 2017, Public Session Meeting Minutes
Location: 1000 Washington St., Boston, MA 02118, Room 1D

Present:

Board members:

Paul Andrews, Board Chair
Alexei Levine, Vice Chair
Matthew Olds, Board Member
Sheri Sarmento, Board Secretary

DPL Staff:

Ana Garcia, Executive Director
Peter Kelley, Board Counsel
Joann Termine, Board Administrator

Board members not present:

Jennie Pelletier, Board Member
Ann Marie Kennedy, Board Member

Item 1) 10:03 a.m. Meeting called to order:

- **Housekeeping and Evacuation Procedure** – Executive Director detailed the evacuation plan to be followed in the event of an emergency.

Item 2) 10:04 a.m. Board Meeting Business:

- **Public Minutes (May)** - Motion made by Mr. Olds to accept the Public Minutes with corrections for May 8, 2017, seconded by Mr. Levine. Motion passed unanimously.
- **Executive Minutes (May)**- Motion made by Mr. Levine to accept the Executive Minutes as presented for May 8, 2017, seconded by Mr. Olds. Motion passed unanimously.
- **Public Minutes (June)**- Motion made by Mr. Olds to accept the Public Minutes with corrections for June 12th, 2017, seconded by Mr. Levine. Motion passed unanimously.
- **Executive Minutes (June)**-Motion made by Mr. Olds to accept the Executive Session minutes with corrections, seconded by Mr. Levine. Motion passed unanimously.

Item 3) 10:13 a.m. Board Counsel Report

- Board counsel indicated to the members that there were no matters to report to the board this month.

Item 4) 10:14 a.m. Application Review

- **2017-97-MT-MF-APP [AD]**-The investigator tried twice to contact the owner, Ms. Anni Dai, to inspect the premises however could not make contact with her. Board counsel remarked that the address of the establishment is listed on the application as being 151 Main St., and a picture of the establishment shows the address as being 157 instead. Ms. Dai also lists a New York address as her home address. Ms. Dai's application is for a single therapist establishment

license but there are many rooms in the establishment. Motion was made by Mr. Olds to deny the application for a single therapist establishment license based on non-communication with the Board and failure to pass inspection, seconded by Mr. Levine, motion passed unanimously.

Item 5) 10:15 a.m. Candidate Interviews: [Executive Session – closed session pursuant to G.L.30A

Mr. Olds moved to enter into an *Executive Session pursuant to G.L.30A §21(1)* to discuss the character rather than competence of applicants for licensure. Mr. Levine seconded. After taking a roll call vote (all “yes”), motion passed unanimously.

At the end of the candidate interviews Ms. Sarmiento moved to exit executive session into open. Mr. Olds seconded. After taking a roll call vote (all “yes”), motion passed unanimously.

Item 6) 12:00 noon Investigative Conference: Review Cases: [closed session pursuant to MGL c. 112, §65C]

Mr. Olds moved to exit closed executive session and enter closed session for the purposes of conducting investigatory conferences and settlement conferences pursuant to G. L. c. 112, § 65C and quasi-judicial conferences pursuant to G. L. c. 30A, § 18(5)(d). Seconded by Mr. Levine Motion passed unanimously.

During the investigative conference the Board voted to take the following actions:

- **2016-001004-IT-ENF [HE]- Tabled**
- **2016-0404MT140-IT-ENF[TC]- Tabled**
- **20160816MT035-IT-ENF [AM]- Fwd to Prosecutions**

At 12:22 p.m. Mr. Olds made a motion to enter into open session, motion seconded by Mr. Levine, passed unanimously.

Item 8) 12:22 p.m. Compliance Monitoring

- **MT-14-093-098 [SL]** – Licensee submitted names of (3) proposed monitors to serve during her required monitored probation for Board review and approval as part of the licensee’s consent agreement. The first therapist, Ms. Taylor, has an issue with keeping her massage license current and works at an alleged solo establishment. The second therapist, Ms. Donesing, works at the same establishment as Ms. Taylor which is licensed as a solo establishment. The third therapist, Ms. Pena, states she has been the lead therapist at Massage Envy starting in February 2011 but she did not receive her license until August 2011.

Mr. Andrews made a motion to deny all three as compliance monitors based on lack of suitability. After review, the Board determined that all (3) monitors lacked suitability as they did not demonstrate training and/or experience in determining whether a Massage therapist is in compliance with all

applicable state and federal laws and regulations. Licensee must submit names and resumes of (3) new monitors for review and approval. Ms. Sarmento seconded, motion passed unanimously

Item 9) 12:27 p.m. Correspondence

- **Email from Sharon Emond dated 06/22/2017 re: I.A.S.T. (Instrument Assisted Soft Tissue Manipulation)**-The Board determined dry cupping is in the scope of practice and a therapist would have to have appropriate training and experience. Mr. Andrews made a motion to reply that dry cupping is within the scope of practice, motion seconded by Mr. Olds, motion passed unanimously.

Item 10) 12:32 p.m. New Business/Open Session for topics

- Delegation of Authority of approved minutes- Ms. Sarmento made a motion to delegate authority to the Executive Director to sign all approved final meeting minute drafts for public web posting. Mr. Levine seconded. Motion passed unanimously.

Item 11) 12:37 p.m. Adjournment

Mr. Olds made a motion to adjourn, seconded by Mr. Levine, motion passed unanimously

Respectfully submitted,



Ana Garcia
Executive Director