

**Board of Registration of Massage Therapy
February 12, 2018, Public Session Meeting Minutes
Location: 1000 Washington St., Boston, MA 02118, Room 1D**

Present:

Board members:

Paul Andrews, Board Chair
Alexei Levine, Vice Chair
Sheri Sarmiento, Board Secretary
Ann Marie Kennedy, Board Member
Saskia Coté, Board Member

DPL Staff:

Ana Garcia, Executive Director
Peter Kelley, Board Counsel
Shawn Croke, Board Investigator

Item 1) 10:13 a.m. Meeting called to order:

Housekeeping and Evacuation Procedure – Executive Director Garcia detailed the evacuation plan to be followed in the event of an emergency. Do not use the elevators, exit down the stairwell and go across Harrison St. to Whole Foods parking lot.

Item 2) 10:14 a.m. Board Meeting Business:

- **Public Minutes from January 22, 2018-** Motion made by Mr. Levine to accept the Public Minutes, Ms. Kennedy seconded, the motion passed unanimously.
- **Executive Minutes from January 22, 2018** – Motion made by Mr. Levine to accept the Executive Minutes, Ms. Kennedy seconded, motion passed unanimously.

Item 3) 10:16 a.m. Board Counsel Report:

No reports by board counsel.

Board Counsel Kelley left room at 11:00 am for an internal meeting.

Item 4) 10:17 a.m. Curriculum Review:

- **Cape Cod Massage Academy** (*tabled from January*) – Mr. Levine asked about a class schedule. Executive Director Garcia stated that class schedule was not provided.

The board wanted School President Sarah McDonald to clarify what the students would be doing during the 4.5 hours of “paired clinical work,” whether this was being supervised under a licensed LMT and who exactly were the licensed “Allied Health” professionals the students would be paired with. President McDonald’s answer described that to fulfill the clinical practicum for the course, the students would be paired with local physical therapists, acupuncturists, occupational therapists, chiropractors, etc. in the community. The Allied Health professionals will be coming to the school as presenters. Ms. Cote stated that she doesn’t think it is appropriate for the presenters to be in the clinical. Mr. Levine stated that 60 hrs. can be hands on in the clinical and 40 hrs. can be instructional. President McDonald claimed the

students will be supervised by a LMT. She claimed these hours would be completed on campus in the classroom and in treatment room settings. Her response appeared to be contradictory.

Mr. Levine expressed that the students could be working in the field but that the concern is that students will be working for the Allied Health professionals for free. Mr. Andrews agreed that there is a chance of inherent abuse working off site. Attorney Mark Mallory suggested that we should ask the school what are the accountability measures that are put in place.

Mr. Andrews made a motion to notify the school that the work done outside of the school should be documented within the 40 hrs. and there should be a written agreement between the student and the off-site location should be made to prevent abuse. Mr. Levine seconded the motion, the motion passed unanimously.

- **Spirit Wellness** – Mr. Levine stated that he had an issue with some of the semantics with the descriptions. The description talks about “alignment techniques” and “spinal manipulation” which is out of a LMT’s scope of practice. Mr. Levine explained that the terms should be changed to postural analysis and treatment. They cannot use the word manipulation. Mr. Levine made a motion to notify the school to remove the language that is outside the scope of practice. Ms. Cote seconded the motion and the motion passed unanimously.

Item 5) 10:46 a.m. Investigative Conference: Review Cases: [Closed session pursuant to MGL. C. 112 §65C]

Mr. Levine made a motion to exit executive session, enter and exit open session and enter closed session for the purpose of conducting Investigative conferences, adjudicatory conferences and settlement conferences pursuant to MGL c.112, §65C; MGL. C. 30A, § 18 (5) d. Ms. Kennedy seconded. Following a roll call vote, all in favor, the motion passed unanimously.

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

- **20151208MT084-IT-ENF [FC]** (*tabled from January*) – **Tabled for March**
- **2017-000821-IT-ENF [MU]** – **Dismiss w/o prejudice**

At the end of the closed investigative conference, Ms. Kennedy moved to exit closed session and to resume the open meeting. Ms. Coté seconded. Motion passed unanimously.

Item 6) 11:30 a.m. Compliance Monitoring-Discussion of Monitoring Expectations -

Ms. Cote recused herself from the discussion and left the room.

11:40 a.m. Board Counsel Kelley returned to the meeting.

- **20140219MT093-IT-ENF through 20140219MT098-IT-ENF [SL]** – Ms. Lopes appeared before the Board with her proposed monitor, Ms. Sherri Miller. Ms. Miller stated that she works at the Green Tangerine and has her own private clients. Mr. Andrews inquired if Ms. Miller was familiar with insurance billing and she said, yes. Mr. Andrews asked if Ms. Miller was familiar with claim reporting

and documentation for CPT coding. She said, no. Ms. Miller didn't know why she was needed to monitor Ms. Lopes. Ms. Lopes didn't show the consent agreement to Ms. Miller even though she has been told numerous times that she needed to do this so the monitor knows the reason he/she is being asked to monitor Ms. Lopes and what the monitor needs to be familiar with. It was also learned that Ms. Miller didn't have her own establishment license for her private clients, which makes her not in compliance with the board's rules/regulations. Ms. Miller was rejected as a monitor. Board Counsel Kelley stated that Ms. Lopes is required to propose a new monitor within 20 days.

Item 7) 11:56 a.m. Conditional Licensure Agreement – Executive Session [closed pursuant to G.L. c.30A, §21(a) (7) to comply with G.L. c. 66, § 10, G.L. c. 4, § 7, ¶26 (c) (medical record information)]:

Ms. Kennedy made a motion to come out of open session and enter into closed executive session to discuss medical records, Mr. Levine seconded, following a roll call vote, all in favor. The motion passed.

At the end of discussion, the closed meeting resumed.

Item 8) 12:00 p.m. Settlement Conferences: [closed session pursuant to MGL c. 112, §65C]

Board discussed settlement offers presented by prosecuting counsel.

At the end of the closed session, Mr. Levine made a motion to exit closed session and to resume the open meeting. Ms. Kennedy seconded. The motion passed unanimously.

Item 9) 12:10 p.m. New Business/Open session for topics: (not reasonably anticipated by chair 48 hours in advance of meeting)

- Email dated February 4, 2018 from Liz Allen, LMT to Fei Chen re: Epley Maneuver as LMT-*After review and discussion, the board agreed that it was not within the scope of practice of massage therapy.*

Item 10) 12:12 p.m. Discussion of Re-Organization – Board Chair, Paul Andrews

Elections will be held at next month's meeting.

Item 11) 12:13 p.m. Adjournment

Ms. Kennedy made a motion to adjourn, seconded by Ms. Cote, the motion passed unanimously.

Respectfully submitted,



Ana Garcia
Executive Director