

Board of Registration of Massage Therapy
June 11, 2018, 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 Sarmento, Board Secretary
Saskia Coté, Board Member
Mindy Ruddock, Board Member

DPL Staff:

Ana Garcia, Executive Director
Peter Kelley, Board Counsel
Chris Lee, Investigator
Anne Driscoll, Investigator

Not Present:

Anne Marie Kennedy, Board Member

Item 1) 10:04 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) 10:06 a.m. Board Meeting Business:

- **Public Minutes from April 9, 2018** – Motion made by Ms. Sarmento to accept the minutes as corrected. Mr. Levine seconded the motion. The motion passed unanimously.
- **Executive Minutes from April 9, 2018** – Motion made by Ms. Ruddock to accept the minutes. Mr. Levine seconded. The motion passed unanimously.
- **May 14, 2018 Public & Executive Minutes Session Minutes – tabled until July 9, 2018 meeting**

Item 3) 10:08 a.m. Board Counsel Report:

Nothing to report

Item 4) 10:10 a.m. Executive Director Report:

- Update on board staff-Executive Director reported to the board that a new Administrator has been hired who will primarily be assigned to Establishments. This will assist to help with the establishment application backlog. Executive Director Garcia stated that emailing the board may assist with inquiries due to high call volume.
- Investigatory Conference appearances-085-IT-ENF and 086-IT-ENF will not be appearing until our July meeting and 549-IT-ENF is not scheduled until July as well.
- Board Member Levine will not be here at the July meeting and Board member Ruddock will not be here for the August meeting. Travel reimbursements must be in for the end of the fiscal year.

10:16 a.m. Ms. Sarmento made a motion to move the discussion regarding compliance plans to Item 5. Ms. Ruddock seconded. The motion passed unanimously.

Item 5) 10:16 a.m. Sample Compliance Plan: - Paul Andrews, Board Chair

Board Counsel Kelley thought we should add a statement to our policies informing establishment licensees that an establishment cannot operate without a compliance officer. Board Counsel Kelley inquired as to whether there is something in the template regarding a pre-license inspection. The inspectors will make two attempts to visit the establishment and if no one is at the establishment they will deny the license. Communication is an issue with people not calling back. This topic will be further discussed on next month's agenda. Multiple and single establishment applications should be put in the packet with a sample compliance plan.

Item 6) 10:47 a.m. Investigative Conference: Review Cases: [closed session pursuant to MGL. C. 112 §65C]

Mr. Levine made a motion to 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. Coté seconded. The motion passed unanimously.

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

- **2016-001095-IT-ENF [SL] – Dismissed without Prejudice**
- **2018-000503-IT-ENF [GM] – Forward to Prosecutions**
- **2018-000504-IT-ENF [GM] – Forward to Prosecutions**
- **2017-000426-IT-ENF [AC] – Forward to Prosecutions**
- **2018-000318-IT-ENF [GG] – Forward to Prosecutions**
- **2018-000083-IT-ENF [BL] – Forward to Prosecutions**
- **2017-001476-IT-ENF [AL] – Dismiss without Prejudice**
- **2017-001016-IT-ENF [JB] – Dismiss without Prejudice**

Item 7) 11:15 a.m. Final Decision and Order: [Adjudicative Conference: closed session pursuant to G.L. c. 30A, §18, ¶(5)(d)]

The board reviewed cases in closed session to conduct quasi-judicial deliberations.
11:23 a.m. Ms. Driscoll and Mr. Lee left the meeting

Item 8) 11:30 a.m. Settlement Conference: [closed session pursuant to MGL c. 112, §65C]

Board discussed settlement offers presented by prosecuting counsel.

At the end of the settlement conference the closed session resumed.

Item 9) 11:31 p.m. Compliance Monitoring-Executive Session [closed pursuant to G.L. c.30A, §21(a) (7) to comply with the public records law G.L. c. 66, § 10, and preserve the confidentiality of medical record information. G.L. c. 4, § 7, ¶26 (c)]

Ms. Ruddock made a motion to exit closed session to enter into executive session to comply with the public records law and maintain the confidentiality of medical record information, Ms. Coté seconded; following a roll call vote, all in favor, the motion passed.

11:38 a.m. Mr. Andrews made a motion to exit executive session and enter into open session. Ms. Coté seconded; after a roll call vote, all in favor, the motion passed.

Item 10) 11:38 a.m. New Business/Open Session for topics (not reasonably anticipated by chair 48 hours in advance of meeting)

The Board discussed having a meeting possibly at UMass Dartmouth or in Easthampton at Mr. Levine's school.

Item 11) 11:47 a.m. Adjournment

Mr. Levine made a motion to adjourn. Ms. Coté seconded, the motion passed unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ana Garcia". The signature is fluid and cursive, with the first name "Ana" and last name "Garcia" clearly distinguishable.

Ana Garcia
Executive Director