

Board of Registration of Massage Therapy
July 9, 2018, 2018, Public Session Meeting Minutes
Location: 1000 Washington St., Boston, MA 02118, Room 1D

Present:

Board members:

Paul Andrews, Board Chair
Sheri Sarmento, Board Secretary
Saskia Coté, Board Member
Mindy Ruddock, Board Member
Anne Marie Kennedy, Board Member

DPL Staff:

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

Not Present:

Alexei Levine, Vice Chair

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) 10:05 a.m. Board Counsel Report:

Board Counsel Kelley discussed harmonizing the two drafts of the sample compliance plan and then presenting it to the Board. The Board discussed adding on the form the question, who is the existing compliance officer and who is the new compliance officer with the start and end dates. Executive Director Garcia will inquire as to whether compliance officer amendments incur an additional fee. Mr. Andrews questioned if there is a fee when an establishment changes their compliance officer, indicating that if the change is made on-line and it is easier, it should cost less.

Item 3) 10:12 a.m. FSMTB meeting:

Mr. Levine is going to attend. Ms. Coté might go. Executive Director Garcia stated that everyone who attends has to fill out the required ethic disclosure forms.

Item 4) 10:15a.m. Application Review:

- **2017-30-MT-MF-APP [YHY]** – The phone number for the owner of the establishment was changed after application was submitted with the board. The inspector went twice however could not get in touch with the owner to conduct the initial inspection. The new number was discovered because the applicant came to the office to inquire about the pending application. Ms. Coté made a motion to extend the initial inspection to allow inspectors to contact using correct contact information and to conduct inspection accordingly. Ms. Kennedy seconded. The motion passed unanimously.

Item 5) 10:23 a.m. Candidate Interviews: [Executive Session – closed pursuant to G.L. 30A, §21 (1)]
to review character rather than competence:

- 2018-252-MTMT-APP [HYY]

Ms. Kennedy moved to enter into Executive Session pursuant to G.L.30A §21(1) to discuss the character rather than competence of applicants for licensure. Ms. Coté seconded. Following a roll call vote (all “yes”), motion passed.

Item 6) 11:04 a.m. Investigative Conference: Review Cases: [Closed session pursuant to MGL. C. 112 §65C]

Ms. Ruddock moved to exit executive session and enter into closed session for the purpose 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 Ms. Kennedy, following a roll call vote, all in favor, the motion passed. Ms. Coté did not participate in this vote.

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

- **2017-001549-IT-ENF [DC]** – Tabled from May – invite to August meeting
- **2018-00085-IT-ENF [YJB]** – Forward to Prosecutions
 - ° **2018-000086-IT-ENF [HR]**—Forward to Prosecutions
- **2016-001143-IT-ENF [EF]** – Tabled from May – invite to August meeting
- **2017-001001-IT-ENF [YR]** – Invite to August meeting
- **2018-00259-IT-ENF [TC]** – Dismiss w/o prejudice
- **Related matter:** Open complaint if no establishment license has been obtained
- **2017-001513-IT-ENF [GX]** - Forward to Prosecutions
- **2017-000382-IT-ENF [MS]** – Dismiss w/o prejudice
- **2017-001445-IT-ENF [DC]** – Invite to August meeting
 - **2018-000010-IT-ENF [DC]** Invite to August meeting
- **2018-000686-IT-ENF [CL]** – Forward to Prosecutions

Item 7) 12:18 p.m. Investigative Conference: Appeal Cases: [Closed session pursuant to MGL. C. 112 §65C]

Ms. Coté recused herself and left the room at 12:19 p.m.

- **2018 - 201933-FI-ENF [Seoul Therapy Massage]** – Forward to Prosecutions

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.

Ms. Coté returned to the meeting at 12:34 p.m.

12:35 p.m. Ms. Kennedy left the Board meeting

Item 8) 12:36 p.m. 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. Coté moved to enter into Executive Session pursuant to G.L.30A §21 (a)(7) *to comply with the public record law G.L. c. 66, § 10, and preserve the confidentiality of medical record information. G. L. c. 4, § 7, ¶26(c)] Ms. Ruddock seconded. After taking a roll call vote (all “yes”), motion passed.*

Ms. Ruddock moved to exit closed executive session and enter into closed session for the purpose of conducting settlement conferences pursuant to G.L. c. 112, § 65C. Seconded by Ms. Sarmiento, following a roll call vote, all in favor, the motion passed.

Ms. Ruddock moved to exit closed session and to enter open session. Ms. Coté seconded. Motion passed unanimously.

Item 9) 1:30 p.m. New Business/Open session for topics: (not reasonably anticipated by chair 48 hours in advance of meeting)

Nothing to discuss.

Item 10) 1:34 p.m. Adjourn

Ms. Coté made a motion to adjourn, Ms. Ruddock seconded. The motion passed unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ana Garcia", with a stylized, cursive script.

Ana Garcia
Executive Director