

**Board of Registration of Massage Therapy**  
**January 14, 2019, Public Session Meeting Minutes**  
**Location: 1000 Washington St., Boston, MA 02118, Room 1D**

**Present:**

**Board members:**

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

**DPL Staff:**

Ana Garcia, Executive Director  
John High, Board Counsel  
Anne Driscoll, Investigator  
Liam Powers, Investigator  
Denise Quintiliani, Board Administrator

**Not Present:**

Alexei Levine, Vice Chair

**Item 1) 10:00 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) 10:02 a.m. Board Meeting Business:**

- **Public Minutes** - tabled

10:01 a.m. Motion made by Mr. Andrews to change order of agenda (item (10) Compliance Monitoring-Review of Medical Records and item (8) Deliberative Session) to the beginning of the meeting for the purpose of entering closed executive session and deliberative sessions. Second by Ms. Ruddock. After taking a roll call vote (all “yes”), motion passed unanimously.

**Item 2) 10:03 a.m. Executive Session:** Ms. Ruddock made a motion to come out of open session and enter into closed executive session pursuant to G. L. c. 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) to discuss Compliance Monitoring. Seconded by Ms. Coté. After taking a roll call vote (all “yes”), motion passed unanimously.

At the end of the executive session, the closed meeting resumed.

**Item 3) 10:05 a.m. Final Decision & Order:** Motion made by Mrs. Kennedy to exit closed executive session to enter closed Deliberative session pursuant to G.L. c. 30A, §18,(5)(d). Seconded by Ms. Coté. After taking a roll call vote (all “yes”), motion passed unanimously.

The Board reviewed cases in closed session to conduct quasi-judicial deliberations.

**10:18 a.m.** At the end of the closed session Ms. Kennedy made a motion to exit closed session and resume the open meeting. Ms. Coté seconded. The motion passed unanimously.

*10:19 a.m. Sherri Sarmiento exited the room and left the board meeting.*

**Item 4) 10:50 a.m. Sample Compliance Plan: - Paul Andrews, Board Chair**

The Board reviewed final revisions to the Sample Compliance Plan that is posted on the board's website for Massage Therapy Multiple Establishments. Legal Counsel High reminds the board that we need to adhere to standards highlighted in the regulations pertaining to compliance plans (269 CMR 6.07(2) a-h).

Motion made by Ms. Coté to approve final revisions to the Sample Compliance Plan discussed by the board. Ms. Ruddock seconded. The motion passed unanimously.

**Item 5) 10:20 a.m. Curriculum Review-Lincoln Technical Institute:**

Board reviewed previously reviewed curriculum submitted for school licensure renewal with Occupational Schools at the December 10, 2018 monthly board meeting and motioned to invite school administrators for clarification of clinical hours. The board found some deficiency in required 100 clinical hours as there is only 90 hours of clinical. Board questioned where the extra 10 hours were as there was no indication of integrated hours found. School administration for Lincoln Tech found that there were typos noted on the original documents submitted to Occupational Schools and clarified that the additional 10 hour of clinical was integrated with the course MEB101. The board recommended that a revision be made to the original documents submitted.

Motion made by Ms. Coté motioned to approve curriculum presented contingent upon submitting revised documents to board ED for review and approval. Seconded by Ms. Ruddock. The motion passed unanimously.

**Item 6) 10:52 a.m. Application Review:**

- **2018-205-MT-MM [QQ Hong Foot Massage]-** The board meet with applicant for Multiple establishment application Yi Zou who had an interpreter present with her. Yi Zou received an administrative penalty fine in the past and did not disclose on the application when asked if prior disciplinary action has been taken against her license. Also, on the initial application submitted, there was signatures and information that had been crossed off on pages that had prior notary public signatures.

The board asked Ms. Zou if she could elaborate on what the role of compliance officer would be. Ms. Zou indicated that she was not familiar with the current regulations that govern massage therapy establishments. The board expressed concern of Ms. Zou serving as compliance officer due to her lack of knowledge of establishment facility regulations for massage therapy establishments and that it might be in the best interest of the establishment to have Ms. Zou appoint a licensed massage therapist that was familiar with the regulations.

Motion by Ms. Coté to deny Yi Zou as compliance officer and table application 2018-201-MT-MM for the February meeting to invite new proposed compliance officer for Yi Zou's establishment. Ms. Zou must

provide to the board a written statement regarding the fine that was previously issued and submitted new proposed compliance officer. Ms. Ruddock seconded. The motion passed unanimously.

- **2018-245-MT-MF-APP [Yang Massage]**- Motion to Table for February meeting and invite Operator and Compliance Officer made by Mrs. Kennedy. Seconded by Ms. Coté. The motion passed unanimously.
- **2018-863-MT-MT-APP [Lian Lu Piao]**- Ms. Piao submitted application for initial licensure and included documentation from the State of New Jersey that her school was officially closed and that there was no repository to obtain the office sealed transcripts.

Motion made by Ms. Coté to approve copies of Ms. Piao's transcript to move forward with licensure process. Seconded by Ms. Ruddock. The motion passed unanimously.

- **2019-13-MT-MF-APP Phoenix Rising Light**- Board reviewed application for Solo Establishment that over exceed the inter specification requirements for sinks beyond 54 feet. The board reviewed the written statement and floor plan submitted. The applicant complained to the board indicating that other therapist in the facility did not previously submitted variance request to the board and were approved.

The board determined that said establishments in the same location be contact by board staff to notify that variance request should be submitted at the next renewal cycle.

Motion made by Ms. Coté to approve variance and move forward with the application review. Seconded by Ms. Ruddock. The motion passed unanimously.

**Item 7) 11:32 a.m. Candidate Interview:** [Executive Session – closed pursuant to G.L. 30A, §21 (1)]  
*to review character rather than competence:*

Ms. Ruddock made a motion to come out of open session and enter into closed executive session pursuant to G.L.30A §21(1) to discuss the character rather than competence of applicants for licensure. Ms. Coté seconded. After taking a roll call vote (all "yes"), motion passed unanimously.

After the closed executive session, the close meeting resumed.

**Item 8) 11:58 a.m. Investigative Conference: Review Cases:** [closed session pursuant to MGL. C. 112 §65C]

Ms. Coté moved to exit executive session and enter into 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). Mrs. Kennedy seconded. After a roll call vote, all "yes." The motion passed unanimously.

During the investigatory conference, the board took the following actions:

- 2017-001275-IT-ENF [JJ]- **Dismissed w/o prejudice**
- 2018-000863-IT-ENF [DC]- **Fwd to Pros**
- 2018-000825-IT-ENF [DC] – **Tabled for March**
- 2018-00087-IT-ENF [BC]- **Dismissed w/o prejudice**
- 2017-001275-IT-ENF [JJ] – **Table and invite to January meeting**

**Item 9) 1:06 p.m. Settlement Conference:** [closed session pursuant to MGL. C. 112 §65C] Fayette Mong

The Board discussed settlement offers presented by prosecuting counsel.

At the end of the settlement conference, the closed meeting resumed.

1:20 p.m. Motion to come out of closed session and into open session made by Ms. Coté. Seconded by Ms. Ruddock. After a roll call vote, all “yes.” The motion passed unanimously.

**Item 10) 1:22 p.m. Compliance Monitoring-Review of Proposed Monitors:**

- **2017-000869-IT-ENF [TC]** – Board reviewed resumes of proposed compliance monitors to comply with the terms of the licensee’s probation. At the December meeting the licensee was only able to find (1) monitor however submitted the names of (2) more after the December meeting.

Board motioned to table and invite (2) out of the (3) proposed monitors the February board meeting for a compliance monitor interview (Anne Hoye, LMT and Patricia Kelley, LMT).

**Item 11) 1:28 p.m. Adjournment:**

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

Respectfully submitted,



Ana Garcia  
Executive Director