

**Board of Registration of Massage Therapy  
December 10, 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  
Mindy Ruddock, Board Member  
Saskia Coté, Board Member

**DPL Staff:**

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

**Not Present:**

Ann Marie Kennedy, Board Member

**Item 1) 10:10 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 September 24, 2018** – Motion made by Ms. Ruddock to accept the minutes as corrected. Mr. Levine seconded. The motion passed unanimously.

**Executive Minutes September 24, 2018** – Board motioned to Table until January 2019 and allow administrative review and correction on the executive minutes.

- **Public Minutes October 15, 2018** – Motion made by Mr. Levine to accept the minutes as corrected. Ms. Ruddock seconded. The motion passed unanimously.

**Executive Minutes October 15, 2018** – Motion made by Mr. Andrews to accept the minutes as corrected. Ms. Ruddock seconded. The motion passed unanimously.

- **Public Minutes November 5, 2018** – Motion made by Ms. Coté, to accept the minutes. Ms. Ruddock seconded. The motion passed unanimously.

**Item 3) 10:10 a.m. Application Review:**

- **2018-701-MT-MT-APP [DP]** – The applicant passed the NCBTMB and is licensed to practice Massage in Rhode Island. She is unable to get a copy of her official transcript sealed from the school she attended because the school has closed since her graduation date. Mr. Levine made a motion to accept a copy of the applicant's transcript. Ms. Coté seconded. The motion passed unanimously.

- **Variance Request for 1869-MT-MM (Release Well Being Center)**- Mr. Ferrell appeared for Release Well Being Center requesting a variance for their current multiple therapist establishment license. He is seeking approval for additional massage rooms under the current license in a second building next to the main building. Mr. Andrews asked if there were two different occupancy permits for the different spaces. Ms. Côté made a motion to table until further information is received. Mr. Levine seconded. The motion passed unanimously.

**Item 4) 10:41 a.m. Sample Compliance Plan: *Paul Andrews, Board Chair-tabled from November***

The board made the following amendments to the review of the sample compliance plan:

- **Strike Complaints-Incidents Definitions** on pg. 9.
- **Under Complaints-Incident Procedure** - change #4 to Complaints shall be investigated and detailed in writing including the infraction and corrective action(s).
- **Under # 6** second item change to Archive current manual original and make a new version with appropriate updates to reflect those updates.
- **Strike #7**
- **Change of Staff** – Change the first sentence to: The manager of the Acme Massage Therapy Group will update the names and statuses of the massage therapy staff and this information shall be recorded as needed including date of hire and date of employment. Strike the last sentence.
- **Change of Compliance Officer** – Eliminate what is on pg. 10 and first sentence on pg. 11. In front of last sentence add: It is recommended the existing compliance officer send a letter to the Massachusetts Board of Massage Therapy Board with their date of termination as the Compliance Officer.

**Item 5) 11:26 a.m. Application Review:**

- **Variance Request for 1869-MT-MM (Release Well Being Center)**-Mr. Farrell re-entered the board meeting to update the board on new information. There are two separate occupancy permits for the fire department. Mr. Andrews stated that this information compelled the Board to require a separate establishment license.

Mr. Andrews made a motion for the business to submit a separate application for the second building. Ms. Côté seconded the motion. The motion passed unanimously.

**Item 6) 11:31 a.m. Board Meeting Business:**

Attorney High stated that due to the change in Criminal Justice reform we have to post the types of crimes that may result in a denial of a license. Ms. Côté made a motion to accept the language. Ms. Ruddock seconded. The motion passed unanimously.

**Item 7) 10:33 a.m. Curriculum Review:**

- **Lincoln Technical Institute** – Board reviewed curriculum submitted for school licensure renewal with Occupational Schools. 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.

Board discussed that the school would need a revised breakdown of classes and hours. What other students are in the Ethics and Business class? Define what the externship is. How does it figure in? A total of 300 hours is required for Massage Theory and Technique. Out of these hours 150 hours must be a Western baseline. Ms. Ruddock made a motion to table the application and invite a representative from the school to the January 2019 meeting. Mr. Andrews seconded. The motion passed unanimously.

**11:57 a.m.** Ms. Coté made a motion to come out of open session and enter into closed executive session pursuant to G.L.30A §21(1) to discuss and review Executive Session Minutes. After taking a roll call vote (all “yes”), motion passed unanimously.

At the end of the Executive Session the closed 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). Ms. Ruddock seconded. After a roll call vote, all “yes.” The motion passed unanimously.

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

*11: 59 a.m. Ms. Sarmento recused herself and left the meeting*

- 2018-000731-IT-ENF [KY]- **Fwd to Pros**
- 2018-000372-IT-ENF [KY]- **Fwd to Pros**

*12:03 a.m. Ms. Sarmento returned to the meeting*

- 2018-000863-IT-ENF [DC] – **Table and invite to January meeting**
- 2017-001275-IT-ENF [JJ] – **Table and invite to January meeting**

**Item 9) 12:29 p.m. Investigative Conference: Appeal Cases:** [closed session pursuant to MGL. C. 112 §65C]

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

- **2018-203610-IFI-ENF [EG] – Dismiss w/o prejudice**
- **2018-000825-IT-ENF- [HC] – Tabled for January. Invite both parties.**

**Item 10) 12:44 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.

**Item 11) 12:44 p.m. Final Decision and Order:** [Deliberative session pursuant to MGL. c. 30A, §18, (5)(d)]

*12:44 Ms. Côté recused herself and left the meeting.*

The Board reviewed cases in closed session to conduct quasi-judicial deliberations. At the end of the closed session Ms. Ruddock made a motion to exit closed session and resume the open meeting. Ms. Sarmento seconded. The motion passed unanimously.

*12:45 Ms. Côté returned to the meeting.*

**Item 12) 12:56 p.m. Correspondence:**

- Email dated 11/12/2018 from Lauren Wallace to the Board regarding the use of sheet masks.

After a discussion the Board decided that sheet masks are not within the scope of practice and Ms. Wallace will be referred to the Cosmetology Board.

**Item 13) 12:57 p.m. Compliance Monitoring-Review of Proposed Monitors:**

- **2017-000869-IT-ENF [TC]** – Board reviewed resume of proposed compliance monitor. Licensee's consent agreement indicates that the licensee shall select (3) proposed monitors to the board however, the attorney that represents Mr. Chacko indicated that they had a hard time finding (2) more monitors. Board motioned to table to invite monitor submitted Anne Hoyer, LMT.

**Item 14) 1:00 p.m. Adjournment:**

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

Respectfully submitted,



Ana Garcia  
Executive Director