

Board of Registration of Massage Therapy
March 11, 2019, Public Session Meeting Minutes
Location: 1000 Washington St., Boston, MA 02118, Room 1D

Present:

Board members:

Saskia Coté, Board Chair
Sheri Sarmento, Board Secretary
Mindy Ruddock, Board Member
Alexei Levine, Board Member
Anne Marie Kennedy, Board Member

DPL Staff:

Ana Garcia, Executive Director
Peter Kelley, Board Counsel
Anne Driscoll, Investigator
Liam Powers, Investigator
Denise Quintilliani, Board Administrator

Not Present:

Paul Andrews, Vice Chair

Item 1) 10:05 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 February 11, 2019** – Motion made by Mr. Levine to accept the minutes as corrected. Ms. Ruddock seconded. The motion passed unanimously.

**Item 3) 10:08 a.m. Candidate Interview: [Executive Session – closed pursuant to G.L. 30A, §21 (1)]
*to review character rather than competence:***

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 the character rather than competence of applicants for licensure. Ms. Ruddock seconded. After taking a roll call vote (all “yes”), motion passed unanimously.

10:21 a.m. Ms. Kennedy made a motion to enter open session for New Business. Ms. Ruddock seconded. The motion passed unanimously.

Item 4) 10:21 a.m. New Business/Open session for topics: (not reasonably anticipated by Chair 48 hrs. in advance of meeting)

Discussion regarding the use of **Hypervolt Device** by certified personal trainers brought to the boards attention by AMTA MA Chapter as they received inquiries from members regarding the use of the device. The discussion was more informative and no action taken by the board. Read and filed.

Item 5) 10:30 a.m. Application review:

- **2019-3-MT-MM-APP [Anni Dai-Meini Spa]-** applicant Anni Dai, was previously denied by board on February 11, 2019 to serve as proposed compliance officer due to her lack of knowledge of the facility regulations and the role of compliance officer when asked at the February board meeting. Mr. Litao Liang appeared. He was asked by Ms. Dai to be the manager of the new facility in Ashland. The

old facility was in Hudson. He stated that he is a licensed massage therapist in MA. Board staff addressed to the board that there were several deficiencies in the required documents submitted which was not in good order. Also, the board's inspector conducted a random inspection on February 27, 2019 (after the February meeting) and found Ms. Dai was operating the facility without proper licensure after meeting with the board where a \$500 fine was imposed (M402787).

Ms. Kennedy made a motion to table application until the proper required paperwork is filed with board staff in good order, and re-invite Ms. Dai and Mr. Liang to reappear when rectified. Ms. Ruddock seconded. The motion passed unanimously.

Item 6) 10:59 a.m. Investigative Conference: Review Cases: [closed session pursuant to MGL. C. 112 §65C]

Ms. Ruddock moved to exit open 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. Kennedy seconded. After a roll call vote, all "yes." The motion passed unanimously.

During investigatory conference the Board voted to take the following action.

- **2018-000905-IT-ENF [MC] – Forward to Prosecutions**
- **2018-001118-IT-ENF [FC] – Dismiss w/o prejudice**
- **2018-001093-IT-ENF [JF] – Dismiss w/o prejudice**

11:28 a.m. *Mr. Levine recused himself from the discussion of 2018-0001239-IT-ENF.*

- **2018-001239-IT-ENF [AR] – Dismiss w/o prejudice**

11:32 a.m. *Mr. Levine returned to the meeting.*

11:33 a.m. Ms. Ruddock made a motion exit closed session to enter open session to continue the application reviews scheduled. Ms. Kennedy seconded. The motion passed unanimously.

Item 7) 11:33 a.m. Application review:

- **2018-228-MT-MM-APP [Ling Tang-Healthy Massage and Bodywork]-** Applicant failed to disclose prior disciplinary action taken by the board on application for Multiple Establishment License submitted by Health Massage and Body Work. Attorney Robert Ward appeared as counsel representing Ms. Tang, along with her English interpreter. Board staff highlighted that a letter sent December 17, 2018 highlighted deficient documents missing that were required. No response was ever given by Ms. Tang nor rectified.

Ms. Coté made a motion to Table the application until the proper paperwork is submitted. Mr. Levine seconded. The motion passed unanimously.

- **2019-8-MT-MM-APP [LiHua Yin – Spring Health Center]-** Applicant LiHua Yin, admitted to operating an establishment before receiving proper establishment licensure by the board. The board asked Ms. Yin to elaborate the role of a compliance officer. Ms. Yin displayed lack of knowledge of what the compliance officer role entailed as well as the facility regulations that govern establishment 269 CMR 6.01-6.09.

Mr. Levine made a motion to deny her application as a compliance officer and must submit the name of a new proposed compliance officer within (90) days of the meeting. Ms. Ruddock seconded. The motion passed unanimously.

- **2019-1-MT-MM-APP [Fengchun Zhao – Unique One Spa]** – Ms. Zhao appeared before the board on February 11, 2019. The board questioned Ms. Zhao about the role of Compliance Officer and deemed her understating of the role inadequate and was denied as Compliance Officer. Ms. Zhao came in with an English interpreter. She returned and asked to be reconsidered as the compliance officer. She had spent time studying the rule and regulations and was able to answer questions asked of her through her interpreter.

Ms. Ruddock made a motion to approve Fengchun Zhao as the compliance officer. Ms. Kennedy seconded. The motion passed unanimously.

- **2018-215-MT-MM-APP [Mei Wang-Pine Tree Therapy]** - Pine Tree Therapy has an initial inspection which failed on January 24, 2019. Was added to the agenda because due to the initial inspection failing due to the inspectors inability to inspect. Board inspector did update board members that a second attempt was conducted and had passed on February 19, 2019. Read and filed. The board took no action.

- **180 Wellness Spa [Marie Underwood]**-applicant requested a variance due to the closest sink in the facility being 115 ft. away and the closest bathroom being 125 ft. and 133 ft. away. The board reviewed current floor plan and application documents.

Ms. Ruddock made a motion to grant the variance. Ms. Kennedy seconded. The motion passed unanimously.

Item 8) 12:29 p.m. Compliance Monitoring –*tabled from January:*

- **2017-000869-IT-ENF [Thomas Chacko]**- Mr. Chacko appeared before the board with one of his proposed monitors, Patricia Kelley. Board Counsel Kelley explained to Ms. Patricia Kelley the role of a compliance officer. It would be her responsibility to be the eyes and ears of the Board. Ms. Kelley stated to the board that in her opinion, she believes that Mr. Chacko did not do anything wrong. The board reminded Ms. Kelley that in the role of a monitor, the monitor would need to have an impartial view in order to effectively monitor the individual. Ms. Kelley was also asked if she was currently operating a massage establishment and if proper licensure was obtained by Ms. Kelley to operate. She answered no, that she held an individual license to practice massage. The board advised Ms. Kelly to revisit the massage facility regulations.

Ms. Ruddock made a motion to deny Ms. Kelley as the monitor due to Ms. Kelly not being in compliance with her establishment license and she does not seem impartial. Ms. Coté made a motion to invite Ms. Anne Hoyer and Ms. Roxy Rocker to be interviewed by the Board at the April meeting to determine who would meet the qualifications of a monitor for Mr. Chacko's proposed monitor, in order to comply with the terms of his consent agreement for 2017-000869-IT-ENF.

- **2018-000220-IT-ENF & 221 [Jim Hong Lu-Northern Lights] – Petition for Termination of Suspension** – The licensee's individual and facility license was suspended for 30 days. The licensee is requesting the license be reinstated and has met the terms of the consent agreement.

Mr. Levine made a motion to reinstate the license. Ms. Ruddock seconded. The motion passed unanimously.

Item 9) 1:15 p.m. Investigative Conference: Review Cases: [closed session pursuant to MGL. C. 112 §65C]

Ms. Ruddock moved to exit open 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. Kennedy seconded. After a roll call vote, all “yes.” The motion passed unanimously.

During investigatory conference the Board voted to take the following action.

- **2018-000825-IT-ENF [HC] tabled from December – Dismiss**
- **2018-000767-IT-ENF [DC] - Forward to Prosecutions**

Item 10) 2:02 p.m. Settlement Conference: [closed session pursuant to MGL. C. 112 §65C]

Ms. Ruddock 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.

At the end of the closed session, the open meeting resumed

Item 11) 2:05 p.m. Adjournment

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

Respectfully submitted,

A handwritten signature in black ink that reads "Ana Garcia". The signature is written in a cursive, flowing style.

Ana Garcia
Executive Director