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Board of Registration of Massage Therapy

OCTOBER 17, 2022, PUBLIC MEETING MINUTES

A posted public meeting of the Massachusetts Board of Registration of Massage Therapy (the Board) was held remotely via video and telephone conferencing pursuant to Chapter 20 of the Acts of 2022, allowing remote participation by Board members and the public.

Attending Members: Paul Andrews/Chair, Alexei Levine/Vice Chair, Ellen Walker/Secretary, Kimberlee Schuler and Pallas Hutchison

Members Not Present: Sheri Miller-Bedau; Alexei Levine left meeting at 10:09am

Staff: Danielle O'Neil, Acting Executive Director, Kristina Gasson and Stephen Jacobson, Board Counsel

Meeting Called to Order

- Remote meeting procedures - Paul Andrews noted we had a quorum and confirmed via roll call vote which showed the following members participating via remote means: Paul Andrews, Alexei Levine, Kimberlee Schuler, Pallas Hutchison, and Ellen Walker; Not Attending: Sheri Miller-Bedau; Alexei Levine left the meeting at 10:09am; Andrews called the meeting to order at 10:01am

Board Meeting Business

- Review and Approve Public Meeting Minutes August 29, 2022 – Motion to accept minutes as is by Kimberlee Schuler; Seconded by Pallas Hutchison
 - Paul Andrews called for a roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedau
 - Members opposed: None; Motion passed
- Review and Approve Executive Session Meeting Minutes August 29, 2022 – Motion to accept minutes as is by Kimberlee Schuler; Seconded by Pallas Hutchison
 - Paul Andrews called for a roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedau
 - Members opposed: None; Motion passed



- Review and Approve 2023 Meeting Dates – Motion to approve as presented by Kimberlee Schuler; Seconded by Pallas Hutchison
 - Paul Andrews called for a roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedau
 - Members opposed: None; Motion passed

Executive Director Report and Board Discussion

- **Board Counsel Report**
 - Kristina Gasson - a public hearing on the amended regulations is expected before the end of the Baker administration
- **Curriculum Review**
- Spa Tech – Motion to accept with recommendation that they provide number of students enrolled by Alexei Levine; Seconded by Kimberlee Schuler
 - Paul Andrews called for a roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedau
 - Members opposed: None; Motion passed
 - Alexei Levine left the meeting at 10:09am

Discuss other matters not reasonably anticipated 48 hours in advance of meeting

Motion to go into Closed Executive Session and not to return to the public meeting by Pallas Hutchison; Seconded by Ellen Walker

- Paul Andrews voted by roll call vote
- Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
- Members not present: Sheri Miller-Bedau, Alexei Levine
- Members opposed: None; Motion passed at 10:40am

Executive Session [*Closed pursuant to G. L. c. 30A, §21(a)(7), to comply with the public record law pursuant to G. L. c. 66, § 10; G. L. c. 4 § 7, ¶ 26(a) and to preserve the confidentiality protections of criminal record information. G. L. c. 6, § 172.*]

CORI Review

- 2022-209-MT-MT-APP (NM)

Moved to close Executive Session and open Investigative Closed Session by Pallas Hutchison; Seconded by Kimberlee Schuler

- Paul Andrews called for a roll call vote
- Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
- Members not present: Sheri Miller-Bedau, Alexei Levine
- Members opposed: None; Motion passed at 11:14am

Investigative Conference Closed Session [*Closed session pursuant to G.L. c. 112, §65C*]:

- 2022-000101-IT-ENF – Previously reviewed
- 2022-000133-IT-ENF - Previously reviewed

- 2022-000253-IT-ENF - Previously reviewed
- 2022-000300-IT-ENF – Legal review
- 2022-000333-IT-ENF – Legal review
- 2022-000372-IT-ENF – Legal review
- 2022-000456-IT-ENF – Previously reviewed

Above cases have been reviewed and acted upon or with Legal for review

- 2022-000685-IT-ENF – Motion to dismiss by Kimberlee Schuler; Seconded by Pallas Hutchison
 - Paul Andrews voted by roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedau, Alexei Levine
 - Members opposed: None; Motion passed
- 2022-000783-IT-ENF – Motion to dismiss by Kimberlee Schuler; Seconded by Pallas Hutchison
 - Paul Andrews voted by roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedau, Alexei Levine
 - Members opposed: None; Motion passed

Settlements

- 2020-000267-IT-ENF – Disregard per Executive Director
- 2021-000959-IT-ENF – Motion to deny counteroffer; Board wants to uphold recommended sanction of revocation; So Moved by Kimberlee Schuler; Seconded by Pallas Hutchison
 - Paul Andrews voted by roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedau, Alexei Levine
 - Members opposed: None; Motion passed
- 2021-000941-IT-ENF and 2022-200430-FI-ENF – Motion to deny counteroffer by Kimberlee Schuler; Seconded by Pallas Hutchison
 - Paul Andrews voted by roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedau, Alexei Levine
 - Members opposed: None; Motion passed
- 2020-200444-FI-ENF and 2021-000809-FI-ENF – Motion to deny counteroffer by Kimberlee Schuler; Seconded by Pallas Hutchison
 - Paul Andrews voted by roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedau, Alexei Levine
 - Members opposed: None; Motion passed
- 2021-000838-IT-ENF – Motion to accept counteroffer by Pallas Hutchison; Seconded by Ellen Walker

- Paul Andrews voted by roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: heri Miller-Bedau, Alexei Levine
 - Members opposed: None; Motion passed
- 2020-001031-IT-ENF, 2020-001032-IT-ENF, 2021-000262-IT-ENF, and 2021-000345-IT-ENF – Motion to deny counteroffer and maintain recommended sanction of revocation by Ellen Walker; Seconded by Kimberlee Schuler
 - Paul Andrews voted by roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedau, Alexei Levine
 - Members opposed: None; Motion passed

Dismissal Cases – Update

2020-001413	2021-000717	2021-000655	2021-000648
2021-000669	2021-000735	2021-000656	2021-000645
2021-000674	2021-000736	2021-000651	2021-000650
2021-000680	2021-000739	2021-000652	2021-000747
2021-000683	2021-000740	2021-000653	
2021-000703	2021-000660	2021-000654	
2021-000706	2021-000664	2021-000648	
2021-000712	2021-000666	2021-000645	

Motion to move to Quasijudicial Session by Pallas Hutchison; Seconded by Kimberlee Schuler

- Paul Andrews called for a roll call vote
- Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
- Members not present: Sheri Miller-Bedau, Alexei Levine
- Members opposed: None; Motion passed
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Quasijudicial Session /Closed adjudicatory session pursuant to G. L. c. 30A, § 18, ¶ 5(d)/

Final Decision

- 2019-000488-IT-ENF – Motion to accept the tentative decision and issue a final decision and order revoking licenses by Paul Andrews; Seconded by Kimberlee Schuler
 - Paul Andrews called for a roll call vote
 - Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
 - Members not present: Sheri Miller-Bedau, Alexei Levine
 - Members opposed: None; Motion passed

Meeting Adjourned at 12:08pm - Motion to adjourn by Ellen Walker; Seconded by Kimberlee Schuler

- Paul Andrews called for a roll call vote
- Members in favor: Paul Andrews, Pallas Hutchison, Kimberlee Schuler, Ellen Walker
- Members not present: Sheri Miller-Bedau, Alexei Levine
- Members opposed: None; Motion passed

Danielle O'Neil

Danielle O'Neil, Executive Director



Paul Andrews Board Chair

Approved at the Public Meeting of December 12, 2022

List of Documents used in Public Session:

MT Public Agenda 8/29/22

Draft Public Minutes 8/29/22

Draft Executive Session Minutes 8/29/22