

# BOARD OF MASSAGE THERAPY OPEN SESSION MEETING MINUTES

**MARCH 18, 2021**

**1:30 PM to 2:30 PM**

## Virtual Meeting Notice

*Due to the COVID-19 pandemic, all board meetings will be held virtually during the declared public health emergency.*

*Information on how to access the public portion of the meeting is listed below:*

### **Board of Massage Therapy - Open Session**

<https://dcnet.webex.com/dcnet/j.php?MTID=mfb1c085fe626a413fa9f3afd9c32502b>

Thursday, Mar 18, 2021 1:30 pm | 1 hour | (UTC-05:00) Eastern Time (US & Canada)

Meeting number: 473 998 269

Password: e8bM4kYdMu7

Join by phone

+1-202-860-2110 United States Toll (Washington D.C.)

1-650-479-3208 Call-in toll number (US/Canada)

Access code: 473 998 269

**OPEN SESSION MINUTES MARCH 18, 2021**

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| OS-0318-01 | <p><b><u>CALL TO ORDER</u></b></p> <p>1:45pm</p>  |  |
| OS-0318-02 | <p><b><u>ROLL CALL</u></b></p> <p>Cary Bland – Chairman<br/>Darlene Jackson -Member<br/>Johanna Brooks-Member<br/>Tiffany Ferriss- Member<br/>Ericka Walker – Executive Director<br/>Thelma Ofosu- Mensah- Health Licensing Specialist<br/>Ajay Gohil – Assistant Attorney General<br/>Christopher Boone- Assistant Attorney General<br/>Gregory Scurlock- Compliance Officer<br/>Leonard Howard – Investigator<br/>Christine Hooper- Visitor</p>   |  |
| OS-0318-03 | <p><b><u>ACCEPTANCE OF AGENDA</u></b></p> <p><b><u>Board Action:</u></b><br/>Acceptance of the March 18, 2021 Open Session Agenda.</p> <p><b><u>Motion:</u></b><br/>Motion made by Ms. Brooks to accept the agenda. Seconded by Mr. Bland.</p> <p>Mr. Bland, Ms. Ferriss, and Ms. Brooks voted in favor of the motion. The motion passed unanimously.</p>   |  |
| OS-0318-04 | <p><b><u>CHAIRPERSON’S REPORT</u></b></p> <p>No Report</p>  |  |
| OS-0318-05 | <p><b><u>EXECUTIVE DIRECTOR’S REPORT</u></b></p> <p>Ms. Walker gave an update on the following:</p> <ul style="list-style-type: none"> <li>• COVID-19 vaccination schedules in the District and encouraged Board members to stay informed with news pertaining to the vaccinations by visiting the website <a href="https://coronavirus.dc.gov/vaccine">https://coronavirus.dc.gov/vaccine</a></li> <li>• The Board has an email address for licensees, applicants, and the public to send correspondences. The email address is <a href="mailto:dcbomt@dc.gov">dcbomt@dc.gov</a>.</li> <li>• The Board currently has 562 licensees and renewals are still ongoing with the implementation of the late fees.</li> </ul> |  |

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| OS-0318-06 | <p><b><u>BOARD ATTORNEY’S REPORT</u></b></p> <p>Mr. Gohil gave an update to the Board on the following:</p> <ul style="list-style-type: none"> <li>• The agency is planning on forming a sub-committee of Board Chairs to discuss how to handle sexual misconduct cases that are presented to the Board for decision making.</li> </ul> <p>Mr. Boone gave an update to the Board on the following:</p> <ul style="list-style-type: none"> <li>• The declared public health emergency in the District has been extended to May 20, 2021.</li> <li>• Administrative Order NO. 2020-02 (Waiver of Licensure Requirements for Healthcare Providers) dated March 18, 2021 and Administrative Order NO. 2020-6 (Liability Protections for Persons Providing Services To The District During The Covid-19 Public Health Emergency Declaration) dated March 18, 2021 were amended to add language, “plus an additional sixty days after the end of the public health emergency”. The orders are available on website <a href="https://coronavirus.dc.gov/">https://coronavirus.dc.gov/</a>.</li> <li>• The hearing in the matter of Reginald Johnson was held at the Office of Administrative Hearing in September 2020. The Board has not received the recommended decision from the preceding judge. Any questions that the Board may have about the disciplinary hearing can be discussed during the closed executive session under the protections afforded to a certain consultation.</li> <li>• Administrative Order 2021-004 clarifies and excludes health professionals who are not in good standing (revoked or summarily suspended license) in the District of Columbia from obtaining a waiver of licensure requirement pursuant to Administrative Order 2020-02 (Waiver of Licensure Requirements for Healthcare Providers).</li> </ul> |  |
| OS-0318-07 | <p><b><u>OPEN SESSION MINUTES</u></b></p> <p><b><u>Board Action:</u></b><br/>Consideration of the Open Session Minutes from the January 21, 2021 meeting.</p> <p><b><u>Motion:</u></b><br/>Motion made by Ms. Brooks to accept the minutes. Seconded by Ms. Ferriss.</p> <p>Mr. Bland, Ms. Ferriss, and Ms. Brooks voted in favor of the motion. The motion passed unanimously.</p>   |  |

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| OS-0318-08 | <p><b><u>ADMINISTRATIVE BOARD ORDER</u></b></p> <p><b><u>Board Action:</u></b><br/>No Action Required</p> <p><b><u>Background:</u></b></p> <p>Attached is Administrative Order 2021-004 that clarifies and excludes health professionals who are not in good standing in the District of Columbia from obtaining a waiver of licensure requirement pursuant to Administrative Order 2020-02 (Waiver of Licensure Requirements for Healthcare Providers) dated March 13, 2020 and that requires a healthcare facility to check an online database when utilizing Administrative Order 2020-02.</p> <p><b><u>Motion:</u></b><br/>No action required.</p>  |  |
| OS-0318-09 | <p><b><u>ACCEPTING REMOTE COURSES IN LIEU OF IN-PERSON COURSES IN ORDER TO SATISFY THE CONTINUING EDUCATION REQUIREMENT FOR RENEWING LICENSES AT THE END OF THE CURRENT LICENSURE PERIOD</u></b></p> <p><b><u>Board Action:</u></b></p> <p>To vote on whether to accept remote continuing education (CE) courses in lieu of some or all the face-to-face CE that will be required to renew licensure at the end of the current license period (February 1, 2021 – January 31, 2023).</p> <p><b><u>Background:</u></b></p> <p>The Board’s Policy 20-001 to suspend the live, classroom-setting requirement for continuing education and CPR training during the COVID-19 health emergency expired on January 31, 2021. On January 4, 2021, the Director of the Department of Health adopted emergency regulations that provide health professional licensing boards with express regulatory authority to modify some requirements for acceptable CE courses during extraordinary circumstances, such as the current coronavirus pandemic. (<i>Notice of Emergency and Proposed Rulemaking</i>, published in the <i>DC Register</i> on January 15, 2021 at 68 DCR 940). Specifically, the emergency rule authorizes Boards to accept remote CE courses (aka “online” or “distance” courses) in lieu of all or part of the face-to-face CEUs required for license renewal. The emergency rule pertains to the CE requirement for license renewals, only.</p> |  |

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|            | <p><b><u>Motion:</u></b><br/>Motion made by Mr. Bland to accept both on-demand and live online courses for renewal period that ended in 2021 and for the current license period. Board will accept this through end of calendar year 2021. Board wants the notice language to accept online courses, but to “encourage” live-broadcasts whenever possible. Seconded by Ms. Brooks.<br/>Mr. Bland, Ms. Ferriss, and Ms. Brooks voted in favor of the motion. Ms. Jackson did not vote in favor of the motion. The motion was passed.</p>             |  |
| OS-0318-10 | <p><b><u>RENEWAL DELEGATION OF AUTHORITY</u></b></p> <p><b><u>Board Action:</u></b><br/>Board to review and discuss draft delegated authorities.</p> <p><b><u>Motion:</u></b><br/>Motion made by Ms. Jackson to accept the renewal of delegation of authority document as presented. Seconded by Ms. Brooks.<br/><br/>Mr. Bland, Ms. Ferriss, Ms. Jackson, and Ms. Brooks voted in favor of the motion. The motion passed unanimously.</p>  |  |
| OS-0318-11 | <p><b><u>SCOPE OF PRACTICE</u></b></p> <p><b><u>Board Action:</u></b><br/>Review of the current scope of practice and regulation for any amendments.</p> <p><b><u>Background:</u></b><br/>The Board decided to review current scope of practice and regulations to make amendments where necessary.</p> <p><b><u>Board Action:</u></b><br/>The Board decided that each member should review the scope of practice document and submit their recommendations and findings during the May 2021 meeting for Board discussion and final resolution.</p> |  |
| OS-0318-12 | <p><b><u>FYI</u></b></p> <p><b><u>Background:</u></b><br/>Meeting dates for 2021.</p> <ul style="list-style-type: none"> <li>• May 20,2021</li> <li>• July 15,2021</li> <li>• September 16,2021</li> <li>• November18,2021</li> </ul> <p><b><u>Motion:</u></b><br/>No Action Required</p>   |  |

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| OS-0318-13 | <p><b><u>REGULATION AMENDMENT</u></b></p> <p><b><u>Board Action:</u></b><br/>Review of the draft proposed regulation updates and decide to accept or not to accept.</p> <p><b><u>Background:</u></b><br/>The Board reviewed and discussed the current draft regulation and ended the discussions on section 7503.1 of the draft regulation.</p> <p><b><u>Motion:</u></b><br/>Motion made by Mr. Bland that Board staff should send the document to Mr. Bland and Ms. Brooks to form a sub-committee to review and submit their final recommendations to the full Board for discussion and final decision making. Seconded by Ms. Brooks.</p> <p>Mr. Bland, Ms. Ferriss, Ms. Jackson, and Ms. Brooks voted in favor of the motion. The motion passed unanimously.</p>   |  |
| OS-0318-14 | <p><b><u>MOTION TO CLOSE</u></b></p> <p><b><u>Board Action:</u></b><br/>To go into closed session to discuss confidential matters as permitted in DC Official Code § 2-575(b).</p> <p><b><u>Background:</u></b><br/><i>Upon conclusion of the open session meeting pursuant to the DC Official Code 2-575B and for the purposes set forth therein, the Board will move into the closed executive session portion of the meeting to consult with the Board attorney, discuss disciplinary matters and hear reports concerning violations of the law or regulations.</i></p> <p><b><u>Motion:</u></b><br/>Motion made by Ms. Brooks to close the meeting. Seconded by Ms. Jackson.</p> <p>Mr. Bland, Ms. Ferriss, Ms. Jackson, and Ms. Brooks voted in favor of the motion. The motion passed unanimously.</p> |  |

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| OS-0318-15 | <p><b><u>MOTION TO ADJOURN</u></b></p> <p><b><u>Board Action:</u></b><br/>To adjourn the meeting.</p> <p><b><u>Background:</u></b><br/>At the end of every meeting, a motion to adjourn must be made in open session to close out the business of the Boards.</p> <p><b><u>Motion:</u></b><br/>Motion made by Ms. Brooks to adjourn the meeting. Seconded by Ms. Jackson.</p> <p>Mr. Bland, Ms. Ferriss, Ms. Jackson, and Ms. Brooks voted in favor of the motion. The motion passed unanimously.</p> |  |
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**This ends the Open Session Minutes. The next meeting is scheduled for May 20, 2021.**

***This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at [opengovoffice@dc.gov](mailto:opengovoffice@dc.gov)***