

BOARD OF MASSAGE THERAPY

OPEN SESSION MEETING MINUTES

SEPTEMBER 16, 2020

10:00 AM to 4:30PM

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:

Join by Web

<https://dcnet.webex.com/dcnet/j.php?MTID=m353a449a47af00c218b48d7de0223875>

Join by phone

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

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

Access code: 160 000 9172

OPEN SESSION MINUTES SEPTEMBER 16, 2020

OS-0916-01	<p><u>CALL TO ORDER</u> Board Chair, Gary Bland called the meeting to order at 10:10 AM and a quorum was established.</p>	
OS-0916-02	<p><u>ROLL CALL</u></p> <p><u>Board Members:</u> Cary Bland – Chairman: Present Johanna Brooks-Member: Present Joseph Reo – Member: Present Tiffany Ferriss- Member: Present Darlene Jackson- Member: Absent</p> <p><u>Board Staff:</u> Aisha Nixon – Executive Director: Present Thelma Ofosu- Mensah- Health Licensing Specialist: Present Ajay Gohil – Assistant General Counsel: Present Leonard Howard – Investigator: Present Erin Donnelly- Legal Intern: Present Frank Meyers – Associate Director: Present</p> <p><u>Visitors:</u> Chris Boone, Assistant General Counsel</p>	
OS-0916-03	<p><u>ACCEPTANCE OF AGENDA</u></p> <p><u>Board Action:</u> Acceptance of the September 16, 2020 Open Session Agenda.</p> <p><u>Motion:</u> Motion made by Ms. Brooks to accept the agenda with the recommended revisions. Seconded by Mr. Reo. Mr. Bland, Mr. Reo, Ms. Ferriss and Ms. Brooks voted in favor of the motion. The motion passed unanimously.</p>	
OS-0916-04	<p><u>HEARING FOR REGINALD JOHNSON</u></p> <p><u>Board Action:</u> A Hearing Proceeding.</p> <p><u>Background:</u> Mr. Johnson received a Notice of Intent to take disciplinary action against his license. The notice was delivered to Mr. Johnson on October 28, 2019.</p>	

	<p>Mr. Johnson submitted a request for hearing. The hearing was originally scheduled for the March 18, 2020 meeting but it was cancelled due to the COVID-19 and the requirement for DC Health adhering to the social distancing guidelines/limiting gatherings.</p> <p><u>Motion:</u> Motion made by Ms. Brooks to refer the case to Office of Administrative Hearing. Seconded by Mr. Reo.</p> <p>Mr. Bland, Mr. Reo, Ms. Ferriss and Ms. Brooks voted in favor of the motion. The motion passed unanimously.</p>	
OS-0916-05	<p><u>CHAIRPERSON’S REPORT</u> Mr. Bland informed the Board that the FSMTB annual meeting is scheduled for October 5-9, 2020.</p>	
OS-0916-06	<p><u>EXECUTIVE DIRECTOR’S REPORT</u> The Associate Director, Frank Meyers gave updates on the following:</p> <ul style="list-style-type: none"> ➤ The Health Regulation is under the Phase 2 of its realignment and that Ms. Ericka Walker is now the new Executive Director for the Massage Therapy Board and she will be replacing Ms. Aisha Nixon. He further gave a brief professional background about Ms. Ericka Walker. ➤ He further indicated that there have been legal changes and thus Mr. Ajay Gohil is now the interim legal counsel for the Board. He indicated that Ms. Panavee Vongroernrat is currently serving on the Board of Nursing and working on the revision of the HORA. <p>Ms. Aisha Nixon thanked the Board for giving her the opportunity to serve them in the capacity as their Executive Director and provided the following updates:</p> <ul style="list-style-type: none"> ➤ She informed the Board that she will direct the Board the next steps of actions regarding the current regulatory revision for the Board since the Board now has a new Attorney. ➤ Ms. Nixon informed the Board that the FSMTB will organized a training session on sexual misconduct on September 17, 2020 and she encouraged all Board members to attend. She further indicated that the FSMTB voting for delegates will be held on October 5-9,2020. ➤ She reiterated that staff are still working remotely. ➤ Ms. Nixon also reminded the Board that the upcoming renewal will commence on November 1, 2020 and that renewal information will be sent out to licensees. ➤ She indicated that the Board currently has 824 active licensees. <p>Dr. Sharon Lewis, the Senior Deputy Director thanked the Board members for their continued dedication and reiterated the</p>	

	<p>administrative changes under her supervision and introduced Ms. Walker. Ms. Ericka Walker, said a quick hello and informed the Board that she looks forward to working with them.</p>	
OS-0916-07	<p><u>BOARD ATTORNEY’S REPORT</u></p> <p>Mr. Ajay Gohil, the interim legal counsel for the Board introduced himself to the Board. He further indicated that he will be glad to join the meet and greet session with new Executive Director, the outgoing Executive Director, and the Board Chair. Mr. Gohil informed the Board that his colleague Ms. Panravee Vongjaroenrat is currently working on the HORA revision and that the Board should review its current scope of practice to determine if it needs to be revised so that he can forward it to Ms. Vongjaroenrat.</p> <p>He further thanked Mr. Chris Boone, Assistant General Counsel for assisting him on a work-related project.</p>	
OS-0916-08	<p><u>OPEN SESSION MINUTES</u></p> <p><u>Board Action:</u> Consideration of the Open Session Minutes from the July 16, 2020 meeting.</p> <p><u>Motion:</u> Motion made by Ms. Brooks to accept the Open Session Minutes. Seconded by Mr. Reo.</p> <p>Mr. Bland, Mr. Reo, Ms. Ferriss and Ms. Brooks voted in favor of the motion. The motion passed unanimously.</p>	
OS-0916-09	<p><u>FYI</u></p> <p><u>Background:</u> Meeting dates for 2020. November 19, 2020</p> <p><u>Motion:</u> No action is required.</p>	
OS-0916-10	<p><u>POLICY REVISION</u></p> <p><u>Board Action:</u> Review the policy regarding suspension of live, classroom-setting requirement for continuing education and the live CPR training required for initial licensure and renewals and determine if to adopt as emergency and proposed rulemaking.</p>	

	<p><u>Background:</u> The Board of Massage Therapy recently approved a policy suspending the live continuing education and CPR training requirements for initial, renewals, reinstatement, and the reactivation of the license. Senior leadership has requested that all policies that make changes to the current regulations be done through emergency/proposed rulemaking.</p> <p>The Board’s possible options are as follows:</p> <ul style="list-style-type: none"> • Take out the in-person requirements entirely. • Not take out the in-person requirements but leave room for them to suspend the in-person requirement under certain circumstances (limiting emergency situations or allowing the Board to use their discretion). <p><u>Motion:</u> Motion made by Ms. Brooks to allow the Board to maintain the current language regarding the face to face /in-person component of the existing continuing education and CPR requirements in the regulation, but include verbiage that will allow the Board to waive the requirements under special circumstances when the need arises. Seconded by Mr. Reo.</p> <p>Mr. Bland, Mr. Reo, Ms. Ferriss and Ms. Brooks voted in favor of the motion. The motion passed unanimously.</p>	
OS-0916-11	<p><u>REGULATION AMENDMENT</u></p> <p><u>Board Action:</u> Review of the draft proposed regulation updates and decide whether to accept or not to accept.</p> <p><u>Background:</u> The Board reviewed and discussed the current draft regulation and ended the discussions on section 7503.1 of the draft regulation.</p> <p><u>Motion:</u> No Action is required. This matter was tabled. The Board will pick up the revisions at the next meeting beginning at the education section.</p>	
OS-0916-12	<p><u>MOTION TO CLOSE</u></p> <p><u>Board Action:</u> To go into closed session to discuss confidential matters as permitted in DC Official Code § 2-575(b).</p> <p><u>Background:</u> <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</i></p>	

	<p><i>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>Motion: Motion made by Mr. Reo to close the Open Session Meeting at 12:04 PM. Seconded by Ms. Brooks.</p> <p>Mr. Bland, Mr. Reo, Ms. Ferriss and Ms. Brooks voted in favor of the motion. The motion passed unanimously.</p>	
OS-0916-13	<p><u>MOTION TO ADJOURN</u></p> <p><u>Board Action:</u> To adjourn the meeting.</p> <p><u>Background:</u> 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>	

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

This ends the SEPTEMBER 16, 2020 meeting. The next Board meeting is scheduled for November 19, 2020.