

BRAINTREE BOARD OF HEALTH

MINUTES

October 8, 2015

IN ATTENDANCE: Dr. Arthur Bregoli, Chairman
Dr. Philip Nedelman, Vice-Chairman

ALSO PRESENT: Marybeth McGrath, Director of ML & I

Dr. Bregoli called the meeting to order at 7:00 pm.

MINUTES:

Motion By: Dr. Nedelman approve the meeting minutes of September 24, 2015.

Second By: Dr. Bregoli

NEW BUSINESS:

1) Public Hearing: proposed amended School Tobacco and Nicotine Delivery Products Usage regulation.

Motion By: Dr. Philip Nedelman to open the public hearing.

Second By: Dr. Bregoli

Ms. McGrath read the public hearing legal notice into the record.

Dr. Bregoli advised that before the Board this evening for review and approval is the final draft of the proposed amended School Tobacco and Nicotine Delivery Products Usage regulation.

Dr. Bregoli asked if there was anyone present in the audience that wanted to speak in favor of or in opposition to the proposed regulation.

No one from the audience spoke in favor of or in opposition to the regulation.

Motion By: Dr. Nedelman to close the public hearing.

Second By: Dr. Bregoli

Motion By: Dr. Nedelman to approve the amended School Tobacco and Nicotine Delivery Products Usage regulation to become effective on November 1, 2015.

Second By: Dr. Bregoli

2) Public Hearing: proposed Body Work regulation

Motion By: Dr. Philip Nedelman to open the public hearing.
Second By: Dr. Bregoli

Ms. McGrath read the public hearing legal notice into the record.

Dr. Bregoli asked if there was anyone present in the audience that wanted to speak in favor of or in opposition to the proposed regulation.

Peter Britland with Mali Thai Spa on Rt 37- Washington Street asked what has brought about the need for Body Work regulations.

Ms. McGrath advised that there have never been any Body Work regulations in Braintree, and that is something that the Board of Health has wanted for a long time. The Board of Health used to regulate massage, and about seven years or so ago the state Division of Professional Licensure took over regulating the practice of massage. In doing so, they separated massage and body work. The Board of Health has wanted to create body work regulations, and now have a final draft regulation in place.

Mr. Britland asked how long it will be before the proposed regulation takes effect.

Ms. McGrath advised that is up to the Board to decide this evening.

Mr. Britland asked if there have been any other hearings on this subject matter.

Ms. McGrath advised him that this is the public hearing. Ms. McGrath advised that the Board has been working on this draft regulation since late spring/early summer.

Mr. Britland advised that he got a notification letter about the public hearing and asked why the proposal was not attached to it.

Ms. McGrath advised that the notification said that the proposed draft regulation is available upon request at the Braintree Health Department, which it has been. She asked if he received the letter. He said he did, but his wife handed him the letter this afternoon asking if he could attend the meeting.

Dr. Nedelman asked Mr. Britland what his business was and if he could tell the Board about his business.

Mr. Britland advised that his business is on Washington Street, and he and his wife opened it about six to seven months ago practicing Thai body work, which is a deep tissue massage and some stretching.

Dr. Nedelman asked if he is certified by any the recognized national boards.

Mr. Britland advised that no he was not, as there are no requirements to be licensed with the Asian body works.

Dr. Nedelman asked him if there is a board for that.

Mr. Britland advised that he thinks it just falls under general massage therapy, but since the state separated massage from body work, he does not believe there is an actual board. There are some schools that teach it, but it is extra class, not something that is done regularly.

Dr. Nedelman asked what training Mr. Britland has received.

Mr. Britland advised from his wife who practices it in Thailand.

Ms. McGrath advised that this regulation will require that anyone practicing body work will have to be licensed, and done so after the Board has reviewed a certification that they have met to practice it by the National Certification Board of Therapeutic Massage and Body Work or equivalent.

Mr. Britland asked the Board if this regulations passes how much timeframe the businesses that are operating will be given to comply.

Ms. McGrath advised that it depends upon when the Board makes the regulation effective. If the Board approves the regulation this evening, and it becomes effective on the effective date, that is when the requirements will go into effect.

Mr. Britland advised that most schools you have at least six months before you get certified and licensed to practice massage.

Ms. McGrath advised that the Board is the only one that can offer a variance of the regulation.

Dr. Bregoli asked that if this regulation becomes effective on a particular date, then people will have to apply to get their licenses, how long should this process take.

Ms. McGrath advised that if the applicant meets all of the requirements, then it should not take long at all for the establishment and the practitioner. Ms. McGrath advised that it is two different permits. One for the establishment permit to be able to offer body work, and a permit for each additional practitioner.

Dr. Nedelman advised that when the Board was involved with massage therapy and the various certifications, he believes that it was at least a minimum of six months and more like a year before one could complete a course and get the credits and have training.

Dr. Nedelman advised that if Mr. Britland has opened a shop because his wife has had experience and no one would be in there that is certified, he does not know how the Board could make an exception for him to wait to become certified and to allow him to continue to operate.

Mr. Britland advised that is why he is asking, because this will hurt a lot of these businesses that are doing this in the area, operating in Braintree. If you are going to force them to get certified and it is six months to a year, you are telling them that they have to close down for six months to a year?

Dr. Nedelman advised if that is what the Board decides then that will be the case.

Mr. Britland asked how are people supposed to be paying their rent on their leases.

Dr. Nedelman advised that the Board is not going to get into that, as that is not the Board's job. The Board's job is to protect the public and that is what they are trying to do. If the Board so chooses to have a requirement that practitioners be certified through a national board to provide body work that will be a requirement.

Dr. Nedelman advised Mr. Britland that he learned body work from his wife, and does that make any sense to him.

Mr. Britland said no.

Dr. Nedelman advised that it does not make any sense to him.

Ms. McGrath advised that Mr. Britland said it was Thai massage that his wife practices, and this is a body work regulation. She asked if his wife is licensed by the state Board of Massage Therapy to practice massage.

Mr. Britland advised that it is considered Asian body work and there is no regulation.

Ms. McGrath advised that this is the exact reason that the Board of Health has created Body Work regulations because there was nothing at the state level to regulate this practice.

Dr. Nedelman advised that when the state took over massage therapy, after that time body work establishments started to open up and have not been regulated by the state and it is up to the various cities and towns to regulate it. He further advised that he doesn't have to explain the difficulty that other cities and towns have had with similar problematic establishments.

Mr. Britland advised yes, that those have been very publicized. He understands that the Board is just trying to protect the public health.

Dr. Nedelman advised that in the meantime, his establishment has absolutely no supervision. Mr. Britland learned from his wife, and he is providing a service to the clients that go there. He does not know of any other business that can do that. He asked Mr. Britland if he considers himself a professional?

Mr. Britland advised yes.

Dr. Nedelman asked Mr. Britland of what. What kind of training has he had.

Mr. Britland advised from his wife. He has graduated from high school and had some college. He will be graduating with an associates degree in general studies the spring.

Dr. Bregoli asked if there is anyone else that would like to speak.

Ms. Patpondled Uontabanglot advised that she is considering opening a body work establishment in Braintree. If she has a body work license, but it is not from the United States, is that acceptable to open a body work establishment in Braintree.

Ms. McGrath advised that the regulation specifies that the applicant shall provide satisfactory evidence of successful completion of the most current requirements of the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB) or other national professional membership organization recognized by the Institute for Credentialing Excellence, or its accrediting body, that provides a certification or credential. She asked Ms. Uontabanglot if her certification would be recognized by the Institute for Credentialing Excellence. She would have to apply to them to see if it meets their requirements, and get something in writing from them for this Board.

Mr. Aldi Pluska asked the Board if there are any regulations for the landlords.

Ms. McGrath advised that the regulation is specific for the owner of a body work establishment and any practitioners in the establishment. She advised that if he was the owner of a property and also is operating a business for body work, then yes the regulation would apply to him.

She advised that there are specific licensing requirements for the body work establishment, and specific licensing requirements for a body work practitioner.

Dr. Nedelman asked in what capacity he is here this evening.

Mr. Pluska advised that he has a property, in which there was a body work establishment previously, but the tenant left and he is looking to fill it in the future. He believes the previous establishment was skin care, massage and body work.

Ms. McGrath advised that if he is interested in massage, then he needs to inquire with the state.

Dr. Nedelman asked Mr. Britland if there was any place in Massachusetts in which he could receive training other than from his wife for this same service?

Mr. Britland advised yes, but they only offer it at special times upon request when they have had enough requests for it.

Dr. Nedelman asked how long the classes or schooling is and how often the classes are offered.

Mr. Britland advised that they offer the classes a couple of times a year. They were started a class in October and finishing in March of 2016 to be certified as a masseuse to do massage and get the traditional Thai massage training, as well.

Dr. Nedelman asked if the regulation covers that kind of training.

Ms. McGrath advised that the regulations state "or equivalent", as long as it meets the Institute for Credentialing Excellence.

Dr. Nedelman advised that he could take the course and become certified, but this training is not in the type of Thai body work that Mr. Britland practices.

Mr. Britland advised that the class that he could take is offered upon request and with enough requests for it.

Dr. Nedelman asked if his wife training is from Taiwan and if she has had any formal training in the US.

Mr. Britland advised that her training is from Taiwan and that she has had no training in the US.

Motion By: Dr. Nedelman to close the public hearing.

Second By: Dr. Bregoli

Motion By: Dr. Nedelman to approve the Body Work regulation to become effective on January 1, 2016.

Ms. McGrath advised that if these regulations go into effect on January 1, 2016, then at that time all establishments and practitioners must be licensed. She has no objection to making them effective on January 1, 2016.

Dr. Nedelman asked how many body work establishments are in Braintree.

Ms. McGrath advised that she was able to find seven body work establishments in Braintree between searching the yellow pages and as per the police department.

Second By: Dr. Bregoli

Informational:

Ms. McGrath advised the Board that 618 flu vaccines were successfully administered to clients on Sunday October 4, 2015, and the next flu clinic will be on Monday October 19, 2015.

Motion By: Dr. Nedelman to adjourn the meeting at 7:35 pm.

Second By: Dr. Bregoli