



*The State Board of Massage Therapy members at the initial meeting Aug. 5, left to right, William Vogel, Nicole Beck, Martha Malina, Toni Felice, Loreli Bauer, Donna Ponessa, Robert Jantsch and Susan Gobreski.*

## Massage Therapy Board Holds Its First Meeting Aug. 5

At its initial meeting Aug.5, the State Board of Massage Therapy began drafting preliminary regulations that will protect the health and safety of residents, said Secretary of the Commonwealth **Pedro A. Cortés**.

“By requiring massage therapists in Pennsylvania to obtain proper education, skills and training, we can provide the best and most up-to-date health procedures for the general public,” Cortés said. “Creating a freestanding board of regulation for massage therapy will allow practitioners’ needs to be more directly addressed, allowing for efficiency and professionalism in business.”

The State Board of Massage Therapy met in Harrisburg to begin drafting preliminary regulations, to elect officers and address other operational matters. The board operates under the Department of State’s Bureau of Professional and Occupational Affairs, which now provides administrative and legal support to 29 professional and occupational licensing boards and commissions.

“Professional licensing protects the health, safety and welfare of the public from fraudulent and unethical practitioners,” said Commissioner of the Bureau of Professional and Occupational Affairs **Basil L. Merenda**.

Governor **Edward G. Rendell** signed Act 118 of 2008 into law on Oct. 8.

The act created a board that includes Commissioner Merenda, two public members, the Secretary of Health or designee, the Attorney General or designee, and six professional members.

The act requires that the professional members must have practiced massage therapy for at least five years immediately preceding their appointment.

The initial board members are:

- **Loreli H. Bauer**, professional member, Bucks County
- **Nicole Beck**, Office of Attorney General Designee, Dauphin County
- **Toni L. Felice**, public member, Butler County
- **Susan Gobreski**, public member, Philadelphia County
- **Robert C. Jantsch**, **chairman**, professional member, Allegheny County
- **Martha Kollar Malina**, **vice chairwoman**, professional member, Dauphin County
- **Donna K. Ponessa**, professional member, Lancaster County
- **William F. Vogel**, professional member, Allegheny County.

An additional professional member will be appointed in the near future, and the Department of Health expects to name its designee shortly.

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One means of obtaining a license is completion of at least 600 hours of in-class, postsecondary massage education. The education must include training about HIV and related risks, along with cardiopulmonary resuscitation techniques. The act also requires applicants to pass a national examination.

A provision of the act “grandfathers” existing practitioners, though they must have been in active practice for at least five years and demonstrated competence to practice.

All licensees are required to complete at least 24 hours of continuing professional education every two years.

The licensure law restricts use of the titles “licensed massage therapist,” “massage therapist,” and the abbreviation “L.M.T.” to licensed massage therapists only; it also prohibits holding oneself out to others as a massage therapist without licensure. This restriction includes advertising as a massage therapist and using any title or description including massage therapist, massage practitioner, masseur, masseuse, myotherapist or any derivative of these terms.

The act generally prohibits licensure of individuals who have been convicted of felonies under the Controlled Substance Act. It also authorizes the board to refuse, suspend or revoke a license if the licensee is convicted of a crime of moral turpitude or a felony, or if the licensee engages in immoral or unprofessional conduct. The licensure law authorizes the board to impose a \$10,000 civil penalty on a massage therapist who violates the act, a person who employs a massage therapist in violation of the act, or an individual who holds himself out as a licensee without being properly licensed.

### Act 25 to Strengthen Consumer Protection

On July 17 **Governor Edward G. Rendell** signed Act 25 into law, which is a major legislative accomplishment for the Bureau for Professional and Occupational Affairs and its boards. This law amends Act 48 of 1993 by adding a provision raising the maximum fine the board imposes for violations of the licensing laws or regulations from \$1,000 to \$10,000, as well as authorizing the licensing boards to impose the costs of investigation.

Furthermore, the act provides privilege protection to Department of State investigative files, as well as confidentiality requirements.

“BPOA has been working to pass this legislation since 2004,” **Commissioner Basil L. Merenda** said.

“This is an important law because the new maximum fine acts as a very strong deterrent to unlawful activity by licensees, which in turn will enable us to more effectively protect the health, safety and welfare of every consumer in the commonwealth.”

Act 25 will affect all 29 boards where professionals range from physicians and cosmetologists to accountants and funeral directors. The law, which was passed in the legislature as Senate Bill 142, will go into effect Sept. 15. At that time, prosecutors will be able to recommend to the respective licensing board to impose the maximum fine if the violation is egregious.

Mobilizing board members to reach across party lines to contact senators and representatives was also key in the enactment of this bill. The board members explained, from their viewpoint, why this legislation needed to be passed to effectively carry out Bureau of Professional and Occupational Affairs and each board’s mission.

Future plans for legislation includes proposals to create a statutory obligation for a licensee to cooperate with investigators and prosecutors in disciplinary matters and authorizing the boards’ authority to expunge a disciplinary history of a license for minor violations such as failure to complete the continuing education requirement.

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