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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF MASSAGE THERAPY

TIME: 9:33 A.M.

Board Room B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

Tuesday, February 4, 2020

1 State Board of Massage Therapy
2 February 4, 2020

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5 BOARD MEMBERS:
6

7 Becky D. Caufman, LMT, Chair
8 Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Vice Chair,
9 Professional Member
10 Theodore Stauffer, Executive Assistant, Pennsylvania
11 Department of State, on behalf of K. Kalonji
12 Johnson, Acting Commissioner, Bureau of Professional
13 and Occupational Affairs
14 Camille Baughman, BS, MA, LMT, Professional Member
15 Linda A. Chamberlain, MS, BSN, RN, CNDLTC, Secretary
16 of Health designee - Absent
17 Vickiann Hicks, LMT, BCTMB, CCCA
18 Gloria E. Rosado, LMT, Professional Member
19 Jessica A. Nelson, Office of Attorney General designee
20 Ellyn Jo Waller, Ed.D., Public Member
21
22

23 BUREAU PERSONNEL:
24

25 Thomas M. Davis, Esquire, Board Counsel
26 Monty J. Batson, Esquire, Board Prosecution Liaison
27 Christina Townley, Acting Board Administrator
28
29 Kimberly Adams, Chief of Fiscal Management, Bureau of
30 Finance and Operations, Department of State
31 Marc Farrell, Deputy Policy Director, Department of
32 State
33
34

35 ALSO PRESENT:
36

37 Natalie Cook, Associate, McNees-Winter Group LLC,
38 representing the American Massage Therapy
39 Association Pennsylvania Chapter
40 Mike L. Walters, LMT, PTA, EMT-B, An Athlete's Edge
41 Kelly L. Givens, LMT, CR, American Massage Therapy
42 Association
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1 ***

2 State Board of Massage Therapy

3 February 4, 2020

4 ***

5 The regularly scheduled meeting of the State
6 Board of Massage Therapy was held on Tuesday, February
7 4, 2020. Becky D. Caufman, LMT, Chair, called the
8 meeting to order at 9:33 a.m.

9 ***

10 [Chair Caufman requested that all cell phones be
11 turned off.]

12 Chair Caufman requested audience members register
13 on the sign-in sheet. She also requested the
14 introduction of Board members, staff, and audience.]

15 ***

16 Report of Board Prosecution

17 [Monty J. Batson, Esquire, Board Prosecutor, presented
18 the Consent Agreements for Case No. 17-72-00299 and
19 Case No. 17-72-05691.]

20 ***

21 [Chair Caufman noted the December 3, 2019 draft
22 minutes would be tabled for editing.]

23 ***

24 Report of Board Counsel

25 [Thomas M. Davis, Esquire, Board Counsel, provided a

1 regulatory report of active regulations for the Board.
2 He referred to 16A-726 regarding massage therapists in
3 cosmetology or esthetician salons, noting it was still
4 being drafted.

5 Mr. Davis referred to 16A-725 regarding General
6 Revisions. He was working on the preamble but near to
7 completion.

8 Mr. Davis referred to 16A-722 regarding the Child
9 Abuse Reporting requirements, which was still awaiting
10 the Dental Board's version to be approved.

11 Mr. Davis referred to Act 41, noting the Annex
12 had been drafted and currently under review by
13 Regulatory Counsel. He mentioned a recent meeting
14 with the counsel division in order to soon develop a
15 uniformed regulation for all boards and commissions.
16 He noted this is an administration priority due to the
17 importance of bringing people into the Commonwealth's
18 workforce.]

19

20 [Theodore Stauffer, Executive Assistant, Bureau of
21 Professional and Occupational Affairs, entered the
22 meeting at 9:40 a.m.]

23

24 [Mr. Davis addressed applications, noting more
25 applications being processed as a result of Act 41.

1 The Applications Committees would make decisions on
2 the applications outside of Board meetings. He
3 suggested providing the Applications Committee with
4 either a three-person model or allowing only one
5 individual on the Applications Committee to make the
6 determination.

7 Mr. Davis stated having a primary and a backup
8 would stop the applications from being bogged down
9 unnecessarily. He recommended sending questionable
10 Act 41 applications to Ms. Porambo for determination
11 and to Chair Caufman as a backup when necessary due to
12 Ms. Porambo's conflict or unavailability.

13 Ms. Nelson agreed with the recommendation with of
14 one primary and Chair Caufman as the backup.

15 Mr. Davis addressed the turnaround time, stating
16 that once a week would be sufficient. He mentioned,
17 in situations where there was a conflict or too many
18 applications for Ms. Porambo to review, the
19 applications could be sent to Chair Caufman for her
20 review and determination. He noted that denied
21 applications would come before the Board. He also
22 noted there should be an approval email from the Board
23 member, so the Board Administrator, Ms. Townley, would
24 have a written approval for her records.

25 Ms. Porambo questioned what to do if she has

1 questions or information was not complete or missing.
2 Mr. Davis advised sending an email to Ms. Townley and
3 to him for his review.]

4 ***
5 Report of Acting Commissioner - No Report

6 ***
7 Report of Board Administrator - No Report

8 ***
9 Report of Board Chair

10 [Becky D. Caufman, LMT, Chair, mentioned a couple of
11 facilities did not include the year 2021 with January
12 31 in their information regarding continuing education
13 renewals. Many people thought now was the renewal
14 time. She wanted to remind everyone that this is the
15 year to obtain continuing education, but the renewal
16 period is until January 31, 2021.

17 Chair Caufman noted appreciation for educational
18 facilities. She recommended that the facilities check
19 with administration and Board sites. She mentioned
20 that the Pennsylvania Licensing System (PALS) was
21 working on a walkthrough for renewals to make
22 application easier. She stated the turnaround time
23 depended upon whether individuals read, applied, and
24 properly submitted their application to be processed.
25 She noted a nonrenewal application depended upon

1 documentation being in place and submitted correctly.

2 Ms. Townley explained the application process.
3 Some portions of an application may be completed
4 online and documents can be uploaded directly. She
5 stated certain verifying information, such as school
6 information, education, and verification of license,
7 still must be submitted by hardcopy through the mail
8 to verify being directly sent.

9 Ms. Townley commented on the mailroom being
10 established for some time. By the time administration
11 begins processing the applications in the received
12 order, the verification documents are usually
13 received. She stated there really was not a delay.
14 There is such a volume of applications that it allows
15 time for the mailroom to add the documents to the
16 application for the evaluator.

17 Chair Caufman addressed the letter she wrote for
18 the Federation of State Massage Therapy Boards
19 (FSMTB). She announced being accepted to the FSMTB
20 Policy Committee, along with a former Board member,
21 Jamie Corey.

22 Chair Caufman provided an overview of the
23 Pennsylvania State Board of Massage Therapy concerns.
24 She mentioned the cost of printing the annual report,
25 as well as the simplistic way it is presented, was a

1 waste of valuable assets to both FSMTB and the member
2 Boards. She noted annual reports/audits are generally
3 more detailed and could easily be electronically
4 transmitted to member Boards to facilitate security
5 concerns and cost effectiveness.

6 Chair Caufman referred to Article IX, Section 3
7 regarding finances, questioning obtaining a copy of
8 the annual budget developed by the board of directors
9 (BOD) for member Boards prior to the beginning of the
10 financial year.

11 Chair Caufman stated communication was an ongoing
12 challenge between the FSMBT and the Pennsylvania State
13 Board of Massage Therapy, where after many attempts to
14 acquire information on proceeding over concerns with
15 the Massage Therapy Licensing Database (MTLD),
16 participation with the program had been placed on
17 hold.

18 Chair Caufman mentioned concerns with the
19 composition of the FSMTB Board of Directors, wherein
20 Article VI, Section 5 of the FSMTB Bylaws there
21 appeared to be no mention of prior volunteer
22 experience pertaining to the qualifications to be a
23 BOD. She noted a section outlining previous
24 experience as a volunteer within the FSMTB
25 organization and serving on a member Board before one

1 attempts to run for the BOD of FSMTB would be
2 beneficial, along with an educational component as to
3 what to expect while serving on the BOD that would
4 help facilitate the transition.

5 Chair Caufman referred to Article VII, Section 3
6 regarding executive director evaluation, where it
7 stated the BOD shall conduct an annual written
8 performance appraisal of the executive director and
9 shall set the executive director's annual salary. She
10 questioned whether the member Boards see this annual
11 written performance and if it were available for the
12 member Boards to review.

13 Chair Caufman referred to Article V, Section 4
14 regarding meetings dealing with voting and elections.
15 She noted, under C, there was no provision to address
16 the growing discontent with the election procedures,
17 which appear to change every year. She mentioned a
18 select secrecy surrounding the results of the
19 elections and questioned how one evaluates the
20 validity of the election since there are no
21 percentages or numerical counts given.

22 Chair Caufman addressed the 2019 annual meeting
23 that included a solicitation/public relations segment
24 for Massage Envy, noting it to be inappropriate for an
25 annual meeting for massage regulators.

1 Chair Caufman stated the Pennsylvania State Board
2 of Massage Therapy was beginning the process to
3 formally suggest some bylaw changes and wanted to
4 express their gratitude and encourage FSMTB as they
5 move forward with implementing the requests of member
6 Boards. She noted a need for transparency that was
7 getting lost.

8 Ms. Porambo noted being supportive of what was
9 written, having been to the meeting and historically
10 knowing that the election process had really been a
11 problem for FSMTB.

12 Ms. Waller stated the letter clearly stated
13 exactly the concerns of the Board and sets the stage
14 those issues to be answered. She also appreciated the
15 way Chair Caufman referred back to articles in
16 creating a case.

17 Ms. Rosado noted the letter addressed all of the
18 matters discussed at the last meeting.

19 Ms. Baughman believed that with editing, as far
20 as changing the BOD was great, because it put them on
21 notice that the Board was watching and considering the
22 bylaws.

23 Mr. Davis suggested the Board Chair sign it on
24 behalf of the Board and send it to FSMTB. He stated
25 this did not directly affect the PA licensure base,

1 and he had no problem sending messages to highlight
2 certain internal processes.

3 Chair Caufman commented that FSMTB was an amazing
4 organization that does a lot of good but was having an
5 internal struggle that was solidified at the annual
6 meeting.]

7 ***

8 CHAIR CAUFMAN:

9 We need a motion from the floor.

10 MS. PORAMBO:

11 I'd like to motion that we send the
12 letter out from Becca to the FSMTB
13 organization as written.

14 MS. BAUGHMAN:

15 Second.

16 CHAIR CAUFMAN:

17 Camille seconds. All those in favor?

18 All those opposed? Any abstentions?

19 [The motion carried unanimously.]

20 ***

21 Appointment - Bureau of Finance and Operations 2020

22 Budget Presentation

23 [Kimberly Adams, Chief of Fiscal Management, Bureau of
24 Finance and Operations, Department of State, addressed
25 licensee population from a revenue standpoint. She

1 noted 8,746 licensees in FY 2015-2016 with an increase
2 of 148 since FY 2015-2016 to 8,894 as of this morning.

3 Ms. Adams reviewed the biennial total revenue by
4 source. She reviewed categories and actual revenue
5 for FY 2017-2018 and FY 2018-2019, showing the
6 biennial total. She stated 93.6 percent of the
7 revenue was from renewals and applications.

8 Ms. Adams provided a categorical breakdown of
9 expenses for FY 2017-2018 and FY 2018-2019 with a
10 current budget for FY 2019-2020 and expenses as of
11 January 27, 2020. She noted a recent increase in
12 expenses. She mentioned expenses are incurred from
13 direct-based charges, timesheet-based charges, and
14 licensee-based charges. She stated the current budget
15 was adequate.

16 Ms. Adams reviewed revenues and expenses,
17 reflecting the bottom line FY 2019-2020 budget. She
18 noted revenues were increasing and expenses were
19 staying relatively the same. She was hopeful to see
20 some changes. She will continue to monitor this due
21 to the Board's deficit.

22 Chair Caufman questioned whether the Board should
23 have made changes during the regulatory fee revision.
24 Marc Farrell, Deputy Policy Director, Department of
25 State, explained it would have been nice to go a

1 little higher on that previous package but felt it
2 would have been too much of a hit for licensees. He
3 commented that the current package would cover the
4 direction of the Independent Regulatory Review
5 Commission (IRRC) and Governor's Office, which was
6 bringing revenues and expenses closer together.

7 Mr. Farrell noted that by FY 2022-2023 the Board
8 was close between combined expenses for that biennial
9 renewal period and combined projected expenses. He
10 stated that IRRC is more focused on being able to fund
11 current operations with the money currently coming
12 into the Board and would not be upset if the Board had
13 more frequent requests for an increase.

14 Ms. Porambo mentioned having an increase in
15 counsel and prosecution costs. She questioned whether
16 that was from hearings where staff is needed and the
17 work allocated to handle those cases. Mr. Farrell
18 discussed an increase in enforcement efforts and
19 prosecution, noting also alerts from the database on
20 criminal activity.

21 Ms. Adams provided the Board with statistics,
22 noting 127 open cases in 2017 and 233 open cases in
23 2018 with 116 in 2019, while only being halfway
24 through the fiscal year.

25 Ms. Porambo questioned whether income would be

1 tracked separately for Act 41 applicants to examine
2 funds under that new plan. Mr. Farrell stated there
3 would definitely be a number for the applications that
4 would be received for consideration under Act 41.
5 There was not a current mechanism to track the revenue
6 but a mechanism could be developed very easily.

7 Ms. Waller questioned how fining licensees
8 addressed the prosecution expenses. Mr. Farrell
9 stated the fines are collected but was not a huge
10 portion of the revenue. Ms. Adams explained that 93.6
11 percent of the Board's revenue was from renewals and
12 applications, and 6.4 percent was from fines and
13 penalties and everything else.

14 Ms. Adams reviewed Board member expenses, noting
15 the current budget for FY 2019-2020 and expenses as of
16 January 27, 2020. She mentioned the budgeted figure
17 was adequate and was carried over for the FY 2020-2021
18 budget. She stated any funds not used would stay in
19 the restricted account for the Board's use.]

20

21 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
22 10:17 a.m. the Board entered into Executive Session
23 with Thomas M. Davis, Esquire, Board Counsel, for the
24 purpose of conducting quasi-judicial deliberations and
25 to receive advice of Counsel on the matters upon which

1 the Board shall later vote. The Board returned to
2 open session at 12:04 p.m.]

3 ***

4 MOTIONS

5 MR. DAVIS:

6 Number 2 on the agenda. Based on the
7 Board's discussions in executive
8 session, I believe the Chair would
9 accept a motion to approve as final the
10 draft Adjudication and Order in the
11 following matter: Commonwealth BPOA vs.
12 Keith Edward Galvin Jr., LMT, Case No
13 16-72-07952.

14 CHAIR CAUFMAN:

15 From the floor?

16 MS. PORAMBO:

17 Motion.

18 CHAIR CAUFMAN:

19 Nancy, first.

20 MS. BAUGHMAN:

21 Second.

22 CHAIR CAUFMAN:

23 Camille seconds. All those in favor?

24 All those denying? Any abstentions?

25 [The motion carried unanimously.]

1 ***

2 MR. DAVIS:

3 Number 3 on the agenda. Based on the
4 Board's discussions in executive
5 session, I believe the Chair would
6 accept a motion to adopt the proposed
7 adjudications and substitute the Board's
8 order in the following matter: In the
9 Matter of the Application for Massage
10 Therapy Licensure Xiukun Gao, Case No.
11 19-72-005030.

12 MS. NELSON:

13 I'll make the motion.

14 CHAIR CAUFMAN:

15 Jessica, first.

16 MS. ROSADO:

17 Second.

18 CHAIR CAUFMAN:

19 Gloria seconds. All those in favor?

20 Any denials? Any abstentions?

21 [The motion carried unanimously.]

22 ***

23 MR. DAVIS:

24 Number 4 on the agenda. Based on the
25 Board's discussions in executive

1 session, I believe the Chair would
2 accept a motion to grant the Motion to
3 Deem Facts Admitted and Enter Default in
4 the following Matter: Commonwealth BPOA
5 vs. Khyree L. Lewis, LMT, Case No. 19-
6 72-004124.

7 MS. WALLER:

8 I make the motion.

9 CHAIR CAUFMAN:

10 Ellyn Jo. Second please?

11 MS. BAUGHMAN:

12 Second.

13 CHAIR CAUFMAN:

14 Camille seconds. All those in favor?

15 Any denials? Any abstentions?

16 [The motion carried unanimously.]

17 ***

18 MR. DAVIS:

19 Counsel will be drafting an Adjudication
20 and Order based upon the Board's
21 discussions in executive session and
22 will present the same at a future Board
23 meeting.

24 ***

25 MR. DAVIS:

1 Board's discussions in executive
2 session, I believe the Chair would
3 accept a motion to approve the Consent
4 Agreement in the following matter: Case
5 No. 17-72-00299.

6 CHAIR CAUFMAN:

7 Motion from the floor, please?

8 MS. BAUGHMAN:

9 I so move.

10 CHAIR CAUFMAN:

11 Camille, first.

12 MS. PORAMBO:

13 Second.

14 CHAIR CAUFMAN:

15 Nancy seconds. All those in favor? Any
16 denial? Any abstentions?

17 [The motion carried unanimously.]

18 ***

19 MR. DAVIS:

20 For the record, that is Commonwealth
21 BPOA vs. Kelly Ann Grossman, LMT.

22 ***

23 MR. DAVIS:

24 Number 7 on the agenda. Based on the
25 Board's discussions in executive

1 session, I believe the Chair would
2 accept a motion to approve the Consent
3 Agreement in the following matter: Case
4 No. 17-72-05691.

5 CHAIR CAUFMAN:

6 Motion from the floor?

7 MS. WALLER:

8 I make the motion.

9 CHAIR CAUFMAN:

10 Ellyn Jo, first.

11 MS. ROSADO:

12 Second.

13 CHAIR CAUFMAN:

14 Gloria seconds. All those in favor?

15 Any denials? Any abstentions?

16 [The motion carried unanimously.]

17 ***

18 MR. DAVIS:

19 For the record, that is Commonwealth
20 BPOA vs. Dawn Venable aka Dawn Sepulveda
21 t/d/b/a Allure Free Your Body & Mind.

22 ***

23 MR. DAVIS:

24 Number 8 on the agenda. In regard to
25 the Application for Licensure as a

1 Massage Therapist of Sarah Beth
2 Breischafft, based on the Board's
3 discussions in executive session, I
4 believe the Chair would accept a motion
5 approving the application.

6 MS. ROSADO:

7 So moved.

8 CHAIR CAUFMAN:

9 Gloria, first.

10 MS. BAUGHMAN:

11 Second.

12 CHAIR CAUFMAN:

13 Camille seconds. All those in favor?

14 Any denials? Any abstentions?

15 [The motion carried unanimously.]

16 ***

17 MR. DAVIS:

18 Number 9 on the agenda. In regard to
19 the Application for Licensure as a
20 Massage Therapist of Ingry M. Cardenas,
21 based on the Board's discussions in
22 executive session, I believe the Chair
23 would accept a motion approving the
24 application.

25 MS. NELSON:

1 So moved.

2 CHAIR CAUFMAN:

3 Jessica, first.

4 MS. PORAMBO:

5 Second.

6 CHAIR CAUFMAN:

7 Nancy seconds. All those in favor? Any
8 denials? Any abstentions?

9 [The motion carried unanimously.]

10 ***

11 MR. DAVIS:

12 Number 10 on the agenda. In regard to
13 the Application for Licensure as a
14 Massage Therapist of Zhiguo Dai, based
15 on the Board's discussions in executive
16 session, I believe the Chair would
17 accept a motion approving the
18 application.

19 MS. WALLER:

20 So moved.

21 CHAIR CAUFMAN:

22 Ellyn Jo, first. We need a second,
23 please.

24 MS. PORAMBO:

25 Second.

1 CHAIR CAUFMAN:

2 Nancy seconds. All those in favor? Any
3 denials? Any abstentions?

4 [The motion carried. Ms. Rosado denied the motion.]

5 ***

6 MR. DAVIS:

7 Number 11 on the agenda. In regard to
8 the Application for Licensure as a
9 Massage Therapist of Hongmei Liu, based
10 on the Board's discussions in executive
11 session, I believe the Chair would
12 accept a motion approving the
13 application.

14 CHAIR CAUFMAN:

15 From the floor?

16 MS. WALLER:

17 I make the motion.

18 CHAIR CAUFMAN:

19 Ellyn Jo. We need a second, please.

20 MS. BAUGHMAN:

21 Second.

22 CHAIR CAUFMAN:

23 Camille seconds. All those in favor?
24 Any denials? Any abstentions?

25 [The motion carried. Ms. Nelson denied the motion.]

1 ***

2 MR. DAVIS:

3 Number 12 on the agenda. In regard to
4 the Application for Licensure as a
5 Massage Therapist of Elizabeth R. Maley,
6 based on the Board's discussions in
7 executive session, I believe the Chair
8 would accept a motion provisionally
9 denying the application.

10 MS. ROSADO:

11 So moved.

12 MS. WALLER:

13 Second.

14 CHAIR CAUFMAN:

15 Ellyn Jo seconds. All those in favor?
16 Any denials? Any abstentions?

17 [The motion carried unanimously.]

18 ***

19 MR. DAVIS:

20 Number 13 on the agenda. In regard to
21 the Application for Licensure as a
22 Massage Therapist of Mary Elaine Story,
23 based on the Board's discussions in
24 executive session, I believe the Chair
25 would accept a motion approving the

1 application.

2 MS. PORAMBO:

3 So moved.

4 CHAIR CAUFMAN:

5 Nancy, first.

6 MS. BAUGHMAN:

7 Second.

8 CHAIR CAUFMAN:

9 Camille seconds. All those in favor?

10 Any denials? Any abstentions?

11 [The motion carried unanimously.]

12 ***

13 Adjournment

14 CHAIR CAUFMAN:

15 We need a motion from the floor to
16 dismiss.

17 MS. PORAMBO:

18 Motion to adjourn.

19 MS. BAUGHMAN:

20 Second.

21 CHAIR CAUFMAN:

22 Nancy first. Camille second. All those
23 in favor? Any objections?

24 [The motion carried unanimously.]

25 ***

1 [There being no further business, the State Board of
2 Massage Therapy Meeting adjourned at 12:12 p.m.]

3 ***

4

5

6 CERTIFICATE

7

8 I hereby certify that the foregoing summary
9 minutes of the State Board of Massage Therapy Meeting,
10 was reduced to writing by me or under my supervision,
11 and that the minutes accurately summarize the
12 substance of the State Board of Massage Therapy
13 Meeting.

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Derek Richmond,

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Minute Clerk

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Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

February 4, 2020

TIME

AGENDA

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9	9:33	Official Call to Order
10		
11	9:34	Introduction of Board Members/Audience
12		
13	9:35	Report of Prosecutorial Division
14		
15	9:37	Report of Board Counsel
16		
17	9:47	Report of Board Chairperson
18		
19	10:02	Appointment - Kimberly Adams, Chief of
20		Fiscal Management, Bureau of Finance
21		and Operation Budget Presentation
22		
23	10:17	Executive Session
24	12:04	Return to Open Session
25		
26	12:04	Motions
27		
28	12:12	Adjournment
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