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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
VIA VIDEOCONFERENCE**

TIME: 10:36 A.M.

Tuesday, February 16, 2021

1 State Board of Massage Therapy
2 February 16, 2021

3
4
5 BOARD MEMBERS:

6
7 Becky D. Caufman, LMT, Chair
8 Theodore Stauffer, Executive Secretary, Bureau of
9 Professional and Occupational Affairs, on behalf of
10 K. Kalonji Johnson, Commissioner, Bureau of
11 Professional and Occupational Affairs
12 Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Vice Chair,
13 Professional Member - Absent
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, CCA
18 Jessica A. Nelson, Office of Attorney General designee
19 Gloria E. Rosado, LMT, Professional Member
20 Ellyn Jo Waller, Ed.D., Public Member
21

22
23 BUREAU PERSONNEL:

24
25 Thomas M. Davis, Esquire, Board Counsel
26 Andrea L. Costello, Esquire, Board Prosecution Liaison
27 Dean F. Picarella, Esquire, Senior Counsel
28 Heather J. McCarthy, Esquire, Senior Prosecutor
29 Kenneth J. Suter, Esquire, Board Prosecutor
30 Christina Townley, Board Administrator
31 Carolyn DeLaurentis, Deputy Chief Counsel, Prosecution
32 Division
33 Marc Farrell, Deputy Policy Director, Department of
34 State
35

36
37 ALSO PRESENT:

38
39 Christina Huber, MT, American Massage Therapy
40 Association
41 Edward Portley Jr., LMT, Just This Side of Heaven
42 Massage & Continuing Education for Massage
43 Therapists
44 Jen Smeltz, Republican Executive Director, Senate
45 Consumer Protection & Professional Licensure
46 Committee
47 Jerry J. Livingston, Democratic Executive Director,
48 Senate Consumer Protection & Professional Licensure
49 Committee
50

State Board of Massage Therapy
February 16, 2021

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ALSO PRESENT: (Continued)

Kelly L. Givens, LMT, CR, American Massage Therapy Association
Laura Embleton, Government Relations Director, Associated Bodywork & Massage Professionals
Natalie Cook, Associate, McNeese-Winter Group LLC, representing the American Massage Therapy Association Pennsylvania Chapter

1 ***

2 State Board of Massage Therapy

3 February 16, 2021

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:00 a.m. the Board entered into Executive Session
7 with Thomas M. Davis, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations and
9 to receive advice of counsel on the matters upon which
10 the Board will later vote. The Board returned to open
11 session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Massage Therapy was held on Tuesday, February
15 16, 2021. Becky D. Caufman, LMT, Chair, called the
16 meeting to order at 10:36 a.m.

17 ***

18 [Thomas M. Davis, Esquire, Board Counsel, announced
19 that the meeting was being recorded, and those who
20 remained on the line were giving their consent to be
21 recorded.]

22 ***

23 Introduction of Board Members

24 [Chair Caufman requested Board members and attendees
25 introduce themselves.]

1
2 Appointment - Carolyn A. DeLaurentis, Esquire, Deputy
3 Chief Counsel, Prosecution Division Presentation
4 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
5 Counsel, Prosecution Division, provided highlights of
6 the prosecution division's work during the past year.
7 She commended staff for all of their hard work to make
8 telework successful. She noted all decisions were
9 made thoughtfully and with the safety of all in mind.

10 Ms. DeLaurentis stated the Board prosecutors made
11 every effort to monitor the restrictions, waivers,
12 policies, and new procedures specific to the practice
13 in each profession regarding challenges imposed on
14 licensees by the COVID-19 pandemic.

15 Ms. DeLaurentis noted the Pennsylvania Licensing
16 System (PALS) to be a lifeline. She stated the Bureau
17 of Enforcement and Investigation (BEI) worked closely
18 with prosecution to continue investigations and figure
19 out the best methods during statewide shutdowns and
20 stay-at-home orders. She also noted the Professional
21 Compliance Office continued opening cases and
22 processing files, and legal assistants have been
23 working a hybrid schedule to ensure mailings and
24 filings were completed.

25 Ms. DeLaurentis commented that the Board, Board

1 staff, and counsel all have adapted to virtual Board
2 meetings. Prosecution will continue to work with all
3 to ensure an efficient and effective presentation and
4 resolution of cases. She mentioned 2020 was a year
5 filled with challenges, but the prosecution division
6 led by the incredible senior staff rose to the
7 challenge and will continue to do so in 2021.

8 Ms. DeLaurentis informed the Board that 129 cases
9 were opened in 2020 and 250 in 2019 with 164 cases
10 closed in 2020 for the Board of Massage Therapy. She
11 noted 183 open cases as of January 1, 2021. She
12 thanked Timothy Smith for his assistance providing
13 information for 2020.

14 Ms. DeLaurentis addressed enforcement actions
15 with 51 total cases that resulted in discipline in
16 2020 for the Board of Massage Therapy. She reported
17 28 warning letters, 22 fines, 8 Act 48 citation fines,
18 12 suspensions, 4 reprimands, 10 revocations or
19 voluntary surrenders, and 2 probation cases in 2020.

20 Ms. DeLaurentis discussed what the prosecution
21 section as a whole accomplished in 2020. She noted 44
22 immediate temporary suspensions in 2020. She noted
23 that 12 of the 1,223 opened COVID-19 cases were for
24 the Board of Massage Therapy. She reported the total
25 number of open cases as of January 1, 2021, is 12,250

1 and the total number of cases opened overall in 2020
2 was 13,394, which is down from 2019 at 16,295. She
3 noted 13,274 files were closed in 2020.

4 Chair Caufman thanked Ms. DeLaurentis for all of
5 the information and noted how efficient everyone has
6 been throughout the process.]

7 ***

8 Report of Board Prosecution

9 [Andrea L. Costello, Esquire, Board Prosecution
10 Liaison, announced a new victim advocate program,
11 notifying the Board there may be a victim advocate
12 present in prosecution cases concerning sexual
13 misconduct.

14 Ms. DeLaurentis stated the program is designed to
15 provide extra support for victims or witnesses going
16 through the process. She further explained that
17 prosecution entered into an agreement with the
18 victim/witness advocacy group in a pilot program run
19 through Dauphin County.

20 Ms. Costello presented the Consent Agreements for
21 Case No. 17-72-00286, Case No. 18-72-010356, and Case
22 No. 19-72-001590.]

23 ***

24 Approval of minutes of the November 4, 2020 meeting

25 CHAIR CAUFMAN:

1 I would like to turn our attention to
2 agenda Item No. 1 to be the approval of
3 the Board minutes from November 4, 2020.

4 [The Board discussed corrections to the minutes.]

5 CHAIR CAUFMAN:

6 We would need a motion from the floor to
7 accept the draft of the minutes from
8 November 4, 2020, with corrections.

9 MS. BAUGHMAN:

10 I so move.

11 CHAIR CAUFMAN:

12 We need a second, please.

13 DR. WALLER:

14 Second.

15 CHAIR CAUFMAN:

16 All those approving, say aye. All those
17 opposed, please state your name. Any
18 abstentions, please state your name.

19 Seeing none. We will accept the motion
20 to accept the draft minutes from
21 November 4, 2020, with the corrections.

22 [The motion carried unanimously.]

23 ***

24 Report of Regulatory Counsel

25 [Thomas M. Davis, Esquire, Board Counsel, addressed

1 16A-726 regarding massage therapists in cosmetology
2 salons. He reported receiving no comments since
3 release of the exposure draft on November 6, 2020. He
4 stated the preamble was drafted. The Regulatory
5 Analysis Form was nearly complete and expected to pass
6 to regulatory counsel by the next meeting.

7 Mr. Davis addressed 16A-727 regarding Act 41,
8 noting the draft regulation was complete and sent to
9 regulatory counsel for review on January 8, 2021.]

10 ***

11 Report of Board Counsel

12 Adjudications and Orders

13 MR. DAVIS:

14 Number 3 on the agenda is a proposed
15 Adjudication and Order.

16 Based on the Board's discussions in
17 Executive Session, I believe the Chair
18 would accept a motion to adopt the
19 proposed Adjudication and substitute the
20 Board's order in the following matter:
21 Commonwealth BPOA v. Gregory A. Gilson,
22 LMT, Case No. 19-72-010942.

23 CHAIR CAUFMAN:

24 I would like a motion from the floor,
25 please.

1 DR. WALLER:

2 So moved.

3 CHAIR CAUFMAN:

4 So moved Ellyn Jo.

5 MS. NELSON:

6 Second.

7 CHAIR CAUFMAN:

8 Thank you Jessica. All those in favor,
9 please say aye. All those opposed,
10 please state your name. Any
11 abstentions, please state your name.
12 Seeing none.

13 [The motion carried unanimously.]

14 ***

15 MR. DAVIS:

16 Next is No. 4 on the Board's agenda.

17 Based on the Board's discussions in
18 Executive Session, I believe the Chair
19 would accept a motion authorizing
20 counsel to draft an Adjudication and
21 Order consistent with the Board's
22 discussions in the following matter:
23 Commonwealth BPOA v. Christopher S.
24 McKee, LMT, Case No. 19-72-007821.

25 MS. BAUGHMAN:

1 I so move.

2 DR. WALLER:

3 I'll second.

4 CHAIR CAUFMAN:

5 Ellyn Jo seconds. All those in favor,
6 please say aye. All those opposed,
7 please state your name. Any
8 abstentions, please state your name.
9 Hearing none.

10 [The motion carried unanimously.]

11 ***

12 MR. DAVIS:

13 Next is No. 5 on the Board's agenda.

14 Based on the Board's discussions in
15 Executive Session, I believe the Chair
16 would accept a motion to approve as
17 final the draft Adjudication and Order
18 in the following matter: Commonwealth
19 BPOA v. Paul D. Millwood, LMT, Case No.
20 18-72-005021.

21 MS. NELSON:

22 I'll make the motion.

23 CHAIR CAUFMAN:

24 Thank you, Jessica. We need a second,
25 please.

1 MS. ROSADO:

2 I second.

3 CHAIR CAUFMAN:

4 Thank you, Gloria. All those in favor,
5 please say aye. All those opposed,
6 please state your name. Any
7 abstentions, please state your name.
8 Hearing none.

9 [The motion carried unanimously.]

10 ***

11 Record of Deliberation

12 MR. DAVIS:

13 Next on the agenda is an application
14 case: In the matter of the Application
15 for Licensure as a Massage Therapist of
16 Steven Mark Ray, Case No. 20-72-007645.

17 Based on the Board's discussions in
18 Executive Session, I believe the Chair
19 would accept a motion provisionally
20 denying the application.

21 CHAIR CAUFMAN:

22 Could I have a motion, please?

23 MS. ROSADO:

24 I'll make the motion.

25 DR. WALLER:

1 Second.

2 CHAIR CAUFMAN:

3 All those in favor, please say aye. All
4 those opposed, please state your name.
5 Any abstentions, please state your name.
6 Hearing none.

7 [The motion carried unanimously.]

8 ***

9 MR. DAVIS:

10 I am going to turn to Nos. 7, 8, and 9
11 on the Board's agenda. They are the 3
12 consent agreements as presented by Board
13 prosecution.

14 For record purposes, I just want to
15 mention that I will read the case
16 numbers, we will have a vote, and only
17 after that will I say the name of the
18 respondents in these cases. I ask that
19 the written record of this Board meeting
20 reflect the same.

21 As I said, Nos. 7, 8, and 9. Based
22 on the Board's discussions in Executive
23 Session, I believe the Chair would
24 accept a motion to approve the Consent
25 Agreements in the following matters.

1 Case No. 17-72-00286, Case No. 18-72-
2 010356, and Case No. 19-72-001590.

3 CHAIR CAUFMAN:

4 From the floor? Camille?

5 MS. BAUGHMAN:

6 Yes. I approve.

7 CHAIR CAUFMAN:

8 So moved. I need a second, please?

9 MS. HICKS:

10 Second.

11 CHAIR CAUFMAN:

12 Vicki Hicks seconds. All those in
13 favor, please say aye. Any opposition,
14 please state your name. Any
15 abstentions, please state your name.
16 Hearing none.

17 [The motion carried unanimously.]

18 ***

19 MR. DAVIS:

20 For the record, No. 7 on the agenda is
21 Commonwealth, BPOA v. Joseph P.
22 McLaughlin d/b/a Novabodyworxs; No. 8 on
23 the agenda is Commonwealth, BPOA v.
24 Aiyan Liu d/b/a Yanzi Spa a/k/a Clover
25 Spa; and No. 9 on the agenda is

1 Commonwealth, BPOA v. Shawn Patrick
2 Marker, LMT.

3 ***

4 Review of Applications

5 MR. DAVIS:

6 Number 10 on the agenda in the matter of
7 the Application for Licensure as a
8 Massage Therapist of Beth Getz.

9 Based on the Board's discussions in
10 Executive Session, I believe the Chair
11 would accept a motion provisionally
12 denying the application.

13 CHAIR CAUFMAN:

14 From the floor?

15 MS. ROSADO:

16 So moved.

17 CHAIR CAUFMAN:

18 Gloria, first. I need a second?

19 DR. WALLER:

20 Second.

21 CHAIR CAUFMAN:

22 Thank you, Ellyn Jo. All those in
23 favor, please say aye. All those
24 opposed, please state your name. All
25 those abstaining, please state your

1 name. Hearing none.

2 [The motion carried unanimously.]

3 ***

4 MR. DAVIS:

5 Number 11 on the agenda in the matter of
6 the Application for Licensure as a
7 Massage Therapist of Helen Lacey.

8 Based on the Board's discussions in
9 Executive Session, I believe the Chair
10 would accept a motion approving the
11 application.

12 MS. NELSON:

13 I'll make the motion.

14 CHAIR CAUFMAN:

15 Thank you, Jessica.

16 MS. HICKS:

17 Second.

18 CHAIR CAUFMAN:

19 Thank you, Vicki. All those in favor,
20 please say aye. All those opposed,
21 please state your name. Any
22 abstentions, please state your name.
23 Hearing none.

24 [The motion carried unanimously.]

25 ***

1 MR. DAVIS:

2 Number 12 on the Board's agenda in the
3 matter of the Application for Licensure
4 as a Massage Therapist of Gena Loyd.

5 Based on the Board's discussions in
6 Executive Session, I believe the Chair
7 would accept a motion provisionally
8 denying the application.

9 DR. WALLER:

10 I move.

11 CHAIR CAUFMAN:

12 So moved. Thank you, Ellyn Jo. I need
13 a second?

14 MS. BAUGHMAN:

15 Second.

16 CHAIR CAUFMAN:

17 Thank you, Camille. All those in favor,
18 please say aye. Anyone opposed, please
19 state your name. Any abstentions,
20 please state your name. Seeing none.

21 [The motion carried unanimously.]

22 ***

23 Correspondence

24 Matters for Discussion

25 MR. DAVIS:

1 By way of explanation, a time-
2 sensitive request for continuing
3 education waiver was brought to
4 Counsel's attention a short while ago,
5 so Counsel asked Chair to review the
6 waiver request. Chair did so and
7 approved the request. Today, the Board
8 was asked to review the matter to either
9 ratify or rebuke the decision.

10 Based on the Board's discussions in
11 Executive Session, I believe the Chair
12 would accept the motion to ratify the
13 Chair's earlier decision to grant the
14 continuing education waiver request of
15 Rebecca Barkey. Accordingly, Ms. Barkey
16 need not complete the required 24 hours
17 of continuing education for this renewal
18 cycle, but she must still complete the
19 CPR requirement as well as the DHS-
20 approved training in Child Abuse
21 Recognition and Reporting.

22 CHAIR CAUFMAN:

23 From the floor?

24 DR. WALLER:

25 I so move.

1 CHAIR CAUFMAN:

2 So moved. I need a second?

3 MS. ROSADO:

4 I second.

5 CHAIR CAUFMAN:

6 Gloria seconds. Thank you Gloria. All
7 those in favor, please say aye. All
8 those opposed, please state your name.
9 Any abstentions, please state your name.
10 Seeing none.

11 [The motion carried unanimously.]

12 ***

13 Report of Board Administrator

14 [Christina Townley, Board Administrator, provided a
15 brief report regarding biennial renewals for the
16 January 31, 2021 expiration date. She noted 7,616
17 licensees renewed out of the 9,278 eligible licenses
18 with 113 inactive as of February 1, giving a renewal
19 rate of over 82%. She reported 7,931 active licensees
20 at the present time.

21 Ms. Townley stated Board staff continues to
22 receive and process applications on a daily basis,
23 noting a processing time of 10-15 business days for
24 new licenses.

25 Ms. Rosado requested a licensee comparison of

1 2019 and 2020.

2 Chair Caufman noted being pleased with an 82%
3 renewal rate and thanked Ms. Townley for her hard work
4 and efficiency.]

5 ***

6 Report of Commissioner - No Report

7 ***

8 Miscellaneous

9 MR. DAVIS:

10 I am going to open the floor to
11 nominations for the position of
12 chairperson.

13 Does anyone have a nomination?

14 MS. ROSADO:

15 I would like to nominate Becca Caufman
16 for chair.

17 MR. DAVIS:

18 Gloria nominates Becca Caufman. Becca,
19 do you consent to the nomination?

20 CHAIR CAUFMAN:

21 I do.

22 MR. DAVIS:

23 Becca has been nominated. Are there any
24 further nominations? Hearing none. I
25 do believe Becca is the only candidate

1 for the position of Board chair elected
2 by acclamation.

3 All in favor, please say aye.

4 [The motion carried unanimously.]

5 ***

6 [The Board decided to address the position of vice
7 chairperson at a later time since there was no
8 statutory requirement for that position. Ms. Porambo
9 will remain vice chair for now.]

10 ***

11 [Thomas M. Davis, Esquire, Board Counsel, noted the
12 need for Board discussion regarding appointments to
13 the Probable Cause Screening Committee and
14 Applications Committee.

15 Mr. Davis provided an overview of the
16 responsibilities of the Probable Cause Screening
17 Committee. He recommended more than one individual be
18 on the committee in case the other member is
19 unavailable. Ms. Nelson agreed to remain on the
20 committee, along with Chair Caufman as the backup.

21 Mr. Davis referred to the Applications Committee,
22 noting Ms. Porambo as the primary and Chair Caufman as
23 the backup. Chair Caufman suggested tabling the
24 discussion until a later time to see whether Ms.
25 Porambo is commissioned again.]

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2 MR. DAVIS:

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Based on discussions at this meeting,
the Probable Cause Screening Committee
for the Massage Therapy Board will be
staffed by Jessica Nelson as the primary
and Chairperson Becca Caufman as the
secondary.

Do I have a motion?

10 DR. WALLER:

11

I move.

12 CHAIR CAUFMAN:

13

Thank you, Ellyn Jo. Second?

14 MS. ROSADO:

15

I second.

16 CHAIR CAUFMAN:

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Thank you, Gloria. All those in favor,
please say aye. All those opposed,
please state your name. All those
abstaining, please state your name.
Hearing none.

22 [The motion carried unanimously.]

23

24 [Thomas M. Davis, Esquire, Board Counsel, noted the
25 next Board meeting date on April 7, 2021.]

1 ***

2 [Becky D. Caufman, LMT, Chair, requested information
3 concerning thanking members of the Board for their
4 service while meetings are not in person.

5 Ms. Townley stated members would receive
6 documentation through the mail or by verbal
7 communication thanking them for their service at the
8 next meeting.

9 Mr. Stauffer also noted Board members retiring
10 from service receive a proclamation signed by the
11 Commissioner and Secretary of State. He also
12 mentioned presentations at Board meetings thanking the
13 individual for their service with kind words.

14 Chair Caufman expressed gratitude for Board
15 members and thanked them for their commitment.

16 Ms. Baughman requested information concerning
17 Board reappointments.

18 Mr. Stauffer informed the Board that the
19 Commissioner's Office has been in communication with
20 the Governor's Office. He noted there are some
21 members in the process awaiting the Governor's
22 approval.]

23 ***

24 Adjournment

25 CHAIR CAUFMAN:

1 I need a motion from the floor to
2 adjourn.

3 MR. STAUFFER:

4 I'll make that motion.

5 MS. NELSON:

6 Second.

7 CHAIR CAUFMAN:

8 Thank you. All those in favor? All
9 those opposed, please state your name.
10 Any abstentions, please state your name.
11 Seeing none.

12 [The motion carried unanimously.]

13 ***

14 [There being no further business, the State Board of
15 Massage Therapy Meeting adjourned at 11:43 a.m.]

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CERTIFICATE

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



Evan Bingaman,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

February 16, 2021

	TIME	AGENDA
1		
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7		
8	9:00	Executive Session
9	10:30	Return to Open Session
10		
11	10:36	Official Call to Order
12		
13	10:37	Introduction of Board Members/Attendees
14		
15	10:46	Appointment - Carolyn A. DeLaurentis,
16		Esquire, Deputy Chief Counsel,
17		Prosecution Division Presentation
18		
19	10:56	Report of Board Prosecution
20		
21	11:04	Approval of Minutes
22		
23	11:07	Report of Board Regulatory Counsel
24		
25	11:10	Report of Board Counsel
26		
27	11:20	Correspondence
28		
29	11:22	Report of Board Administrator
30		
31	11:26	Miscellaneous
32		
33	11:43	Adjournment
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