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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 MICROSOFT TEAMS**

TIME: 10:39 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
2601 North Third Street
One Penn Center, Board Room C
Harrisburg, Pennsylvania 17110

Tuesday, April 5, 2022

State Board of Massage Therapy
April 5, 2022

BOARD MEMBERS:

Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
Professional Member
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Linda A. Chamberlain, MS, BSN, RN, CNDLTC, Secretary
of Health designee
Jessica A. Nelson, Office of Attorney General designee
Dana J. Douglas, LMT
Vickiann Hicks, LMT, BCTMB, CCCA
Jennifer A. Keth, LMT, CNC - Absent
Imelda Alumbro Shade, LMT
Bryan Strawser, LMT, Vice Chair
Ellyn Jo Waller, Ed.D., Public Member

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Andrea L. Costello, Esquire, Board Prosecution Liaison
Christina Townley, Acting Board Administrator
Matthew Quinn, Program Analyst, Department of State

ALSO PRESENT:

Edward Portley Jr., LMT, Just This Side of Heaven
Massage & Continuing Education for Massage
Therapists
Pete Medd, Chief Executive Office, Mpower Education
Robin Anderson, Regional Director of Education, Mpower
Education
Brenda Maruhnich, LMT
Carrie Wiedemann, Senior Director of Massage Therapy,
Hand and Stone Franchise Corporation
Mehar Singh
Nina M. Kottcamp, LMT, NCMT, Director of Holistic
Health and Wellness, Harrisburg Area Community
College
Laura Embleton, Government Relations Director,
Associated Bodywork & Massage Professionals
Kelly L. Givens, LMT, CR, American Massage Therapy
Association Pennsylvania Chapter

State Board of Massage Therapy
April 5, 2022

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ALSO PRESENT: (cont.)

Natalie Cook, Associate, McNeese-Winter Group LLC,
representing the American Massage Therapy
Association Pennsylvania Chapter

1 ***

2 State Board of Massage Therapy

3 April 5, 2022

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 commenced open
11 session at 10:30 a.m.]

12 ***

13 Meeting Instructions

14 [Christina Townley, Acting Board Administrator,
15 provided instructions to be followed during the
16 meeting.]

17 ***

18 [Thomas M. Davis, Esquire, Board Counsel, noted the
19 meeting was being recorded, and those who continued to
20 participate were giving their consent to be recorded.

21 Mr. Davis also noted the Board met in Executive
22 Session prior to the Board meeting for the purpose of
23 conducting quasi-judicial deliberations and to receive
24 advice of Counsel on the matters upon which the Board
25 would later vote.]

1 ***

2 The regularly scheduled meeting of the State
3 Board of Massage Therapy was held on Tuesday, April 5,
4 2022. Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
5 Professional Member, called the meeting to order at
6 10:39 a.m.

7 ***

8 Introduction of Board Members
9 [Chair Porambo requested an introduction of Board
10 members.]

11 ***

12 Appointment - Prosecution Division Annual Report
13 Presentation

14 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
15 Counsel, Prosecution Division, provided a summary of
16 the prosecution division's caseload during 2021.

17 Ms. DeLaurentis informed the Board that 175 cases
18 were opened in 2021, which an increase from 2020 at
19 129 for the State Board of Massage Therapy. She
20 reported closing 226 cases in 2021, noting an increase
21 from 2020 at 164 cases.

22 Ms. DeLaurentis noted 137 cases remained open for
23 the Board as of January 1, 2022, which could be in
24 various stages.

25 Ms. DeLaurentis discussed enforcement actions and

1 thanked Prosecution, Counsel, and the Board for
2 working together to help protect the public and
3 integrity of the profession. She noted 16 cases in
4 2021 resulted in fines, 18 cases resulted in Act 48
5 fines, 12 suspensions, and 12 revocations or voluntary
6 surrenders. She also reported 89 warning letters in
7 2021, which was up from 28 in 2020.

8 Ms. DeLaurentis addressed COVID-19 cases and
9 reported a significant decrease in COVID-related
10 complaints in 2021, mostly for business-related boards
11 but an increase in healthcare-related boards. She
12 noted one complaint may result in more than one case
13 being opened. She reported 1,223 cases were opened
14 regarding COVID complaints in 2020 with 12 of those
15 cases for the State Board of Massage Therapy, and 543
16 cases related to COVID-19 with 4 of those for the
17 State Board of Massage Therapy in 2021. She mentioned
18 COVID-19 complaints have been down for 2022.

19 Ms. DeLaurentis addressed the prosecutorial
20 division numbers as a whole, noting the total case
21 count does not include charities, corporations, or the
22 Pennsylvania State Athletic Commission. She reported
23 18,363 cases were opened in 2021, which is an increase
24 from 2020 at 13,394. She believed 2021 to be a record
25 for the number of cases opened and thanked the

1 administrative assistants for processing so many
2 files.

3 Ms. DeLaurentis reported 15,994 cases were closed
4 in 2021 and 13,274 in 2020 and thanked Prosecution.
5 She noted 15,141 open cases as of January 1, 2022,
6 with 137 cases for the Board.

7 Ms. DeLaurentis offered to return to the Board to
8 answer any prosecution questions the Board may have
9 throughout the year.

10 Chair Porambo thanked Ms. DeLaurentis for the
11 presentation.]

12 ***

13 Approval of minutes of the February 15, 2022 meeting

14 CHAIR PORAMBO:

15 I'd like to move on with approval of the
16 minutes of the meeting, so I'm going to
17 ask if there are any changes?

18 I need a motion to accept the
19 minutes as presented.

20 Anyone?

21 DR. WALLER:

22 So moved.

23 CHAIR PORAMBO:

24 Second?

25 MR. STRAWSER:

1 I'll second it.

2 CHAIR PORAMBO:

3 Christina, do you want to go through the
4 list of all in favor?

5

6 Nancy Porambo, approved; Arion Claggett,
7 approved; Linda Chamberlain, approved;
8 Jessica Nelson, approved; Dana Douglas,
9 approved; Vickiann Hicks, approved;
10 Imelda Alumbro Shade, abstain; Bryan
11 Strawser, approved; Ellyn Jo Waller,
12 approved.

13 [The motion carried unanimously. Imelda Alumbro Shade
14 abstained from voting on the motion.]

15

16 Report of Board Regulatory Counsel

17 [Thomas M. Davis, Esquire, Board Counsel, referred to
18 the Regulatory Status Report and provided an update
19 for proposed regulation 16A-725. He stated the annex
20 was approved by Senior Regulatory Counsel after a few
21 format changes, and he is working on the preamble and
22 Regulatory Analysis Form (RAF) to reflect those
23 changes.

24 Mr. Davis mentioned prior Board discussion
25 regarding committee changes to the general revisions

1 regulation, noting he made those changes, which are
2 reflected in the draft.

3 Mr. Davis also changed language in § 20.11(a)(5),
4 where the language said a supervisor must have had a
5 Commonwealth license for at least 2 years, amending it
6 by deleting the reference to Commonwealth licensure,
7 since the requirements apply to schools both in the
8 Commonwealth, and outside the Commonwealth.]

9 MR. DAVIS:

10 After review of the draft annex and
11 preamble for the proposed regulation for
12 the general revisions, based on the
13 Board's discussions in open session, I
14 believe the Chair would accept a motion
15 to approve the annex and preamble as
16 proposed and promulgate the proposed
17 regulation through the regulatory review
18 process.

19 CHAIR PORAMBO:

20 Motion?

21 DR. WALLER:

22 So moved.

23 CHAIR PORAMBO:

24 We need a second?

25 MR. STRAWSER:

1 I second it.

2 CHAIR PORAMBO:

3 Thank you.

4 [The motion carried unanimously.]

5 ***

6 Report of Board Counsel

7 [Thomas M. Davis, Esquire, Board Counsel, addressed
8 Act 100 of 2021, noting prior Board discussion, where
9 he provided his opinion that "virtual supervision" as
10 defined in the Act does not directly impact the in-
11 class requirement for the Massage Therapy Act. He
12 mentioned looking at it further and thought the Board
13 could lean on the virtual supervision section of Act
14 100 of 2021 in order to potentially allow a portion of
15 the 600 in-class hours to be online via a virtual
16 platform.

17 Mr. Davis explained that the virtual platform
18 requires a livestream synchronous videoconference or
19 similar virtual presence technology under Act 100 of
20 2021, so it would still require a live teacher and
21 could not be on an individual's own time or leisure.

22 Mr. Davis addressed the four sections of Act 100
23 of 2021, where the first two sections talk about
24 virtual meetings and quorum and are Bureau of
25 Professional and Occupational Affairs (BPOA)-centered

1 issues, and the second two sections are things the
2 Board has to specifically worry about. He referred to
3 distance education under (c), where each licensing
4 board and licensing commission shall establish rules
5 and regulations for continuing education that provides
6 for distance education.

7 Mr. Davis stated continuing education is what
8 licensees must complete every biennium, and initial
9 education is the concern but that it may be possible
10 to utilize the definition of virtual supervision under
11 section (d) in order to meet the requirements for
12 license, certificate, registration, etc.

13 Mr. Davis noted the Board would have to lean on
14 the structure and verbiage of the virtual supervision
15 and virtual supervision specifically says it has to be
16 via a virtual platform, and the virtual platform in
17 the act is defined as livestream synchronous
18 videoconferencing.

19 Ms. Douglas commented that moving forward with
20 some kind of hybrid version is a good thing to try
21 because the world seems to be trending in that
22 direction, and the board needs options.

23 Dr. Waller agreed but mentioned the importance of
24 hands-on experience and supervision because it is to
25 obtain a license.

1 Ms. Hicks addressed online teaching platforms
2 during COVID, where it was possible to see how much
3 time someone is spending on the online platform. She
4 noted the importance of having hands-on but also noted
5 the importance of theory for comprehension.

6 Brenda Maruhnich, LMT, expressed concern with the
7 hybrid platform and whether it would require an open
8 camera and require instructors to teach from an actual
9 facility.

10 Mr. Davis referred to Texas requirements
11 regarding distance learning, where the Texas
12 Legislature amended the Massage Therapy Act to read,
13 the hours of instruction required by students in
14 subsection (b) must be provided by a massage therapy
15 instructor at a massage school, licensed massage
16 school, state-approved educational institution, or any
17 combination of instructors or schools.

18 Mr. Davis noted the hours of instruction may be
19 provided using distance learning and is not limited to
20 live instruction, where Texas is allowing both live
21 and distance. He mentioned the Texas Massage Act's
22 requirements regarding verifying the identity of the
23 student receiving the instruction and additional
24 requirements to accurately track the hours each
25 student completes through distance learning.

1 Mr. Davis suggested the community look at Texas
2 regulations under § 117.59(m) regarding distance
3 learning and inform him of their opinions. He
4 mentioned possibly using Texas as a template, noting
5 he would still have to do something different because
6 Texas talks about distance education, whereas the
7 Board's "in-class" requirement is more restrictive.

8 Vanessa agreed with the hybrid format, noting
9 Associated Bodywork & Massage Professionals (ABMP) has
10 a wealth of continuing education that are state-
11 approved and equal in comparison to in person. She
12 commented that she is not saying everything should go
13 totally online and disregard the in person but that it
14 is the way to go as long as massage therapists are
15 doing the work.

16 Edward Portley Jr., LMT, Just This Side of Heaven
17 Massage & Continuing Education for Massage Therapists,
18 noted being for live but also understands the need to
19 incorporate some online education. He mentioned the
20 increase in opened cases, closed cases, and
21 outstanding cases, where the public is not being
22 protected or there are still issues out there with
23 practitioners.

24 Mr. Portley expressed concern with the online
25 piece, noting the online theoretical part of the

1 program should be 100 percent with an instructor
2 virtual and not via non-synchronous distance
3 education. He stated anything online that is going to
4 be an X amount of hours should have an instructor so
5 students can ask questions.

6 Pete Medd, Chief Executive Office, Mpower
7 Education, noted being an education service provider
8 and working with massage programs across the country.
9 He noted it is wonderful to hear openness to the next
10 step of innovation and being open to the hybrid model.
11 He also referred to the Texas bill, stating the bill
12 allows students to continue to take a portion of the
13 massage therapy school curriculum online, which
14 removes barrier to entry for schools that wish to
15 offer online courses and for students who may have a
16 full-time job or other responsibilities that prevent
17 them from attending in-person classes.

18 Mr. Medd addressed challenges in the industry
19 with schools closing and having the lowest number of
20 schools in the country since 2000. He believed
21 distance education benefits all of the stakeholders
22 and students with more accessibility and affordability
23 by lowering cost resulting in higher enrollment and
24 also benefits employers who are having trouble filling
25 job opportunities at spas, clinics, and health

1 centers. He commented that it benefits the Board of
2 Massage Therapy with more applicants, renewals, and
3 more revenue and benefits the public with more healing
4 therapeutic services.

5 Mr. Medd addressed standards, stating that the
6 majority of the program should be delivered in person,
7 directly supervised and hands-on. He mentioned
8 leaning on the Commission on Massage Therapy
9 Accreditation (COMTA) Distance Education Standards,
10 which were developed from the Entry-Level Analysis
11 Project (ELAP) in 2012. He encouraged the Board to
12 review the COMTA Distance Education Standards as a
13 potential roadmap on how they can be integrated into
14 the state of Pennsylvania and open more pathways for
15 aspiring therapists.

16 Ms. Hicks stated the online platform is helpful
17 because students can go back and watch the video and
18 review it. She noted programs are overseen by
19 licensing boards, Department of Education, private
20 license school sector, and accreditation agencies.
21 She commented that schools approve someone to take the
22 test, so students who cheat cannot just show up for
23 the test and take it. She noted the importance of
24 collaboration of everyone because the world is in need
25 of wellness.

1 Robin Anderson, Regional Director of Education,
2 Mpower Education, mentioned overseeing a program in
3 Maryland at the Community College of Baltimore County
4 (CCBC) and achieving many different levels of
5 certificates in online learning.

6 Ms. Anderson noted understanding how the Board
7 feels about distance education but asked that the
8 Board consult with the Department of Education before
9 making a judgment on distance education. She stated
10 distance education also involves the virtual
11 classroom, not just the in-person classroom. She
12 provided research information supporting allied health
13 programs, nurse practitioners, physician assistants,
14 trucking, and manufacturing who have done hybrid
15 learning programs. She noted they learned their
16 didactics online but also have done hands-on in
17 person.

18 Ms. Anderson suggested that programs that allow
19 distance education report passing rates on national
20 exams that are are equivalent or even higher than
21 those who did it fully in person. She stated
22 nontraditional students need flexibility when taking
23 courses online, noting one of the biggest challenges
24 as program director was being able to offer all of the
25 in-person classes at a time that everyone could do it.

1 Ms. Anderson commented that there are universal
2 standards for all different types of professions in
3 distance learning and that can mean asynchronous
4 education. She noted quality instructional design is
5 recording a video of yourself lecturing as well as
6 creating other interactive tools that invite students
7 to interact with peers and discuss things and be able
8 to review it over and over again and is something that
9 should be championed when considering distance
10 education.

11 Ms. Anderson mentioned that Mpower program
12 students, in addition to what she has done at CCBC
13 as a program director, are successful and are passing
14 the Massage & Bodywork Licensing Examination (MBLEx).
15 She noted following the COMTA Guidelines, where 49
16 percent or less of the program can be offered online
17 and offered asynchronously or synchronously.

18 Ms. Anderson stated there is more to
19 instructional design in distance education than what
20 is being considered and suggested the Board look at
21 higher education commissions, community colleges,
22 nursing programs, and physical therapy assistant
23 programs who are all doing things in a hybrid way and
24 creating successful therapists when thinking about the
25 bill.

1 Chair Porambo requested information regarding how
2 many states are using a hybrid program and whether
3 there are any pass/fail rate statistics.

4 Ms. Anderson noted Maryland, Virginia, Arizona,
5 Florida, Texas, Massachusetts, Colorado, and New
6 Hampshire allow hybrid programs if it is a COMTA-
7 accredited school as long as it follows the
8 regulations, and as long as there is nothing in the
9 regulations that specifically prohibits them from
10 doing it.

11 Ms. Anderson addressed supervised instruction in
12 regulations. She stated an online educator who is
13 monitoring the class on a regular basis, grading
14 things, responding to emails, and having discussions
15 is an interactive classroom and is a virtual classroom
16 and are supervising those students.

17 Ms. Anderson recommended the Board think about
18 that when considering supervised instruction in terms
19 of how it should be written and to consider the fact
20 that just because something is asynchronous does not
21 mean that students are on their own to learn because
22 their instructor should be fostering them through the
23 course and is what a real distance educator does, not
24 somebody who just teaches in front of a class.

25 Ms. Anderson addressed pass/fail rates and

1 referred to the research provided, where nurse
2 practitioners and physician assistants did just as
3 well on their boards as they did if they did it fully
4 in person. She stated they are monitoring states
5 using the hybrid program.

6 Ms. Anderson mentioned having a 100 percent pass
7 rate for first-time test takers on the MBLEx during
8 the 5 years of hybrid education working at CCBC. She
9 noted it could be monitored by utilizing Quality
10 Matters and COMTA Standards. She also mentioned tools
11 in learning management systems, such as Honorlock,
12 that can support authentication and less cheating.

13 Carrie Wiedemann, Senior Director of Massage
14 Therapy, Hand & Stone Franchise Corporation, mentioned
15 having 55 franchises in Pennsylvania and over 500
16 throughout the United States. She reported the one
17 major complaint from all of the spa owners is they
18 need more massage therapists.

19 Ms. Hicks requested more information regarding
20 the national number of therapists needed in their
21 organization.

22 Ms. Wiedemann stated the 55 Hand & Stone spas in
23 Pennsylvania could use 3 more massage therapists per
24 spa, which would mean over 150 more massage
25 therapists. She noted having a national recruiter who

1 helps with each state to find more massage therapists
2 but more schools have been closing and a lot of people
3 switched gears in their career during COVID. She
4 mentioned the importance of finding less expensive
5 ways for people who would like the chance to be a
6 massage therapist but cannot afford it.

7 Nina M. Kottcamp, LMT, NCMT, Director of Holistic
8 Health and Wellness, Harrisburg Area Community
9 College, mentioned having a great relationship with
10 all Hand & Stone, Elements Massage, and the other
11 franchises. She stated HACC is expanding 2,000 square
12 feet and would double the amount of enrollments in
13 HACC massage therapy programs.

14 Ms. Kottcamp welcomed local employers to HACC
15 because they have an 11-county region in Central PA
16 and a 900-hour program, which has allowed them to have
17 some online or somewhat of a hybrid course because 600
18 hours are in person. She also stated the program is
19 still below \$13,000.

20 Ms. Kottcamp expressed concerns with Pennsylvania
21 being a consumer Board and not a Board that oversees
22 education. She stated the Harrisburg Area Community
23 College is accredited through the Middle States
24 Commission on Higher Education (MSCHE), which has
25 higher criteria than COMTA and are also accredited

1 through the Department of Education for the state of
2 Pennsylvania and for the United States Department of
3 Education.

4 Ms. Kottcamp stated HACC belongs to the American
5 Massage Therapy Association (AMTA) and ABMP and does
6 not need their insurance for their students because
7 they have a clinical umbrella for nurses, and massage
8 therapists fit right under there.

9 Ms. Kottcamp suggested the Board be careful when
10 looking at regulations like Texas, where they have 49
11 percent and 51 percent. She expressed concern with
12 instructors in rooms going through a PowerPoint
13 teaching employees hired by a franchise being put
14 through a hybrid program and getting their hands-on in
15 that place of employment. She stated it takes away
16 from institutional education structure and we have to
17 be very careful because that is happening.

18 Ms. Kottcamp stated Pennsylvania has a 70 percent
19 pass rate for the MBLEx and HACC has a 96 percent pass
20 rate. She commented that the federation told her no
21 one has ever had a 100 percent pass rate because you
22 always have somebody who has to retake it another
23 time.

24 Ms. Kottcamp mentioned being okay with looking at
25 some of the theories and stuff that had to go online

1 during the pandemic perhaps staying online but when
2 opening regulations and looking at statutes is when
3 they need to go back to the Department of Education
4 and get some oversight because the Board cannot staff
5 the oversight that would be required.

6 Ms. Kottcamp commented that the Texas Board
7 cannot staff the oversight that is required in Texas
8 right now. She stated, not only has the Texas Massage
9 Therapy Board gone to 49 and 51 percent, but there was
10 a recent proposal to eliminate the MBLEx and sees this
11 as taking them father away from the intended outcome
12 of the profession. She mentioned Washington State has
13 recognized massage therapists as licensed health care
14 providers and are billing for insurance.

15 Ms. Kottcamp expressed concern with whether the
16 Board is confident enough that COMTA is going to be
17 able to give the oversight or should they be going to
18 the Department of Education and asking them to do what
19 they do for the nursing registry in the state of
20 Pennsylvania.

21 Ms. Kottcamp noted the importance of not hurting
22 the industry when looking at regulations and
23 legislation. She commented that there are companies
24 hiring massage instructors for Hand and Stone,
25 Elements Massage, and franchises, putting them in that

1 franchise and are getting online education at a hybrid
2 setting and at the employer's location and being
3 trained for hands-on stuff. She noted that having an
4 instructor show a PowerPoint is still direct distance
5 supervision and meets that criteria but is it
6 providing the quality.

7 Ms. Kottcamp stated she would rather have
8 Pennsylvania move more toward the model found in
9 Washington State. She noted supporting hybrid but also
10 noted the importance of being able to oversee it and
11 does not think the Board is in the position to do that
12 because the Board was designed as a consumer Board.

13 Mr. Portley reminded everyone that a school or
14 facility is required to have the pass rate of the
15 program and MBLEx known to a perspective student
16 looking to take their program under the statute, and
17 any kind of hybrid program should fall into that
18 requirement of that statute. He asked whether any
19 decisions from the Board would be open for public
20 comment.

21 Mr. Davis informed everyone that no decisions
22 have been made as to how many hours will be allowed
23 and any such changes would be made via regulation,
24 where there will be public meetings and everything the
25 Board discusses and decides will happen at public

1 meetings, and public comment will be encouraged. He
2 mentioned that any proposed regulation that may result
3 from these discussions will be published in the
4 *Pennsylvania Bulletin*, which opens a 30-day comment
5 window for anyone who wants to comment. He stated
6 there will be several phases in which the public will
7 be asked to comment.

8 Ms. Maruhnich, LMT, asked how the *Pennsylvania*
9 *Bulletin* may be accessed.

10 Mr. Davis mentioned the *Pennsylvania Code &*
11 *Bulletin* is available on www.pacodeandbulletin.gov.
12 He explained that the *Pennsylvania Code & Bulletin* has
13 all of the proposed regulations and latest information
14 and is published weekly. He reminded everyone that
15 the Board is just starting the conversation about this
16 particular regulation, and it would not be in the
17 *Pennsylvania Code & Bulletin* for months.

18 Mr. Davis suggested everyone attend the Board
19 meetings for regulation updates.]

20 ***

21 Report of Board Prosecutors

22 [Andrea L. Costello, Esquire, Board Prosecution
23 Liaison, presented the Consent Agreements for Case No.
24 19-72-017400, Case No. 20-72-002906, Case No. 21-72-
25 013775, and Case No. 22-72-003987.

1 Ms. Costello noted the Board member who
2 participated in the two immediate temporary
3 suspensions regarding Case No. 19-72-017400 is no
4 longer on the Board.

5 She also noted Jessica Nelson participated in the
6 ITS related to Case No. 21-72-013775 and Case No. 22-
7 72-003987, and suggested recusal.]

8 MR. DAVIS:

9 Number 7, as mentioned, Jamie Corey was
10 the Board member that signed the ITS.
11 She is no longer on the Board, so there
12 is no recusal necessary for that;
13 however, Board Member Dana Douglas
14 recuses from this matter. She took no
15 part in the discussions during Executive
16 Session, and she will not be voting on
17 this matter.

18 Based on the Board's discussions in
19 Executive Session, I believe the Chair
20 would accept a motion to approve the
21 Consent Agreement in the following
22 matter: Case No. 19-72-017400.

23 Is there a motion?

24 DR. WALLER:

25 So moved.

1 CHAIR PORAMBO:

2 Second?

3 MR. STRAWSER:

4 I second it.

5 CHAIR PORAMBO:

6 Nancy Porambo, approved; Arion Claggett,
7 approved; Linda Chamberlain, approved;
8 Jessica Nelson, approved; Vickiann
9 Hicks, approved; Imelda Alumbro Shade,
10 approved; Bryan Strawser, approved;
11 Ellyn Jo Waller, approved.

12 [The motion carried. Dana Douglas recused herself
13 from deliberations and voting on the motion. Case No.
14 19-72-017400 is Commonwealth BPOA v. Carl Eric Nelson,
15 LMT.]

16 ***

17 MR. DAVIS:

18 Number 8 on the Board's agenda. Based
19 on the Board's discussions in Executive
20 Session, I believe the Chair would
21 accept a motion to approve the Consent
22 Agreement in the following matter: Case
23 No. 20-72-002906.

24 CHAIR PORAMBO:

25 We need a motion to approve.

1 DR. WALLER:

2 So moved.

3 CHAIR PORAMBO:

4 Second?

5 MR. STRAWSER:

6 I second it.

7 CHAIR PORAMBO:

8 Nancy Porambo, approved; Arion Claggett,
9 approved; Linda Chamberlain, approved;
10 Jessica Nelson, approved; Dana Douglas,
11 approved; Vickiann Hicks, approved;
12 Imelda Alumbro Shade, approved; Bryan
13 Strawser, approved; Ellyn Jo Waller,
14 approved.

15 [The motion carried unanimously. Case No. 20-72-
16 002906 is Commonwealth BPOA v. Daniel Vincent Bigos,
17 LMT.]

18 ***

19 MR. DAVIS:

20 Number 9 on the Board's agenda. Jessica
21 Nelson is recused from this matter.

22 Based on the Board's discussions in
23 Executive Session, I believe the Chair
24 would accept a motion to approve the
25 Consent Agreement in the following

1 matter: Case No. 21-72-013775.

2 CHAIR PORAMBO:

3 Motion to approve?

4 DR. WALLER:

5 So moved.

6 MR. STRAWSER:

7 I second it.

8 CHAIR PORAMBO:

9 Nancy Porambo, approved; Arion Claggett,
10 approved; Linda Chamberlain, approved;
11 Dana Douglas, approved; Vickiann Hicks,
12 approved; Imelda Alumbro Shade,
13 approved; Bryan Strawser, approved;
14 Ellyn Jo Waller, approved.

15 [The motion carried. Jessica Nelson recused herself
16 from deliberations and voting on the motion. Case No.
17 21-72-013775 is Commonwealth BPOA v. Johnathan Nizan
18 Boland, LMT.]

19 ***

20 MR. DAVIS:

21 Number 10 on the Board's agenda. Again,
22 Jessica Nelson is recused from this
23 matter.

24 Based on the Board's discussions in
25 Executive Session, I believe the Chair

1 would accept a motion to approve the
2 Consent Agreement in the following
3 matter: Case No. 22-72-003987.

4 CHAIR PORAMBO:

5 Motion to approve?

6 DR. WALLER:

7 So moved.

8 CHAIR PORAMBO:

9 Second?

10 MR. STRAWSER:

11 I'll second it.

12 CHAIR PORAMBO:

13 Nancy Porambo, approved; Arion Claggett,
14 approved; Linda Chamberlain, approved;
15 Dana Douglas, approved; Vickiann Hicks,
16 approved; Imelda Alumbro Shade,
17 approved; Bryan Strawser, approved;
18 Ellyn Jo Waller, approved.

19 [The motion carried. Jessica Nelson recused herself
20 from deliberations and voting on the motion. Case No.
21 22-72-003987 is Commonwealth BPOA v. Aaron Evan
22 Korycki, LMT.]

23 ***

24 Report of Board Administrator

25 Applications for Review

1 MR. DAVIS:

2 Number 11 on the list is Review of
3 Applications. In the Matter of the
4 Application for Licensure of Ariadna
5 Guerra as a Massage Therapist, based on
6 the Board's discussions in Executive
7 Session, I believe the Chair would
8 accept a motion approving the
9 Application.

10 CHAIR PORAMBO:

11 Need a motion to approve.

12 DR. WALLER:

13 So moved.

14 CHAIR PORAMBO:

15 Second?

16 MR. STRAWSER:

17 I'll second it.

18 CHAIR PORAMBO:

19 Nancy Porambo, approved; Arion Claggett,
20 approved; Linda Chamberlain, approved;
21 Jessica Nelson, approved; Dana Douglas,
22 approved; Vickiann Hicks, approved;
23 Imelda Alumbro Shade, approved; Bryan
24 Strawser, approved; Ellyn Jo Waller,
25 approved.

1 [The motion carried unanimously.]

2

3 MR. DAVIS:

4

Number 12 on the Board's agenda. We do

5

not need to vote on this matter. This

6

matter was discussed in Executive

7

Session, and the Board Administrator has

8

been asked to reach out to the applicant

9

and discuss this application.

10

11 MR. DAVIS:

12

Number 13 on the Board's agenda. In the

13

Matter of the Application for Temporary

14

Licensure as a Massage Therapist of Mark

15

Maurer, based on the Board's discussions

16

in Executive Session, I believe the

17

Chair would accept a motion

18

provisionally denying the Application.

19 CHAIR PORAMBO:

20

Motion to approve?

21

DR. WALLER:

22

So moved.

23

MR. STRAWSER:

24

I second it.

25

CHAIR PORAMBO:

1 Nancy Porambo, approved; Arion Claggett,
2 approved; Linda Chamberlain, approved;
3 Jessica Nelson, agree with the denial;
4 Dana Douglas, approved; Vickiann Hicks,
5 approved; Imelda Alumbro Shade, approve
6 the denial; Bryan Strawser, approved;
7 Ellyn Jo Waller, approve the denial.

8 [The motion carried unanimously. For clarification,
9 the motion was to provisionally deny the Application,
10 so all those to approve votes in this particular case
11 were to provisionally deny the Application.]

12 ***

13 MR. DAVIS:

14 Number 14 on the Board's agenda. In the
15 Matter of the Application for Licensure
16 as a Massage Therapist of Andrea Ramsey,
17 based on the Board's discussions in
18 Executive Session, I believe the chair
19 would accept a motion approving the
20 Application.

21 CHAIR PORAMBO:

22 Motion to approve?

23 DR. WALLER:

24 So moved.

25 CHAIR PORAMBO:

1 Second?

2 MR. STRAWSER:

3 I'll second it.

4 CHAIR PORAMBO:

5 Nancy Porambo, approved; Arion Claggett,
6 approved; Linda Chamberlain, approved;
7 Jessica Nelson, approve; Dana Douglas,
8 approve; Vickiann Hicks, approved;
9 Imelda Alumbro Shade, approve; Bryan
10 Strawser, approve; Ellyn Jo Waller,
11 approve.

12 [The motion carried unanimously.]

13 ***

14 Correspondence

15 MR. DAVIS:

16 Number 15 on the Board's agenda, Leah
17 DelGreco. This is a Waiver Request, and
18 for the edification of those listening
19 in, the Board has the ability to waive
20 the continuing education requirement
21 based on the statute.

22 This individual provided the Board
23 with a letter from a doctor and a
24 Request for Waiver for reasons that I
25 will not be putting on the record. It

1 is medical-related.

2 Based on the Board's discussions, I
3 believe the Chair would accept a motion
4 approving the Request for Waiver for all
5 or part of the continuing education
6 requirements of the following
7 individual: Leah DelGreco.

8 CHAIR PORAMBO:

9 Motion to approve?

10 DR. WALLER:

11 So moved.

12 CHAIR PORAMBO:

13 Second?

14 MR. STRAWSER:

15 I'll second.

16 CHAIR PORAMBO:

17 Nancy Porambo, approved; Arion Claggett,
18 approved; Linda Chamberlain, approved;
19 Jessica Nelson, approved; Dana Douglas,
20 approved; Vickiann Hicks, approved;
21 Imelda Alumbro Shade, approve; Bryan
22 Strawser, approve; Ellyn Jo Waller,
23 approve.

24 [The motion carried unanimously. Counsel clarified
25 that, in accordance with the recommendation of her

1 Doctor, and as evidenced by a letter from her doctor,
2 this licensee will be allowed to obtain 100% of her
3 continuing education credits via online, computer-
4 based continuing education.]

5 ***

6 Report of Board Counsel

7 Motion to Deem Facts Admitted and Enter Default

8 MR. DAVIS:

9 Number 6 on the Board's agenda. Based on
10 the Board's discussions in Executive
11 Session, I believe the Chair would
12 accept a motion to grant the Motion to
13 Enter Default and Deem Admitted the
14 Facts in the following matter:
15 Commonwealth BPOA v. Jessica Fleissner,
16 LMT, Case No. 21-72-013842.

17 CHAIR PORAMBO:

18 Motion to approve?

19 DR. WALLER:

20 So moved.

21 CHAIR PORAMBO:

22 Second?

23 MR. STRAWSER:

24 I second it.

25 CHAIR PORAMBO:

1 Nancy Porambo, approved; Arion Claggett,
2 approved; Linda Chamberlain, approved;
3 Jessica Nelson, approved; Dana Douglas,
4 approved; Vickiann Hicks, approved;
5 Imelda Alumbro Shade, approve; Bryan
6 Strawser, approve; Ellyn Jo Waller,
7 approve.

8 [The motion carried unanimously.]

9 ***

10 Miscellaneous

11 [Thomas M. Davis, Esquire, Board Counsel, informed
12 Board members that he would be reviewing Recusal
13 Guidelines and the Sunshine Act anytime there is a new
14 Board member.

15 Mr. Davis addressed the Sunshine Act, noting the
16 general rule is everything the Board does must be on
17 the record at a public meeting. He noted exceptions
18 include conferences, training programs, seminars, and
19 Executive Session. He emphasized the importance of
20 not discussing Board business outside of the Board
21 meeting.

22 Mr. Davis also discussed Act 65 of 2021, which is
23 a recent update to the Sunshine Act, where the Board
24 may not take official action on a matter of Board
25 business at a meeting if the matter was not included

1 on the published agenda. He noted emergency
2 exceptions to the rule include clear and present
3 danger or de minimis matters not involving the
4 expenditure of funds.

5 Mr. Davis also addressed Recusal Guidelines. He
6 noted mandatory recusals include having played a
7 prosecutorial role in the matter or having a direct
8 financial interest in the matter. He stated strongly
9 suggested recusals would include having a personal
10 affection for someone directly involved in a case or
11 having knowledge from outside of the case. He noted
12 discretionary recusals include not being able to be
13 fair and decide the case without prejudice.

14 Mr. Davis encouraged Board members to contact him
15 for advice if anyone is uncertain whether they should
16 recuse themselves in any particular matter.]

17 ***

18 Report of Acting Commissioner

19 [Arion R. Claggett, Acting Commissioner, Bureau of
20 Professional and Occupational Affairs, informed Board
21 members that the Department is currently working on
22 replacing the Pennsylvania Licensing System (PALS) by
23 the end of 2023 or early 2024.]

24 ***

25 Report of Board Chair - No Report

1 ***

2 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
3 Professional Member, noted the remaining 2022 Board
4 meeting dates are August 9, September 20, and November
5 15 with the next scheduled meeting on June 7.]

6 ***

7 Adjournment

8 CHAIR PORAMBO:

9 I'd like to entertain a motion to
10 adjourn.

11 DR. WALLER:

12 So moved.

13 CHAIR PORAMBO:

14 Second?

15 MR. STRAWSER:

16 Second.

17 CHAIR PORAMBO:

18

19 Thank you everyone. Thank you for
20 coming. Thank you for your comments. I
21 appreciate your time.

22

23 [There being no further business, the State Board of
24 Massage Therapy meeting adjourned at 12:09 p.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.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

April 5, 2022

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TIME	AGENDA
9:00	Executive Session
10:30	Commence Open Session
10:39	Official Call to Order
10:39	Introduction of Board Members
10:44	Appointment - Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division, Annual Report Presentation
10:55	Approval of Minutes
10:55	Report of Board Regulatory Counsel
10:59	Report of Board Counsel
11:47	Report of Board Prosecutors
11:58	Report of Board Administrator
12:01	Correspondence
12:03	Report of Board Counsel (cont.)
12:05	Miscellaneous
12:08	Report of Acting Commissioner
12:09	Adjournment