State Board of Massage Therapy June 7, 2022

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BOARD MEMBERS:

6 7 Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair, 8 Professional Member 9

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 - Absent

15 Dana J. Douglas, LMT 16

Vickiann Hicks, LMT, BCTMB, CCCA

Jennifer A. Keth, LMT, CNC 17

18 Imelda Alumbro Shade, LMT

Bryan Strawser, LMT, Vice Chair - Absent

Ellyn Jo Waller, Ed.D., Public Member

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BUREAU PERSONNEL:

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Thomas M. Davis, Esquire, Board Counsel

Andrea L. Costello, Esquire, Board Prosecution Liaison Christina Townley, Board Administrator

Marc Farrell, Deputy Director, Office of Policy, Department of State

Danie Bendesky, Director of Intergovernmental Affairs, Department of State

Dean F. Picarella, Esquire, Senior Counsel in Charge -Counsel Division Eli Yemzow, Legal Intern, Department of State

34 35 36

ALSO PRESENT:

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Mai Lin Petrine, Director of Legal and Regulatory Affairs, Federation of State Massage Therapy Boards Nina M. Kottcamp, LMT, NCMT, Coordinator, Holistic Health and Wellness, Harrisburg Area Community College

Camille Baughman, MA, BSed, LMT, Camille Baughman & Associates

Laura B. Embleton, Government Relations Director, Associated Bodywork & Massage Professionals Erika Still, LMT

Amanda Clabaugh, Treatments Manager, The Lodge at Woodloch

State Board of Massage Therapy June 7, 2022

ALSO PRESENT: (cont.)

Seth Rolko, Democratic Executive Director, Senate Consumer Protection & Professional Licensure Committee

Johanna Kapura, Administrative Assistant, McNees Wallace & Nurick LLC

4 1 * * * 2 3 State Board of Massage Therapy June 7, 2022 4 * * * 5 6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at 9:00 a.m. the Board entered into Executive Session with Thomas M. Davis, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations and 10 to receive advice of Counsel on the matters upon which the Board will later vote. The Board commenced open 11 12 session at 10:30 a.m.] * * * 13 14 The regularly scheduled meeting of the State 15 Board of Massage Therapy was held on Tuesday, June 7, 2022. Nancy M. Porambo, L.M.T., Chair, Professional 16 17 Member, called the meeting to order at 10:30 a.m. * * * 18 19 Meeting Instructions 20 [Christina Townley, Acting Board Administrator, 21 provided instructions to be followed during the 22 meeting.] 23 * * * 24 [Thomas M. Davis, Esquire, Board Counsel, noted the 25 meeting was being recorded, and those who continued to

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   participate were giving their consent to be recorded.
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        Mr. Davis also noted the Board met in Executive
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   Session prior to the Board meeting for the purpose of
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   conducting quasi-judicial deliberations and to receive
5
   advice of Counsel on the matters upon which the Board
   would later vote.]
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                               * * *
   Introduction of Board Members/Attendees
   [Chair Porambo requested an introduction of Board
10
   members and attendees. 1
                               * * *
11
12
   Approval of minutes of the April 5, 2022 meeting
1.3
   CHAIR PORAMBO:
                  I'd like to continue on with the
14
15
                  approval of the Board minutes of April
                  5, 2022.
16
17
                       Are there any changes to the
18
                  minutes? Hearing none.
19
                       Motion to approve?
20
   DR. WALLER:
21
                  So moved.
22
   MS. DOUGLAS:
2.3
                  I'll second.
2.4
   CHAIR PORAMBO:
25
                  Roll call vote.
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Porambo, yes; Claggett, aye; 3 Chamberlain, approve; Douglas, approve;

Hicks, approve; Keth, approve; Alumbro

5 Shade, approve; Waller, approve.

6 [The motion carried unanimously.]

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* * *

8 Report of Board Regulatory Counsel

[Thomas M. Davis, Esquire, Board Counsel, provided an

10 update on massage therapists in cosmetology salons,

11 noting the regulation was returned to regulatory

12 counsel April 25, 2022. He is awaiting approval from

the Bureau of Professional and Occupational Affairs 13

(BPOA) and Regulatory Counsel and is hoping to have it 14

15 available for a vote at the next meeting.

16 Mr. Davis mentioned working on the general

17 revisions regulation, specifically the Regulatory

18 Analysis Form (RAF).

19 Mr. Davis provided a draft regulatory annex

20 regarding the virtual supervision regulation. He

21 mentioned the Board allowed a certain amount of

virtual education for initial education and allowed 2.2

23 virtual education up to 125 hours in 600-hour programs

2.4 during COVID.

25 Mr. Davis stated the act itself talks about 600

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hours in class, and the Board has defined "in class"

as "in the physical presence of an instructor or under

the immediate supervision of a clinical instructor."

He recommended changing the definition to "in the

physical or virtual presence of an instructor or under

the immediate supervision of a clinical supervisor,"

which would be adding "or virtual" to the definition

of "in class."
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Mr. Davis mentioned that "virtual presence" would need to be defined now that it is part of the "inclass" definition. He suggested defining "virtual presence" based upon Act 100 of 2021 to read, "Instruction which allows the supervisor to be in a separate physical location from the student while using a virtual platform to maintain a continuous real-time virtual presence as if in person."

Mr. Davis noted that because the words "virtual platform" are in the definition of "virtual presence", they would also have to define "virtual platform," which again is based on Act 100 of 2021 to read, "Livestream synchronous videoconferencing or similar virtual presence technology."

Mr. Davis explained that he is proposing to base this regulation on what the Board allowed during the COVID-19 emergency. He referred to \S 20.11(a)(1-4),

where subparagraphs 1-4 mention "contact hours" and suggested removing the word "contact" so each of them reads only as "hours." Doing so would allow the Board to then specify how many of those hours must be "contact hours."

2.1

2.2

Mr. Davis stated § 20.11(a)(1) would read, "at least 175 hours of instruction in anatomy, physiology, kinesiology, and pathology, including training in the human immunodeficiency virus and related risks, at least 75 hours of which must be earned through contact hours." He commented that at bare minimum, 75 hours of those 175 hours must be earned through contact hours, which would allow 100 plus for virtual presence learning.

Mr. Davis noted § 20.11(a)(2) would read, "at least 250 hours in massage therapy and bodywork assessment, theory, and practice including sanitation, safety, and hygiene, all of which must be earned through contact hours," where the Board would continue to require the 250 hours minimum be earned through contact hours.

Mr. Davis referred to § 20.11(a)(3) and suggested removing the word "contact" to read, "at least 25 hours in professional ethics and business and law related to a massage therapy business." He stated, by

removing the word "contact," the Board would be
allowing the program to decide if it wants to do
contact hours or virtual presence learning for all 25
hours.

2.2

2.4

Mr. Davis noted § 20.11(a)(4) would read, "at least 150 hours in related courses appropriate to a massage therapy curriculum as set forth in § 20.13 (related to required knowledge base), including cardiopulmonary resuscitation, all of which must be earned through contact hours." He stated 150 of those hours, at minimum, must be earned through contact hours.

Mr. Davis informed Board members that everything would still have to go through the Office of General Counsel, BPOA, and others but asked for Board feedback as to whether they liked the minimum hours he proposed.

Chair Porambo asked Board members how they felt about adopting the 100 hours in section 1 and section 3 by removing "contact."

Ms. Douglas commented that during COVID, the Board allowed students to obtain 125 of the 600 required hours online, and believed they could continue to allow at least 125 hours online.

Ms. Hicks agreed with Ms. Douglas, where 125

1 hours was probably enough, but suggested possibly 2 adding 25 or 50 more hours.

2.4

Ms. Hicks mentioned the importance of determining the theory and lecture, stating that no one is in favor of a fully online massage therapy program. She also mentioned the importance of having hands-on instruction, noting many components could be learned online.

Ms. Hicks stated she believed anatomy and physiology could be completed virtually and reinforced in the hands-on portion in a classroom. She noted many professions are doing this, and massage therapy is trailing behind because of the current restriction prohibiting online learning.

Nina M. Kottcamp, LMT, NCMT, Coordinator,
Holistic Health and Wellness, Harrisburg Area
Community College, commented that the idea of virtual
learning does not concern her as long as there is
language in the proposed regulation concerning the
contact hour being taught in a clinical setting. She
expressed concern with the quality of education and
the importance of being clear about what is allowed
regarding a classroom setting and the definition of
contact hours.

25 Ms. Kottcamp addressed franchises, noting they

are starting to like more online because they can do
it at multiple franchises, where students are
massaging employees as part of their clinical
education. She noted being in support of virtual
training with proper oversight and a quality control
factor for other people looking at this as an
opportunity to start schools but believed it to be a
slippery slope when dealing with some unethical
companies that want to come to Pennsylvania.

2.4

Ms. Hicks stated individuals teaching massage in a location that is not a licensed school was a problem but also noted the importance of supporting schools that could benefit from having online learning. She commented that teaching out of an externship location is not acceptable.

Ms. Kottcamp suggested looking in to how other states are doing online learning and oversight. She also referred to a company called ed2go that provides virtual online training, where the company reportedly reached out to Lock Haven University offering to provide massage therapy education and give Lock Haven a percentage of the profits in exchange for the right to say they are affiliated with Lock Haven University and therefore accredited because Lock Haven is accredited through the Middle States Commission on

Higher Education (MSCHE). She stated ed2go is not accredited but sheltering under the Lock Haven accreditation umbrella. She stated that she has reason to believe Hand & Stone is doing something similar.

2.0

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2.4

Ms. Kottcamp stated they are being funded by corporate headquarters because the corporate entities cannot sell franchises because there are not enough massage therapists available, so they start schools. She explained that Hand & Stone pays the cost of the education but rather than start someone at \$19, they start someone at \$15 or \$16 and the person works to pay back that cost.

Ms. Kottcamp expressed concern for private schools and whether there is enough language in the regulations to ensure the quality of education across Pennsylvania. She commented that some of these new "schools" are not getting financial aid and do not have to jump through the hoops like her school that is receiving financial aid.

Ms. Hicks commented that she is not sure what the Board could do to stop people from providing training. She noted that it might be a shortcoming for therapy schools that are not able to keep up due to lack of resources.

Ms. Hicks suggested the Board discuss what virtual massage therapy education should look like for a private licensed school or an accredited school that has classes taught in an accredited facility.

2.2

2.3

Mr. Davis stated the Board must assure the intent of the act is carried out, but the act only requires someone graduate and complete a program of at least 600 hours of in-class postsecondary education instruction approved by the Board at a regionally accredited college or university or a Pennsylvania private licensed school or its equivalent as determined by the Board.

Mr. Davis explained that the Department of Education approves schools and any issues concerning school licensure should be addressed to the Department of Education, not the Board. He stated the Board is tasked with reviewing individual applications received from individuals who completed massage therapy programs at accredited colleges and universities or a private licensed schools, but the Board does not send investigators out to inspect classrooms or investigate schools.

Mr. Davis mentioned that the definition of contact hours could be strengthened but believed it is clearly defined in its current form as a 50- to 60-

minute period of instruction related to the practice of massage therapy in the physical presence of an instructor or supervisor.

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Camille Baughman, MA, BSed, LMT, Camille Baughman & Associates, commented that schools should be able to choose what they want to do but did not believe it would be a good idea to allow schools to provide more than 125 hours of online education. She suggested inviting the Department of Education in on the conversation.

Ms. Douglas agreed with the proposal from Mr. Davis and is okay with allowing a limited number of hours of virtual education because it worked during COVID.

Ms. Hicks stated her school is licensed through the Pennsylvania Department of Education (PDE) for private licensed schools and instructors are required to have a license or two years' experience and they have to show they are licensed in the classes they are teaching.

Laura B. Embleton, Government Relations Director,
Associated Bodywork & Massage Professionals, noted the
online/virtual conversation is going on around the
country and various things are being done. She stated
everybody must be an approved educator in Texas, but

1 if Mpower is hooking up with an accredited school,
2 maybe they have to become a school.

Mr. Davis informed Board members that he would contact someone at the Department of Education to inform them of the Board's intentions.

Chair Porambo noted the majority seems to be okay with the 125 hours and thanked everyone for their comments.]

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10 Report of Board Counsel

11 Adjudications and Orders

12 MR. DAVIS:

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I have some Adjudications and Orders that were discussed in the Executive Session. As I mentioned earlier, the Board reviewed these materials in executive, and I do have some proposed motions.

Number 5 on the Board's agenda.

Based on the Board's discussions in

Executive Session, I believe the Chair

would accept a motion to adopt the

Proposed Adjudication and to direct

Counsel to issue a Memorandum Order

disposing of the exceptions filed in the

16 following matter: Application for 1 2 Licensure as a Massage Therapist of 3 Astrid S. Blitzer, Case No. 21-72-019061. 4 5 DR. WALLER: So moved. 6 7 MS. DOUGLAS: I second. 9 CHAIR PORAMBO: 10 Roll call vote. 11 12 Porambo, yes; Claggett, aye; 13 Chamberlain, aye; Douglas, aye; Hicks, 14 aye; Keth, aye; Alumbro Shade, aye; 15 Waller, ave. 16 [The motion carried unanimously.] * * * 17 MR. DAVIS: 18 19 Number 6 on the agenda. Based on the 20 Board's discussions in Executive 2.1 Session, I believe the Chair would 2.2 accept a motion to approve as final the 2.3 Draft Adjudication and Order in the 2.4 following Matter: Commonwealth BPOA v. 25 Jessica Fleissner, LMT, Case No. 21-72-

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                  013842.
2
   DR. WALLER:
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                  So moved.
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   MS. DOUGLAS:
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                  I second.
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   CHAIR PORAMBO:
                  Roll call vote.
                  Porambo, yes; Claggett, aye;
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                  Chamberlain, aye; Douglas, aye; Hicks,
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                  aye; Keth, aye; Alumbro Shade, aye;
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                  Waller, aye.
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    [The motion carried unanimously.]
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15
   MR. DAVIS:
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                  Number 7 on the Board's agenda. Based
                  on the Board's discussions in Executive
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                  Session, I believe the Chair would
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19
                  accept a motion to adopt as final the
20
                  Proposed Adjudication and Order of the
21
                  hearing examiner in the following
22
                  matter: Application for Licensure as a
23
                  Massage Therapist of Luisa Florentino,
                  Case No. 21-72-013351.
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25
   DR. WALLER:
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1
                  So moved.
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   MS. DOUGLAS:
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                  I second the motion.
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   CHAIR PORAMBO:
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                  Roll call vote.
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                  Porambo, aye; Claggett, aye;
                  Chamberlain, aye; Douglas, aye; Hicks,
9
                  aye; Keth, aye; Alumbro Shade, aye;
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                  Waller, aye.
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   [The motion carried unanimously.]
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13
   MR. DAVIS:
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                  Number 8 on the Board's agenda. Based
15
                  on the Board's discussions in Executive
                  Session, I believe the Chair would
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                  accept a motion to adopt the Proposed
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18
                  Adjudication and Order in the following
19
                  matter: Debora Ann Halsel, LMT, Case
20
                  No. 20-72-000765.
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   CHAIR PORAMBO:
22
                  Do I have a motion?
2.3
   DR. WALLER:
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                  So moved.
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   MS. DOUGLAS:
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19
1
                  I second the motion.
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   CHAIR PORAMBO:
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                  Roll call vote.
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                  Porambo, aye; Claggett, aye;
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                  Chamberlain, aye; Douglas, aye; Hicks,
                  aye; Keth, aye; Alumbro Shade, aye;
8
                  Waller, aye.
   [The motion carried unanimously.]
                               * * *
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11
   Record for Deliberation
   MR. DAVIS:
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                  Number 9 on the Board's agenda. Based
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                  on the Board's discussions in Executive
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                  Session, I believe the Chair would
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                  accept a motion to grant the Motion to
17
                  Enter Default and Deem Admitted the
18
                  facts in the following matter:
19
                  Commonwealth BPOA v. Erich Paul Merrel-
20
                  Stiller, LMT, Case No. 20-72-009827.
21
   CHAIR PORAMBO:
22
                  Do I have a motion?
2.3
   DR. WALLER:
24
                  So moved.
25
   MS. DOUGLAS:
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20 1 I second the motion. 2 CHAIR PORAMBO: 3 Roll call vote. 4 5 Porambo, aye; Claggett, aye; 6 Chamberlain, aye; Douglas, aye; Hicks, aye; Keth, aye; Alumbro Shade, aye; 8 Waller, aye. [The motion carried unanimously. Counsel will be 10 drafting an Adjudication and Order for a future 11 meeting.] * * * 12 13 Report of Board Prosecutor 14 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair, noted 15 the Board waived the presentation of the Consent 16 Agreements.] 17 MR. DAVIS: 18 Number 10 on the Board's agenda. Based on the Board's discussions in Executive 19 2.0 Session, I believe the Chair would 2.1 accept a motion to approve the Consent 22 Agreement in the following matter: 2.3 No. 20-72-013450. 2.4 CHAIR PORAMBO: 25 Do I have a motion?

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   DR. WALLER:
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                  So moved.
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   MS. DOUGLAS:
                  I second the motion.
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5
   CHAIR PORAMBO:
                  Roll call vote.
6
                  Porambo, aye; Claggett, aye;
                  Chamberlain, aye; Douglas, aye; Hicks,
10
                  aye; Keth, aye; Alumbro Shade, aye;
11
                  Waller, aye.
12
   [The motion carried unanimously. Case No. 20-72-
   013450 is Commonwealth BPOA v. Tosha Nichole Simpson,
13
14
   LMT.]
                               * * *
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16
   MR. DAVIS:
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                  Number 11 on the Board's agenda. Based
                  on the Board's discussions in Executive
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19
                  Session, I believe the Chair would
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                  accept a motion to approve the Consent
21
                  Agreement in the following matter: Case
                  No. 21-72-011195.
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2.3
   CHAIR PORAMBO:
24
                  Do I have a motion?
25
   DR. WALLER:
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22 So moved. 1 2 MS. DOUGLAS: 3 I second the motion. 4 CHAIR PORAMBO: 5 Roll call vote. 6 Porambo, aye; Claggett, aye; Chamberlain, aye; Douglas, aye; Hicks, 9 aye; Keth, aye; Alumbro Shade, aye; 10 Waller, aye. 11 [The motion carried unanimously. Case No. 21-72-12 011195 is Commonwealth BPOA v. Amy Leanna Simonoff, 13 LMT.] 14 * * * 15 Correspondence 16 MR. DAVIS: 17 Numbers 12 and 13 on the Board's agenda. The Board discussed these matters in 18 19 Executive Session as well. These are 2.0 related to waivers of continuing 2.1 education. Based on the Board's discussions in 2.2 2.3 Executive Session, I believe the Chair 2.4 would accept a motion approving the 25 Requests for Waiver of all or part of

23 the continuing education requirements of 1 2 the following individuals: Richard 3 Roth, Nancy Watt. CHAIR PORAMBO: 4 5 Do I have a motion? 6 DR. WALLER: So moved. MS. DOUGLAS: 9 I second the motion. 10 CHAIR PORAMBO: 11 Roll call vote. 12 Porambo, aye; Claggett, aye; 13 14 Chamberlain, aye; Douglas, aye; Hicks, 15 aye; Keth, aye; Alumbro Shade, aye; 16 Waller, aye. 17 MR. DAVIS: In accordance with the recommendations 18 19 of their doctors and as evidenced by 2.0 letters from their doctors, these 2.1 licensees will be allowed to obtain 100 2.2 percent of their continuing education 2.3 credits via online computer-based 24 continuing education. 25 [The motion carried unanimously.]

* * *

2 Report of Acting Commissioner - No Report

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4 Report of Board Chair

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5 | [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,

6 Professional Member, addressed correspondence and

7 encouraged members to attend the Federation of State

8 | Massage Therapy Boards (FSMTB) Virtual Membership

9 Event Series on the Massage Therapy Licensing Compact

10 and the Massage Therapy Licensing Database on June 8.

11 | She also encouraged new members to attend an event

12 July 13 on Board Basics: Regulatory Operations.]

13

14 Report of Board Administrator - No Report

15

16 | Miscellaneous

17 | [Thomas M. Davis, Esquire, Board Counsel, noted the

18 2022 FSMTB Annual Meeting October 18-20 in Charlotte,

19 NC, would be in person. He mentioned FSMTB sets

20 monies aside from Board dues to allow one voting

21 delegate to attend. Typically, the Board has elected

22 to send the Chairperson as its delegate in the past.

23 Board Chair said that she would be interested in

24 representing the Board at the FSMTB Annual Meeting.]

25 MR. DAVIS:

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                  Would anyone like to present a motion to
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2
                  send Nancy Porambo as the voting
3
                  delegate to the 2022 FSMTB Annual
 4
                  Meeting?
5
   DR. WALLER:
                  So moved.
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7
   MS. DOUGLAS:
                  I second the motion.
9
   CHAIR PORAMBO:
10
                  Roll call vote.
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12
                  Porambo, aye; Claggett, aye;
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                  Chamberlain, aye; Douglas, aye; Hicks,
14
                  aye; Keth, aye; Alumbro Shade, aye;
15
                  Waller, ave.
16
   [The motion carried unanimously.]
                               * * *
17
   CHAIR PORAMBO:
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19
                  Anyone interested in being an alternate?
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   MS. KETH:
21
                  I don't mind travel. I have a daughter
22
                  in Georgia.
2.3
   CHAIR PORAMBO:
2.4
                  We need a motion for an alternate,
25
                  anyone?
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26 1 DR. WALLER: 2 So moved. MS. DOUGLAS: 3 4 I second that motion. 5 CHAIR PORAMBO: 6 Roll call vote. Porambo, aye; Claggett, aye; Chamberlain, aye; Douglas, aye; Hicks, 10 aye; Keth, aye; Alumbro Shade, aye; 11 Waller, aye. 12 [The motion carried unanimously.] 13 * * * 14 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair, 15 Professional Member, noted the remaining 2022 Board meeting dates are August 9, September 20, and November 16 17 15. 18 Chair Porambo also noted 2023 Board meeting dates 19 are February 14, April 4, June 7, August 1, September 20 18, and November 14.] 21 * * * 22 Adjournment 2.3 CHAIR PORAMBO: 24 I entertain a motion to adjourn. 25 DR. WALLER:

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27
                   So moved.
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   MS. DOUGLAS:
 3
                   I second the motion.
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   CHAIR PORAMBO:
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                   Thank you very much everyone. Have a
 6
                   great summer.
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                                * * *
    [There being no further business, the State Board of
   Massage Therapy Meeting adjourned at 11:32 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.

Lori A. Behe,

Minute Clerk

Sargent's Court Reporting Service, Inc.

	29
1 2 3 4 5	STATE BOARD OF MASSAGE THERAPY REFERENCE INDEX
	June 7, 2022
5 6 7	TIME AGENDA
8 9	9:00 Executive Session 10:30 Return to Open Session
10 11 12	10:30 Official Call to Order
13 14 15 16 17 18 19 20 21 22 23 24	10:32 Introduction of Board Members/Attendees
	10:34 Approval of Minutes
	10:35 Report of Board Regulatory Counsel
	11:22 Report of Board Counsel
	11:27 Report of Board Prosecutor
	11:29 Correspondence
25	11:31 Report of Board Chair
26 27 28 29 30 31 33 34 35 36 37 39 40	11:32 Miscellaneous
	11:32 Adjournment
41 42 43 44 45 46 47 48 49 50	