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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: 10:30 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Tuesday, September 20, 2022

1 State Board of Massage Therapy
2 September 20, 2022

3
4
5 BOARD MEMBERS:

6
7 Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
8 Professional Member
9 Arion R. Claggett, Acting Commissioner, Bureau of
10 Professional and Occupational Affairs
11 Linda A. Chamberlain, MS, BSN, RN, CNDLTC, Secretary
12 of Health designee - Absent
13 Jessica A. Nelson, Office of Attorney General
14 designee
15 Dana J. Douglas, LMT
16 Vickiann Hicks, LMT, BCTMB, CCCA
17 Jennifer A. Keth, LMT, CNC
18 Imelda Alumbro Shade, LMT
19 Bryan Strawser, LMT, Vice Chair
20 Ellyn Jo Waller, Ed.D., Public Member - Absent

21
22
23 BUREAU PERSONNEL:

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

33
34 ALSO PRESENT:

35
36 Ashley Hernandez, Government Relations Specialist,
37 Federation of State Massage Therapy Boards
38 Carolyn Hubert-Black, LMT, Continuing Education
39 Provider
40 Camille Baughman, MA, BSed, LMT, Camille Baughman &
41 Associates
42 Nicole Sidle, Republican Executive Director, House
43 Professional Licensure Committee
44 Natalie Cook, Associate, McNeas-Winter Group LLC,
45 representing the American Massage Therapy
46 Association Pennsylvania Chapter
47 Jennifer Smeltz, Republican Executive Director, Senate
48 Consumer Protection & Professional Licensure
49 Committee
50 Aimee Mcpoland

1 ***

2 State Board of Massage Therapy

3 September 20, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 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
9 and to receive advice of counsel on the matters upon
10 which the Board will later vote. The Board returned
11 to open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Massage Therapy was held on Tuesday,
15 September 20, 2022. Nancy M. Porambo, MS, LMT, CNMT,
16 NCTMB, Chair, Professional Member, called the meeting
17 to order at 10:30 a.m.

18 ***

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

23 Mr. Davis also noted the Board met in Executive
24 Session prior to the Board meeting for the purpose of
25 conducting quasi-judicial deliberations and to

1 receive advice of counsel on the matters upon which
2 the Board would later vote.]

3 ***

4 Introduction of Board Members/Attendees

5 [Chair Porambo requested an introduction of Board
6 members and attendees.]

7 ***

8 Approval of minutes of the August 9, 2022 meeting

9 CHAIR PORAMBO:

10 Let's continue with approval of the
11 Board minutes from August 9, 2022.

12 Are there any changes to the
13 minutes? Do I have a motion?

14 MR. STRAWSER:

15 I make the motion.

16 MS. DOUGLAS:

17 I second the motion.

18 CHAIR PORAMBO:

19 Thank you.

20

21 Porambo, aye; Claggett, aye; Nelson,
22 aye; Douglas, aye; Hicks, aye; Keth,
23 aye; Strawser, aye.

24 [The motion carried unanimously.]

25 ***

1 Report of Board Regulatory Counsel

2 [Thomas M. Davis, Esquire, Board Counsel, referred to
3 the Regulatory Status Report, noting movement since
4 the last meeting for 16A-725 regarding the massage
5 therapists in cosmetology salons proposed regulation.
6 He stated the package was sent to the Office of
7 General Counsel (OGC), Office of the Budget, and
8 Office of Policy and Planning on August 26, 2022, and
9 received comments from OGC.

10 Mr. Davis noted a 2014 amendment to the
11 Cosmetology Law, where massage therapists could
12 practice in cosmetology salons. He mentioned that as
13 per the cosmetology practice act, cosmetology
14 included the massaging; cleansing; stimulating;
15 manipulating; exercising; or similar work on the
16 scalp, face, arms, hands, or upper part of the body.
17 He noted that no physical barriers separating the
18 areas used for massage therapy from the areas used
19 for cosmetology or esthetics are required when a
20 massage therapist performs massage services that a
21 cosmetologist or esthetician is authorized to
22 perform.

23 Mr. Davis addressed OGC's comment in which OGC
24 wanted to know exactly what the "upper part of the
25 body" means. He explained he could not find a

1 definition for upper part of the body in the
2 Cosmetology Act or regulations but would talk to
3 Cosmetology Board Counsel to see if there is
4 something in case law that defines upper part of the
5 body.

6 Mr. Davis addressed OGC's second comment
7 regarding the minimum room size of 120 square feet.
8 He stated the Board's regulations do not specifically
9 list a minimum room size for all massage therapy
10 rooms, but noted the cosmetology regulations list a
11 minimum room size of 60 square feet for each
12 additional licensee.

13 Mr. Davis mentioned that the Board discussed thi
14 issue several years ago and, after discussing it with
15 the Cosmetology Board, determined 60 square feet was
16 not enough for a massage therapist and decided to
17 require a minimum of 120 square feet for each massage
18 therapist practicing in a cosmetology or esthetician
19 salon, and noted this requirement is in the Board's
20 proposed regulation for massage therapists practicing
21 in cosmetology/esthetician salons. He noted that OGC
22 asked where the number came from, and he noted it to
23 be a recognized industry standard, based on the size
24 of the standard massage therapy table.

25 Mr. Davis requested information be brought to his

1 attention if anyone on the Board, or an association
2 representatives have any additional information with
3 regard to 120 square feet being an industry
4 standard.]

5 ***

6 Report of Board Counsel

7 Adjudications and Orders

8 MR. DAVIS:

9 Number 4 on the Board's agenda. These
10 are all the Adjudications that were
11 discussed in Executive Session. I know
12 how the Board is looking to vote on
13 these, so I have prepared motions.

14 Based on the Board's discussions
15 in Executive Session, I believe the
16 Chair would entertain a motion to adopt
17 as final the Proposed Adjudication and
18 Order in the Matter of the Application
19 for a License to Practice Massage
20 Therapy of Raegan Akers, Case No. 22-
21 72-002941.

22 CHAIR PORAMBO:

23 Do we have a motion?

24 MR. STRAWSER:

25 I'll make the motion.

1 CHAIR PORAMBO:

2 Do we have a second?

3 MS. DOUGLAS:

4 I second the motion.

5 CHAIR PORAMBO:

6 Thank you.

7

8 Porambo, aye; Claggett, aye; Nelson,

9 aye; Douglas, aye; Hicks, aye; Keth,

10 aye; Strawser, aye.

11 [The motion carried unanimously.]

12 ***

13 MR. DAVIS:

14 Moving to number 5 on the agenda, I
15 will note that Board member Jessica
16 Nelson has recused from this matter
17 because she played a prosecutorial role
18 as part of the Probable Cause
19 Committee.

20 Based on the Board's discussions in
21 Executive Session, I believe the Chair
22 would accept a motion to approve as
23 final the Draft Adjudication and Order
24 in the following matter: Commonwealth
25 BPOA v. James Devinney, LMT, Case No.

1 21-72-002650.

2 CHAIR PORAMBO:

3 Motion to approve?

4 MR. STRAWSER:

5 I'll make the motion.

6 CHAIR PORAMBO:

7 Do we have a second?

8 MS. DOUGLAS:

9 I'll second the motion.

10 CHAIR PORAMBO:

11 Thank you.

12

13 Porambo, aye; Claggett, aye; Nelson,
14 recuse; Douglas, aye; Hicks, aye; Keth,
15 aye; Alumbro Shade, abstain; Strawser,
16 aye.

17 [The motion carried. Jessica Nelson recused herself
18 from deliberations and voting on the motion. Imelda
19 Alumbro Shade abstained from voting on the motion.]

20

21 Record for Deliberation

22 MR. DAVIS:

23 Moving to number 6 on the Board's
24 agenda. Again, this is a case that was
25 discussed in Executive Session. Again,

1 Jessica Nelson has recused from this
2 matter.

3 Based on the Board's discussions
4 in Executive Session, I believe the
5 Chair would accept a motion to approve
6 as final the Draft Adjudication and
7 Order in the following matter:
8 Commonwealth BPOA v. Andre Lamar
9 Wallace, LMT, Case No. 20-72-012999.

10 CHAIR PORAMBO:

11 Motion to approve?

12 MR. STRAWSER:

13 I'll make the motion.

14 CHAIR PORAMBO:

15 Do we have a second?

16 MS. DOUGLAS:

17 I'll second the motion.

18 CHAIR PORAMBO:

19 Thank you.

20
21 Porambo, aye; Claggett, aye; Nelson,
22 recuse; Douglas, aye; Hicks, aye; Keth,
23 aye; Alumbro Shade, abstain; Strawser,
24 aye.

25 [The motion carried. Jessica Nelson recused herself

1 from deliberations and voting on the motion. Imelda
2 Alumbro Shade abstained from voting on the motion.]

3 ***

4 Report of Board Prosecutor

5 [Andrea L. Costello, Esquire, Board Prosecution
6 Liaison, presented the Consent Agreements for Case
7 No. 19-72-008844 and Case No. 20-72-011340.

8 Ms. Costello noted Jessica Nelson was recused
9 from Case No. 20-72-011340.]

10 MR. DAVIS:

11 These matters were discussed in
12 Executive Session, so I have an idea as
13 to how the Board is leaning in regard
14 to both of these; however, now that we
15 have now read the presentations, are
16 there any Board members who feel the
17 need to reenter into Executive Session
18 to further discuss these matters?
19 Hearing none. I have proposed motions.

20 As for number 7, based on the
21 Board's discussions in Executive
22 Session, I believe the Chair would
23 accept a motion to approve the Consent
24 Agreement in the following matter:
25 Case No. 19-72-008844.

1 CHAIR PORAMBO:

2 Could I have a motion?

3 MR. STRAWSER:

4 I'll make the motion.

5 CHAIR PORAMBO:

6 Do we have a second?

7 MS. DOUGLAS:

8 I second the motion.

9 CHAIR PORAMBO:

10 Thank you.

11

12 Porambo, aye; Claggett, aye; Nelson,
13 aye; Douglas, aye; Hicks, aye; Keth,
14 aye; Alumbro Shade, abstain; Strawser,
15 aye.

16 [The motion carried. Imelda Alumbro Shade abstained
17 from voting on the motion. That is Commonwealth BPOA
18 v. Yuji Xu, LMT.]

19

20 MR. DAVIS:

21 Moving on to number 8. Based on the
22 Board's discussions in Executive
23 Session, I believe the Chair would
24 accept a motion to approve the Consent
25 Agreement in the following matter:

1 Case No. 20-72-011340.

2 CHAIR PORAMBO:

3 Do I have a motion?

4 MR. STRAWSER:

5 I'll make the motion.

6 CHAIR PORAMBO:

7 Second?

8 MS. DOUGLAS:

9 I'll second the motion.

10 CHAIR PORAMBO:

11 Thank you.

12

13 Porambo, aye; Claggett, aye; Nelson,
14 recuse; Douglas, aye; Hicks, aye; Keth,
15 aye; Alumbro Shade, abstain; Strawser,
16 aye.

17 [The motion carried. Imelda Alumbro Shade abstained
18 from voting on the motion. Jessica Nelson recused
19 herself from deliberations and voting on the motion.

20 That is Commonwealth BPOA v. John William Hanrahan,
21 LMT.]

22

23 Report of Acting Commissioner - No Report

24

25 Report of Board Chair

1 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
2 Professional Member, informed Board members that she
3 would be attending the Federation of State Massage
4 Therapy Boards (FSMTB) Annual Meeting October 18-20
5 in Charlotte, NC, and would report on the events at
6 the November 15 Board meeting.

7 Chair Porambo thanked everyone for signing up for
8 the Board training on October 24.]

9 ***

10 Report of Board Administrator

11 Applications

12 MR. DAVIS:

13 Moving to number 9. These matters were
14 discussed in Executive Session.

15 Application for a License to Practice
16 Massage Therapy of Kathleen Barbour.

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

21 CHAIR PORAMBO:

22 Do I have a motion?

23 MR. STRAWSER:

24 I'll make the motion.

25 CHAIR PORAMBO:

1 Second?

2 MS. DOUGLAS:

3 I'll second the motion.

4 CHAIR PORAMBO:

5 Thank you.

6

7 Porambo, aye; Claggett, aye; Nelson,
8 aye; Douglas, aye; Hicks, aye; Keth,
9 aye; Alumbro Shade, abstain; Strawser,
10 aye.

11 [The motion carried. Imelda Alumbro Shade abstained
12 from voting on the motion.]

13 ***

14 MR. DAVIS:

15 Moving to number 10 on the Board's
16 agenda, Application for a License to
17 Practice Massage Therapy of Aimee
18 Mcpoland.

19 Based on the Board's discussions
20 in Executive Session, I believe the
21 Chair would accept a motion approving
22 the Application.

23 CHAIR PORAMBO:

24 Do I have a motion?

25 MR. STRAWSER:

1 I'll make the motion.

2 CHAIR PORAMBO:

3 Second?

4 MS. DOUGLAS:

5 I'll second the motion.

6 CHAIR PORAMBO:

7 Thank you.

8

9 Porambo, aye; Claggett, aye; Nelson,
10 aye; Douglas, aye; Hicks, aye; Keth,
11 aye; Alumbro Shade, abstain; Strawser,
12 aye.

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

15 ***

16 Correspondence

17 [Thomas M. Davis, Esquire, Board Counsel, addressed
18 correspondence received from Carolyn Hubert-Black, a
19 licensed massage therapist in Pennsylvania, on August
20 4, 2022, requesting the Board consider creating a
21 massage therapy apprenticeship program as an
22 alternative way to obtain licensure.

23 Mr. Davis noted Ms. Hubert-Black cited examples
24 of a few states that have apprenticeship programs
25 currently. He responded, stating that the Board was

1 aware of other states having apprenticeship programs
2 because their practice act allows for apprenticeship
3 programs, whereas the Pennsylvania Massage Therapy
4 Act does not discuss apprenticeship programs.

5 Mr. Davis also provided Ms. Hubert-Black with
6 minutes from the Board's August 5, 2020 meeting,
7 where the Board briefly discussed apprenticeship
8 programs at and the chair at that time mentioned that
9 Florida was most likely eliminating their
10 apprenticeship program after experiencing some
11 issues. He suggested Ms. Hubert-Black discuss the
12 issue with an elected representative but also offered
13 to have the issue added to the agenda.

14 Chair Porambo asked Ms. Hubert-Black if she would
15 like to address the Board.

16 Ms. Hubert-Black commented that there are a lot
17 of individuals doing massage therapy who have not
18 attended massage therapy schools. She noted
19 researching other states with apprenticeship programs
20 and seeing what was working and not working. She
21 noted apprenticeship to be an alternative for those
22 who cannot attend a traditional school because of
23 their occupation, family, or other reasons and
24 suggested the addition of apprenticeship programs
25 would also cut down on the unlicensed practice of

1 message therapy as well as criminal activity in the
2 industry.

3 Ms. Hubert-Black also noted apprenticeship
4 programs would benefit massage therapy because it
5 would be an alternative for people to become licensed
6 and increase the overall number of licensees since
7 there is a decline of massage therapists. She asked
8 the Board to consider apprenticeship, noting if it
9 does not work, the Board has the power to make
10 changes.

11 Ms. Hicks commented that anyone practicing
12 massage without any training is practicing without a
13 license. She noted that more alternatives for
14 education or hybrid programs is something most states
15 should be thinking about but suggested it has to be
16 done through a school and proper channels. She said
17 that anyone practicing massage without a license
18 should be reported.

19 Ms. Douglas noted not being opposed to the idea
20 of an apprenticeship program but was not clear of how
21 that would work. She also was not sure whether the
22 average massage therapist could give someone the
23 education and background needed to become a massage
24 therapist because a lot of information has changed.

25 Mr. Strawser expressed concern with the quality

1 of "education" involved with an apprenticeship and
2 whether it would be to the level needed for state
3 requirements because most schools are anywhere from
4 500 to 900 hours of mostly in-person training.

5 Ms. Keth commented that a straight apprenticeship
6 program would not work due to anatomy, physiology,
7 and pathology education required to be a licensed
8 massage therapist. She mentioned it could be part of
9 a hybrid program at some point but would have to be
10 part of a hybrid program at some point but it would
11 have to part of an accredited program with
12 apprenticeship as a different component instead of
13 some of the lab work.

14 Ms. Hicks mentioned that apprenticeship would
15 help students transition into the workforce and help
16 individuals understand their career a lot sooner than
17 if they just learned massage in a classroom. She
18 noted the importance of an educational component
19 being there and possibly being required to also take
20 the Massage & Bodywork Licensing Examination (MBLEx)
21 like everyone else. She believed apprenticeship
22 would help the staff shortage in the industry
23 nationwide and that schools would also help.

24 Ms. Alumbro Shade agreed with the importance of
25 having knowledge and education, noting someone can

1 learn the practice of treatment but that it is really
2 useless without education.

3 Acting Commissioner Claggett noted apprenticeship
4 to be a good idea but more research would be needed
5 with maybe a comparison of other states to see what
6 other states do and to possibly have another
7 conversation in the future.

8 Ms. Hubert-Black addressed research she found
9 regarding education. She explained that an
10 apprenticeship years ago was like on-the-job
11 training, but apprenticeship is a lot different now
12 because it is regulated by Board members and every
13 apprenticeship program she researched for massage
14 therapy is about hours. She explained that it is a
15 15-month program, where the licensed massage
16 therapists have to apply and fill out an application
17 with the Board.

18 Ms. Hubert-Black informed Board members that
19 apprenticeships typically require 310 hours of hands-
20 on instruction, 300 hours of clinical client
21 services, 125 hours of anatomy and physiology and
22 kinesiology, 120 hours in technique, 50 hours of
23 massage therapy techniques and skills, 40 hours of
24 pathology, 40 hours of ethics and business, 15 hours
25 of sanitation in a combination with cardiopulmonary

1 resuscitation (CPR), and the MBLEx.

2 Chair Porambo thanked Ms. Hubert-Black for
3 bringing the information forward to the Board's
4 attention and asked her to give the Board an
5 opportunity to take a look at things and see how
6 other states are addressing it.]

7 ***

8 Correspondence

9 Waiver Requests

10 MR. DAVIS:

11 Moving to Waiver Requests, which are
12 number 12 through 20 on the Board's
13 agenda. I have the package for these
14 motions based upon discussions in
15 Executive Session.

16 Based on the Board's discussions,
17 I believe the Chair would accept a
18 motion denying the Request for Waiver
19 of all or part of the continuing
20 education requirements of the following
21 individuals: Marianne Casalandra,
22 Lawrence Ford, Barry Gillespie,
23 Bradford Mumpower, Chelsie Werts.

24 CHAIR PORAMBO:

25 Do we have a motion?

1 MR. STRAWSER:

2 I'll make the motion.

3 CHAIR PORAMBO:

4 Second?

5 MS. DOUGLAS:

6 I'll second the motion.

7 CHAIR PORAMBO:

8 Thank you.

9

10 Porambo, aye; Claggett, aye; Nelson,
11 aye; Douglas, aye; Hicks, aye; Keth,
12 aye; Alumbro Shade, abstain; Strawser,
13 aye.

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

16 ***

17 MR. DAVIS:

18 Based on the Board's discussions, I
19 believe the chair would accept a motion
20 approving the Request for Waiver of all
21 or part of the continuing education
22 requirements of the following
23 individuals: Karen Barr-Gosselin,
24 Laura Dellisanti, Anthony DiJohn, Jo
25 Ellen Wisnosky.

1 CHAIR PORAMBO:

2 Do I have a motion?

3 MR. STRAWSER:

4 I'll make the motion.

5 MS. DOUGLAS:

6 I'll second the motion.

7 CHAIR PORAMBO:

8 Thank you.

9

10 Porambo, aye; Claggett, aye; Nelson,
11 aye; Douglas, aye; Hicks, aye; Keth,
12 aye; Alumbro Shade, abstain; Strawser,
13 aye.

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

16 [Thomas M. Davis, Esquire, Board Counsel, stated that
17 in accordance with the recommendation of medical
18 professionals and as evidenced by letters from
19 medical professionals, the licensees whose request
20 for waiver were approved will be allowed to obtain
21 100 percent of their continuing education credits via
22 online computer-based education.]

23

24 Meeting Dates

25 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,

1 Professional Member, noted the next scheduled Board
2 meeting is November 15, 2022.

3 Chair Porambo also noted 2023 Board meeting dates
4 are February 14, April 4, June 7, August 1, September
5 18, and November 14.]

6 ***

7 Adjournment

8 CHAIR PORAMBO:

9 I have nothing more on my agenda. Does
10 anyone else having anything else?

11 Okay, then I'll entertain a motion to
12 adjourn.

13 MR. STRAWSER:

14 I'll make the motion.

15 CHAIR PORAMBO:

16 I'd like to thank everyone for
17 attending and thank Ms. Hubert-Black
18 for bringing the information forward to
19 us.

20 ***

21 [There being no further business, the State Board of
22 Massage Therapy Meeting adjourned at 11:06 a.m.]

23 ***

24

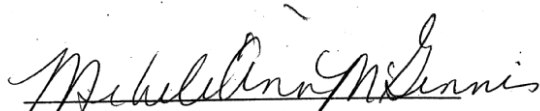
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CERTIFICATE

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.



Michele Ann McGinnis,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

September 20, 2022

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:31	Introduction of Board Members/Attendees
10:32	Approval of Minutes
10:33	Report of Board Regulatory Counsel
10:38	Report of Board Counsel
10:41	Report of Board Prosecutor
10:47	Report of Board Chair
10:48	Report of Board Administrator
10:49	Correspondence
11:06	Adjournment