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

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

MEETING OF:

**STATE BOARD OF MASSAGE THERAPY
VIA VIDEOCONFERENCE**

TIME: 10:42 A.M.

Monday, December 6, 2021

State Board of Massage Therapy
December 6, 2021

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BOARD MEMBERS:

Becky D. Caufman, LMT, Chair
K. Kalonji Johnson, 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
Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Vice Chair,
Professional Member
Bryan Strawser, LMT
Ellyn Jo Waller, Ed.D., Public Member

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Dean F. Picarella, Esquire, Senior Board Counsel
Andrea L. Costello, Esquire, Board Prosecution Liaison
Colby B. Widdowson, Esquire, Board Prosecutor
Kenneth J. Suter, Esquire, Board Prosecutor
Christina Townley, Acting Board Administrator
Marc Farrell, Deputy Policy Director, Department of
State

ALSO PRESENT:

Mai Lin Petrine, Director of Legal and Regulatory
Affairs, Federation of State Massage Therapy Boards
Camille Baughman, MA, BSed, LMT, Camille Baughman &
Associates
Christina Huber, MT, American Massage Therapy
Association
Heather Kazmark, MA, Program Manager, Government
Relations, American Massage Therapy Association
Jen Smeltz, Republican Executive Director, Senate
Consumer Protection & Professional Licensure
Committee
Kelly L. Givens, LMT, CR, American Massage Therapy
Association Pennsylvania Chapter
Natalie Cook, Associate, McNeas-Winter Group LLC,
representing the American Massage Therapy
Association Pennsylvania Chapter

1 ***

2 State Board of Massage Therapy

3 December 6, 2021

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:00 a.m. the Board entered into Executive Session
7 with Thomas M. Davis, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations and
9 to receive advice of Counsel on the matters upon which
10 the Board will later vote. The Board 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 virtual 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 announced that the Board met in
22 Executive Session prior to the meeting for the purpose
23 of conducting quasi-judicial deliberations and to
24 receive advice of Counsel on matters upon which the
25 Board will later vote.]

1 ***

2 The regularly scheduled meeting of the State
3 Board of Massage Therapy was held on Monday, December
4 6, 2021. Becky D. Caufman, LMT, Chair, called the
5 meeting to order at 10:42 a.m.

6 K. Kalonji Johnson, Commissioner, Bureau of
7 Professional and Occupational Affairs, was not present
8 at the commencement of the meeting.

9 ***

10 Introduction of Board Members/Attendees

11 [Chair Caufman requested Board members and attendees
12 introduce themselves.]

13 ***

14 Report of Board Prosecution

15 [Andrea L. Costello, Esquire, Board Prosecution
16 Liaison, presented the Consent Agreement for Case No.
17 17-72-00361.]

18 ***

19 [Colby B. Widdowson, Esquire, Board Prosecutor,
20 presented the Consent Agreement for Case No. 19-72-
21 014777.]

22 MR. DAVIS:

23 Based on the presentations we just
24 heard, is there any Board member that
25 feels the need to reenter into Executive

1 Session to further discuss these matters
2 before our vote? Hearing none.

3 I will go to number 10 on the
4 agenda. Based on the Board's
5 discussions in Executive Session, I
6 believe the Chair would accept a motion
7 to approve the Consent Agreement in the
8 following matter, which is Case No. 17-
9 72-00361.

10 CHAIR CAUFMAN:

11 Jessica?

12 MS. NELSON:

13 I'll make the motion.

14 CHAIR CAUFMAN:

15 Nancy?

16 MS. PORAMBO:

17 I second it.

18 CHAIR CAUFMAN:

19 All those who approve, please say aye.

20 Any oppositions, please state your name.

21 Any abstentions, please state your name.

22 [The motion carried. Commissioner Johnson abstained
23 from voting on the motion. Case No. 17-72-00361 is
24 Commonwealth BPOA v. Enqiu Huang, LMT a/k/a Enqui
25 Huang.]

1 ***

2 MR. DAVIS:

3 Moving on to number 11. Based on the
4 Board's discussions in Executive
5 Session, I believe the Chair would
6 accept a motion to approve the Consent
7 Agreement in the following matter: Case
8 No. 19-72-014777.

9 CHAIR CAUFMAN:

10 Ellyn Jo?

11 DR. WALLER:

12 So moved.

13 CHAIR CAUFMAN:

14 Jessica?

15 MS. NELSON:

16 I'll second.

17 CHAIR CAUFMAN:

18 All those in favor, please say aye. Any
19 oppositions, please state your name.

20 Any abstentions, please state your name.

21 [The motion carried. Commissioner Johnson abstained
22 from voting on the motion. Case No. 19-72-014777 is
23 Commonwealth BPOA v. Gou Tingmei d/b/a Ping Mei Spa
24 a/k/a Tingmei Spa.]

25 ***

1 [K. Kalonji Johnson, Commissioner, Bureau of
2 Professional and Occupational Affairs, entered the
3 meeting at 10:50 a.m.]

4 ***

5 Approval of minutes of the September 28, 2021 meeting

6 CHAIR CAUFMAN:

7 Item number 2, which is the approval of
8 the Board draft minutes from September
9 28, 2021.

10 Did anybody have any additions or
11 corrections? Hearing none.

12 We need a motion from the floor to
13 approve the minutes as presented for the
14 September 28, 2021 meeting.

15 MS. PORAMBO:

16 Motion to approve.

17 CHAIR CAUFMAN:

18 Can we have a second?

19 COMMISSIONER JOHNSON:

20 Second.

21 CHAIR CAUFMAN:

22 All those in favor, please say aye. Any
23 oppositions, please state your name.
24 Any abstentions, please state your name.
25 Hearing none.

1 [The motion carried unanimously.]

2 ***

3 Report of Regulatory Counsel

4 [Thomas M. Davis, Esquire, Board Counsel, informed the
5 Board that proposed regulation 16A-725 regarding
6 massage therapists in cosmetology salons has moved
7 ahead since September. He informed the Board that he
8 provided Regulatory Counsel with a proposed version
9 containing administrative amendments requested by
10 Regulatory Counsel on October 15, 2021. He noted 16A-
11 725 will move forward if Regulatory Counsel approves
12 those changes.

13 Mr. Davis addressed the general revisions
14 regulation, noting that it was his opinion that the
15 current version requires considerable discussion and
16 possibly revision. He suggested having a virtual
17 meeting of the Regulatory Committee to specifically
18 discuss the general revisions regulation before the
19 next meeting on February 15, 2022, and Board members
20 agreed to have a meeting on January 28, 2022.

21 Chair Caufman commented that Act 41 and a few
22 other things have impacted the general revisions
23 regulation and agreed that it needed to be revisited
24 and thanked Mr. Davis for his support.

25 Mr. Davis noted there will be something posted to

1 the Board website announcing the time of the Reg
2 Committee meeting as well as a link, along with some
3 materials with regard to what will be discussed in
4 accordance with the Sunshine Act. He welcomed the
5 public to join the regulatory meeting.]

6

7 Appointment - Mai Lin Petrine, Director of Legal and
8 Regulatory Affairs

9 [Mai Lin Petrine, Director of Legal and Regulatory
10 Affairs, Federation of State Massage Therapy Boards
11 (FSMTB), presented to the Board to provide an overview
12 of programs and services that FSMTB can provide to
13 support the Board.

14 Ms. Petrine stated that FSMTB originated in 2005
15 with a group of regulators from seven different states
16 who noticed a need for a national licensing exam and a
17 national database of massage therapist licensing
18 information with a goal to create an organization to
19 facilitate the development of tools to support
20 consumer protection and massage regulation.

21 Ms. Petrine stated FSMTB was made up of member
22 boards, who have a vote at the annual meeting in
23 directing policy, electing the board of directors,
24 promulgating resolutions, and other task forces. She
25 commented that FSMTB is a 501(c)(3) nonprofit

1 organization comprised of 45 member boards and
2 agencies that dictates what FSMTB can do.

3 Ms. Petrine addressed FSMTB's goal to facilitate
4 professional mobility and simplify and standardize the
5 licensing process. She noted FSMTB represents member
6 boards in matters consistent with the scope of the
7 bylaws. She gave a "shout-out" to Chair Caufman for
8 chairing the Policy Committee with respect to vetting
9 and providing the proposed amendments for the members
10 to consider.

11 Ms. Petrine provided an overview of all of the
12 different things FSMTB offers. She noted the
13 signature program of FSMTB is the Massage & Bodywork
14 Licensing Examination (MBLEx), which was developed
15 through a job task analysis. She noted FSMTB is about
16 to launch another job task analysis and encouraged
17 Board members to look in their mailboxes.

18 Ms. Petrine addressed member support, noting
19 FSMTB provides assistance in revising rules and
20 obtaining best practices or comparative information
21 from other states with respect to a particular issue
22 or topic.

23 Ms. Petrine discussed the launch of the Massage
24 Therapy Licensing Database (MTLD, a/k/a "MaTiLda") for
25 MBLEx results and disciplinary and demographic

1 information from state boards that are participating.

2 She noted it was FSMTB's goal to utilize this tool to
3 facilitate information sharing.

4 Ms. Petrine stated that FSMBT provides a vetting
5 of schools with respect to the eligibility of their
6 students to take the MBLEx to massage regulatory
7 boards. She noted one of the challenges in massage
8 therapy regulation is the lack of consensus on massage
9 education. She mentioned FSMTB has developed an
10 education policy to promote a standard benchmark as to
11 who should be eligible to sit for the exam.

12 Ms. Petrine addressed the massage therapy
13 licensing compact initiative that launched this past
14 May in conjunction with the Council for State
15 Governments. She commented that FSMTB along with the
16 Commission on Massage Therapy Accreditation (COMTA)
17 received a grant from the Department of Defense for
18 the Council for State Governments to facilitate the
19 development of a compact.

20 Ms. Petrine noted that the compact respects the
21 federalism principle and basically creates an
22 agreement between the states that are members of the
23 compact to accept or license individuals from other
24 states. She noted the goal right now is for the draft
25 compact language to be presented for public comment

1 and notice in early spring 2022.

2 Ms. Petrine provided an example of a screenshot
3 from the Massage Therapy Licensing Database (MTLD),
4 which will be a critical element of the compact. She
5 noted every compact that has been enacted has a
6 national database system that facilitates mobility as
7 well as consistency and uniformity in discipline
8 decisions.

9 Ms. Petrine addressed events FSMTB provides for
10 member boards, including the 2022 FSMTB Annual Meeting
11 in Charlotte, NC, October 18-20. She discussed a
12 service called a Member Board Executive (MBE) Summit.

13 Ms. Petrine noted a program FSMTB offers called
14 Regulatory Education and Competence Hub (REACH), which
15 is a collection of online courses developed at FSMTB
16 based on the recommendations from their membership.
17 She provided an example of courses offered. She
18 mentioned being in discussions and working with other
19 member boards to develop courses specific to their
20 needs.

21 Ms. Petrine noted launching the Continuing
22 Education (CE) Registry, which is a registry of
23 continuing education that meets CE standards developed
24 by the License Renewal Committee of FSMTB.

25 Ms. Petrine announced FSMTB would like to promote

1 its communication and outreach with member boards and
2 developed a series of membership events that will
3 launch in January 2022. She noted the events will be
4 on the second Wednesday of each month at 1:00 p.m. EST
5 with the first one starting on January 12, 2022, and
6 provided an overview of some of the topics.

7 Ms. Petrine informed the Board that further
8 information could be obtained on the Massage Therapy
9 Licensing Compact at the Council for State Governments
10 website.

11 Ms. Petrine encouraged the Board to reach out to
12 FSMBT with any questions or inquiries and provided
13 contact information.

14 Chair Caufman commented that the membership
15 virtual events are amazing and encouraged everyone to
16 volunteer, noting people who are not current Board
17 members are able to facilitate volunteerism, too.

18 Chair Caufman thanked Ms. Petrine for the
19 presentation and commented on how FSMTB has grown with
20 the development of MTLTD, which is now a very well-
21 researched database. She encouraged everybody to join
22 the very first membership virtual event titled the
23 "Regulatory Role and the Fundamentals" on January 12.

24 Ms. Petrine thanked Chair Caufman for all of her
25 work for FSMTB.]

1 ***

2 Report of Commissioner
3 [K. Kalonji Johnson, Commissioner, Bureau of
4 Professional and Occupational Affairs, wished everyone
5 a happy holiday season.

6 Commissioner Johnson reminded everyone the
7 regulatory suspension, extended through March 31,
8 2022, includes the use of technology to provide
9 virtual Board meetings. He mentioned working
10 internally to provide streaming capabilities of Board
11 meetings.

12 Commissioner Johnson informed the Board of
13 legislation currently pending in the House that would
14 provide for streaming capability and the use of
15 virtual attendance for the quorum requirement. He
16 will continue to keep the Board apprised of the
17 legislation.

18 Commissioner Johnson informed the Board of a new
19 process for travel requests through the Commonwealth
20 Out-of-State Travel Application (COSTA) portal. He
21 mentioned everyone would need their commonwealth user
22 name and password to start the administrative process
23 for approval. He encouraged everyone to provide
24 adequate notice for travel requests to regional or
25 national conferences to Ms. Townley or Mr. Davis so

1 they could be placed on the agenda to be properly
2 Sunshined.

3 Chair Caufman thanked Commissioner Johnson for
4 all of the support he provides to the Board.]

5 ***

6 Report of Board Chair

7 [Becky D. Caufman, LMT, Chair, noted the Federation of
8 State Massage Therapy Boards Annual Report for the
9 Board's review.]

10 ***

11 Report of Board Administrator - No Report

12 ***

13 Report of Board Counsel

14 Adjudications and Orders

15 MR. DAVIS:

16 The following matters were discussed in
17 Executive Session earlier as we
18 mentioned per the Sunshine Act.

19 Turning to number 5, based on the
20 Board's discussions in Executive
21 Session, I believe the Chair would
22 accept a motion authorizing Counsel to
23 draft an Adjudication and Order
24 consistent with the Board's discussions
25 for the following matter: Commonwealth

1 BPOA v. Darius G. Battles, LMT, Case No.
2 21-72-000120.

3 CHAIR CAUFMAN:

4 From the floor, we need a motion,
5 please.

6 Jessica?

7 MR. DAVIS:

8 For the record, Ms. Nelson has recused
9 from this matter.

10 CHAIR CAUFMAN:

11 That's correct, okay.

12 So, Vickiann, could we have a
13 motion, please?

14 MS. HICKS:

15 I motion.

16 CHAIR CAUFMAN:

17 Nancy, could you second, please?

18 MS. PORAMBO:

19 I second.

20 CHAIR CAUFMAN:

21 All those in favor, please say aye. All
22 those opposed, please state your name.
23 Any abstentions, please state your name.
24 Seeing none.

25 [The motion carried. Jessica Nelson recused herself

1 from deliberations and voting on the motion.]

2 ***

3 MR. DAVIS:

4 Number 6 on the Board's agenda, based on
5 the Board's discussions in Executive
6 Session, I believe the Chair would
7 accept a motion to approve as final the
8 Proposed Adjudication and Order in the
9 following matter: Commonwealth BPOA v.
10 Stephen James Getz, LMT, Case No. 19-72-
11 006401.

12 DR. WALLER:

13 So moved.

14 CHAIR CAUFMAN:

15 Second?

16 MS. HICKS:

17 I second.

18 CHAIR CAUFMAN:

19 All those in favor, please say aye. Any
20 oppositions, please state your name.
21 Any abstentions, please state your name.
22 Seeing none.

23 [The motion carried unanimously.]

24 ***

25 MR. DAVIS:

1 Number 7 on the Board's agenda, based on
 2 the Board's discussions in Executive
 3 Session, I believe the Chair would
 4 accept a motion authorizing Counsel to
 5 draft an Adjudication and Order
 6 consistent with the Board's discussions
 7 for the following matter: Commonwealth
 8 BPOA v. David E. Ward, LMT, Case No. 19-
 9 72-013610.

10 MS. NELSON:

11 I'll make the motion.

12 CHAIR CAUFMAN:

13 Linda?

14 MS. CHAMBERLAIN:

15 I'll second it.

16 CHAIR CAUFMAN:

17 All those who approve, please say aye.
 18 Any oppositions, please state your name.
 19 Any abstentions, please state your name.
 20 Hearing none.

21 [The motion carried unanimously.]

22 ***

23 Record of Deliberation

24 MR. DAVIS:

25 Moving to number 8 on the Board's

1 agenda, based on the Board's discussions
2 in Executive Session, I believe the
3 Chair would accept a motion to approve
4 as final the Order Granting License on
5 Probationary Status in the following
6 matter: In the Matter of the
7 Application for a License to Practice
8 Massage Therapy of Ramon A. Avila,
9 Applicant, Case No. 21-72-014823.

10 CHAIR CAUFMAN:

11 Nancy?

12 MS. PORAMBO:

13 I make a motion.

14 CHAIR CAUFMAN:

15 Bryan?

16 MR. STRAWSER:

17 I'll second it.

18 CHAIR CAUFMAN:

19 All those in favor, please say aye.
20 Those who oppose, please state your
21 name. Any abstentions, please state
22 your name. Hearing none.

23 [The motion carried unanimously.]

24 ***

25 MR. DAVIS:

1 Moving to number 9 on the Board's
2 agenda, based on the Board's discussions
3 in Executive Session, I believe the
4 Chair would accept a motion to grant the
5 Commonwealth's Motion to Enter Default
6 and Deem Admitted the Facts in the
7 following matter: Commonwealth BPOA v.
8 Jamie Ronnail Brown, Case No. 21-72-
9 009770.

10 CHAIR CAUFMAN:

11 Jessica?

12 MS. NELSON:

13 I make the motion.

14 CHAIR CAUFMAN:

15 Dana?

16 MS. DOUGLAS:

17 I second the motion.

18 CHAIR CAUFMAN:

19 All those in favor, please say aye. Any
20 oppositions, please state your name. Any
21 abstentions, please state your name.
22 Hearing none.

23 [The motion carried unanimously.]

24 ***

25 Report of Board Administrator

1 Applications for Review

2 MR. DAVIS:

3 Moving to number 12 on the Board's
4 agenda. In the Matter of the
5 Application for Licensure as a Massage
6 Therapist of Astrid Bitzer, based on the
7 Board's discussions in Executive
8 Session, I believe the Chair would
9 accept a motion provisionally denying
10 the application.

11 CHAIR CAUFMAN:

12 Bryan?

13 MR. STRAWSER:

14 I'll make a motion.

15 CHAIR CAUFMAN:

16 Dana?

17 MS. DOUGLAS:

18 I second the motion.

19 CHAIR CAUFMAN:

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

24 [The motion carried unanimously.]

25

1 MR. DAVIS:

2 Moving to number 13 on the Board's
3 agenda, the Board has not elected to
4 approve or provisionally deny this
5 particular application matter, instead
6 the Board Administrator has been
7 instructed to contact the applicant and
8 inform her of her current options.

9 There will be no vote on number 13.

10 ***

11 MR. DAVIS:

12 Moving to number 14 on the Board's
13 agenda, in the Matter of the Application
14 for Licensure as a Massage Therapist of
15 Jenny Wolf, based on the Board's
16 discussions in Executive Session, I
17 believe the Chair would accept a motion
18 provisionally denying the application.

19 CHAIR CAUFMAN:

20 Nancy?

21 MS. PORAMBO:

22 I make a motion.

23 CHAIR CAUFMAN:

24 Linda?

25 MS. CHAMBERLAIN:

1 Second.

2 CHAIR CAUFMAN:

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

7 [The motion carried unanimously.]

8 ***

9 Correspondence

10 MR. DAVIS:

11 Moving to number 15 on the Board's
12 agenda. It's a Continuing Education
13 Waiver Request.

14 Based on the Board's discussions in
15 Executive Session, I believe the Chair
16 would accept a motion denying the
17 Request for Waiver of all or part of the
18 continuing education requirement of the
19 following individual: Hedy Esplen.

20 CHAIR CAUFMAN:

21 Ellyn Jo, could you make a motion for
22 me, please?

23 DR. WALLER:

24 So moved.

25 MS. HICKS:

1 I'll second that.

2 CHAIR CAUFMAN:

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

7 [The motion carried unanimously.]

8 ***

9 [Becky D. Caufman, LMT, Chair, informed everyone of a
10 manual that can be downloaded from the Independent
11 Regulatory Review Commission (IRRC) for review. She
12 noted everyone should also pick up a copy of the
13 statute and regulations and review them.

14 Chair Caufman thanked everyone for attending the
15 meeting. She noted the next scheduled Board meeting
16 is on February 15 and reminded everyone of the
17 regulatory discussion on January 28.]

18 ***

19 Adjournment

20 CHAIR CAUFMAN:

21 I need a motion from the floor to
22 adjourn.

23 MS. PORAMBO:

24 I make a motion.

25 CHAIR CAUFMAN:

1 Will somebody second, please?

2 MS. HICKS:

3 I second that.

4 CHAIR CAUFMAN:

5 All those in favor, please say aye. Any
6 opposition? Any abstentions? Hearing
7 none.

8 I declare the December 6, 2021
9 meeting of the State Board of Massage
10 Therapy so adjourned.

11 [The motion carried unanimously.]

12 ***

13 [There being no further business, the State Board of
14 Massage Therapy Meeting adjourned at 11:42 a.m.]

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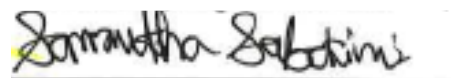
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CERTIFICATE

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.



Samantha Sabatini,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

December 6, 2021

TIME	AGENDA
9:00	Executive Session
10:30	Commence Open Session
10:42	Official Call to Order
10:42	Introduction of Board Members/Attendees
10:46	Report of Board Prosecution
10:54	Approval of Minutes
10:55	Report of Regulatory Counsel
11:00	Appointment - Federation of State Massage Therapy Boards Presentation
11:26	Report of Commissioner
11:31	Report of Board Chair
11:31	Report of Board Counsel
11:37	Report of Board Administrator
11:39	Correspondence
11:42	Adjournment