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

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

MEETING OF:

**STATE BOARD OF MASSAGE THERAPY
VIA VIDEOCONFERENCE**

TIME: 10:36 A.M.

Wednesday, April 7, 2021

State Board of Massage Therapy
April 7, 2021

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ALSO PRESENT: (cont.)

Kelly L. Givens, LMT, CR, American Massage Therapy
Association
Natalie Cook, Associate, McNees-Winter Group LLC,
representing the American Massage Therapy
Association Pennsylvania Chapter

1 ***

2 State Board of Massage Therapy

3 April 7, 2021

4 ***

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

12 ***

13 [Theodore Stauffer, Executive Secretary, Bureau of
14 Professional and Occupational Affairs, reminded
15 everyone that the meeting was being recorded, and
16 those who remained on the line were giving their
17 consent to be recorded.]

18 ***

19 The regularly scheduled meeting of the State
20 Board of Massage Therapy was held on Wednesday, April
21 7, 2021. Becky D. Caufman, LMT, Chair, called the
22 meeting to order at 10:37 a.m.

23 ***

24 Report of Commissioner - No Report

25 [K. Kalonji Johnson, Commissioner, Bureau of

1 Professional and Occupational Affairs, welcomed the
2 newest members, Mr. Strawser and Ms. Douglas to the
3 Board.

4 Commissioner Johnson announced Ms. Rosado would
5 be leaving the Board.

6 Chair Caufman also mentioned Camille Baughman's
7 last meeting was last month and was also on the line.

8 Commissioner Johnson read a proclamation, on
9 behalf of the Department of State, Bureau of
10 Professional and Occupational Affairs.

11 Commissioner Johnson thanked Ms. Rosado for her
12 service and wished her the best of luck in her future
13 endeavors.

14 Ms. Rosado stated it had been an honor to serve
15 and represent the state of Pennsylvania and licensed
16 massage therapists.

17 Ms. Baughman noted it had been an honor to serve
18 and congratulated Mr. Strawser and Ms. Douglas for
19 their appointments.]

20 ***

21 Introduction of Board Members/Attendees

22 [Chair Caufman requested Board members and attendees
23 introduce themselves.

24 Ms. Douglas provided a summary of her
25 professional background.

1 Mr. Strawser also provided a summary of his
2 professional background.]

3 ***

4 Report of Board Prosecution

5 [Colby B. Widdowson, Esquire, Board Prosecutor,
6 presented the Consent Agreement for Case No. 20-72-
7 003296.]

8 ***

9 [Andrea L. Costello, Esquire, Board Prosecution
10 Liaison, presented the Consent Agreements for Case No.
11 18-72-007521, Case No. 19-72-002127, Case No. 19-72-
12 004080, and Case No. 20-72-012420.

13 Ms. Costello described her role as prosecution
14 liaison, stating she is the lead person in prosecution
15 for massage and the point contact person for the
16 Board.

17 Ms. Costello provided a summary for new Board
18 members of the pilot program in prosecution with a
19 nonprofit located in Dauphin County that will be
20 offering advocates for all of the boards for any
21 victims throughout the state. She noted massage
22 therapy does deal with a fair number of cases
23 involving victims.]

24 MR. DAVIS:

25 Pursuant to Section 708(a)(5) of the

1 Sunshine Act, at 9 a.m. this morning,
2 the Board entered into executive session
3 for the purpose of conducting quasi-
4 judicial deliberations and to receive
5 advice of counsel on the matters upon
6 which the Board will now vote.

7 Do any of the Board members feel
8 the need to reenter executive session to
9 further discuss any of the consent
10 agreements that were just presented?
11 Hearing none. I will move forward with
12 the vote, and I will package them.

13 Based upon the Board's discussions
14 in executive session, I believe the
15 chair would accept the motion to approve
16 the Consent Agreements in the following
17 matters: Case No. 18-72-007521, Case
18 No. 19-72-002127, Case No. 19-72-004080,
19 Case No. 20-72-012420, Case No. 20-72-
20 003296.

21 CHAIR CAUFMAN:

22 From the floor? We need a motion to
23 approve.

24 MS. PORAMBO:

25 Motion to approve.

1 CHAIR CAUFMAN:

2 Thank you. We need a second, please.

3 MS. NELSON:

4 Second.

5 CHAIR CAUFMAN:

6 Jessica seconds. All those in favor,
7 please say aye. All those opposed,
8 please state your name. Any
9 abstentions, please state your name.

10 Hearing none.

11 [The motion carried unanimously. Case No. 18-72-
12 007521 is Commonwealth BPOA v. Steven Torres, LMT;
13 Case No. 19-72-002127, Commonwealth BPOA v. Kevin E.
14 Gilliam, LMT; Case No. 19-72-004080, Commonwealth BPOA
15 v. Liling Xu d/b/a Cozy Spa, Inc., aka Cozy Spa; Case
16 No. 20-72-012420, Commonwealth BPOA v. Peter Owen
17 Theune, LMT; and Case No. 20-72-003296, Commonwealth
18 BPOA v. Nicholas Joseph Peters, LMT.]

19

20 Appointment - Bureau of Finance and Operations Annual
21 Budget Presentation

22 [Shannon Boop, Fiscal Management Specialist 1, Bureau
23 of Finance and Operations, Department of State,
24 addressed licensee population from a revenue
25 standpoint. She noted 8,044 licenses at the time of

1 the report, which increased to 8,071 as of this
2 morning. She noted from FY 2016/2017 to FY 2018/2019
3 licenses decreased by 123 with another decrease of
4 1,060 from FY 2018/2019 to FY 2020/2021.

5 Ms. Boop addressed revenue by source, noting the
6 biennial total. She stated 96% of revenue came from
7 renewals and applications.

8 Ms. Boop provided a categorical breakdown of
9 expenses. She noted expenses were incurred through
10 direct cost, timesheet-based cost, and licensee-based
11 fees. She noted expenses for FY 2018-2019 and FY
12 2019-2020, along with the current budget for FY 2020-
13 2021 and expenses as of March 29, 2021. She noted the
14 current expenses and the current budget figures should
15 be adequate.

16 Ms. Porambo requested information regarding how
17 the pandemic affected expense categories.

18 Kimberly Adams, Chief of Fiscal Management, Bureau
19 of Finance and Operations, Department of State,
20 explained that there had been a decrease in the Board
21 member expenses due to working remotely. She
22 commented that legal expenses were higher in 2019,
23 although noting a spike in BEI, which will raise that
24 back up again. She stated COVID may be affecting the
25 licensee population and will probably continue.

1 Ms. Hicks questioned where the Board would get the
2 extra revenue to continue running if they are losing
3 members.

4 Commissioner Johnson mentioned the importance of
5 identifying the cause of the decline, whether it is
6 cyclical, due to COVID, or attrition by some other
7 source. He commented that it would be difficult to
8 make presumptions about revenue until it is known
9 whether or not that population is coming back.

10 Ms. Boop reviewed revenues and expenses for FY
11 2020-2021, noting BFO will continue to monitor the
12 balance. She mentioned that the drop in licenses and
13 increase in expenses raises concern despite the fee
14 increase.

15 Ms. Boop reviewed a breakdown of Board member
16 expenses, noting FY 2018-2019, FY 2019-2020, and the
17 FY 2020-2021 budget and expenses. She stated the
18 \$19,000 budget would be adequate, which was carried
19 over to FY 2021-2022. She mentioned that any excess
20 revenue would back into the Board's restricted account
21 for the Board's use.

22 Ms. Adams mentioned BFO reached out and was
23 working with the Commissioner regarding the decline in
24 the Board's licensee population.

25 Chair Cauffman informed new Board members of fee

1 increases being implemented over the next two renewal
2 cycles.

3 Ms. Hicks noted the importance of planning for the
4 future and questioned whether there is any feedback or
5 research in the state to see how many schools have
6 actually closed and are not running programs due to
7 COVID.

8 Commissioner Johnson commented that it would be
9 difficult to know whether a school's status was
10 temporary or permanent and did not believe the
11 department has the resources to conduct such a
12 comprehensive level of research.

13 Chair Caufman requested Ms. Embleton address what
14 other states are encompassing.

15 Laura B. Embleton, Government Relations Director,
16 Associated Bodywork & Massage Professionals, mentioned
17 seeing a decrease in people across the board who are
18 not staying licensed because of just not wanting to
19 deal with it.

20 Ms. Embleton stated there was legislation in many
21 states to allow distance learning, but there were no
22 parameters on the distance learning. She stated the
23 problem needed to be faced as a community on how to
24 move forward in this matter.

25 Chair Caufman commented that other people have

1 noted the same thing, including The Council for State
2 Governments, who could not give a time frame.

3 Camille Baughman, BS, MA, LMT, questioned whether
4 there was anything that the Board, Commission, or the
5 State can do to offset some of this.

6 Commissioner Johnson explained that there was not
7 much that could be done administratively and
8 encouraged professionals and businesses to look for
9 any federal monies currently being made available with
10 regard to COVID relief. He also recommended everyone
11 check with the Pennsylvania Department of Education
12 and the United States Department of Education for any
13 type of grants that may be available with respect to
14 pandemic relief.

15 Chair Caufman thanked the Bureau of Finance and
16 Operations for their presentation and Commissioner
17 Johnson for working with the Board as they move
18 forward.]

19

20 Approval of minutes of the February 16, 2021 meeting

21 CHAIR CAUFMAN:

22 We need to look at Item No. 2, which is
23 our draft minutes from February 16,
24 2021.

25 [The Board discussed corrections to the minutes.]

1 CHAIR CAUFMAN:

2 Notice any other corrections for our
3 draft minutes from February 16, 2021?
4 Hearing none.

5 We need a motion from the floor to
6 approve the draft minutes from February
7 16, 2021, with corrections.

8 MS. HICKS:

9 I motion.

10 DR. WALLER:

11 I'll second.

12 CHAIR CAUFMAN:

13 Vickiann first and Ellyn Jo second. All
14 those in favor, please say aye. All
15 those opposed, please state your name.
16 Any abstentions, please state your name.
17 Hearing none.

18 [The motion carried unanimously. Dana Douglas, Bryan
19 Strawser, and Nancy Porambo abstained from voting on
20 the motion.]

21 ***

22 Report of Regulatory Counsel

23 [Thomas M. Davis, Esquire, Board Counsel, provided a
24 Regulatory Status Report for the Board's review. He
25 worked on the Regulatory Analysis Form (RAF) for the

1 cosmetology regulation at 16A-726 and is in contact
2 with the Board of Cosmetology Board Counsel on jointly
3 promulgating and turning it over to regulatory counsel
4 within two weeks' time.

5 Mr. Davis requested the Board settle on a primary
6 and secondary for the Applications Committee. He
7 questioned whether Ms. Porambo was interested in
8 staying on the committee. He noted Ms. Nelson will be
9 staying on the Probable Cause Screening Committee.

10 Chair Caufman questioned whether Ms. Porambo had
11 been reappointed.

12 Commissioner Johnson mentioned seeing information
13 go back and forth with regard to some spots for the
14 Board but was hesitant to provide more detail because
15 the information was being reviewed and had to go to
16 the Senate.

17 Ms. Porambo noted being interested in continuing
18 in that capacity if she was reinstated around April
19 19, 2021.

20 Mr. Davis commented that her Until Successor
21 Qualifies (USQ) is up almost immediately, which makes
22 her not available to serve on the Applications
23 Committee, and suggested assigning individuals to the
24 Applications Committee and reevaluating the situation
25 at the next meeting.

1 Mr. Davis informed the Board of a scam alert,
2 noting the information is also posted on the main
3 Bureau of Professional and Occupational Affairs (BPOA)
4 website. He stated the scammers are using a caller ID
5 to seem to be from the Department of State.

6 Mr. Davis reported that scammers are threatening
7 license suspension for failure to act and falsely
8 claiming involvement with the Federal Bureau of
9 Investigation (FBI) and the Drug Enforcement
10 Administration (DEA). He noted scammers are known to
11 aggressively threaten license suspension for failure
12 to provide personal information.

13 Mr. Davis informed everyone that BPOA will not
14 call anyone and threaten a license or demand payment
15 over the phone. He encouraged everyone to view the
16 website and alert law enforcement if this happens to
17 anyone.]

18 ***

19 Report of Board Counsel

20 [Thomas M. Davis, Esquire, Board Counsel, addressed
21 Act 116 of 2020 regarding carryover of continuing
22 education credits.

23 Ms. Townley suggested placing a cap on the number
24 of cycles if there were no third-party involvement and
25 if the Board was interested in the carryover.

1 Ms. Hicks addressed the importance of Board
2 directing and helping people obtain continuing
3 education (CE) credits during COVID and to assist
4 members and licensees as other states have been doing
5 to be able to navigate and provide answers moving
6 forward. She stated that allowing credits to be
7 carried over was the right thing to do.

8 Ms. Douglas agreed with the carryover, noting
9 continuing education could be incredibly expensive.
10 She also stated many people were losing money due to
11 not practicing and believed it made more sense on a
12 practical end to carryover continuing education
13 credits.

14 Ms. Porambo also was in agreement to make the
15 process much easier. She commented that sometimes
16 conferences offer a host of different credits to take
17 and carryover would be helpful with saving money,
18 noting the average salary of massage therapist is
19 around \$35,000.

20 ***
21 [Chair Caufman noted Bryan Strawser, LMT, exited the
22 meeting sometime earlier.]

23 ***
24 [Mr. Davis reported that massage therapists are
25 required to keep track of CE hours and suggested the

1 Board consider that the carryover could increase the
2 chances of a massage therapist not having the required
3 24 credits in a biennium instead of the nice neat
4 packaging of 24 per biennium. He will try to provide
5 an annex at the next meeting and see if the Board
6 still wanted to move forward with the carryover.

7 Chair Caufman requested Ms. Embleton provide her
8 and Mr. Davis information regarding other states.

9 Mr. Davis addressed the Massage Therapy Compact,
10 noting that the Federation of State Massage Therapy
11 Boards (FSMTB) informed them on March 17, 2021, that
12 the United States Department of Defense selected the
13 massage therapy profession to receive technical
14 assistance from The Council of State Governments to
15 develop an interstate compact for occupational
16 licensing portability.

17 He mentioned the goal is to simplify and
18 standardize the licensure process in order to
19 facilitate professional licensure mobility. He stated
20 the FSMTB, the Commission on Massage Therapy
21 Accreditation (COMTA), and the Associated Bodywork &
22 Massage Professionals (ABMP) are all involved with the
23 American Massage Therapy Association (AMTA) soon to be
24 involved.

25 Chair Caufman commented that all of the work that

1 was done, the Massage Therapy Licensing Database
2 (MaTiLDa) and the Regulatory Education and Competence
3 Hub (REACH), got the attention of the Department of
4 Defense. She stated FSMTB was awaiting further
5 instruction from the Council of State Governments and
6 the Department of Defense to proceed. She mentioned
7 all the efforts of all the states, noting it to be an
8 honor to be involved.

9 Mr. Davis noted that this will be through
10 legislation if it directly impacts the Board and will
11 be waiting to see legislation in the future.

12 Mr. Davis referred to item 6 on the agenda and
13 will be sending a letter to the individual regarding
14 that application matter.]

15 ***

16 Report of Board Chair - No Report

17 ***

18 Report of Board Administrator

19 Review of Applications

20 [Thomas M. Davis, Esquire, Board Counsel, noted item
21 12 is a reactivation matter, stating the individual
22 had been administratively reactivated, so there was
23 nothing to discuss.

24 Ms. Townley formally welcomed Ms. Douglas and Mr.
25 Strawser. She also thanked Ms. Rosado and Ms.

1 Baughman for their service.]

2

3 [Becky D. Caufman, LMT, Chair, questioned whether
4 there is an update regarding in-person Board meetings
5 and whether Board members are allowed to travel to the
6 FSMTB in-person annual meeting in October 2021.

7 Commissioner Johnson informed the Board to plan
8 on continuing the virtual platform for the June 1,
9 2021 meeting. He did not want to advise one way or
10 the other with regard to planning for the FSMTB
11 Meeting in October 2021.

12 Commissioner Johnson commented that the
13 associations and interstate organizations were
14 planning their schedules for fall and winter of this
15 year and were optimistic about virtual meetings, but
16 he hoped they would be prudent in terms of considering
17 the level of safety that needed to be implemented.

18 Chair Caufman noted being grateful to the tech
19 people and Mr. Stauffer for their assistance with the
20 virtual meetings.]

21

22 Miscellaneous

23 [Becky D. Caufman, LMT, Chair, referred to the
24 proposed 2022 Board meeting dates for the Board's
25 review. She noted the next scheduled meeting date is

1 June 1, 2021.

2 Edward Portley Jr., LMT, Just This Side of Heaven
3 Massage & Continuing Education for Massage Therapists,
4 requested information regarding the status of the
5 proposed changes to the regulations and whether Act
6 116 of 2020 would need to be inserted before being
7 reintroduced to the public for public opinion.

8 Mr. Davis addressed the General Revisions
9 package, noting there had not been movement on it for
10 a while. He explained that certain regulations had to
11 move before others, especially regulations mandated by
12 legislation. He will continue with the General
13 Revisions regulation as soon as the Act 41 regulations
14 were completed, as well as two other statutorily
15 required regulations.

16 Mr. Davis did not believe the CE regulation
17 should be added to the General Revisions because the
18 General Revisions regulation was further along in the
19 process than the CE regulation and might slow its
20 progress down.]

21 ***

22 Adjournment

23 CHAIR CAUFMAN:

24 We need a motion from the floor to
25 adjourn, please.

1 MS. PORAMBO:

2 Motion to adjourn.

3 CHAIR CAUFMAN:

4 We need a second.

5 DR. WALLER:

6 Second.

7 CHAIR CAUFMAN:

8 Thank you, Ellyn Jo. All those in
9 favor, please say aye. All those
10 opposed, please state your name. Any
11 abstentions, please state your name.
12 Hearing none. The April 7, 2021 meeting
13 for the State Board of Massage Therapy
14 is adjourned.

15 [The motion carried unanimously.]

16 ***

17 [There being no further business, the State Board of
18 Massage Therapy Meeting adjourned at 12:08 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.



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

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

April 7, 2021

| TIME | AGENDA |
|-------|--|
| 9:00 | Executive Session |
| 10:30 | Return to Open Session |
| 10:37 | Official Call to Order |
| 10:41 | Introduction of Board Members/Attendees |
| 10:52 | Report of Board Prosecution |
| 11:09 | Appointment - Bureau of Finance and Operations Annual Budget Presentation |
| 11:37 | Approval of Minutes |
| 11:39 | Report of Regulatory Counsel |
| 11:46 | Report of Board Counsel |
| 11:58 | Report of Board Administrator |
| 12:02 | Miscellaneous |
| 12:08 | Adjournment |

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