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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: 10:31 A.M.

Tuesday, June 1, 2021

State Board of Massage Therapy
June 1, 2021

BOARD MEMBERS:

Becky D. Caufman, LMT, Chair
K. Kalonji Johnson, Commissioner, Bureau of
Professional and Occupational Affairs - Absent
Linda A. Chamberlain, MS, BSN, RN, CNDLTC, Secretary
of Health designee
Jessica A. Nelson, Office of Attorney General Designee
- Absent
Dana J. Douglas, LMT
Vickiann Hicks, LMT, BCTMB, CCCA
Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Vice Chair,
Professional Member
Bryan Strawser, LMT
Ellyn Jo Waller, Ed.D., Public Member
Jennifer Keth, LMT

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Andrea L. Costello, Esquire, Board Prosecution Liaison
Kenneth J. Suter, Esquire, Board Prosecutor
Garrett A. Rine, Esquire, Board Prosecutor
Dean Picarella, Esquire, Senior Counsel
Heather McCarthy, Esquire Senior Prosecuting Attorney
Christina Townley, Board Administrator
Marc Farrell, Deputy Policy Director, Department of
State
Theodore Stauffer, Executive Secretary, Bureau of
Professional and Occupational Affairs

ALSO PRESENT:

Natalie Cook, Associate, McNeas-Winter Group LLC,
representing the American Massage Therapy
Association Pennsylvania Chapter
Pete Medd, CEO, MPower Education
Brenda Marunich, LMT
Camille Baughman, LMT
Kelly L. Givens, LMT, CR, American Massage Therapy
Association
Kim Santos, LMT
Lorena Haynes, Director, Government Relations,
Federation of State Massage Therapy Board

1 ***

2 State Board of Massage Therapy

3 June 1, 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 [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 Board of
20 Massage Therapy was held on Tuesday June 1, 2021.
21 Becky D. Caufman, LMT, Chair, called the meeting to
22 order at 10:31 a.m.

23 She welcomed Nancy Porambo, LMT, who was
24 reappointed to the Board, and Jennifer Keth,
25 Professional Member. Ms. Keth provided a brief

1 history of her professional employment.]

2 ***

3 Introduction of Board Members/Attendees

4 [Chair Caufman requested a roll call of members and
5 introduction of attendees.]

6 ***

7 Report of Board Prosecution

8 [Garrett A. Rine, Esquire, Board Prosecutor, presented
9 a Consent Agreement for Case No. 19-72-009304.]

10 ***

11 Appointment - MPower Education

12 [Pete Medd, MPower educator in Massage Therapy, noted
13 that MPower Education owns and operates schools in
14 other states and consults with community colleges and
15 universities interested in starting massage programs
16 to provide curriculum administration and guidance.
17 Mr. Medd stated the goal of MPower is to make entry
18 level education more affordable and more accessible.

19 He noted the states that utilize distance
20 education include Maryland, Virginia and Ohio, and
21 Senate Bill 1130 in Texas was overwhelmingly passed
22 which allows for online delivery of education for
23 massage. Mr. Medd stated allowing distance education
24 would help students, schools, employers and the
25 general public as the demand for healing and

1 therapeutic benefits continues to grow. He talked
2 about recent statistics indicating graduates who have
3 completed a number of programs being at the lowest
4 rate since 1999 and those graduates who have completed
5 a number of programs never enter the workforce.

6 Mr. Medd indicated the MBLEx pass rates in other
7 states that utilize hybrid programs was over 90
8 percent. He stated the Commission on Massage Therapy
9 Accreditation (COMTA) recognizes distance education in
10 its massage curriculum program and offer available
11 guidelines on how distance education was evaluated.

12 Mr. Medd requested that the Pennsylvania State
13 Board of Massage Therapy consider making the temporary
14 allowance for limited distance education for entry
15 level massage programs permanent making it more
16 affordable and accessible to Pennsylvania residents.

17 Mr. Davis suggested this would likely require a
18 legislative change and suggested that Mr. Medd contact
19 a legislator.]

20 ***

21 Approval of Board Minutes

22 [Chair Cauffman requested approval of the April 7, 2021
23 meeting minutes.

24 CHAIR CAUFMAN:

25 Are there any additions or corrections?

1 [The Board discussed corrections to the minutes.]

2 CHAIR CAUFMAN:

3 We need a motion from the floor to
4 accept the draft minutes of the April 7,
5 2021 meeting.

6 DR. WALLER:

7 I motion.

8 MS. HICKS:

9 I'll second.

10 CHAIR CAUFMAN:

11 All those in favor say aye? All those
12 opposed state your name? All those who
13 are abstaining state your name?

14 [The motion passed. Ms. Keth abstained from voting on
15 the motion.]

16 ***

17 Report of Regulatory Counsel

18 [Thomas M. Davis, Esquire, Board Counsel, referred to
19 the Regulation Status Report for further discussion of
20 the following two updates:

21 The regulation dealing with massage therapists
22 and cosmetology or esthetician salons, 16A-726, was
23 sent to regulatory counsel on April 20 of 2021 and is
24 under internal review.

25 Act 41, Licensure by Endorsement, was sent to

1 regulatory counsel on January 8, 2021 and is also
2 under review.

3 Mr. Davis advised Board members about a scam
4 alert and read a prepared statement into the record
5 regarding the matter. He stated that additional
6 information is available on the PA Department of State
7 website at www.dos.pa.gov.

8 He also referred members interested in being
9 added to the COVID-19 mailing list to the PA Unites
10 Against COVID website which provides a direct link to
11 the newsletter at www.pa.gov/COVID/newsletter.]

12 ***

13 Report of Board Counsel

14 Adjudications and Orders

15 [Thomas M. Davis, Esquire, Board Counsel, again noted
16 that pursuant to Section 708(a)(5) of the Sunshine
17 Act, at 9:00 a.m. the Board earlier entered into
18 executive session for the purpose of conducting quasi-
19 judicial deliberations and to receive advice of
20 counsel on the following matters:

21 MR. DAVIS:

22 Based on the Board's discussions in
23 executive session, I believe the Chair
24 would accept a motion to approve as final
25 the Draft Adjudication and Order in the

1 following matter: Commonwealth of
2 Pennsylvania, Bureau of Professional and
3 Occupational Affairs vs. Gregory A.
4 Gilson, LMT, Case No. 19-72-010942.

5 DR. WALLER:

6 Motion to approve.

7 MS. PORAMBO:

8 Second

9 CHAIR CAUFMAN:

10 All those in favor please say aye? All
11 those opposed please state your name?
12 Any abstentions?

13 [The motion carried unanimously.]

14 ***

15 MR. DAVIS:

16 Moving on to Number Five on the Board's
17 agenda, I do want to mention that Jessica
18 Nelson, Board Member, was going to be
19 asked to recuse; however, Jessica Nelson
20 is not present today thereby, she did not
21 participate in any discussions and will
22 not be participating in the vote.

23 Number Five on the Board's agenda,
24 based on the Board's discussions in
25 executive session I believe the Chair

1 would accept a motion to adopt the
2 Proposed Adjudications, address
3 exceptions and substitute the Board's
4 Order in the following matter:
5 Commonwealth of Pennsylvania, Bureau of
6 Professional and Occupational Affairs vs.
7 Baoquoc N. Nguyen, LMT, Case No. 20-72-
8 005283.

9 MS. CHAMBERLAIN:

10 I'll make the motion.

11 MS. HICKS:

12 I'll second it.

13 CHAIR CAUFMAN:

14 Are we approving or opposing this?

15 MR. DAVIS:

16 For now you are approving and directing
17 Board Counsel to address the exceptions
18 and substitute the Board's Order.

19 CHAIR CAUFMAN:

20 I wanted to make sure. I have a lot of
21 people trying to understand.

22 So all those in favor say aye? All
23 those opposed please state your name?

24 Any abstentions please state your name?

25 [The motion carried unanimously.]

1 ***

2 MR. DAVIS:

3 Moving on to Number Six on the Board's
4 agenda, based on the Board's discussions
5 in executive session, I believe the Chair
6 would accept a motion to grant the
7 Commonwealth's Motion to Enter Default
8 and Deem Facts Admitted in the following
9 matter: Commonwealth of Pennsylvania,
10 Bureau of Professional and Occupational
11 Affairs vs. Troy Jones, Case No. 19-72-
12 004738.

13 MS. CHAMBERLAIN:

14 I make a motion.

15 DR. WALLER:

16 I'll second.

17 CHAIR CAUFMAN:

18 All those in favor please say aye? All
19 those opposed please state your name? Any
20 abstentions please state your name?

21 [The motion carried unanimously. Counsel will draft
22 an Adjudication and Order for the Board's review at a
23 later meeting.]

24 ***

25 MR. DAVIS:

1 Number seven on the Board's agenda.
 2 Based on the Board's discussions in
 3 executive session I believe the Chair
 4 would accept a motion to grant the
 5 Commonwealth's Motion to Enter Default
 6 and Deem Facts Admitted in the following
 7 matter: Commonwealth of Pennsylvania,
 8 Bureau of Professional and Occupational
 9 Affairs vs. Eric Ribar, Case No. 19-72-
 10 001488.

11 MS. PORAMBO:

12 I make a motion.

13 MS. DOUGLAS:

14 I second it.

15 CHAIR CAUFMAN:

16 All those in favor please say aye? Any
 17 opposition state your name? Any
 18 abstention please state your name?

19 [The motion carried unanimously. Counsel will draft
 20 an Adjudication and Order for the Board's review at a
 21 later meeting.]

22 ***

23 MR. DAVIS:

24 Number Eight on the Board's agenda, based
 25 on the Board's discussion in executive

1 session I believe the Chair would accept
2 a motion to grant the Commonwealth's
3 Motion to Enter Default and Deem Admitted
4 the facts in the following matter:
5 Commonwealth of Pennsylvania, Bureau of
6 Professional and Occupational Affairs vs.
7 Steven Murray Waldman, LMT, Case No. 18-
8 72-011110.

9 MS. PORAMBO:

10 I make the motion.

11 MS. CHAMBERLAIN:

12 Second.

13 CHAIR CAUFMAN:

14 All those in favor please say aye? Those
15 opposed please state your name? Any
16 abstentions please state your name?

17 [The motion carried unanimously. Counsel will address
18 an Adjudication and Order for the Board's review at a
19 later meeting.]

20 ***

21 MR. DAVIS:

22 Moving on to Number Nine on the Board's
23 agenda, for record purposes I ask that
24 the record reflect this was attended to
25 in the manner in which I'm about to say

1 it, which is that the Board will vote and
2 only after the vote will I announce the
3 case name on top of which I do ask the
4 Board Chair to recuse herself from this
5 matter. There will be no vote from Board
6 Chair but she can still handle the
7 process because she signed the ITS order
8 in this matter.

9 Based on the Board discussions in
10 executive session, I believe the Chair
11 would accept a motion to approve the
12 Consent Agreement in the following matter
13 which is Case No. 19-72-009304.

14 CHAIR CAUFMAN:

15 Motion from the floor, please?

16 DR. WALLER:

17 So moved.

18 MR. STRAWSER:

19 Second.

20 CHAIR CAUFMAN:

21 All those in favor please say aye? All
22 those opposed, please state your name?
23 And any abstentions please state your
24 name?

25 [The motion carried. Chair Caufman recused from

1 deliberations and voting on the motion.]

2 MR. DAVIS:

3 For the record that is Commonwealth of
4 Pennsylvania, Bureau of Professional and
5 Occupational Affairs vs. David Steven
6 Alder, LMT.

7 ***

8 Report of Board Administrator - No Report.

9 ***

10 Report of Commissioner - No Report.

11 ***

12 Report of Board Chair - No Report.

13 ***

14 Correspondence

15 Matters of Discussion

16 CE and Fee Complaint

17 [Mr. Davis referred members to an email from Denise
18 Lueck for further discussion of her complaints
19 regarding the 2018 fee increase and continuing
20 education classes accepted (and not accepted) by the
21 Board. Mr. Davis clarified that while Lueck
22 complained that the Board increased fees during the
23 pandemic, the fee increase was first discussed in
24 October of 2014 and finalized in December of 2018 long
25 before the COVID-19 pandemic. He also explained that

1 while some CE providers may choose to help CE
2 consumers by describing what courses may, or may not
3 be accepted in the Commonwealth, they do not speak on
4 behalf of the Board, and the provider's analysis may
5 be incorrect. He stated anyone with questions
6 regarding continuing education should review the
7 Massage Therapy Law and the Board's regulations for
8 clarification.]

9

10 Miscellaneous

11 Other

12 [Chair Cauffman and members discussed the Annual
13 Federation of State Massage Therapy Board (FSMTB)
14 Meeting October 7-9, 2021, in Charlotte, North
15 Carolina. Mr. Stauffer recommended that even though
16 the Board has not yet been given permission to attend
17 due to travel restrictions, the Board should still
18 identify its delegate or delegates, and a vote be
19 taken in the matter. Chair Cauffman suggested the
20 delegate be someone who has attended the meeting
21 previously. Ms. Porambo, and Ms. Douglas volunteered
22 to be delegates along with Chair Cauffman who noted
23 this would be her last year to attend. Ms. Hicks
24 expressed her interest but explained she would rather
25 attend in her capacity as a school owner, rather than

1 her capacity as a Board member.

2 Chair Caufman noted some of the subjects that
3 would be discussed at the meeting.]

4 MR. DAVIS:

5 I would suggest that one vote be taken to
6 send Chair Caufman, Ms. Porambo and Ms.
7 Douglas as the three Board
8 representatives from the Board with Chair
9 Caufman being the delegate and Ms.
10 Porambo and Ms. Douglas being the second
11 and third.

12 MS. CHAMBERLAIN:

13 I make the motion.

14 MS. HICKS:

15 I second that.

16 CHAIR CAUFMAN:

17 All those in favor please say aye? All
18 those opposed please state your name?
19 All those abstaining please state your
20 name?

21 [The motion carried unanimously.]

22 ***

23 [Lorena Haynes, Director, Government Relations,
24 Federation of State Massage Therapy Boards, indicated
25 that currently the FSMTB meeting would be live and in

1 person, and that the Board would be advised of any
2 changes. Mr. Davis inquired about the possibility of
3 others attending via distance technology. Ms. Haynes
4 will find out and contact Mr. Davis.

5 Ms. Haynes explained that the Interstate Compact,
6 which started with a grant from the Department of
7 Defense, is to assist military spouses going from
8 state to state with the least amount of bureaucracy.
9 In an effort to do that, they were paving the way to
10 assist the massage therapy profession to create
11 interstate compacts where a licensed massage therapist
12 from one state would be able to work in another state
13 as long as each of those states participate in the
14 compact. There was further discussion regarding the
15 matter.]

16 ***

17 Adjournment

18 [The next meeting is scheduled for August 10, 2021.
19 The remaining meeting dates are September 28, 2021 and
20 December 6, 2021.]

21 CHAIR CAUFMAN:

22 We need a motion from the floor to
23 adjourn.

24 MS. PORAMBO:

25 I motion to adjourn.

1 CHAIR CAUFMAN:

2 We need a second.

3 DR. WALLER:

4 Second.

5 CHAIR CAUFMAN:

6 All those in favor? All those opposed
7 please state your name? Any abstentions
8 please state your name?

9 The June 1, 2021 meeting of the
10 State Board of Massage Therapy is
11 adjourned.

12 [The motion carried unanimously.]

13 ***

14 [There being no further business, the State Board of
15 Massage Therapy Meeting adjourned at 11:41 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.



Evan Bingaman,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

June 1, 2021

| TIME | AGENDA |
|-------|---|
| 9:00 | Executive Session |
| 10:30 | Return to Open Session |
| 10:31 | Official Call to Order |
| 10:32 | Introduction of Board Members/Attendees |
| 10:39 | Report of Board Prosecution |
| 10:42 | Appointment - MPower Education |
| 10:58 | Approval of Minutes |
| 11:00 | Report of Regulatory Counsel |
| 11:03 | Report of Board Counsel |
| 11:04 | Motions |
| 11:15 | Correspondence |
| 11:20 | Miscellaneous |
| 11:41 | Adjournment |