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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 TELECONFERENCE**

TIME: 10:33 A.M.

Tuesday, August 5, 2020

State Board of Massage Therapy  
August 5, 2020

BOARD MEMBERS:

Becky D. Caufman, LMT, Chair  
K. Kalonji Johnson, Commissioner, Bureau of  
Professional and Occupational Affairs  
Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Vice Chair,  
Professional Member - Absent  
Camille Baughman, BS, MA, LMT, Professional Member  
Linda A. Chamberlain, MS, BSN, RN, CNDLTC, Secretary  
of Health designee  
Vickiann Hicks, LMT, BCTMB, CCCA  
Jessica A. Nelson, Office of Attorney General designee  
Gloria E. Rosado, LMT, Professional Member  
Ellyn Jo Waller, Ed.D., Public Member

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel  
Monty J. Batson, Esquire, Board Prosecution Liaison  
Dean F. Picarella, Esquire, Board Counsel  
Peter D. Kovach, Esquire, Senior Prosecutor in Charge  
Christina Townley, Board Administrator  
Cynthia K. Montgomery, Esquire, Deputy Chief  
Counsel/Regulatory Counsel, Department of State  
Andrew LaFratte, MPA, Policy Office, Department of  
State  
Theodore Stauffer, Executive Assistant, Bureau of  
Professional and Occupational Affairs

ALSO PRESENT:

Bobbi Calvert, MT  
Brenda Maruhnich, CL/MT  
Christina Huber, MT  
Jen Smeltz, Executive Director, Consumer Protection  
and Professional Licensure Committee  
Kelly L. Givens, LMT, CR, American Massage Therapy  
Natalie Cook, Associate, McNeese-Winter Group LLC,  
representing the American Massage Therapy  
Association Pennsylvania Chapter

State Board of Massage Therapy  
August 5, 2020

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ALSO PRESENT: (Continued)

Nicole Sidle, Majority Committee Executive Director,  
House Professional Licensure Committee  
Tammy Blauch, MT  
Terry Dixon, MT  
William Mullen, MT

1 \*\*\*

2 State Board of Massage Therapy

3 August 5, 2020

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 shall later vote. The Board returned to  
11 open session at 10:30 a.m.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Massage Therapy was held on Wednesday, August  
15 5, 2020. Becky D. Caufman, LMT, Chair, called the  
16 meeting to order at 10:33 a.m.

17 \*\*\*

18 [Thomas M. Davis, Esquire, Board Counsel, noted the  
19 meeting was being recorded, and those who remain on  
20 the line are giving their consent to being recorded.]

21 \*\*\*

22 Roll Call/Introduction of Audience

23 [Chair Caufman requested a roll call of Board members  
24 and introduction of audience.]

25 \*\*\*

1 [Bobbi Calvert, MT, Franklinton, PA, requested that  
2 the Board develop a better way for massage therapists  
3 to receive information during a pandemic. She noted  
4 frustration with questions not being answered and lack  
5 of information regarding plans of getting back to  
6 work.

7 Mr. Davis stated the Board was created to license  
8 individuals who are deserving of licensure and  
9 discipline individuals who have a license and are not  
10 working up to standards. He stated that when the  
11 Board receives emails and telephone calls in which  
12 advice is sought, the Board routinely suggests that  
13 the caller contact a professional organization or an  
14 attorney who can work on their behalf. The Board does  
15 not give legal advice, and it does not provide  
16 advisory opinions, including interpretations of the  
17 law or the Board's regulations.

18 Mr. Davis explained that the Board leans heavily  
19 upon the Centers for Disease Control and Prevention  
20 (CDC), Department of Health, and outside agencies that  
21 are empowered to create practice guidelines and  
22 advisory opinions that help in situations like global  
23 pandemics.

24 Mr. Davis mentioned that the Department of State  
25 issued numerous regulation suspensions, which are all

1 posted to the Department of State's main website.

2 Mr. Davis noted that, for the past several  
3 months, when licensees called (or emailed) the Board,  
4 asking questions or asking for advice, all inquiries  
5 were redirected to the appropriate agency or outside  
6 entity. He mentioned the Board's adoption of the  
7 Federation of State Massage Therapy Boards (FSMTB)  
8 guidelines which discuss to how to safely reopen shops  
9 during the pandemic. A link to these guidelines is  
10 available on the Board website.

11 Mr. Davis explained that comments and questions  
12 can be received during a Board meeting and taken under  
13 advisement, but the Board does not actually have the  
14 ability to answer questions or give the public their  
15 opinion on any particular topic.]

16 \*\*\*

17 Report of Board Prosecution

18 [Monty J. Batson, Esquire, Board Prosecutor, presented  
19 the Consent Agreement for Case No. 18-72-006944.]

20 \*\*\*

21 [Peter D. Kovach, Esquire, Senior Prosecutor in  
22 Charge, presented the Consent Agreement for Case No.  
23 19-72-006327.]

24 \*\*\*

25 Approval of minutes of the June 1, 2020 meeting

1 CHAIR CAUFMAN:

2 We are going to look at the approval of  
3 the Board minutes from June 1, 2020.

4 Do we have any additions or  
5 corrections from the floor? I need a  
6 motion from the floor to approve the  
7 draft minutes as presented for June 1,  
8 2020?

9 DR. WALLER:

10 So moved.

11 CHAIR CAUFMAN:

12 Ellyn Jo, first. I need a second.

13 MS. HICKS:

14 Second.

15 CHAIR CAUFMAN:

16 Vicki Hicks seconds that. All those in  
17 favor? All those opposed? Any  
18 abstentions?

19 [The motion carried. Ms. Chamberlain abstained from  
20 voting on the motion.]

21 \*\*\*

22 Report of Regulatory Counsel

23 [Cynthia K. Montgomery, Esquire, Deputy Chief

24 Counsel/Regulatory Counsel, Department of State,

25 referred to 16A-722 regarding child abuse reporting

1 requirements. She provided a preamble and annex.

2 Ms. Montgomery stated 16 Boards need to develop  
3 regulations. She noted the Dental Board regulation  
4 was just published with final rulemaking on Saturday  
5 and incorporates all of the changes made throughout  
6 that process. She mentioned additional amendments  
7 were made to the Child Protective Services Law.

8 Ms. Montgomery noted a substantial number of  
9 amendments were made to the Child Protective Services  
10 Law from 2014 to November 2019 with Act 31 of 2014,  
11 which required the agency to implement mandatory  
12 training in child abuse for all health-related Boards  
13 and State Board of Funeral Directors. She stated  
14 Commissioner Travis Gery put that in place to be  
15 implemented by January 1, 2015, requiring all health-  
16 related licensees to complete at least 3 hours of  
17 mandatory training in child abuse recognition and  
18 reporting as a condition of initial licensure and at  
19 least 2 hours of approved courses in child abuse  
20 recognition and reporting as condition of biennial  
21 renewal.

22 Ms. Montgomery stated the regulation updates the  
23 Board's regulations to incorporate the requirements of  
24 the Child Protective Services Law. She referred to §  
25 20.21, which is the section on applications for



1 temporary practice permit, initial licensure, and  
2 licensure by reciprocity. She noted the addition of 3  
3 hours of mandatory training.

4 Ms. Montgomery referred to § 20.21 regarding  
5 additional requirements for applicants for licensure  
6 by reciprocity. She also referred to § 20.25, noting  
7 a minor amendment with the addition of cross reference  
8 to paragraph 4 in § 20.21 and § 20.26 regarding  
9 temporary practice permits. She referred to § 20.31  
10 regarding expiration renewal and reactivation, which  
11 had been amended to include the requirement of at  
12 least 2 hours of mandatory training in child abuse  
13 recognition and reporting as well as reactivation of a  
14 license. She referred to § 20.32 regarding continuing  
15 education hours and maintenance of certificates of  
16 completion, which provides an exception to the rule  
17 that the training had to be in the field of massage  
18 therapy for the 2 hours of training in child abuse  
19 recognition reporting that must be approved in  
20 accordance with § 20.69 regarding the course approval  
21 process.

22 Ms. Montgomery noted the addition of at least  
23 nine additional sections to the regulations to set  
24 forth the child abuse reporting requirements. She  
25 commented that § 20.61 set forth definitions relating

1 to the requirements. She noted definitions of terms  
2 used in the Child Protective Services Law that have  
3 been amended throughout the years. She also noted the  
4 definition for "bureau" and "mandated reporter" for  
5 ease of reference have been inserted and "ChildLine,"  
6 which is a statewide toll-free telephone system  
7 available 24 hours a day.

8 Ms. Montgomery mentioned the addition of the  
9 definition of "perpetrator" because the only other  
10 place it is used in the regulations is in the  
11 definition of "serious physical neglect," but the  
12 reviewers wanted it incorporated. She noted the  
13 definition for "sexual abuse" or "exploitation" had  
14 been amended to include additional language that was  
15 added to the Child Protective Services Law.

16 Ms. Montgomery referred to § 20.62 regarding  
17 mandated reporting requirements which provides the  
18 general rule that a licensee of this Board is  
19 considered a mandated reporter and it describes the  
20 criteria for reporting. She explained that the law  
21 had been expanded to include other circumstances, not  
22 only the practice of the profession but also through  
23 regularly scheduled programs, activities, or services.

24

25 Ms. Montgomery noted the duty to report when

1 coming in contact with a child that the licensee  
2 suspects was a victim of abuse and if the licensee is  
3 directly responsible for the care, supervision,  
4 guidance, or training of the child or affiliated with  
5 an agency with that duty. She noted the duty to report  
6 if a person makes a specific disclosure that an  
7 identifiable child is the victim of child abuse,  
8 noting this extends beyond the practice of their  
9 profession.

10 Ms. Montgomery noted the duty to report if a  
11 person 14 years of age or older makes a specific  
12 disclosure to a licensee that they have committed  
13 child abuse. She mentioned a duty to report rule had  
14 changed, where licensees are to report child abuse and  
15 then report it to the institution, school, or agency.

16 Ms. Montgomery addressed the reporting procedure,  
17 either by making an oral report by calling ChildLine  
18 and following that up with a written report or by  
19 making an electronic report.

20 Ms. Montgomery referred to § 20.63, which  
21 authorizes the taking of photographs, medical tests,  
22 and X-rays, incorporating the that those materials be  
23 sent to the Department of Human Services within 48  
24 hours after the electronic report has been made.

25 Ms. Montgomery referred to § 20.64, where

1 suspicions that a child died as a result of child  
2 abuse must be reported to the coroner or medical  
3 examiner of the appropriate county.

4 Ms. Montgomery referred to § 20.65 regarding  
5 immunity from liability, which tracks § 6318 of the  
6 Child Protective Services Law, where those who make a  
7 good faith report and referral for general protective  
8 services and cooperate with an investigation have  
9 immunity from all civil and criminal liability.

10 Ms. Montgomery referred to § 20.66 regarding a  
11 confidentiality provision, where mandated reporting  
12 requirements take precedence over any provision of  
13 client confidentiality, ethical principle, or  
14 professional standard that might otherwise apply.

15 Ms. Montgomery referred to § 20.67(a) regarding  
16 noncompliance, which provides notice that a mandated  
17 reporter who willfully fails to comply with these  
18 requirements would be subject to disciplinary action.  
19 She commented that failure to report suspected child  
20 abuse is a misdemeanor of the second degree but could  
21 be a felony under certain circumstances.

22 Ms. Montgomery referred to § 20.68 regarding  
23 mandatory training requirements in § 6383(b)(3)(i) and  
24 (ii) of the Child Protective Services Law. She noted  
25 a process for exemptions in § 20.68(c), which also

1 provides notice that the Board would not renew a  
2 license unless the bureau had received an electronic  
3 report from an approved course provider documenting  
4 attendance or participation by the licensee in an  
5 approved course or the licensee had obtained an  
6 exemption under subsection (c).

7 Ms. Montgomery stated exemptions can be granted  
8 under the Child Protective Services Law if somebody  
9 already did similar training under the public school  
10 code or they already completed child abuse recognition  
11 training required by § 6383(c) of the Domestic  
12 Relations Code. She noted that the Board of Social  
13 Workers, Marriage and Family Therapists, and  
14 Professional Counselors routinely grants waivers to  
15 people who work for the Office of Children, Youth, and  
16 Families.

17 Ms. Montgomery referred to § 20.69 regarding the  
18 approval process set up by the bureau in consultation  
19 with the Department of Human Services for entities to  
20 provide the training required under § 6383 of the  
21 Child Protective Services Law.]

22

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23 CHAIR CAUFMAN:

24 From the floor, would anybody like to  
25 make a motion to accept the child abuse

1 reporting requirements as presented?

2 MS. BAUGHMAN:

3 I so move.

4 CHAIR CAUFMAN:

5 Thank you, Camille. We need a second.

6 DR. WALLER:

7 I'll second.

8 CHAIR CAUFMAN:

9 Dr. Waller seconds. All those in favor,  
10 say aye. All those opposed, please  
11 state your name and then say opposed.  
12 All abstentions, please state your name  
13 and then say so.

14 With that, the 16A-722 child abuse  
15 reporting requirement has passed.

16 [The motion carried unanimously.]

17 \*\*\*

18 \*\*\*

19 [Thomas M. Davis, Esquire, Board Counsel, noted the  
20 regulatory status report. He mentioned being in  
21 contact with Board Counsel for the Board of  
22 Cosmetology and working to jointly promulgate the  
23 MT/Cosmo regulation.

24 Mr. Davis updated the Board on Act 41, where the  
25 Board voted to release an exposure draft on June 1,

1 2020. He provided a brief overview of Act 41. He  
2 mentioned receiving one comment in which it was  
3 suggested that the applicant have "no pending  
4 disciplinary actions" in the applicant's home  
5 jurisdiction. He suggested the language would not be  
6 proper from a legal standpoint because the current  
7 language of Act 41 says, "has not been disciplined" in  
8 the applicant's home jurisdiction. He suggested that,  
9 because the legislature has already provided language  
10 regarding an applicant's disciplinary status in their  
11 home jurisdiction, he recommended not amending the  
12 annex to add the suggested language.

13 Mr. Davis will bring this back to the Board once  
14 he completes the draft of the preamble and Regulatory  
15 Analysis Form (RAF).]

16 \*\*\*

17 Report of Board Counsel

18 [Thomas M. Davis, Esquire, Board Counsel, addressed  
19 requests from the licensure base to allow licensees to  
20 take their cardiopulmonary resuscitation (CPR) class  
21 online or possibly waive the requirement for a CPR  
22 class for renewal. He stated licensees are still  
23 required to find and participate in an in-person CPR  
24 class prior to renewal. He noted changes would be  
25 posted to the Department of State website, if there

1 are any further changes.

2 Mr. Davis reminded the public and Board members  
3 that Board members are not allowed to speak on behalf  
4 of the Board and must voice their opinions at Board  
5 meetings on the record in front of the Board, where  
6 decisions would be made in open session. He suggested  
7 that public questions and concerns should be referred  
8 to the Board's main email website resource account and  
9 recommended that the public attend Board meetings.

10 Mr. Davis discouraged Board members from  
11 identifying themselves as a Board member and stating  
12 opinions because people might take that as speaking on  
13 behalf of the Board.

14 Ms. Baughman asked for clarification regarding  
15 where to find the FSMTB guidelines as it relates to  
16 COVID-19.

17 Mr. Davis mentioned the Federation of State  
18 Massage Therapy Boards (FSMTB) guidelines and CPR  
19 announcement was on the Department of State website,  
20 but certain information had a link on the Board  
21 website to the Department of State website for waiver  
22 or suspension information. He also noted the  
23 Department of State website is available at  
24 [www.dos.pa.gov](http://www.dos.pa.gov).]

25

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1 MOTIONS

2 MR. DAVIS:

3 Based on the Board's discussions in  
4 executive session, I believe the Chair  
5 would accept a motion to adopt the  
6 proposed adjudication and substitute the  
7 Board's order in the following matter:

8 In the matter of the Application  
9 for Massage Therapist Licensure of Lili  
10 Zhu, Case No. 19-72-013511.

11 CHAIR CAUFMAN:

12 The Board would like to have a motion to  
13 accept this as presented.

14 MS. BAUGHMAN:

15 So moved.

16 CHAIR CAUFMAN:

17 Second, please.

18 MS. NELSON:

19 I'll second.

20 CHAIR CAUFMAN:

21 Jessica Nelson seconds. All those who  
22 approve? All those opposed, state your  
23 name, please. Any abstentions, state  
24 your name.

25 [The motion carried unanimously.]

1 \*\*\*

2 MR. DAVIS:

3 Counsel will draft an order to adopt the  
4 proposed adjudication and substituting  
5 the Board's order as the Board directed  
6 counsel to do in executive session.

7 \*\*\*

8 MR. DAVIS:

9 Number 7 on the agenda. That is one of  
10 our consent agreements.

11 For the record, what I am going to  
12 do is read the motion. We are going to  
13 have a vote and then I am going to say  
14 the case caption if the Board votes to  
15 adopt the consent agreement.

16 I ask that the record reflect that  
17 it was done in that precise order.

18 Based on the Board's discussions in  
19 executive session, I believe the Chair  
20 would accept a motion to approve the  
21 Consent Agreement in the following  
22 matter: Case No. 18-72-006944.

23 CHAIR CAUFMAN:

24 Motion from the floor?

25 MS. CHAMBERLAIN:

1 I make the motion.

2 MS. BAUGHMAN:

3 I second.

4 CHAIR CAUFMAN:

5 Linda Chamberlain, first. Camille  
6 Baughman, second. All those in favor?  
7 All those opposed, state your name. Any  
8 abstentions, please state your name.

9 [The motion carried unanimously.]

10 \*\*\*

11 MR. DAVIS:

12 For the record, that is Commonwealth  
13 BPOA v. Shelly Levenson.

14 \*\*\*

15 MR. DAVIS:

16 Number 8 on the agenda. Based on the  
17 Board's discussions in executive  
18 session, I believe the Chair would  
19 accept a motion to approve the Consent  
20 Agreement in the following matter: Case  
21 No. 19-72-006327.

22 CHAIR CAUFMAN:

23 Motion from the floor?

24 DR. WALLER:

25 So moved.

1 CHAIR CAUFMAN:

2 Ellyn Jo, first. I need a second,  
3 please.

4 MS. CHAMBERLAIN:

5 I second.

6 CHAIR CAUFMAN:

7 Linda Chamberlain, seconds. All those  
8 in favor? All those opposed, state your  
9 name. Any abstentions, please state  
10 your name.

11 [The motion carried unanimously.]

12 \*\*\*

13 MR. DAVIS:

14 For the record, that is Commonwealth  
15 BPOA v. Ervin Schlabach.

16 \*\*\*

17 MR. DAVIS:

18 Number 9 on the agenda. This is an  
19 application. In the matter of the  
20 Application for Licensure as a Massage  
21 Therapist of Alexus N. Stewart.

22 Based on the Boards discussions in  
23 executive session, I believe the Chair  
24 would accept a motion approving the  
25 application.

1 MS. BAUGHMAN:

2                               So moved.

3 DR. WALLER:

4                               Second.

5 CHAIR CAUFMAN:

6                               Ellyn Jo, seconds. All those in favor?

7                               All those opposed, please state your

8                               name. Any abstentions?

9 [The motion carried unanimously.]

10   \*\*\*

11 Correspondence

12 [Thomas M. Davis, Esquire, Board Counsel, addressed  
13 licensure by apprenticeship, which is not available in  
14 Pennsylvania. He mentioned prior discussion of how  
15 the Board wanted to proceed when receiving  
16 applications by Act 41 endorsement from Florida  
17 residents who are currently licensed as massage  
18 therapists.

19               Mr. Davis stated his prior suggestion may have  
20 been too harsh, noting that the entire purpose of Act  
21 41 is to make it easier for licensees with qualified  
22 credentials to work in the commonwealth. He is now  
23 suggesting that applications by endorsement from  
24 Florida massage therapy licensees provide an  
25 affirmative statement clarifying whether or not they

1 received their license via the apprenticeship program  
2 or licensure by education.

3 Mr. Davis stated a license from Florida would  
4 meet the Act 41 "substantially similar" standards as  
5 long as the license was obtained through education.  
6 He also suggested the individual provide a transcript  
7 as proof they did obtain their license from school.

8 Mr. Davis referred to Florida House Bill 1341,  
9 which would remove licensure by apprenticeship, noting  
10 that it seems to have died in appropriations back in  
11 March. He stated that, in Florida, anyone who had a  
12 current license and obtained it via apprenticeship  
13 would keep their license and be grandfathered in but  
14 new applicants would not be licensed via the  
15 apprenticeship program.

16 Mr. Davis requested the Board discuss the  
17 possibility of continuing to allow Florida licensed  
18 massage therapists to obtain a license in Pennsylvania  
19 as long as they make an affirmative statement that  
20 they obtained their license via education and are  
21 willing to give some kind of proof, like a transcript  
22 from their school.

23 Mr. Davis stated under Act 41, the Board does not  
24 need to see the transcript. He noted that all the  
25 Board needs is proof that the individual had been

1 actively working in that jurisdiction for at least 2  
2 of the last 5 years, as well as proof of licensure in  
3 good standing. He noted that PALS still requires Act  
4 41 applicants to provide transcripts.

5 Ms. Hicks stated apprenticeship programs also  
6 have standard hours that should be included but then  
7 they would have a transcript. Also they should have  
8 an equal test when we look at Act 41.

9 Chair Caufman noted individuals are required to  
10 take the Massage & Bodywork Licensing Examination  
11 (MBLEx) in most states, where some just have an  
12 apprenticeship option where they are getting paid to  
13 work while they are studying. She commented that  
14 Florida was eliminating apprenticeships because of  
15 liability issues but just have not gotten that far  
16 yet.

17 Chair Caufman stated transcripts and education  
18 documents shall be required. She also stated that  
19 licensure by reciprocity requires that an applicant  
20 have qualifications that equal or exceed our  
21 requirements, whereas licensure by endorsement under  
22 Act 41 only requires that the home jurisdiction have  
23 requirements that are substantially equivalent to that  
24 of the Commonwealth.

25 Mr. Davis suggested requesting something in the

1 applicant's own words explaining how they obtained  
2 their license, whether it was apprenticeship or  
3 education, noting that this is just instructions for  
4 Board administration as to how to handle Act 41  
5 applications if it comes from Florida.

6 Mr. Davis addressed a CE waiver request in which  
7 a license requests that the Board waive CE  
8 requirements for her based on her recent health issues  
9 and the fact she only made \$3,000 in the last three  
10 years. The licensee stated CEs are expensive and said  
11 she cannot afford them right now. Also, live classes  
12 are hard to find.

13 Mr. Davis reminded the Board of the suspension  
14 waiver in place allowing everyone to obtain their CE  
15 credit via online education. Furthermore, Mr. Davis  
16 reminded the Board of the requirements of Section 4 of  
17 the Act and § 20.32(f) which requires that the  
18 licensee show that they are unable to complete the  
19 requirement due to illness, emergency or hardship.

20 Mr. Davis suggested the Board deny the request  
21 and instruct Ms. Townley to inform the individual of  
22 that. He also suggested reminding the individual of  
23 the current suspension that is in place allowing her  
24 to obtain all of this education online.

25 The Board agreed to with advice Mr. Davis



1 presented.]

2 \*\*\*

3 MR. DAVIS:

4 Based on the discussion that we just had  
5 in open session, the Chair would  
6 entertain a motion to deny the request  
7 for waiver.

8 CHAIR CAUFMAN:

9 I request a motion to deny the waiver.  
10 I need a motion from the floor.

11 MS. CHAMBERLAIN

12 I make the motion.

13 CHAIR CAUFMAN:

14 Do I have a second?

15 DR. WALLER:

16 I'll second.

17 CHAIR CAUFMAN:

18 Ellyn Jo seconds. All in favor? All  
19 opposed, please state your name. Any  
20 abstentions?

21 [The motion carried unanimously.]

22 \*\*\*

23 Miscellaneous

24 [Thomas M. Davis, Esquire, Board Counsel, addressed  
25 Act 53 of 2020, formerly Senate Bill 637 of 2019,

1 which was signed by the governor on July 1, 2020, and  
2 mostly takes effect in 180 days.

3 Mr. Davis commented that it would amend the  
4 Criminal History Record Information Act known as CHRIA  
5 to require the Boards only withhold a license for  
6 convictions directly related to the practice of the  
7 occupation and that the Boards consider the nature of  
8 the offense, the amount of time passed since the  
9 conviction, evidence of the applicant's fitness to  
10 practice the occupation, and other relevant factors  
11 prior to withholding the license.

12 Mr. Davis noted Act 53 sets forth a two-stage  
13 analysis of the criminal convictions of an applicant.  
14 He stated the Boards would have to develop a list of  
15 crimes that directly relate to the occupation or  
16 profession. He stated healthcare Boards may not issue  
17 a license to individuals convicted of a sexual offense  
18 under Act 53.

19 Mr. Davis also stated applicants convicted of  
20 "crimes of violence" as defined under Title 42 Pa.C.S.  
21 Section 9714 may only be granted a license if the  
22 crime and the applicant met certain conditions listed  
23 under the act.

24 Mr. Davis commented that existing provisions  
25 related to felony drug convictions shall, going

1 forward, only apply to an individual who has been  
2 convicted of a drug trafficking offense as defined by  
3 the act.

4 Mr. Davis addressed preliminary determinations,  
5 where an applicant with a criminal history, who is  
6 unable to determine whether the applicant's criminal  
7 history would disqualify the applicant, would need to  
8 file a petition for preliminary review. He stated  
9 individuals will have the option of filing something  
10 with the Board asking the Board to make a preliminary  
11 determination, which would not be binding.

12 Mr. Davis commented that the Department of State  
13 must develop a best practices guide for applicants  
14 with criminal convictions summarizing certain sections  
15 of Act 53 and describing what it does.

16 Mr. Davis and Mr. Batson will work on developing  
17 a list of disqualifying convictions to bring before  
18 the Board for review, and the Department for approval.

19 Commissioner Johnson mentioned that the  
20 Department of State is going to be driving the  
21 formation of this best practice guide and are tasked  
22 with coming up with a list of convictions. He  
23 commented that there exists a body of decisions to  
24 fall back on that provides ample evidence of what  
25 constitutes convictions.



1 virtual platform as time went on.

2 Commissioner Johnson commented that members of  
3 the regulatory community are in the Bureau's thoughts  
4 and prayers. He stated everything is being done to  
5 ensure the public and practitioners are protected and  
6 remain healthy and safe.

7 Chair Caufman thanked Commissioner Johnson for  
8 all of his efforts on the Board's behalf.

9 Commissioner Johnson noted Ms. Townley and Mr.  
10 Stauffer have been wonderful. He also noted Policy  
11 folks, Mr. Davis, and prosecution have been remarkable  
12 throughout this pandemic.]

13 \*\*\*

14 Adjournment

15 CHAIR CAUFMAN:

16 I would like to have a motion from the  
17 floor to adjourn the August 5, 2020  
18 meeting of the State Board of Massage  
19 Therapy.

20 MS. HICKS:

21 Motion to adjourn.

22 CHAIR CAUFMAN:

23 Thank you Vicki. I need a second,  
24 please.

25 DR. WALLER:

1                   Second.

2 CHAIR CAUFMAN:

3                   Thank you, Ellyn Jo. We are adjourned.

4

5 [The motion carried unanimously.]

6

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7 [There being no further business, the State Board of  
8 Massage Therapy Meeting adjourned at 12:16 p.m.]

9

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10

11

CERTIFICATE

12

13           I hereby certify that the foregoing summary  
14 minutes of the State Board of Massage Therapy Meeting,  
15 was reduced to writing by me or under my supervision,  
16 and that the minutes accurately summarize the  
17 substance of the State Board of Massage Therapy  
18 Meeting.

19

20

21



22

Sarah LaMaster,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

STATE BOARD OF MASSAGE THERAPY  
REFERENCE INDEX

August 5, 2020

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:33	Official Call to Order
10:35	Roll Call/Introduction of Audience
10:42	Report of Board Prosecution
10:48	Approval of Minutes
10:50	Report of Regulatory Counsel
11:16	Report of Board Counsel
11:26	Motions
11:31	Correspondence
11:53	Miscellaneous
12:13	Report of Commissioner
12:16	Adjournment