

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

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

MEETING OF:

STATE BOARD OF MASSAGE THERAPY

TIME: 10:48 A.M.

Held at
PENNSYLVANIA DEPARTMENT OF STATE
2601 North Third Street
One Penn Center, Board Room C
Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Tuesday, August 9, 2022

State Board of Massage Therapy
August 9, 2022

BOARD MEMBERS:

Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
Professional Member
Arion R. Claggett, Acting 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
Imelda Alumbro Shade, LMT
Bryan Strawser, LMT, Vice Chair
Ellyn Jo Waller, Ed.D., Public Member

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Dean F. Picarella, Esquire, Senior Counsel,
Counsel Division
Carolyn DeLaurentis, Deputy Chief Counsel,
Prosecution Division
Andrea L. Costello, Esquire, Board Pros. Liaison
Garrett A. Rine, Esquire, Board Prosecutor
Heather McCarthy, Esquire, Board Prosecutor
Christina Townley, Acting Board Administrator
Marc Farrell, Deputy Director, Office of Policy,
Department of State
Danie Bendesky, Director of Intergovernmental
Affairs, Department of State

ALSO PRESENT:

Carrie Shaley, LMT, Honor Your Body Wellness
Camille Baughman, MA, BSed, LMT, Camille Baughman &
Associates
Nina M. Kottcamp-Long, LMT, NCMT, Director of
Holistic Health and Wellness, Harrisburg Area
Community College
Natalie Cook, Associate, McNeas-Winter Group
Edward Portley Jr., LMT, Just This Side of Heaven
Massage & Continuing Education for Massage
Therapists

State Board of Massage Therapy
August 9, 2022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

ALSO PRESENT: (cont.)

Nicole Campbell, Division Chief, Division of Law
Enforcement Education and Trade Schools, Department
of Education
Ashley Hernandez, Government Relations Specialist,
Federation of State Massage Therapy Boards

1 ***

2 State Board of Massage Therapy

3 August 9, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 9:00 a.m. the Board entered into Executive Session
7 with Thomas M. Davis, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations
9 and to receive advice of Counsel on the matters upon
10 which the Board will later vote. The Board commenced
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 Tuesday, August
15 9, 2022. Nancy M. Porambo, MS, LMT, CNMT, NCTMB,
16 Chair, Professional Member, called the meeting to
17 order at 10:48 a.m.

18 ***

19 Meeting Instructions

20 [Christina Townley, Board Administrator, provided
21 instructions to be followed during the meeting.]

22 ***

23 [Thomas M. Davis, Esquire, Board Counsel, noted the
24 meeting was being recorded, and those who continued
25 to participate were giving their consent to be

1 recorded.

2 Mr. Davis also noted the Board met in Executive
3 Session prior to the Board meeting for the purpose of
4 conducting quasi-judicial deliberations and to
5 receive advice of Counsel on the matters upon which
6 the Board would later vote.]

7 ***

8 Introduction of Board Members/Attendees

9 [Chair Porambo requested an introduction of Board
10 members and attendees.]

11 ***

12 Approval of minutes of the June 7, 2022 meeting

13 CHAIR PORAMBO:

14 I think we'll move on to the minutes of
15 the meeting. Has everyone had an
16 opportunity to review them? Are there
17 any changes? Hearing none.

18 I'd like to ask for a motion?

19 MR. STRAWSER:

20 I'll make the motion.

21 CHAIR PORAMBO:

22 Second?

23 MS. KETH:

24 Second.

25 CHAIR PORAMBO:

1 Roll call vote.

2

3 Porambo, yes; Claggett, aye;
4 Chamberlain, yes; Nelson, yes; Douglas,
5 yes; Hicks, yes; Keth, yes; Alumbro
6 Shade, yes; Strawser, abstain; Waller,
7 yes.

8 [The motion carried. Bryan Strawser abstained from
9 voting on the motion.]

10 ***

11 Report of Board Regulatory Counsel

12 [Thomas M. Davis, Esquire, Board Counsel, referred to
13 the Regulatory Status Report and provided an update
14 on proposed regulation 16A-725 (massage therapists in
15 cosmetology salons). He noted the annex has no
16 substantive changes, but the wording has been amended
17 slightly, based on recommendations made by Senior Reg
18 Counsel, which required Counsel to make a few
19 amendments to the Regulatory Analysis Form and
20 preamble.

21 Mr. Davis reported sending it back to Senior Reg
22 Counsel after making all of the amendments, and it
23 would then be sent to the Office of General Counsel,
24 and the Office of the Attorney General. He mentioned
25 that the earliest it may be published as proposed in

1 the *Pennsylvania Bulletin* would be sometime this
2 fall.

3 Mr. Davis addressed the draft annex for the
4 virtual supervision regulation regarding initial
5 education. He noted the Board's regulations require
6 all 600 initial education hours be in person, but in
7 in light of Act 100, the Board is crafting a
8 regulation that would allow a certain percentage of
9 hours to be done online.

10 Nicole Campbell, Division Chief, Division of Law
11 Enforcement Education and Trade Schools, Department
12 of Education, stated she plans to discuss this
13 proposed regulation at the State Board of Private
14 Licensed Schools Board meeting next week. She
15 mentioned having several interested education
16 providers looking to enter the distance education
17 environment for massage, noting that there would
18 still have to be a hands-on component to the initial
19 education.

20 Ms. Hicks commented that it is not an easy
21 transition for a school and asked whether they would
22 have to go through another program change to be able
23 to add the distance education.

24 Ms. Campbell explained that schools that
25 currently offer programming outside of massage

1 therapy are likely to already have distance education
2 approval.

3 Ms. Campbell explained that under the current
4 regulations, a school provider applies as a distance
5 education provider and then that approval is for any
6 of the schools under that same ownership. She noted
7 if they are offering other programs, it is not
8 difficult to add distance education to their massage
9 therapy program. She stated it is a program change
10 application submitted to Board staff for review, and
11 if the State Board of Massage Therapy had regulations
12 permitting distance education, they would review
13 those in conjunction with the program change
14 application to make sure they meet.

15 Ms. Campbell stated a new provider or a provider
16 only offering massage therapy would require approval
17 from the State Board of Private Licensed Schools to
18 get them approved as a distance education provider,
19 so schools offering just massage programs may not
20 already have that distance education approval and are
21 going to have a submission deadline, a fee and a
22 Board meeting, and the application could be approved
23 or deferred. She noted that schools that do not
24 currently have existing approval to offer distance
25 education would need at least three to six months'

1 minimum to receive approval from the State Board of
2 Private Licensed Schools to implement distance
3 education. She stated it would not be a lengthy
4 process for ones that currently have existing school
5 approval to offer distance education and other
6 programs.

7 Ms. Hicks asked how many professional boards over
8 the past two years have started to go toward distance
9 education.

10 Ms. Campbell stated boards they most commonly
11 work with are the State Boards of Nursing,
12 Pharmacology, and Massage Therapy. She mentioned
13 that the State Board of Massage Therapy is the only
14 one discussing the possibility of promulgating
15 regulations related to distance education. She
16 commented that the State Board of Nursing allows
17 distance education but does not have it in their
18 regulations.

19 Camille Baughman, MA, BSed, LMT, Camille Baughman
20 & Associates, asked why the State Board of Nursing
21 did not need distance education regulations to allow
22 for distance education, whereas the State Board of
23 Massage Therapy seemingly does.

24 Mr. Davis explained that the Massage Therapy Law
25 requires 600 hours of in-class instruction, and the

1 Board's regulations currently require that all 600
2 in-class hours be obtained "in the physical presence
3 of an instructor or under the immediate supervision
4 of a clinical supervisor," whereas the State Board of
5 Nursing probably does not have a similar "in-person"
6 requirement, so there would not be anything to
7 change.

8 Ms. Baughman noted that Ms. Campbell said the
9 State Board of Private Licensed Schools has a
10 regulatory package pending and asked whether there
11 was a way to see that, and she asked about the
12 Board's process of promulgating new regulations.

13 Ms. Campbell explained that she would need legal
14 permission to release a new regulatory package but
15 believed it is getting ready to go to publication.
16 She explained that the changes would impact timeline,
17 where they would be making substantive changes that
18 would have to go before the Board.

19 Ms. Campbell noted that Board staff can approve
20 those changes at the current time, so the process is
21 not as lengthy, but if the proposed regulatory
22 package goes through, some of the schools that are
23 able to just reach out to Board staff with a program
24 change application are not going to be able to do
25 that once the regulations are passed because it would

1 instead have to go before the Board.

2 Ms. Campbell expressed concern with people trying
3 to use simulators as part of their distance education
4 for practices that should be hands-on and in-person
5 education, so the State Board of Private Licensed
6 Schools wants to have a say in what schools are doing
7 virtually.

8 Ms. Baughman asked what the process is for
9 someone who has developed a virtual massage therapy
10 curriculum and wants to partner with a college or
11 another existing program.

12 Ms. Campbell commented that when an outside
13 provider comes into the state and contracts with a
14 local college or university to offer their
15 programming, it all comes down to who is having the
16 students sign the enrollment agreement, who is
17 collecting the fees, and who is offering that program
18 award.

19 Nina M. Kottcamp-Long, LMT, NCMT, Director of
20 Holistic Health and Wellness, Harrisburg Area
21 Community College, commented that Ms. Campbell
22 mentioned that if they have third-party educators
23 that "piggybacking" at a college or university, then
24 that third-party program would fit under the
25 licensing umbrella of that college or university.

1 Ms. Kottcamp-Long provided an example, where
2 Harrisburg Area Community College is accredited
3 through Middle States Commission on Higher Education,
4 so if they hired, for example, Camille Baughman to
5 teach a massage program and she collected the fees
6 and enrollment and had students sign the enrollment
7 agreeing that she would fit under Middle States
8 Commission on Higher Education and Camille Baughman
9 would not have to be licensed through the State Board
10 of Private Licensed Schools and asked whether that
11 was correct.

12 Ms. Campbell noted Ms. Kottcamp-Long to be
13 correct but to not confuse accreditation with
14 licensure. She stated Harrisburg Area Community
15 College (HACC) falls under the division of higher
16 education access and equity. She noted their
17 division provides staff to the State Board of Private
18 Licensed Schools. She explained that Lynette Kuhn's
19 Division of Higher Education, Access, and Equity has
20 oversight of the colleges and universities.

21 Ms. Campbell noted that they are technically
22 already licensed or registered with that division, so
23 it is not that the program is accredited by the Middle
24 States Commission on Higher Education rather than
25 State Board of Private Licensed School licensure, it

1 is that the school itself is regulated under a
2 different set of regulations: the higher education
3 regulations of the Division of Higher Education,
4 Access, and Equity. She noted accreditation by a
5 third party is when a third party verifies and
6 authenticates the academic quality of the program.
7 She stated licensure is a business operation, where
8 they are allowed operate a business in the
9 Commonwealth.

10 Ms. Kottcamp-Long restated her question: where
11 Harrisburg Area Community College has a license under
12 the Department of Education and if a third-party
13 person offered education to them, as long as it is
14 under the Harrisburg Area Community College umbrella,
15 then the Division of Higher Education, Access, and
16 Equity would have no objection.

17 Ms. Campbell noted Ms. Kottcamp-Long to be
18 correct because the college or university is then
19 responsible for ensuring the program it is offering -
20 even though it contracted a provider to offer it for
21 them - the college or university is still liable for
22 making sure that program meets the State Board of
23 Massage Therapy's requirements. She clarified that
24 it is the responsibility of the college or university
25 to make sure the provider meets the State Board of

1 Massage Therapy's regulations.

2 Ms. Kottcamp-Long requested clarification: She
3 asked whether it matters who hires the instructors,
4 if it is the third party hiring the instructors or
5 whether it must be the educational institution that
6 is hiring the instructors.

7 Ms. Campbell explained that whatever contracts
8 the school and the provider have in place are between
9 the school and the provider, but the school is going
10 to be held responsible if the instructors are not
11 qualified. She stated, if their provider wanted to
12 hire the instructors, she would strongly encourage
13 the college or university to have a part in that
14 vetting and recordkeeping and keep those records of
15 who is teaching out of that provider because they are
16 the ones who are ultimately responsible.

17 Ms. Kottcamp-Long asked whether Ms. Campbell
18 anticipated more auditing with the change or would
19 that be within the Department of Education or at the
20 Massage Therapy Board level to audit and enforce.

21 Ms. Campbell explained that they rely on the
22 community to share unlicensed activity because they
23 do not have resources available to pursue instances
24 of unlicensed activity unless they are reported. She
25 stated unlicensed activity reports are investigated,

1 but as far as regulatory audits, their Board does
2 audits every three years for unaccredited schools and
3 every five years for accredited schools through an
4 organization recognized by the United States
5 Department of Education (USDOE).

6 Ms. Campbell stated their schools have a renewal
7 process every two years so they do have the
8 opportunity to do compliance checks at that point,
9 but if the school is not licensed by the State Board
10 of Private Licensed Schools, they do not have any
11 purview over it. She noted that complaints of a
12 college or university that is not required to be
13 licensed by the State Board of Private Licensed
14 Schools would go to the Division of Higher Education,
15 Access, and Equity.

16 Ms. Baughman requested more information regarding
17 licensing versus accreditation.

18 Ms. Campbell explained that, in Pennsylvania, if
19 they are not under a college or university, there are
20 certain criteria to meet, and if they are providing
21 education, they are required to be licensed with the
22 State Board of Private Licensed Schools. She
23 explained that the State Board of Private Licensed
24 Schools approves any programming that falls under
25 licensure guidelines, and if it leads to entry-level

1 employment and it is training intended to lead to
2 entry-level employment, it would fall under that
3 license.

4 Ms. Campbell stated their massage therapy
5 programs fall under that licensure, so they have to
6 approve those programs and align them with the State
7 Board of Massage Therapy regulations. She noted that
8 they do not seek out accrediting guidelines, and the
9 school needs to follow whatever regulatory
10 instruction is the most stringent.

11 Mr. Davis requested information regarding how
12 someone would submit a complaint.

13 Ms. Campbell noted a complaint form could be
14 found on their website. She explained that they
15 require the complaint form and a signature from a
16 student in order to investigate. She noted she
17 currently reads the complaint and looks for any
18 missing information, where she would reach out to the
19 individual for any further information and then go
20 back and forth with the school until the complaint is
21 resolved.

22 Ms. Hicks requested information regarding someone
23 teaching but not teaching as a licensed school or
24 college that has been approved by either the higher
25 education or Pennsylvania Department of Education and

1 whether they would not be able to make a complaint to
2 the Board if someone is teaching something that is
3 not legal to teach in the state of Pennsylvania.

4 Ms. Campbell noted that would be considered an
5 unlicensed activity complaint, and she could receive
6 that in any format, noting that does not require a
7 complaint form.

8 Ms. Kottcamp-Long requested clarification
9 regarding private educational schools and whether
10 they are not required to be accredited to be
11 licensed.

12 Ms. Campbell noted Ms. Kottcamp-Long to be
13 correct, where accreditation is not required for
14 private licensed career and trade schools.

15 Ms. Kottcamp-Long asked how the quality of the
16 private schools are being measured.

17 Ms. Campbell explained that they have Board
18 members qualified in different areas who review the
19 application for the program to make sure it adheres
20 to the regulatory requirements of both boards.

21 Ms. Kottcamp-Long asked whether there was an
22 option to get licensed or receive some sort of
23 probationary period if someone was teaching online
24 without a licensed in Pennsylvania.

25 Ms. Campbell explained that they have a penalty

1 of \$2,500 and a five-year moratorium on licensure and
2 try to withhold them from getting licensed for five
3 years. She mentioned they do see schools that
4 continue to operate unlicensed because it is cheaper
5 to just pay the fine but in those cases they elevate
6 it to the Attorney General's Office, noting it can
7 take up to a year to process unlicensed activity.

8 Ms. Kottcamp-Long asked what happens to the
9 students being educated by an unlicensed school and
10 whether they find themselves in a situation where
11 they cannot get licensed.

12 Ms. Campbell had not had that situation, and a
13 lot of the training being provided unlicensed is
14 typically not something that requires either a
15 license or certification to gain employment.

16 Ms. Kottcamp-Long asked who would be the eyes and
17 ears for students and whether it would fall on the
18 Board of Massage Therapy.

19 Mr. Davis explained that they have certain
20 criteria that has to be met when an application is
21 received, and the school must certify that the school
22 and its curriculum meet the Board's regulatory
23 requirements before a license is issued.

24 Ms. Kottcamp-Long requested information regarding
25 the students in situations where they did not know

1 the school was not licensed or accredited.

2 Ms. Campbell explained that they are limited
3 within their purview to only pursue things that are
4 against regulatory violation, where they could pursue
5 the school for unlicensed activity but cannot really
6 help that student. She mentioned that the student
7 would be referred to the Attorney General's Office to
8 file a complaint against the company.

9 Ms. Costello commented that prosecution receives
10 complaints about schools but explained that the
11 prosecution section at the Department of State does
12 not have jurisdiction to handle such complaints and
13 asked whether the Department of Education would
14 handle that, with relation to the quality of the
15 education or quality of the school.

16 Ms. Campbell explained that they would handle
17 those if the complaint related to a school licensed
18 by the State Board of Private Licensed Schools and
19 the complaint comes directly from the student. She
20 noted that she would handle a complaint internally
21 without a complaint form and have the Board staff do
22 some investigation if the complaint came from a
23 faculty member. She told Ms. Costello that if she
24 receives a complaint to encourage them to go to the
25 State Board of Private Licensed Schools website, file

1 the complaint, and they could pursue the provider
2 together.

3 Ms. Campbell commented that they try everything
4 to get people into compliance but have revoked
5 licenses and given fines for violations. She noted
6 that their regulations allow the State Board of
7 Private Licensed Schools to suspend a school's
8 license, but she has never seen that. She explained
9 she more commonly sees a license revoked, or a fine
10 imposed.

11 Chair Porambo thanked Ms. Campbell for the
12 presentation and repeated a question that someone
13 wrote into the Teams Chat application: whether the
14 Board of Massage Therapy could take on the
15 responsibility of approving massage therapy schools.

16 Mr. Davis explained that it would have to be
17 within the law and regulations, and there is language
18 in the statute that mentions "postsecondary education
19 instruction approved by the Board." He commented
20 that as of right now a school is "approved by the
21 Board" when it meets the requirements of the
22 regulations but said he would have to research the
23 issue, should the Board desire him to do so.

24 Mr. Davis reiterated previous discussion
25 regarding the proposed Virtual Supervision Regulation

1 and referred to § 20.11(a), where required education
2 is broken down into four different subject areas.

3 Mr. Davis stated the Board is proposing amending
4 subparagraph (a) to say at least 175 hours in
5 anatomy, physiology, etc., at least 75 hours of which
6 must be earned through contact hours and allows 100
7 hours or more in distance education. He noted the
8 same thing for subparagraph (2), where at least 250
9 hours in massage therapy and bodywork assessment,
10 etc., all of which must be earned through contact
11 hours.

12 Mr. Davis also noted subparagraph (3) would read,
13 at least 25 hours in professional ethics, business,
14 and law related to a massage therapy. He stated
15 there is no distinction between contact hours and
16 distance education, allowing all 25 to be distance
17 education, and the last one, where at least 125 hours
18 in related courses appropriate to massage therapy
19 curriculum, etc., all of which must be earned through
20 contact hours.

21 Mr. Davis mentioned that if the Board is not
22 specifying that the education hours be through
23 contact hours, then distance education would be
24 allowed for a certain amount and believed the Board
25 was looking at allowing as many as 125 hours be

1 earned through distance education (for 600-hour
2 programs).

3 Mr. Davis stated that at the June 7, 2022
4 meeting, many individuals in attendance wanted to
5 make sure the Department of Education was not opposed
6 to this proposal, which is why he asked Ms. Campbell
7 to attend this meeting, and he thanked her for her
8 time. He noted that he would keep working on the
9 preamble and the Regulatory Analysis Form for the
10 regulation, and once the preamble is complete, would
11 bring it before the Board for a vote. He encouraged
12 those who wanted to talk more about the regulation to
13 contact him or the Board administrator so that
14 further discussion of the proposed regulation could
15 be noted on an upcoming agenda.]

16 ***

17 Report of Board Counsel

18 Adjudications and Orders

19 MR. DAVIS:

20 As I mentioned at the top of the
21 meeting, the Board met in Executive
22 Session to discuss these matters.
23 Board member Jessica Nelson is on the
24 Probable Cause Committee, and she is
25 recused from several of these matters,

1 specifically, numbers 6, 7, 9, 10, and
2 12. I will mention that with each one
3 of the votes as well.

4 We are going to go to number 6.
5 Number 6 is going to be tabled for the
6 moment. This is James Devinney, LMT,
7 Case No. 21-72-002650. The Board
8 discussed this and gave me direction
9 during Executive Session.

10 For the purpose of this meeting, we
11 are tabling it, and it will be back on
12 the agenda for September.

13 ***

14 MR. DAVIS:

15 Moving to number 7. Based on the
16 Board's discussions in Executive
17 Session, I believe the Chair would
18 approve a motion to adopt the proposed
19 Adjudication and direct Counsel to
20 issue a Memorandum Order disposing of
21 the exceptions filed in the following
22 matter: Commonwealth BPOA v. Micah
23 Tyler Johnson, LMT, Case No. 21-72-
24 009566.

25 CHAIR PORAMBO:

1 Do I have a motion to adopt?

2 MR. STRAWSER:

3 I'll make the motion.

4 MS. KETH:

5 I'll second.

6 CHAIR PORAMBO:

7 Any comments or questions? Christina.

8

9

10 Porambo, yes; Claggett, aye;

11 Chamberlain, aye; Nelson, recuse;

12 Douglas, aye; Hicks, aye; Keth, yes;

13 Alumbro Shade, aye; Strawser, aye;

14 Waller, aye.

15 [The motion carried. Jessica Nelson recused herself
16 from deliberations and voting on the motion.]

17 ***

18 MR. DAVIS:

19 Moving to number 8 on the Board's

20 agenda. Based on the Board's

21 discussions in Executive Session, I

22 believe the Chair would approve a

23 motion to approve as Final the Draft

24 Adjudication and Order in the following

25 matter: Commonwealth BPOA v. Erich

1 Paul Merrel-Stiller, LMT, Case No. 20-
2 72-009827.

3 CHAIR PORAMBO:

4 Do I have a motion to approve?

5 MR. STRAWSER:

6 I'll make the motion.

7 CHAIR PORAMBO:

8 Second?

9 MS. KETH:

10 I second.

11 CHAIR PORAMBO:

12 Any questions or comments? Christina.

13

14

15 Porambo, yes; Claggett, aye;

16 Chamberlain, aye; Nelson, aye; Douglas,

17 aye; Hicks, aye; Keth, aye; Alumbro

18 Shade, aye; Strawser, aye; Waller, aye.

19 [The motion carried unanimously.]

20

21 Record for Deliberation

22 MR. DAVIS:

23 Moving to number 9 on the Board's

24 agenda. Based on the Board's

25 discussions in Executive Session, I

1 believe the Chair would approve a
2 motion to grant the Motion to Enter
3 Default and Deem Admitted the Facts in
4 the following matter: Commonwealth
5 BPOA v. Eric Gabriel Elliott, LMT, Case
6 No. 22-72-004122.

7 CHAIR PORAMBO:

8 Do I have a motion?

9 MR. STRAWSER:

10 I'll make the motion.

11 MS. KETH:

12 Second.

13 CHAIR PORAMBO:

14 Any questions or comments? Christina.

15

16

17 Porambo, yes; Claggett, aye;

18 Chamberlain, aye; Nelson, recuse;

19 Douglas, aye; Hicks, aye; Keth, aye;

20 Alumbro Shade, aye; Strawser, aye;

21 Waller, aye.

22 [The motion carried. Jessica Nelson recused herself
23 from deliberations and voting on the motion.]

24

25 MR. DAVIS:

1 I will note that the Board has approved
2 the motion in that case. As a
3 secondary vote in that same case, I
4 have another proposed motion.

5 Based on the Board's discussions in
6 Executive Session, I believe the Chair
7 would approve a motion to approve as
8 Final the Draft Adjudication and Order
9 in the following matter: Commonwealth
10 BPOA v. Eric Gabriel Elliott, LMT, Case
11 No. 22-72-004122.

12 CHAIR PORAMBO:

13 Do I have a motion?

14 MR. STRAWSER:

15 I'll make the motion.

16 MS. KETH:

17 Second.

18 CHAIR PORAMBO:

19 Any questions or comments? Christina.

20

21

22 Porambo, aye; Claggett, aye;

23 Chamberlain, aye; Nelson, recuse;

24 Douglas, aye; Hicks, aye; Keth, aye;

25 Alumbro Shade, aye; Strawser, aye;

1 Waller, aye.

2 [The motion carried. Jessica Nelson recused herself

3 from deliberations and voting on the motion.]

4 ***

5 MR. DAVIS:

6 Moving to number 10 on the Board's

7 agenda. Based on the Board's

8 discussions in Executive Session, I

9 believe the Chair would accept a motion

10 to grant the Motion to Enter Default

11 and Deem Facts Admitted in the

12 following matter: Commonwealth BPOA v.

13 Andre Lamar Wallace, LMT, Case No. 20-

14 72-012999.

15 CHAIR PORAMBO:

16 Do I have a motion?

17 MR. STRAWSER:

18 I'll make the motion.

19 CHAIR PORAMBO:

20 Second?

21 MS. KETH:

22 I second.

23 CHAIR PORAMBO:

24 Questions? Comments? Christina.

25

1 Porambo, aye; Claggett, aye;
2 Chamberlain, aye; Nelson, recuse;
3 Douglas, aye; Hicks, aye; Keth, aye;
4 Alumbro Shade, aye; Strawser, aye;
5 Waller, aye.

6 [The motion carried. Jessica Nelson recused herself
7 from deliberations and voting on the motion.]

8 ***

9 Report of Board Prosecutor

10 MR. DAVIS:

11 After review of matter number 11 on the
12 Board's agenda, Case No. 19-72-008844,
13 the Board has tabled this matter until
14 the September meeting.

15 ***

16 Report of Board Prosecutor

17 [Garrett A. Rine, Esquire, Board Prosecutor,
18 presented the Consent Agreement for Case No. 22-72-
19 004015.]

20 MR. DAVIS:

21 Now that the Board has heard the
22 prosecutor's presentation in this
23 matter, is there anyone who would like
24 to reenter Executive Session to further
25 discuss this matter prior to voting?

1 Hearing none.

2 I have a proposed motion: based on
3 the Board's discussions in Executive
4 Session, I believe the Chair would
5 accept a motion to approve the Consent
6 Agreement in the following matter:
7 Case No. 22-72-004015.

8 CHAIR PORAMBO:

9 Do I have a motion?

10 MR. STRAWSER:

11 I make the motion.

12 MS. KETH:

13 I second.

14 CHAIR PORAMBO:

15 Christina.

16

17 Porambo, aye; Claggett, aye;

18 Chamberlain, aye; Nelson, recuse;

19 Douglas, aye; Hicks, aye; Keth, aye;

20 Alumbro Shade, aye; Strawser, aye;

21 Waller, aye.

22 [The motion carried. Jessica Nelson recused herself
23 from deliberations and voting on the motion. That is
24 Commonwealth, BPOA v. Davis Charles Hartman, LMT.]

25

1 Report of Board Administrator

2 Applications

3 MR. DAVIS:

4 Again, the Board discussed these in
5 Executive Session, so I have proposed
6 motions based upon the Board's
7 discussions.

8 The Application for a License to
9 Practice Massage Therapy of Jennifer
10 Conceicao.

11 Based on the Board's discussions in
12 Executive Session, I believe the Chair
13 would accept a motion approving the
14 Application.

15 CHAIR PORAMBO:

16 Motion to approve?

17 MR. STRAWSER:

18 I make the motion.

19 MS. KETH:

20 I second.

21 CHAIR PORAMBO:

22 Christina.

23

24 Porambo, aye; Claggett, aye;

25 Chamberlain, aye; Nelson, aye; Douglas,

1 aye; Hicks, aye; Keth, aye; Alumbro
2 Shade, aye; Strawser, aye; Waller, aye.

3 [The motion carried unanimously.]

4 ***

5 MR. DAVIS:

6 Moving to number 14 on the Board's
7 agenda, the Application for a License
8 to Practice Massage Therapy of Nathan
9 Lindstrom.

10 Based on the Board's discussions in
11 Executive Session, I believe the chair
12 would accept a motion approving the
13 Application.

14 CHAIR PORAMBO:

15 Motion to approve?

16 MR. STRAWSER:

17 I make the motion.

18 MS. KETH:

19 I second.

20 CHAIR PORAMBO:

21 Christina.

22
23 Porambo, aye; Claggett, aye;
24 Chamberlain, aye; Nelson, aye; Douglas,
25 aye; Hicks, aye; Keth, aye; Alumbro

1 Shade, aye; Strawser, aye; Waller, aye.

2 [The motion carried unanimously.]

3 ***

4 MR. DAVIS:

5 Moving to number 15 on the Board's
6 agenda, the Application for a License
7 to Practice Massage Therapy of Devan
8 McGowan.

9 Based on the Board's discussions in
10 Executive Session, I believe the Chair
11 would accept a motion approving as
12 Final the Draft Order issuing a license
13 on probation with the Professional
14 Health Monitoring Program.

15 CHAIR PORAMBO:

16 Do I have a motion to approve as
17 indicated?

18 MR. STRAWSER:

19 I make the motion.

20 MS. KETH:

21 I second.

22 CHAIR PORAMBO:

23 Christina.

24

25 Porambo, aye; Claggett, aye;

1 Chamberlain, aye; Nelson, aye; Douglas,
2 aye; Hicks, aye; Keth, aye; Alumbro
3 Shade, aye; Strawser, aye; Waller, aye.

4 [The motion carried unanimously.]

5 ***

6 MR. DAVIS:

7 Number 16 on the Board's agenda, the
8 Application for a License to Practice
9 Massage Therapy of Gabriella Smith.

10 Based on the Board's discussions in
11 Executive Session, I believe the Chair
12 would accept a motion approving as
13 Final the Draft Order issuing a license
14 on probation.

15 CHAIR PORAMBO:

16 Motion to approve?

17 MR. STRAWSER:

18 I make the motion.

19 MS. KETH:

20 I second.

21 CHAIR PORAMBO:

22 Christina.

23
24 Porambo, aye; Claggett, aye;

25 Chamberlain, aye; Nelson, aye; Douglas,

1

2

Porambo, aye; Claggett, aye;

3

Chamberlain, aye; Nelson, aye; Douglas,

4

aye; Hicks, aye; Keth, aye; Alumbro

5

Shade, aye; Strawser, aye; Waller, aye.

6

[The motion carried unanimously.]

7

8

Correspondence

9

[Thomas M. Davis, Esquire, Board Counsel, addressed

10

correspondence received from the Chairs of the House

11

and Senate Professional Licensure Committees

12

concerning Act 41. He noted all 29 BPOA licensing

13

boards received a letter urging prompt promulgation

14

of regulations to implement licensure by endorsement

15

regulations as required by Act 41 of 2019.

16

Mr. Davis stated the Commissioner's Office

17

responded on July 25, 2022, by drafting a response

18

letter on behalf of all 29 boards and noting the

19

absence of fully promulgated final regulations has

20

not impacted the boards' ability to implement Act 41

21

and hundreds of licenses by endorsement have been

22

issued under Act 41. He mentioned the letter also

23

noted that the Massage Therapy Board's rulemaking

24

package has been formally voted on and approved by

25

the State Board of Massage Therapy and emphasized

1 that the lack of final regulations being in place has
2 not caused anyone to be been denied a license via Act
3 41.]

4

5 Correspondence - Waiver Requests

6 MR. DAVIS:

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

We have several Waiver Requests in relation to continuing education on the Board's agenda. There are five in total. Under the statute, the Board is empowered to waive all or part of the continuing education requirement of a licensee who shows to the satisfaction of the Board that the licensee was unable to complete the requirement due to illness, emergency, or hardship.

We have five individuals asking for a waiver of some sort. I believe most of them, if not all are asking to do them online. I want to remind everyone that the typical requirement, the requirement as written in the regs is in place at this point. You do have to do a certain portion of the continuing education in person.

1 Based on the Board's discussions, I
2 believe the Chair would accept a motion
3 denying the Request for Waiver of all
4 or part of the continuing education
5 requirements of the following
6 individuals: Mariane Casalandra,
7 Stella Stempien, Richard Huth, and Mary
8 Meyers.

9 CHAIR PORAMBO:

10 Do I have a motion?

11 MR. STRAWSER:

12 I make the motion.

13 MS. KETH:

14 I will second.

15 CHAIR PORAMBO:

16 Christina.

17

18 Porambo, aye; Claggett, aye;

19 Chamberlain, aye; Nelson, aye; Douglas,

20 aye; Hicks, aye; Keth, aye; Alumbro

21 Shade, aye; Strawser, aye; Waller, aye.

22 [The motion carried unanimously.]

23 MR. DAVIS:

24 For the record, I just want to mention

25 that several of those individuals have

1 been contacted by Board admin, and we
2 just need some more proof or additional
3 documentation or something like that.

4
5 [Mr. Davis explained that, should these individuals
6 provide the Board with additional documentation, the
7 Board is willing to once again review the Request for
8 Waiver of all or part of the continuing education
9 requirements.]

10 ***

11 MR. DAVIS:

12 Based on the Board's discussions in
13 Executive Session, I believe the Chair
14 would accept a motion approving the
15 Request for Waiver of all or part of
16 the continuing education requirements
17 of the following individual: Sarah
18 Meier

19 CHAIR PORAMBO:

20 Do I have a motion?

21 MR. STRAWSER:

22 I'll make the motion.

23 MS. KETH:

24 I second.

25 CHAIR PORAMBO:

1 Christina.

2

3 Porambo, aye; Claggett, aye;

4 Chamberlain, aye; Nelson, aye; Douglas,

5 aye; Hicks, aye; Keth, aye; Alumbro

6 Shade, aye; Strawser, aye; Waller, aye.

7 [The motion carried unanimously.]

8

9 Report of Acting Commissioner

10 [Arion R. Claggett, Acting Commissioner, Bureau of

11 Professional and Occupational Affairs, notified

12 everyone of in-person Board member training on

13 October 24, 2022, from 8 a.m. to 4 p.m. in

14 Harrisburg. He noted the training is mandatory for

15 public members but also encouraged professional

16 members to attend. He advised everyone check their

17 pa.gov email.]

18

19 Report of Board Chair

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

21 Professional Member, announced the Federation of

22 State Massage Therapy Boards Virtual Membership Event

23 Series will be held on Wednesday, August 17, 2022, at

24 1 p.m. regarding interstate massage compact

25 stakeholders review.

1 Chair Porambo also encouraged all Board members
2 to attend the Board training on October 24.]

3 ***

4 Report of Board Counsel - (cont.)

5 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
6 Professional Member, referred to the State Board of
7 Massage Therapy Bureau of Professional and
8 Occupational Affairs (BPOA) 2021 Report regarding a
9 breakdown of cases brought before the Board.

10 Mr. Davis addressed case numbers and financials,
11 noting prior discussions from several individuals
12 coming before the Board, including the head of the
13 prosecution division. He noted that the 2021
14 Department of State Annual Report was uploaded to the
15 Board's agenda, and it details how many cases were
16 opened, closed, etc. by this Board in 2021.

17 Mr. Davis referred to Section 4 of the Massage
18 Therapy Practice Act, where the Board must submit a
19 report annually to the Consumer Protection and
20 Professional Licensure Committee of the Senate and
21 Professional Licensure Committee of the House of
22 Representatives containing a description of the types
23 of complaints received, status of the cases, Board
24 action which has been taken, and length of time from
25 the initial complaint to the final Board resolution.

1 Mr. Davis provided information for 2021, where
2 there were 8,678 active licensees, 175 cases opened,
3 and 226 cases closed with an average of 415 days to
4 close a case.

5 Chair Porambo stated the report was put together
6 for the Board's general information and encouraged
7 Board members to look at the materials.]

8 ***

9 Miscellaneous - Scam Alert

10 [Thomas M. Davis, Esquire, Board Counsel, addressed a
11 scam alert, where persons pretending to be from one
12 of the health-related boards are contacting licensees
13 by phone and mail concerning the status of their
14 license. He noted licensees would never be contacted
15 by phone for payment. He reminded everyone to not
16 give personal or financial information over the
17 phone.

18 Mr. Davis mentioned that those who are the
19 subject of an investigation or disciplinary action
20 will receive notice by certified mail and/or personal
21 service and are provided with a contact name and
22 phone number. He informed everyone to contact their
23 local police department or the Pennsylvania State
24 Police if they have been a victim of the scam.]

25 ***

1 Meeting Dates

2 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
3 Professional Member, noted the remaining 2022 Board
4 meeting dates are September 20 and November 15.

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

8 ***

9 Adjournment

10 CHAIR PORAMBO:

11 I'd like to entertain a motion to
12 adjourn if there are no further
13 questions.

14 MR. STRAWSER:

15 I'll make the motion.

16 MS. KETH:

17 I will second.

18 CHAIR PORAMBO:

19 Thank you for attending.

20 ***

21 [There being no further business, the State Board of
22 Massage Therapy Meeting adjourned at 12:04 p.m.]

23 ***

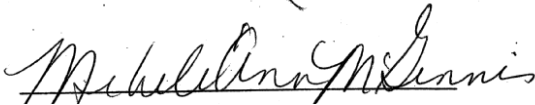
24

25

CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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



Michele Ann McGinnis,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

August 9, 2022

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:00	Executive Session
9		
10	10:30	Commence Open Session
11		
12	10:48	Official Call to Order
13		
14	10:49	Introduction of Board Members/Attendees
15		
16	10:51	Approval of Minutes
17		
18	10:52	Report of Board Regulatory Counsel
19		
20	11:40	Report of Board Prosecutor
21		
22	11:48	Report of Board Administrator
23		
24	11:53	Correspondence
25		
26	11:58	Report of Acting Commissioner
27		
28	11:59	Report of Board Chair
29		
30	12:00	Report of Board Counsel (cont.)
31		
32	12:02	Miscellaneous
33		
34	12:04	Adjournment
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		