

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

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, August 10, 2021

State Board of Massage Therapy
August 10, 2021

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Andrea L. Costello, Esquire, Board Prosecution Liaison
Garrett A. Rine, Esquire, Board Prosecutor
Colby B. Widdowson, Esquire, Board Prosecutor
Dean F. Picarella, Esquire, Senior Board Counsel
Heather J. McCarthy, Esquire, Board Prosecution
Liaison
Marc Farrell, Deputy Policy Director, Department of
State

ALSO PRESENT:

Johanna Kapura, McNees-Winter Group LLC
Jen Smeltz, Republican Executive Director, Senate
Consumer Protection & Professional Licensure
Committee
Natalie Cook, Associate, McNees-Winter Group LLC,
representing the American Massage Therapy
Association Pennsylvania Chapter
Kelly L. Givens, LMT, CR, American Massage Therapy
Association
Edward Portley Jr., LMT, Just This Side of Heaven
Massage & Continuing Education for Massage
Therapists
Heather Kazmark, MA, Program Manager at Government
Relations, American Massage Therapy Association

State Board of Massage Therapy
August 10, 2021

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

ALSO PRESENT: (Continued)

John DeSantis, Esquire, DeSantis Krupp, LLC
Laura B. Embleton, Government Relations Director,
Associated Bodywork & Massage Professionals

State Board of Massage Therapy

1 August 10, 2021

2 ***

3 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
4 9:00 a.m. the Board entered into Executive Session
5 with Thomas M. Davis, Esquire, Board Counsel, for the
6 purpose of conducting quasi-judicial deliberations and
7 to receive advice of Counsel on the matters upon which
8 the Board will later vote. The Board commenced open
9 session at 10:30 a.m.]

10 ***

11 Meeting Instructions

12 [Christina Townley, Board Administrator, provided
13 instructions to be followed during the virtual
14 meeting.]

15 ***

16 The regularly scheduled meeting of the State
17 Board of Massage Therapy was held on Tuesday, August
18 10, 2021. Becky D. Caufman, LMT, Chair, called the
19 meeting to order at 10:31 a.m.

20 K. Kalonji Johnson, Commissioner, Bureau of
21 Professional and Occupational Affairs, was not present
22 during commencement of the meeting.

23 ***

24 [Thomas M. Davis, Esquire, Board Counsel, noted the
25 meeting was being recorded, and those who continued to

1 participate were giving their consent to be recorded.

2 Mr. Davis also informed everyone that the Board
3 met in Executive Session prior to today's meeting for
4 the purpose of conducting quasi-judicial deliberations
5 and to receive advice of Counsel.]

6 ***

7 Introduction of Board Members/Attendees

8 [Chair Cauffman requested Board members and attendees
9 introduce themselves.]

10 ***

11 [K. Kalonji Johnson, Commissioner, Bureau of
12 Professional and Occupational Affairs, entered the
13 meeting at 10:38 a.m.]

14 ***

15 Report of Board Prosecution

16 [Garrett A. Rine, Esquire, Board Prosecutor, presented
17 the Consent Agreement for Case No. 19-72-017518.

18 John DeSantis, Esquire, DeSantis Krupp, LLC,
19 Counsel for Respondent, was present and participated
20 in the discussion.]

21 ***

22 [Garrett A. Rine, Esquire, Board Prosecutor, presented
23 the Consent Agreement for Case No. 20-72-003026.]

24 MR. DAVIS:

25 After presentation of the consent

1 agreements, is there any Board member
2 who feels the need to reenter Executive
3 Session to further discuss these
4 matters? Hearing nothing.

5 Number 10 on the Board's agenda,
6 based on the Board's discussions in
7 Executive Session, I believe the Chair
8 would accept a motion to approve the
9 Consent Agreement in the following
10 matter: Case No. 19-72-017518.

11 CHAIR CAUFMAN:

12 Nancy?

13 MS. PORAMBO:

14 I'd like to make a motion.

15 CHAIR CAUFMAN:

16 Dana?

17 MS. NELSON:

18 I'll second that motion.

19 CHAIR CAUFMAN:

20 All in favor, please say aye. All those
21 opposed, please state your name.

22 [The motion carried. Jessica Nelson recused herself
23 from deliberations and voting on the motion. Case No.
24 19-72-017518 is Commonwealth BPOA v. Matthew T.
25 Kulbacki, LMT.]

1 ***

2 MR. DAVIS:

3 Moving to 11 on the Board's agenda.
4 Based on the Board's discussions in
5 Executive Session, I believe the Chair
6 would accept a motion to approve the
7 Consent Agreement in the following
8 matter: Case No. 20-72-003026.

9 CHAIR CAUFMAN:

10 Jessica?

11 MS. NELSON:

12 I'll make the motion.

13 CHAIR CAUFMAN:

14 Second?

15 MS. PORAMBO:

16 I'll second it.

17 CHAIR CAUFMAN:

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

22 [The motion carried unanimously. Case No. 20-72-
23 003026 is Commonwealth BPOA v. Hongyu Zhu, LMT.]

24 ***

25 Approval of minutes of the June 1, 2021 meeting

1 CHAIR CAUFMAN:

2 I would like to turn everybody's
3 attention to item 2, and that is the
4 draft minutes of the Tuesday, June 1,
5 2021 meeting of the State Board of
6 Massage Therapy.

7 Are there any additions or
8 corrections?

9 [The Board discussed corrections to the minutes.]

10 CHAIR CAUFMAN:

11 Did anybody else notice anything else?
12 Okay, hearing none.

13 I need a motion from the floor to
14 approve the draft minutes with the
15 corrections.

16 MS. PORAMBO:

17 I'll make a motion to approve with
18 corrections.

19 CHAIR CAUFMAN:

20 I need a second, please.

21 MR. STRAWSER:

22 Second.

23 CHAIR CAUFMAN:

24 All those in favor, say aye. Any
25 opposition, please state your name. Any

1 abstentions, please state your name.

2 Hearing none.

3 [The motion carried unanimously.]

4 ***

5 Report of Regulatory Counsel

6 [Thomas M. Davis, Esquire, Board Counsel, noted the
7 massage therapist and cosmetology salon regulation is
8 still with Regulatory Counsel. He believed there
9 would not be any issues but will bring any issues to
10 the Board's attention.

11 Mr. Davis addressed 16A-727 regarding licensure
12 by endorsement. He mentioned it was turned over to
13 Regulatory Counsel in January 2021 and was recently
14 informed that another template came down the pike.

15 Mr. Davis reminded the Board that Act 41 deals
16 with licensure by endorsement, and every board is
17 adopting regulations based on Act 41. He mentioned he
18 had to adapt what the Board had previously seen into a
19 slightly different template and provided a draft of
20 the annex.

21 Mr. Davis commented that there is absolutely no
22 substantive change to the proposed regulation, but
23 noted he highlighted all language that had been moved
24 or changed in order to match the new template.

25 Mr. Davis noted Regulatory Counsel offered a

1 suggestion regarding § 20.27, where he added, "has a
2 current certification in cardiopulmonary resuscitation
3 (CPR) that is valid for at least six months following
4 the date of application. A list of Board-approved CPR
5 providers will be posted on the Board's website."

6 Mr. Davis mentioned that it is one additional
7 thing if someone wants to have licensure by
8 endorsement through Act 41, where they will also have
9 to prove that they have current certification in CPR,
10 which is just a near universal administrative
11 requirement at BPOA.

12 Mr. Davis questioned whether the Board had any
13 issues with any of the administrative changes or
14 adding the CPR certification requirement and suggested
15 a new vote be taken to allow him to promulgate it
16 through the regulatory process. The Board asked no
17 questions.]

18 MR. DAVIS:

19 Based on the Board's discussions in open
20 session, I believe the Chair would
21 accept a motion to promulgate proposed
22 regulation 16A-727 licensure by
23 endorsement through the regulatory
24 review process.

25 CHAIR CAUFMAN:

1 Jessica, would you lead, please?

2 MS. NELSON:

3 I'll make the motion.

4 CHAIR CAUFMAN:

5 Dana, could you second?

6 MS. DOUGLAS:

7 I second the motion.

8 CHAIR CAUFMAN:

9 All those in favor, please say aye. All
10 those opposed, please state your name.

11 Any abstentions, please state your name.

12 Seeing none.

13 [The motion carried unanimously.]

14 ***

15 Report of Commissioner

16 [K. Kalonji Johnson, Commissioner, Bureau of
17 Professional and Occupational Affairs, commented that
18 the next Board meeting on September 28 would be on a
19 virtual platform, but the December 6 meeting will be
20 at Penn Center because the regulatory suspensions
21 under the emergency order will have ceased.

22 Commissioner Johnson encouraged everyone with a
23 physical travel request to give as much notice as
24 possible so it could be sent to the Governor's Office
25 for approval. He said travel requests need to be

1 Sunshined formally in the public meeting to get
2 approval on record. He also mentioned allowing enough
3 time for travel arrangements, noting that folks are
4 still struggling with acquiring rental cars and hotel
5 accommodations.

6 Commissioner Johnson informed the Board that
7 travel requests can be approved administratively as
8 long as the request is formalized at the next
9 available meeting to ensure the approval is publicly
10 registered in those instances where time is of the
11 essence.

12 Chair Caufman questioned whether she would need
13 to request travel approval at the September meeting
14 for the December meeting because she arrives the night
15 before.

16 Commissioner Johnson stated he is talking about
17 travel restrictions in place during COVID for national
18 and regional conferences. He strongly advised
19 attending virtually if available. He mentioned that
20 travel requests will be accepted up to the pre-COVID
21 level of two members but can be expanded for the
22 number of folks participating virtually.

23 Chair Caufman noted that members of the Board who
24 wanted to go to the Federation of State Massage
25 Therapy Boards (FSMTB) Annual Meeting have all

1 expressed concern and choose not to travel at the
2 first part of October and will see if FSMTB could
3 accommodate virtual participation.

4 Chair Caufman asked Commissioner Johnson whether
5 she would need a new letter regarding her request for
6 an SUV during winter months for travel.

7 Commissioner Johnson noted the letter was
8 executed as far back as 2019 and would appreciate a
9 new letter to just refresh, so there is no ambiguity
10 and confusion.]

11 ***

12 Report of Board Counsel

13 [Thomas M. Davis, Esquire, Board Counsel, addressed
14 Act 21 of 2021, where regulatory suspensions are all
15 extended until September 30, 2021, unless terminated
16 sooner by the authority who initially authorized the
17 suspension.

18 Mr. Davis encouraged everyone to look at the
19 Board of Massage Therapy, Department of State, and
20 Bureau of Professional and Occupational Affairs (BPOA)
21 websites because a large part of the COVID waivers are
22 going to be systematically removed in the relatively
23 near future with all of them gone by September 30.

24 Mr. Davis noted the September meeting will be
25 held virtually, but all meetings after September 30

1 are expected to be held in person.]

2 ***

3 Adjudications and Orders

4 MR. DAVIS:

5 Pursuant to Section 708(a)(5) of the
6 Sunshine Act, at 9:00 this morning, the
7 Board entered into Executive Session for
8 the purpose of conducting quasi-judicial
9 deliberations and to receive advice of
10 Counsel on the matters upon which the
11 Board will now vote.

12 Number 6 on the Board's agenda.
13 Based on the Board's discussions in
14 Executive Session, I believe the Chair
15 would accept a motion to adopt as final
16 the Proposed Adjudication and Order of
17 the hearing examiner in the following
18 matter: Commonwealth BPOA v.
19 Christopher Ryan Ely, LMT, Case No. 20-
20 72-003211.

21 CHAIR CAUFMAN:

22 Jessica Nelson is recusing from this
23 particular vote. Nancy, motion, please?

24 MS. PORAMBO:

25 I'll make a motion.

1 CHAIR CAUFMAN:

2 Bryan?

3 MR. STRAWSER:

4 I second the motion.

5 CHAIR CAUFMAN:

6 All those in favor, please say aye. All
7 those opposing, please state your name.

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

10 ***

11 MR. DAVIS:

12 Number 7 on the Board's agenda. Based
13 on the Board's discussions in Executive
14 Session, I believe the Chair would
15 accept a motion to adopt as final the
16 Proposed Adjudication and Order of the
17 hearing examiner in the following
18 matter: In the Matter of the
19 Application for Licensure as a Massage
20 Therapist of Steven Mark Ray, LMT,
21 Applicant, Case No. 20-72-007645.

22 CHAIR CAUFMAN:

23 Jessica?

24 MS. NELSON:

25 I'll make the motion.

1 CHAIR CAUFMAN:

2 Dana?

3 MS. DOUGLAS:

4 I'll second that.

5 CHAIR CAUFMAN:

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

10 [The motion carried unanimously.]

11 ***

12 MR. DAVIS:

13 Number 8 on the Board's agenda. Based
14 on the Board's discussions in Executive
15 Session, I believe the Chair would
16 accept a motion to adopt as final the
17 Proposed Adjudication and Order of the
18 hearing examiner in the following
19 matter: In Re: Petition for
20 Reinstatement of a License to Practice
21 Massage Therapy of Jessica Danielle
22 Silvis, LMT, Petitioner, Case No. 21-72-
23 001267.

24 CHAIR CAUFMAN:

25 Bryan?

1 MR. STRAWSER:

2 I'll make the motion.

3 CHAIR CAUFMAN:

4 Nancy?

5 MS. PORAMBO:

6 I'll second.

7 CHAIR CAUFMAN:

8 All those in favor, please say aye. Any

9 oppositions, please state your name.

10 Any abstentions, please state your name.

11 Hearing none.

12 [The motion carried unanimously.]

13 ***

14 Record of Deliberation

15 MR. DAVIS:

16 Number 9 on the Board's agenda. Based
17 on the Board's discussions in Executive
18 Session, I believe the Chair would
19 accept a motion to approve as final the
20 Draft Adjudication and Order in the
21 following matter: Commonwealth BPOA v.
22 Baoquoc N. Nguyen, LMT, Case No. 20-72-
23 005283.

24 CHAIR CAUFMAN:

25 Jessica Nelson recuses on this motion.

1 Dana?

2 MS. DOUGLAS:

3 I'll make the motion.

4 CHAIR CAUFMAN:

5 Bryan?

6 MR. STRAWSER:

7 I second the motion.

8 CHAIR CAUFMAN:

9 All those in favor, please say aye. All
10 those opposing, please state your name.

11 Any abstentions, please state your name.

12 Hearing none.

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

15 ***

16 Report of Board Chair

17 [Becky D. Caufman, LMT, Chair, had no formal report to
18 offer but again noted that the three designees for the
19 FSMTB Annual Meeting do not want to travel.]

20 ***

21 Report of Board Administrator

22 [Christina Townley, Board Administrator, had no formal
23 report to offer.

24 Chair Caufman questioned whether Ms. Townley
25 could provide information regarding the current number

1 of State Board of Massage Therapy licensees.

2 Ms. Townley will provide a licensee count at the
3 next meeting.]

4 ***

5 Applications for Review

6 MR. DAVIS:

7 The following matters were discussed in
8 Executive Session.

9 Number 12. In that particular
10 matter, the Board administrator has been
11 given instructions to contact this
12 individual, so it is tabled.

13 ***

14 MR. DAVIS:

15 Number 13. In the matter of the
16 Application for Licensure as a Massage
17 Therapist of Luisa Florentino,
18 Application No. AA0003063058, based on
19 the Board's discussions in Executive
20 Session, I believe the Chair would
21 accept a motion provisionally denying
22 the application.

23 CHAIR CAUFMAN:

24 Dana?

25 MS. DOUGLAS:

1 I'll make the motion to provisionally
2 deny.

3 CHAIR CAUFMAN:

4 Bryan?

5 MR. STRAWSER:

6 I second the motion.

7 CHAIR CAUFMAN:

8 All those in favor, please say aye. All
9 those in opposition, please state your
10 name. Any abstentions, please state
11 your name. Hearing none.

12 [The motion carried unanimously.]

13 ***

14 MR. DAVIS:

15 Number 14 on the Board's agenda. In the
16 matter of the Application for Licensure
17 as a Massage Therapist of Yingying Li,
18 Application No. AA0003114960, based on
19 the Board's discussions in Executive
20 Session, I believe the Chair would
21 accept a motion provisionally denying
22 the application.

23 CHAIR CAUFMAN:

24 Nancy?

25 MS. PORAMBO:

1 I make a motion.

2 CHAIR CAUFMAN:

3 Jessica?

4 MS. NELSON:

5 I'll second that motion.

6 CHAIR CAUFMAN:

7 All those in favor, please say aye. All
8 those in opposition, please state your
9 name. Any abstentions, please state
10 your name. Hearing none.

11 [The motion carried unanimously.]

12 ***

13 MR. DAVIS:

14 Number 15 on the Board's agenda. In the
15 matter of the Application for Licensure
16 as a Massage Therapist of Alejandra
17 Miller, Application No. AA0002287759,
18 based on the Board's discussions in
19 Executive Session, I believe the Chair
20 would accept a motion provisionally
21 denying the application.

22 CHAIR CAUFMAN:

23 Nancy?

24 MS. PORAMBO:

25 I make a motion.

1 CHAIR CAUFMAN:

2 Bryan?

3 MR. STRAWSER:

4 I'll second that motion.

5 CHAIR CAUFMAN:

6 All those in favor, please say aye. Any
7 opposition, please state your name. Any
8 abstentions, please state your name.
9 Hearing none.

10 [The motion carried unanimously.]

11 ***

12 [Becky D. Caufman, LMT, Chair, noted the next
13 scheduled meeting date is September 28, 2021.]

14 ***

15 Public Session

16 [Becky D. Caufman, LMT, Chair, asked the audience
17 whether anyone wished to address the Board.

18 Laura B. Embleton, Government Relations Director,
19 Associated Bodywork & Massage Professionals, wished
20 everyone well and wanted to say hello to the Board.

21 Chair Caufman thanked Ms. Embleton for being so
22 beneficial and instrumental with regulations and
23 revisions for massage therapy throughout the years.

24 Chair Caufman thanked all the Bureau personnel
25 for being so proactive on behalf of the State Board of

1 Massage Therapy and requested information regarding
2 how the Board is doing.

3 Ms. Costello informed Chair Caufman everything is
4 going well as far as prosecution cases.]

5 ***

6 Adjournment

7 CHAIR CAUFMAN:

8 We need a motion from the floor to
9 adjourn the meeting.

10 Jessica, would you like to make a
11 motion, please?

12 MS. NELSON:

13 I'll make the motion.

14 CHAIR CAUFMAN:

15 Nancy, would you like to second it?

16 MS. PORAMBO:

17 Yes, I'll second it.

18 CHAIR CAUFMAN:

19 Thank you very much. I would like to
20 declare the August 10, 2021 meeting of
21 the State Board of Massage Therapy so
22 adjourned.

23 [The motion carried unanimously.]

24 ***

25 [There being no further business, the State Board of

1 Massage Therapy Meeting adjourned at 11:16 a.m.]

2

3

4

CERTIFICATE

5

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

12

13

14



15

Evan Bingaman,

16

Minute Clerk

17

Sargent's Court Reporting

18

Service, Inc.

19

20

21

22

23

24

25

26

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

August 10, 2021

TIME	AGENDA
9:00	Executive Session
10:30	Commence Open Session
10:31	Official Call to Order
10:33	Introduction of Board Members/Attendees
10:38	Report of Board Prosecution
10:47	Approval of Minutes
10:44	Report of Regulatory Counsel
10:53	Report of Commissioner
10:59	Report of Board Counsel
11:06	Report of Board Chair
11:06	Report of Board Administrator
11:12	Public Session
11:16	Adjournment

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