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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

TIME: 10:32 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

Monday, September 18, 2023

State Board of Massage Therapy
September 18, 2023

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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 Nelson, Office of Attorney General designee
Dana J. Douglas, LMT
Vickiann Hicks, LMT, BCTMB, CCCA
Jennifer A. Keth, LMT, CNC, Vice Chair
Imelda Alumbro Shade, LMT
Bryan Strawser, LMT - Absent

BUREAU PERSONNEL:

Shana M. Walter, Esquire, Board Counsel
Thomas M. Davis, Esquire, Board Regulatory Counsel
Jared Hinsey, Esquire, Board Counsel
J. Karl Geschwindt, Esquire, Acting Senior Board
Prosecutor
Andrea L. Costello, Esquire, Board Prosecution
Liaison
Colby B. Widdowson, Esquire, Board Prosecutor
Paul Keller, Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State
Danie Bendesky, Director of Intergovernmental
Affairs, Department of State

ALSO PRESENT:

Camille Baughman, MA, BSed, LMT, Camille Baughman &
Associates
Twyla Jones, Massage Therapist, Harrisburg, PA
Natalie Cook, Associate, McNees-Winter Group
Erika Still, LMT
Corin Barlow, Regional Director, Hand & Stone Massage
and Facial Spa
Bryn Erace, Multi Unit Franchise Owner, Hand & Stone
Massage and Facial Spa
Nicole Sidle, Republican Executive Director, House
Professional Licensure Committee

State Board of Massage Therapy
September 18, 2023

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ALSO PRESENT: (cont.)

Ashley Hernandez, Government Relations Specialist,
Federation of State Massage Therapy Boards
LeeAnne Spohn, Vice President, European Medical
School
of Massage
Edward Portley Jr., LMT, Just This Side of Heaven
Massage & Continuing Education for Massage
Therapists
Aiden Phillips
Derek Richmond

1 ***

2 State Board of Massage Therapy

3 September 18, 2023

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 Jared Hinsey, 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 would later vote. The Board returned
11 to open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Massage Therapy was held on Monday,
15 September 18, 2023. Jennifer A. Keth, LMT, CNC, Vice
16 Chair, called the meeting to order at 10:32 a.m.

17 Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
18 was not present at the commencement of the meeting.

19 ***

20 Introduction of Board Members/Attendees

21 [Vice Chair Keth requested an introduction of Board
22 members and attendees.]

23 ***

24 [Jared Hinsey, Esquire, Board Counsel, noted the
25 meeting was being recorded, and those who continued

1 to participate were giving their consent to be
2 recorded.

3 Mr. Jared also noted the Board entered into
4 Executive Session prior to the Board meeting for the
5 purpose of conducting quasi-judicial deliberations.]

6 ***

7 Approval of minutes of the August 1, 2023 meeting

8 VICE CHAIR KETH:

9 First, I'd like to work on approval of
10 the Board minutes.

11 MR. DAVIS:

12 Is there a motion?

13 MS. NELSON:

14 I'll make the motion.

15 MS. DOUGLAS:

16 I'll second the motion.

17 MR. KELLER:

18 Claggett, aye; Chamberlain, aye;

19 Nelson, aye; Keth, aye; Douglas, aye;

20 Hicks, aye; Alumbro Shade, aye.

21 [The motion carried unanimously.]

22 ***

23 Regulatory Report

24 [Thomas M. Davis, Esquire, Board Counsel, informed

25 Board members that Jared Hinsey would be replacing

1 him as Board Counsel because he volunteered for a new
2 regulatory group position created by the counsel
3 division. He mentioned that he would be drafting
4 regulations for their Board as well as eight other
5 boards.

6 Mr. Davis stated the massage therapists in
7 cosmetology salons regulation was being jointly
8 promulgated with the State Board of Cosmetology and
9 should be jointly promulgated in the near future in
10 the *Pennsylvania Bulletin* simultaneously. He
11 reported that massage therapy has been done for quite
12 some time, but the State Board of Cosmetology has
13 been through a couple different board counsels. He
14 noted that he is helping draft the Regulatory
15 Analysis Form (RAF), and there was movement on that
16 one.

17 Mr. Davis informed Board members that licensure
18 by endorsement under Act 41 was undergoing and
19 internal review, and he was slightly rewriting the
20 RAF after comments were received from regulatory
21 counsel, noting the annex had not changed since Board
22 approval.

23 Mr. Davis addressed schedule of fees, noting he
24 talked to the Policy Office about fees as well as
25 those other two things on August 10, 2023, and he was

1 drafting a regulation, which would include \$112 for
2 the Professional Licensure Augmentation Account
3 (PLAA).

4 Mr. Davis explained that it is a Bureau of
5 Professional and Occupational Affairs (BPOA) policy
6 that each board has to be self-sufficient, which
7 means the Board would have to pay back close to \$2.4
8 million. He mentioned that he was in active
9 discussions with the Policy Office and would provide
10 an update when available.]

11 ***

12 Report of Board Counsel

13 Adjudications and Orders

14 MR. HINSEY:

15 At item 4, based on Executive Session
16 deliberations, I believe the Board
17 Chair would entertain a motion to
18 direct Board Counsel to issue the Final
19 Adjudication and Order consistent with
20 discussions in Executive Session in the
21 matter of Jason Abrams, Case No. 19-72-
22 006064.

23 MS. NELSON:

24 I will make the motion.

25 MS. DOUGLAS:

1 I'll second the motion.

2 MR. KELLER:

3 Claggett, aye; Chamberlain, aye;

4 Nelson, aye; Keth, aye; Douglas, aye;

5 Hicks, aye; Alumbro Shade, aye.

6 [The motion carried unanimously.]

7 ***

8 Report of Board Counsel

9 Record for Deliberation

10 MR. HINSEY:

11 At item 5 on the agenda, based on

12 Executive Session deliberations, I

13 believe the Chair would entertain a

14 motion to approve the Application and

15 probation of Essence Birch-Wilkes.

16 MS. NELSON:

17 I'll make the motion.

18 MS. DOUGLAS:

19 I'll second the motion.

20 MR. KELLER:

21 Claggett, aye; Chamberlain, aye;

22 Nelson, aye; Keth, aye; Douglas, aye;

23 Hicks, aye; Alumbro Shade, aye.

24 [The motion carried unanimously.]

25 ***

1 MR. HINSEY:

2 At item 6 on the agenda, based on
3 Executive Session deliberations, I
4 believe the Chair would entertain a
5 motion to provisionally deny the
6 Application of Gus Dontas.

7 MS. NELSON:

8 I'll make the motion.

9 MS. DOUGLAS:

10 I second the motion.

11 MR. KELLER:

12 Claggett, aye; Chamberlain, aye;
13 Nelson, aye; Keth, aye; Douglas, aye;
14 Hicks, aye; Alumbro Shade, aye.

15 [The motion carried unanimously.]

16 ***

17 MR. HINSEY:

18 At item 7 on the agenda, based on
19 Executive Session deliberations, I
20 believe the Chair would entertain a
21 motion to provisionally deny the
22 Application of Nicholas Marotta.

23 MS. NELSON:

24 I'll make the motion.

25 MS. DOUGLAS:

1 I'll second the motion.

2 MR. KELLER:

3 Claggett, aye; Chamberlain, aye;

4 Nelson, aye; Keth, aye; Douglas, aye;

5 Hicks, aye; Alumbro Shade, aye.

6 [The motion carried unanimously.]

7 ***

8 Report of Board Prosecutors

9 [Andrea L. Costello, Esquire, Board Prosecution

10 Liaison, presented the Consent Agreements for Case

11 Nos. 19-72-014314 & 19-72-014710 and Case No. 23-72-

12 003247.]

13 ***

14 [Colby B. Widdowson, Esquire, Board Prosecutor,

15 presented the Consent Agreement for Case No. 22-72-

16 009048.]

17 MR. HINSEY:

18 Based on Executive Session

19 deliberations, I believe the Chair

20 would entertain a motion to reject the

21 Consent Agreements at item 8, Case Nos.

22 19-72-014314 & 19-72-014710 and item 9,

23 Case No. 23-72-003247 as drafted.

24 MS. NELSON:

25 I'll make the motion.

1 MS. DOUGLAS:

2 I'll second the motion.

3 MR. KELLER:

4 Claggett, aye; Chamberlain, aye;

5 Nelson, aye; Keth, aye; Douglas, aye;

6 Hicks, aye; Alumbro Shade, aye.

7 [The motion carried unanimously.]

8 ***

9 MR. HINSEY:

10 Based on Executive Session
11 deliberations, I believe the Chair
12 would entertain a motion to approve the
13 Consent Agreements at item 10, Case No.
14 22-72-009048 and item 11, Case No. 22-
15 72-007577.

16 MS. NELSON:

17 I'll make the motion.

18 MS. DOUGLAS:

19 I'll second the motion.

20 MR. KELLER:

21 Claggett, aye; Chamberlain, aye;

22 Nelson, aye; Keth, aye; Douglas, aye;

23 Hicks, aye; Alumbro Shade, aye.

24 [The motion carried unanimously. The Respondent's
25 name at item 10 is Alexis Helen Christopher, LMT; and

1 item 11 is James I. Sams III, L.M.T.]

2

3 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
4 entered the meeting at 10:45 a.m.]

5

6 Report of Acting Commissioner - No Report

7

8 Report of Board Chair

9 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair, noted
10 the upcoming Federation of State Massage Therapy
11 Boards (FSMTB) Meeting September 28-30 in San Diego,
12 CA. She addressed changes in bylaws, including
13 something as simple as communication.

14 Chair Porambo noted that there is a presentation
15 by the California chapter, where all they want is the
16 names of the delegates so they can have communication
17 within, which would come before the actual delegate
18 membership for vote. She mentioned that is something
19 they rejected in the past and hoped there would be
20 more allowable open communication.

21 Chair Porambo stated there was also language in
22 the elections section that would be brought up that
23 is somewhat problematic, where there were two
24 sections of delegates of applicants for the board.
25 She noted one section that has two people who are

1 going into the vote and then the next section has
2 three, so there are five people actually running for
3 the board position.

4 Chair Porambo mentioned that the way they are
5 handling the elections is not common, that the
6 election goes off for the first two and whoever loses
7 gets to be put into the second group to be elected
8 again. She reported problems with that with respect
9 to the California chapter again, bringing an
10 amendment forward to be able to discuss why the
11 election process is set up that way.

12 Chair Porambo stated being a part of the FSMTB
13 Meeting was a good way to talk with people from other
14 states and know what was going on with respect to the
15 establishment law and other practices. She informed
16 Board members that she would provide a report from
17 the meeting in November.]

18 ***

19 Report of Board Administrator

20 Applications

21 MR. DAVIS:

22 Number 12 on the Board's agenda. Based
23 on the Board's discussions in Executive
24 Session, I believe the Chair would
25 entertain a motion to approve the

1 Application for Licensure as a Massage
2 Therapist of Evan Wilcox.

3 CHAIR PORAMBO:

4 Do I have a motion?

5 MS. NELSON:

6 I'll make the motion.

7 CHAIR PORAMBO:

8 Second?

9 MS. DOUGLAS:

10 I'll second the motion.

11 MR. KELLER:

12 Porambo, abstain; Claggett, aye;
13 Chamberlain, aye; Nelson, aye; Keth,
14 aye; Douglas, aye; Hicks, aye; Alumbro
15 Shade, aye.

16 [The motion carried. Nancy Porambo abstained from
17 voting on the motion.]

18 ***

19 Correspondence

20 MR. DAVIS:

21 Number 13 on the Board's agenda. Based
22 on the Board's discussions in Executive
23 Session, I believe the Chair would
24 accept the motion denying the Request
25 for a Waiver of all or part of the

1 continuing education requirement of the
2 following individual: Chelsie Werts.

3 CHAIR PORAMBO:

4 Do I have a motion?

5 MS. NELSON:

6 I'll make the motion.

7 CHAIR PORAMBO:

8 Second?

9 MS. DOUGLAS:

10 I'll second the motion.

11 MR. KELLER:

12 Porambo, abstain; Claggett, aye;
13 Chamberlain, aye; Nelson, aye; Keth,
14 aye; Douglas, aye; Hicks, aye; Alumbro
15 Shade, aye.

16 [The motion carried. Nancy Porambo abstained from
17 voting on the motion.]

18 ***

19 Miscellaneous

20 [Paul Keller, Board Administrator, addressed a
21 request regarding the current active count of
22 licensees. He reported there were 8,162 actively
23 licensed massage therapists.

24 Mr. Davis referred to prior Board discussion
25 concerning increasing fees because of lower licensee

1 counts, noting over 8,000 is where the Board has
2 been.

3 Chair Porambo asked whether a definite answer was
4 received concerning payback of the debt.

5 Mr. Davis spoke with the Policy Office in August,
6 but has not yet received a definite answer. He noted
7 informing the Policy Office that massage therapy
8 would probably lose licensees if they raise the
9 renewal fee to \$360. He mentioned that the Policy
10 Office was considering the current bureau policy,
11 where each board is required to pay back the
12 Professional Licensure Augmentation Account (PLAA).

13 Mr. Davis also noted prior Board discussion about
14 massage therapy in high schools and massage therapy
15 license via apprenticeship. He mentioned that the
16 change would require some statutory changes, noting
17 the Department of Education agreed.

18 Andrew LaFratte, MPA, Deputy Policy Director,
19 Department of State, noted discussing those items and
20 a potential pilot program mirroring what barber and
21 cosmetology have done from Act 55 of 2022. He agreed
22 that statutory changes would be required, where the
23 Board would need to open up their Practice Act to
24 allow students under the age of 18 to be able to
25 practice massage therapy.

1 Mr. LaFratte noted that the Policy Office is
2 interested in the actual formal apprenticeship
3 program idea for an alternative pathway to licensure,
4 where students could achieve their 600-hour
5 requirement without going through the traditional
6 educational route. He mentioned that it may be a
7 great alternative pathway for economically
8 disadvantaged individuals who may be deterred from
9 the profession due to the cost of a tuition.

10 Mr. LaFratte provided Mr. Davis with information
11 from a few different states, where at least six
12 states offer some sort of formal massage therapy
13 apprenticeship program that could be counted toward
14 the requirement for licensure. He noted that the
15 minimum age to enter an apprenticeship program is 18
16 years of age for a student in other states.

17 Mr. LaFratte mentioned that there are also
18 different sponsorship requirements with having a
19 mentor for all of the different states. He explained
20 that a mentor would have to be a licensee who is
21 active at least three years in the practice to become
22 a mentor and then they can take on someone as an
23 apprentice.

24 Mr. LaFratte offered to assist with drafting some
25 plans, including online and classroom requirements.

1 He referred to requirements during COVID, where there
2 was the ability to get 100 hours of online
3 instruction in anatomy, physiology, kinesiology, and
4 pathology, along with 25 hours of online instruction
5 in professional ethics or business.

6 Mr. LaFratte stated maybe a proposal could be
7 drafted with a 600-hour apprenticeship program, where
8 125 hours would be outside of the classroom or online
9 instruction and the remaining 475 could be a mix of
10 in-class and out-of-classroom instruction. He
11 offered to look at examples from other states and put
12 different options together.

13 Ms. Hicks referred to prior discussion concerning
14 the 100 hours, where a lot was learned through COVID,
15 and the governor wanted schools to continue through
16 with the online process. She noted missing the
17 opportunity to make those regulation changes, where
18 the Board would now have to make a legislation change
19 but asked whether the Board would be more lenient
20 with just allowing some of the online routes to make
21 the education a little bit more lined up with some of
22 the other states.

23 Mr. Davis explained that the Board has an active
24 regulation regarding massage therapy virtual
25 education, which would allow a certain percentage of

1 the 600 hours of initial education to be via distance
2 education.

3 Mr. Davis noted that the regulation would not
4 require a legislative change, but apprenticeships and
5 allowing massage therapy programs in high schools
6 probably would require a legislative change. He
7 commented that they should be treated as three
8 separate things entirely.

9 Mr. Davis reported that six states at some point
10 allowed for apprenticeships, and of the six that have
11 apprenticeships in their laws and regulations, only
12 four of them are actively allowing for licensure via
13 apprenticeship, so it seems to be the way of the
14 massage profession to move away from apprenticeships
15 more than it is toward them.

16 Mr. Davis also noted FSMTB confirmed that and
17 pointed out the Model Practice Act. He referred to
18 Section 301, where it talks about being 18 years of
19 age and schooling but does not discuss
20 apprenticeships.

21 Chair Porambo commented that representatives from
22 Associated Bodywork & Massage Professionals (ABMP) or
23 the American Massage Therapy Association (AMTA) would
24 be able to provide information regarding what they
25 are working on with various states. She noted there

1 are a few states actively pursuing it but would check
2 with Debra at the FSMTB Meeting next week.

3 Ms. Hicks commented that the old form of
4 apprenticeship used to be just following a mentor,
5 but the U.S. Department of Labor has a very different
6 outline. She reported multiple states are using this
7 for nursing, where it would actually help schools
8 because the education has to come from an actual
9 education institution.

10 Ms. Hicks explained that it is not like taking
11 the 500 or 600 hours depending on the state
12 requirement of education but is allowing a workforce
13 where they understand more of the job tasks and can
14 do what they do not allow in an externship. She also
15 noted it allows more on-the-job experience and is
16 helping to fill the workforce.

17 Ms. Hicks mentioned that it does not have to be
18 the only route in a state and they should look at new
19 models. She referred to Florida's model, where they
20 did not go through a formal training and believed
21 that is why they are doing away with that. She noted
22 that Missouri just adopted an apprenticeship program,
23 where their state board actually dictates the
24 education component, and Alabama adopted a program
25 working with nursing colleges and helping with the

1 workforce.

2 Chair Porambo commented that there was very
3 little accountability with apprenticeship programs,
4 where there was not an overseeing body that would
5 check on the instructors to make sure that they were
6 following through. She mentioned that there needs to
7 be some checks and balances with having a strong
8 apprenticeship program, which would obviously be a
9 school.

10 Chair Porambo thanked Mr. LaFratte, noting that
11 she would like him to pursue it further and come up
12 with a plan to increase licensees in the state.

13 Mr. LaFratte informed Board members that he would
14 work with counsel to put together some general
15 framework and options and requested the Board provide
16 feedback before the final version. He mentioned that
17 discussions are still ongoing regarding the licensure
18 fee and PLAA and offered to provide an update within
19 the next few weeks.

20 Mr. Davis read an email he received from FSMTB
21 concerning apprenticeships and offered to place it on
22 the agenda for the next meeting.]

23 ***

24 Board Meeting Dates

25 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair, noted

1 the next scheduled Board meeting date is November 14,
2 2023. She also noted 2024 Board meeting dates are
3 February 13, April 2, June 4, August 13, September
4 24, and December 3.]

5 ***

6 Adjournment

7 CHAIR PORAMBO:

8 I guess we can entertain a motion to
9 adjourn.

10 MS. NELSON:

11 I'll make the motion.

12 CHAIR PORAMBO:

13 Thanks everyone.

14 ***

15 [There being no further business, the State Board of
16 Massage Therapy Meeting adjourned at 11:15 a.m.]

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CERTIFICATE

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



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

September 18, 2023

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:32	Official Call to Order
10:32	Introduction of Board Members/Attendees
10:35	Approval of Minutes
10:35	Report of Regulatory Counsel
10:39	Report of Board Counsel
10:42	Report of Board Prosecutors
10:49	Report of Board Chair
10:53	Report of Board Administrator
10:53	Correspondence
10:54	Miscellaneous
11:14	Board Meeting Dates
11:15	Adjournment