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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: 10:31 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, November 15, 2022

State Board of Massage Therapy
November 15, 2022

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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 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 in Charge
- Andrea L. Costello, Esquire, Board Prosecution
Liaison
- Garrett A. Rine, Esquire, Board Prosecutor
- Christina Townley, Bureau of Professional and
Occupational Affairs Health Licensing Division,
Department of State
- Paul Keller, Board Administrator
- Marc Farrell, Deputy Director, Office of Policy,
Department of State
- Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State
- Amanda Richards, Fiscal Chief, Bureau of Finance and
Operations, Department of State
- Kimberly A. Mattis, Director, Bureau of Finance and
Operations, Department of State
- Michelle Witmer, Bureau of Finance and Operations,
Department of State
- Tamie Laudenslager, Fiscal Specialist, Bureau of
Finance and Operations, Department of State

State Board of Massage Therapy
November 15, 2022

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ALSO PRESENT:

- Nicole Sidle, Republican Executive Director, House Professional Licensure Committee
- Natalie Cook, Associate, McNees-Winter Group LLC, representing the American Massage Therapy Association Pennsylvania Chapter
- Nina M. Kottcamp-Long, LMT, NCMT, Director of Holistic Health and Wellness, Harrisburg Area Community College
- Edward Portley Jr., LMT, Just This Side of Heaven Massage & Continuing Education for Massage Therapists
- Hunter Irons, Government Relations Specialist, Federation of State Massage Therapy Boards
- Amanda Clabaugh, Treatments Manager, The Lodge at Woodloch
- Brenda Maruhnich, Pittsburgh Massage Therapy and Wellness
- Kelly L. Givens, LMT, CR, American Massage Therapy Association Pennsylvania Chapter
- Jillian Breneman, LMT, Massage by Jillian
- Camille Baughman, MA, BSed, LMT, Camille Baughman & Associates
- Linda
- Brian D. O'Hare

1 ***

2 State Board of Massage Therapy

3 November 15, 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,
15 November 15, 2022. Nancy M. Porambo, MS, LMT, CNMT,
16 NCTMB, Chair, Professional Member, called the meeting
17 to order at 10:31 a.m.

18 ***

19 [Thomas M. Davis, Esquire, Board Counsel, noted the
20 meeting was being recorded, and those who continued
21 to participate were giving their consent to be
22 recorded.

23 Mr. Davis also noted the Board met in executive
24 session prior to the Board meeting for the purpose of
25 conducting quasi-judicial deliberations and to

1 receive advice of counsel on the matters upon which
2 the Board would later vote.]

3 ***

4 Introduction of Board Members/Attendees

5 [Chair Porambo requested an introduction of Board
6 members and attendees.]

7 ***

8 Approval of minutes of the September 20, 2022 meeting

9 CHAIR PORAMBO:

10 Let's continue with approval of the
11 Board minutes.

12 Are there any changes to the
13 minutes from September 20, 2022?

14 [The Board discussed corrections to the minutes.]

15 CHAIR PORAMBO:

16 Any other changes? Do we have a motion
17 to approve the minutes?

18 MR. STRAWSER:

19 I make the motion.

20 MS. HICKS:

21 I second.

22 CHAIR PORAMBO:

23 Thank you.

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 Report of Board Regulatory Counsel - 16A-726 Proposed
7 Regulation - Massage Therapy in Cosmetology Salons
8 [Thomas M. Davis, Esquire, Board Counsel, referred to
9 16A-726 regarding the massage therapy in cosmetology
10 salons. He informed Board members that the Office of
11 General Counsel has approved the proposed regulation,
12 but Senior Regulatory Counsel does not yet plan to
13 send it to the Office of Attorney General because the
14 Board should jointly promulgate the regulation with
15 Board of Cosmetology.

16 Mr. Davis stated the room size requirement is
17 complicating the promulgation because the Massage
18 Board regulations do not set a minimum room size for
19 all massage therapy licensees, whereas the Board
20 wishes to set a minimum room size for massage
21 therapist licensees practicing in Cosmetology and
22 Esthetician salons. He explained that the Boards felt
23 this was necessary because the Cosmetology
24 regulations set a minimum room size for "licensees"
25 at 60 square feet, which is simply not enough room

1 for a massage therapist. He explained that the 60-
2 square foot requirement in the Cosmetology regs was
3 only ever meant to apply to individuals licensed by
4 the Cosmetology Board, but the vague "licensee"
5 language could be misinterpreted as applying to
6 Massage Therapists as well - hence the need for a
7 120-square foot requirement for MTs practicing in
8 Cosmetology and Esthetician salons. He mentioned that
9 he is working with Cosmetology Board Counsel and
10 would let the Board know when it is ready.]

11 MR. DAVIS:

12 After review of the draft annex and
13 preamble from proposed Regulation 16A-
14 726, the proposed massage therapy and
15 cosmetology salon's regulation, based
16 on the Board's discussions in open
17 session, I believe the Chair would
18 accept a motion to approve the annex
19 and preamble as proposed and promulgate
20 proposed Regulation 16A-726 through the
21 regulation review process.

22 CHAIR PORAMBO:

23 Do we have a motion to approve?

24 MR. STRAWSER:

25 I make the motion.

1 CHAIR PORAMBO:

2 Do we have a second?

3 MS. HICKS:

4 I'll second.

5 CHAIR PORAMBO:

6 Thank you.

7

8 Porambo, aye; Claggett, aye;

9 Chamberlain, aye; Nelson, aye; Douglas,

10 aye; Hicks, aye; Keth, aye; Alumbro

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

12 [The motion carried unanimously.]

13

14 Report of Board Regulatory Counsel - 16A-728 -

15 Proposed Regulation - Virtual Supervision -

16 Distance

17 Education as Part of initial Education

18 [Thomas M. Davis, Esquire, Board Counsel, referred to

19 16A-728 regarding the virtual supervision regulation,

20 where a certain percentage of the 600 hours of

21 education is to be obtained via the virtual platform.

22 He noted prior Board discussion, including an

23 individual from the Department of Education who had

24 no problems with it.

25 Mr. Davis directed the Board's attention to §

1 20.11 of the Board's regulations: minimum hour
2 requirements for massage therapy programs.

3 Mr. Davis noted the new language would read, at
4 least 175 hours of instruction in anatomy and
5 physiology, kinesiology and pathology, including
6 training in the human immunodeficiency virus and
7 related risks, at least 75 hours of which must be
8 earned through contact hours. At least 250 hours in
9 massage therapy and bodywork assessment, theory and
10 practice including sanitation, safety and hygiene,
11 all of which must be earned through contact hours.

12 At least 25 hours in professional ethics, and
13 business and law related to a massage therapy
14 business. At least 150 hours in related courses
15 appropriate to a massage therapy curriculum as set
16 forth in § 20.13 (related to required knowledge
17 base), including cardiopulmonary resuscitation, all
18 of which must be earned through contact hours.

19 Mr. Davis suggested the Board release an exposure
20 draft to stakeholders and interested parties.]

21 MR. DAVIS:

22 After review of the draft annex of the
23 proposed Regulation 16A-728, the
24 proposed virtual supervision
25 regulation, based on the Board's

1 discussions in open session, I believe
2 the Chair would accept a motion to
3 direct Board counsel to release an
4 exposure draft of proposed Regulation
5 16A-728 to stakeholders and interested
6 parties.

7 CHAIR PORAMBO:

8 Could I have a motion?

9 MR. STRAWSER:

10 I'll make the motion.

11 CHAIR PORAMBO:

12 Do we have a second?

13 MS. HICKS:

14 I will second the motion.

15 CHAIR PORAMBO:

16 Thank you.

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

24 Report of Board Counsel - House Bill 2899 of 2022 -

25 FYI: Proposed Legislation "Providing for the

1 Licensure of Bodywork Facilities”

2 [Thomas M. Davis, Esquire, Board Counsel, addressed
3 House Bill 2899 of 2022 regarding proposed
4 legislation providing for licensure of bodywork
5 facilities. He stated the Board cannot do anything
6 with the bill other than inform licensees the bill
7 exists. He encouraged those who wished to weigh in
8 on House Bill 2899 of 2022 to contact their local
9 representatives.

10 Mr. Davis noted the Board does not weigh in on
11 potential legislation and Mr. Davis noted he is only
12 bringing this proposed legislation to the Board’s,
13 and the massage community’s, attention. He commented
14 that he did not see the bill becoming law in the near
15 future because the legislature is going to be out of
16 session.]

17

18 Report of Board Counsel - Apprenticeship Programs

19 [Thomas M. Davis, Esquire, Board Counsel, noted prior
20 Board discussion regarding apprenticeship programs,
21 along with a presentation concerning the possibility
22 of apprenticeship programs and allowing for initial
23 licensure via apprenticeship. He stated there are
24 several states allowing initial licensure via
25 apprenticeship, including Florida, Hawaii, and Utah.

1 Mr. Davis informed Board members that those
2 states discuss licensure via apprenticeship in their
3 controlling statutes, noting the Commonwealth's
4 practice act does not discuss licensure via
5 apprenticeship. He referred to the Massage Therapy
6 Act, where the Board is empowered to pass upon the
7 qualifications and fitness of applicants for licenses
8 and reciprocal licenses and to promulgate regulations
9 not inconsistent with this act and only as necessary
10 to carry out the act.

11 Mr. Davis addressed § 627.5 of the practice act,
12 under qualifications for licensure, where an
13 applicant shall be considered to be qualified for a
14 license if the applicant submits proof satisfactory
15 to the Board of completing a massage program of at
16 least 600 hours of in-class, postsecondary education
17 at a regionally accredited college or university,
18 Pennsylvania private licensed school, or its
19 equivalent as determined by the board and passes an
20 examination.

21 Mr. Davis noted there is reciprocity and
22 endorsement, but absent endorsement or reciprocity,
23 the 600 hours has to be obtained in a classroom
24 environment, which is backed up by § 20.11 of the
25 Board's regulations. He stated § 20.11(c)

1 specifically excluded externships, defined as
2 "offsite practical technique learning experience" in
3 those 600 hours, and if the Board allowed
4 apprenticeship programs, they would also have to do
5 away with this particular regulation because the
6 Board is requiring classroom time and not externships
7 or apprenticeships. He recommended that, based on
8 his reading of the practice act, the Board not pursue
9 education by apprenticeship.

10 Brenda Maruhnich, Pittsburgh Massage Therapy and
11 Wellness, commented that apprenticeship seems to
12 follow education model of the Board of Cosmetology,
13 which is more of a business board, where massage
14 therapy is a health care board, and the Board of
15 Massage Therapy should not follow an apprentice
16 guideline and align itself more following guidelines
17 as a health care board.]

18 ***

19 Report of Board Prosecutor

20 [Andrea L. Costello, Esquire, Board Prosecution
21 Liaison, presented the Consent Agreement for Case No.
22 22-72-014821.]

23 MR. DAVIS:

24 Now that the Board has heard the
25 presentation from the Board prosecutor,

1 are there any Board members who feel
2 the need to reenter into executive
3 session to further discuss this
4 particular matter? Hearing none.

5 Based on the Board's discussions in
6 executive session, I believe the Chair
7 would accept a motion to approve the
8 Consent Agreement in the following
9 matter: Case No. 22-72-014821.

10 CHAIR PORAMBO:

11 Do I have a motion?

12 MR. STRAWSER:

13 I'll make the motion.

14 CHAIR PORAMBO:

15 Do we have a second?

16 MS. HICKS:

17 I will second.

18 CHAIR PORAMBO:

19 Thank you.

20

21 Porambo, aye; Claggett, aye;

22 Chamberlain, aye; Nelson, recuse;

23 Douglas, aye; Hicks, aye; Keth, aye;

24 Alumbro Shade, aye; Strawser, aye;

25 Waller, aye.

1 [The motion carried. Jessica Nelson recused herself
2 from deliberations and voting on the motion. That is
3 Commonwealth BPOA v. Mark Raymond Gafner, LMT.]

4 ***

5 Report of Acting Commissioner
6 [Arion R. Claggett, Acting Commissioner, Bureau of
7 Professional and Occupational Affairs, informed Board
8 members of receiving inquiries noting their website
9 was difficult to navigate and is looking into changes
10 and updates to the websites. He mentioned
11 individuals also requesting that the Board be more
12 informative and suggested sending out a frequently
13 asked question (FAQ) document or email blasts when
14 fees are increased. He noted being committed to
15 sending out a FAQ document to all licensees and
16 looking at the other issues.

17 Mr. Davis reminded everyone that the easiest way
18 to contact the Board was via email, and said that the
19 Board's email address is available on the Board's
20 website.

21 Ms. Maruhnich informed Board members of concerns
22 regarding the website and renewal process.]

23 ***

24 Report of Board Administrator
25 Applications

1 MR. DAVIS:

2 We have six applications on the Board's
3 agenda at numbers 9 through 14. The
4 Board discussed these applications in
5 executive session prior to the meeting,
6 so I know how the Board is most likely
7 going to vote.

8 Based on the Board's discussions in
9 executive session, I believe the Chair
10 would entertain a motion to
11 provisionally deny the Applications for
12 Licensure as Massage Therapists of the
13 following individuals: 9, Jessica
14 Godbee; 10, Michele Knowles; 11, Angel
15 Mateo; 13, Linda Mehleisen-Kelly.

16 CHAIR PORAMBO:

17 Do I have a motion?

18 MR. STRAWSER:

19 I'll make the motion.

20 CHAIR PORAMBO:

21 Second?

22 MS. HICKS:

23 I will second.

24 CHAIR PORAMBO:

25 Thank you.

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

MR. DAVIS:

9

Next, I have a prepared motion for the

10

approvals.

11

Based on the Board's discussions in

12

executive session, I believe the Chair

13

would entertain a motion to approve the

14

Applications for Licensure as Massage

15

Therapists of the following

16

individuals: 12, Jason Meehan; 14,

17

Eikazu Nakamura.

18

CHAIR PORAMBO:

19

Do I have a motion?

20

MR. STRAWSER:

21

I'll make the motion.

22

CHAIR PORAMBO:

23

Second?

24

MS. HICKS:

25

I will second.

1 CHAIR PORAMBO:

2 Thank you.

3

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

8 [The motion carried unanimously.]

9

10 Appointment - Bureau of Finance and Operations Annual
11 Budget Presentation

12 [Michelle Witmer, Bureau of Finance and Operations,
13 Department of State, presented 2022-2023 budget
14 information. She addressed the Board licensee
15 population, noting the numbers are looked at on a
16 biennial basis for both renewal and nonrenewal
17 information to provide an idea from a revenue
18 standpoint.

19 Ms. Witmer noted FY16-17 to FY18-19 showed a
20 decrease of 123 licensees and a decrease of 1,060
21 licensees in FY18-19 to FY20-21. She reported 9,169
22 licensees as of the date the report was prepared,
23 which was an increase of 476 from the last
24 presentation in February 2022 and an increase of 8
25 licensees as of this morning for a total of 9,177

1 licensees.

2 Ms. Witmer noted a total revenue of \$1,432,152.87
3 for the past two fiscal years. She mentioned the
4 Board would be moving into a renewal in January,
5 noting the last fee increase was in February 2019.
6 She stated the Board currently has a renewal fee of
7 \$150 but would increase to \$175 in January 2023.

8 Ms. Witmer reported expenditures of \$876,081.57
9 in 2020, \$770,395.29 in 2021-2022, and \$167,815.38 as
10 of this morning.

11 Ms. Witmer stated certain expenses are shared
12 amongst all of the boards and direct costs with the
13 remainder being membership fees, stenographer
14 services, and Board member expenses. She informed
15 Board members that current revenue is not enough to
16 carry expenses.

17 Amanda Richards, Chief of Fiscal Management,
18 Bureau of Finance and Operations, Department of
19 State, addressed Board member expenses by category,
20 where expenses starting in FY18-19 for legal and
21 investigations has drastically increased and has not
22 decreased throughout the next couple of years, which
23 is why the Board has outgrown current fees.

24 Chair Porambo asked whether legal expenses are
25 mostly coming from investigations and a compilation

1 of legal costs related to Board operations.

2 Ms. Richards explained that it is made up of
3 prosecution and counsel charges, so any regulations
4 or anything requiring legal input from investigations
5 would be part of that.

6 Ms. Richards noted revenue since FY16-17, noting
7 revenue increased in FY18-19 because it was the first
8 renewal that included the fee increase from before,
9 also noting the second part of the fee package in
10 2021. She stated the last renewal period total
11 expenses were \$1,637,476.86 and revenue at
12 \$1,432,152.87, which has been the trend for the past
13 few renewals. She informed Board members that the
14 Board is operating in a deficit and needs to look at
15 increasing fees.

16 Ms. Richards explained that the Board would
17 continue to operate in a deficit with renewal fees
18 coming in at \$175.00 and application fees sitting
19 where they are at now.

20 Mr. Davis addressed data from the last fee
21 increase, where the Bureau of Finance and Operations
22 (BFO) originally recommended an increase to \$200
23 biennially for each licensee, which was considerably
24 more than the renewal fee at that time, which is why
25 the Board asked if BFO could look into the

1 possibility of a lesser fee increase and possibly an
2 incremental fee increase. He noted the lesser,
3 incremental fee increase package was passed, but
4 unfortunately the Board is back to where they were in
5 2018, with BFO recommending the fee be increased to
6 about \$200 a person. He also noted that the last fee
7 increase was expected to get the Board "out of the
8 red" after a period of about 10 years, but that does
9 not seem to be the case anymore, based on BFO's
10 report.

11 Ms. Hicks expressed concern with putting too much
12 of a financial burden on individuals considering
13 massage therapy who may instead decide to pursue a
14 different career. She commented that people need
15 massage therapists but there are not enough programs
16 available.

17 Chair Porambo asked Ms. Kottcamp to address
18 enrollment at her school.

19 Nina M. Kottcamp-Long, LMT, NCMT, Coordinator,
20 Harrisburg Area Community College, commented that her
21 school is holding steady. She noted having a 1500-
22 square foot expansion and being able to double
23 enrollments but not meeting those numbers. She
24 mentioned that there is a shortage in all health
25 careers with 10 percent fewer seniors graduating

1 every year and not enough population coming into
2 Pennsylvania. She emphasized the importance of
3 keeping massage therapy attractive and believed they
4 are lacking as an industry in selling massage therapy
5 as a viable occupation.

6 Ms. Hicks addressed apprenticeships, where there
7 are models utilized through an actual school to help
8 to get people working and pay their student loans off
9 and just like another occupation would do an
10 internship. She noted Pennsylvania does not allow
11 that but suggested exploring internships the correct
12 way.

13 Ms. Hicks believed Cortiva Institute Massage
14 Therapy & Skin Care Schools closed a group of schools
15 and have gone from 40 or 50 schools across the state
16 down to 6 regional programs. She mentioned possibly
17 being more involved on the medical side of things to
18 see how they handle training and how they are dealing
19 with the deficit. She emphasized the importance of
20 looking at the issue because raising the fee may
21 cause massage therapists to walk away but the Board
22 also cannot continue operating at a deficit.

23 Ms. Kottcamp-Long commented that a lot of the
24 Cortiva schools closed because they were losing
25 financial aid and were sold. She believed it was an

1 education issue because schools that provide quality
2 education will be successful because the students
3 will become massage therapists. She noted that
4 enrollment has to show a 70 percent placement or be
5 at risk of losing financial aid but did not believe
6 the answer is having apprenticeships and is more
7 concerned with quality education.

8 Ms. Kottcamp-Long addressed advertisement and
9 attracting students through their social media page
10 and information sessions and open houses. She noted
11 being with the program for 15 years and applicants
12 applying to their school are referred from other
13 massage therapists mentioning their school.

14 Mr. Strawser commented that the Board must rely
15 mostly on the licensee population for revenue and
16 asked what would happen in the interim if the trend
17 does not move into higher licensee numbers.

18 Ms. Maruhnich expressed concern with the Board
19 discussing raising fees without cutting costs. She
20 commented that receiving money from penalties can be
21 difficult but asked what happens within that process
22 and all of the money for investigations and legal
23 counsel. She stated increasing fees is only going to
24 push more therapists away and asked whether there was
25 a better system where some of those costs could be

1 reduced.

2 Mr. Davis explained that more people are availing
3 themselves of the convenient complaint system for all
4 of the boards and suggested that it has become quite
5 easy to submit a complaint to the boards when a
6 licensee allegedly does something wrong. He commented
7 that there seems to be a greater awareness of how to
8 submit a complaint and suggested that prosecution is
9 duty-bound to investigate each complaint. He
10 commented that it is not realistic to ask prosecution
11 to hold back on investigations or decrease expert
12 fees because the prosecution section is protecting
13 both the public, and the profession.

14 Ms. Richards stated BFO is presenting an
15 application fee increase and two possible fee
16 increase packages, and suggested that the Board
17 increase fees as soon as it can. She addressed the
18 fee increase projected for FY24-25. She noted looking
19 at application fees first to determine how much it
20 actually cost to process an application based on the
21 time it takes staff to process it from start to
22 finish.

23 Ms. Richards explained that BFO works with the
24 Bureau of Professional and Occupational Affairs
25 (BPOA) to determine the costs of an initial licensure

1 application, which is \$113, temporary practice permit
2 is \$91, verification of licensure is \$22,
3 reactivation of a license is \$77, restoration after
4 suspension is \$77, and approval of a CE program is
5 \$110.

6 Ms. Richards stated BFO projected a 4.5 percent
7 increase over the next three renewal cycles, where
8 application fees would go from \$113 to \$118 to \$123
9 but noted that is still not enough to bring the Board
10 out of the red.

11 Ms. Richards noted BFO then looked at increasing
12 renewal fees and reported a decrease in licenses by 9
13 percent that was taken into account going into FY26-
14 27, where they increased fees 20 percent in order to
15 bring the Board back into the black by FY31-32. She
16 mentioned it to be an incremental increase of 20
17 percent with the last one being an increase of 21
18 percent. She reported projecting a 7 percent
19 decrease in licenses in FY28 and a 6 percent decrease
20 in licenses in FY30, which also takes into account
21 the application fee increase, where it would be an
22 application fee increase and a license renewal
23 increase.

24 Ms. Kottcamp-Long commented that the Pennsylvania
25 Licensing System (PALS) was supposed to streamline

1 and reduce the application cost for processing and
2 asked whether that happened since there is now
3 discussion regarding increasing the cost of the
4 applications. She also asked whether there was a
5 concentrated effort on streamlining those processes
6 to get costs down, along with asking about the
7 process with prosecution and whether civil fines and
8 fees were taken into account.

9 Acting Commissioner Claggett stated the cost of
10 the application is for the staff to review the
11 application, and the other things are more
12 efficiency-based and would not really drive down the
13 cost for the Board but would make things more
14 efficient for PALS.

15 Mr. Davis stated whenever a fee increase is
16 discussed, the public always inquires whether the
17 Board should increase civil penalties to help make up
18 the deficit. He noted civil penalties and fines are
19 an absolute drop in the bucket when it comes to
20 revenue compared to renewal fees. Moreover, being
21 they are not a constant source of income, they cannot
22 be relied upon for income. He explained that the
23 practice act states that if the revenues raised by
24 the fees, fines and civil penalties imposed under the
25 act are not sufficient to meet expenditures over a

1 two-year period, the board shall increase those fees
2 by regulation so that projected revenues will meet or
3 exceed projected expenditures.]

4 MR. DAVIS:

5 Based on the recommendations of BFO in
6 open session, I believe the Chair would
7 accept a motion directing Board counsel
8 to draft a proposed fee regulation
9 increasing the application fees and
10 renewal fees as proposed by BFO.

11 CHAIR PORAMBO:

12 Any discussion before we put a motion
13 on the floor?

14 I would like to see if anyone would
15 like to make a motion?

16 MR. STRAWSER:

17 I'll make the motion.

18 CHAIR PORAMBO:

19 Do we have a second?

20 MS. HICKS:

21 I will second it.

22 CHAIR PORAMBO:

23 We need a vote.

24

25 Porambo, aye; Claggett, aye;

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

5 [The motion carried. Imelda Alumbro Shade abstained
6 from voting on the motion.]

7 ***

8 [Thomas M. Davis, Esquire, Board Counsel, informed
9 everyone that he would draft a proposed regulation
10 for the next meeting, so the Board has a clear frame
11 of reference of the proposed numbers.]

12 ***

13 Report of Board Chair

14 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
15 Professional Member, addressed her attendance at the
16 Federation of State Massage Therapy Boards Meeting
17 October 19-20, 2022, in Charlotte, NC. She noted
18 that each state board of massage therapy pays a fee
19 to the federation and 36 member states attended. She
20 addressed panel discussions regarding problems people
21 are having in different states concerning the number
22 of therapists.

23 Chair Porambo stated panelists answered questions
24 regarding establishment laws and the relationship
25 between human trafficking and massage businesses,

1 noting Pennsylvania is no exception to human
2 trafficking.

3 Chair Porambo addressed a presentation by Dr.
4 Michael Fogel, a forensic psychologist, who provided
5 examples of people who interpret touch differently
6 that comes from therapists being able to educate
7 appropriately to what it is they do and how something
8 could be misconstrued in a session. She also
9 addressed his discussion concerning the importance of
10 policy and communication after a session.

11 Chair Porambo stated the federation is running
12 profitably thanks in large part to profits the
13 Federation receives from the Massage & Bodywork
14 Licensing Examination (MBLEx).

15 Chair Porambo addressed discussion concerning the
16 compact, which would allow for more license
17 portability between states, and how the Department of
18 Defense was involved due in large part to licensing
19 military spouses who often move from state to state.

20 Mr. Davis mentioned the Physical Therapy Compact,
21 where the PT compact commission is imposing a \$45 fee
22 for compact licensure, and the states are allowed to
23 add their own fee if deemed necessary. He mentioned
24 that a fee could be discussed if legislation is
25 passed for the Board of Massage Therapy.

1 Ms. Hicks asked whether the compact commission
2 would help combat the human trafficking issue, or
3 whether that would be a matter for the Federal Bureau
4 of Investigation (FBI) if an establishment is human
5 trafficking someone or whether the Board would handle
6 original complaints.

7 Ms. Costello explained that prosecution works
8 with the Pennsylvania State Police and FBI and is
9 receiving complaints, but the Board usually does not
10 see those cases because there is no actual massage
11 practice. She noted receiving complaints usually
12 under prostitution, especially with the immigrant
13 population. She commented that complaints not suited
14 for prosecution by the Board are referred to criminal
15 authorities. She mentioned that a lot of things are
16 on hold and do not have an actual cost, where
17 prosecution is just checking the status.

18 Ms. Costello stated the actual costs come into
19 play if they file something and go forward on a case.

20 She reported many individuals go out of business or
21 change ownership and disappear in prostitution and
22 human trafficking cases.

23 Ms. Maruhnich requested clarification as to
24 whether the human trafficking cases go on the Board's
25 budget as an expense under investigations.

1 Mr. Davis explained that it depends on how
2 quickly it is turned over to law enforcement and
3 would not go on the Board's budget if criminal law
4 enforcement authorities are handling the case. He
5 further explained that the Board would have costs to
6 a certain degree if the activity is within the
7 Board's jurisdiction, i.e., if it truly involves the
8 practice of massage therapy.

9 Mr. Davis encouraged everyone to visit the FSMTB
10 website for information regarding the compact. He
11 stated the Department of Defense has selected the
12 massage therapy profession to receive technical
13 assistance from the Council of State Governments to
14 develop an interstate compact for occupational
15 licensing. He noted the organizations work together
16 and there is draft legislation on the FSMTB website.

17 He explained that each state participating in the
18 compact has to pass similar legislation.

19 Mr. Davis stated there is no cost to the Board
20 itself to participate in the compact, and the compact
21 privileges are issued by the Compact Commission to
22 the individuals who are paying for compact
23 privileges, noting it is still undecided whether or
24 not the Board is going to have its own associated
25 fee.]

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Correspondence

Waiver Requests

MR. DAVIS:

Moving to the waiver requests. I believe there are 13 of them in total.

These are requests for waiver of some or all of the continuing education requirements, specifically the in-person requirements for a certain amount of CE. The Board discussed these in executive session, so I have prepared motions.

Based on the Board's discussions in executive session, I believe the Chair would accept a motion denying the Requests for Waiver of all or part of the continuing education requirements for the following individuals: Rebecca Cordell, Ann Czajkowski, Lois Hurst, Loretta Strine, Melissa Wambach.

CHAIR PORAMBO:

Do I have a motion?

MR. STRAWSER:

I'll make the motion.

1 CHAIR PORAMBO:

2 Second?

3 MS. HICKS:

4 I will second that motion.

5 CHAIR PORAMBO:

6 Thank you.

7

8 Porambo, aye; Claggett, aye;

9 Chamberlain, aye; Nelson, aye; Douglas,
10 aye; Hicks, aye; Keth, aye; Alumbro

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

12 [The motion carried unanimously.]

13

14 MR. DAVIS:

15 Based on the Board's discussions in
16 executive session, I believe the Chair
17 would accept a motion approving the
18 Request for Waiver of all or part of
19 the continuing education requirements
20 for the following individuals: Becky
21 Caufman, Lawrence Ford, Faith McCray,
22 Emma Russell, Megan Webb, Suzanne
23 Winklosky, Constance Worthington-
24 Kirsch, Nicole Kreider.

25 CHAIR PORAMBO:

1 Do I have a motion?

2 MR. STRAWSER:

3 I'll make the motion.

4 MS. HICKS:

5 I will second that motion.

6 CHAIR PORAMBO:

7 Thank you.

8

9 Porambo, aye; Claggett, aye;

10 Chamberlain, aye; Nelson, aye; Douglas,

11 aye; Hicks, aye; Keth, aye; Alumbro

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

13 [The motion carried unanimously.]

14

15 [Thomas M. Davis, Esquire, Board Counsel, stated in
16 accordance with the recommendations of medical
17 professionals and as evidenced by letters from
18 medical professionals, the licensees will be allowed
19 to obtain 100 percent of continuing education credits
20 via online computer-based continuing education. He
21 noted that every one of the listed individuals would
22 be receiving a letter from the Board administrator.]

23

24 Miscellaneous - Election of Officers

25 MR. DAVIS:

1 For the position of Chairperson, I'll
2 open the floor for nominations. I ask
3 that you please state your own name and
4 the nomination.

5 MS. HICKS:

6 I'd like to nominate Nancy Porambo.

7 MR. DAVIS:

8 Nancy Porambo, do you consent to the
9 nomination?

10 CHAIR PORAMBO:

11 I do.

12 MR. DAVIS:

13 Nancy has been nominated. Are there
14 any further nominations? Hearing none.

15 Being that Nancy Porambo is the only
16 candidate for the position of Board
17 Chair, I believe she could be elected
18 by acclamation. All in favor, say aye.

19 Let's do a roll call.

20

21 Claggett, aye; Chamberlain, aye;

22 Nelson, aye; Douglas, aye; Hicks, aye;

23 Keth, aye; Alumbro Shade, aye;

24 Strawser, aye; Waller, aye.

25 [The motion carried unanimously.]

1 ***

2 MR. DAVIS:

3 For the position of vice chairperson,
4 I'll open the floor for nominations. I
5 please ask that you state your own name
6 and the nomination.

7 CHAIR PORAMBO:

8 Bryan Strawser.

9 MR. DAVIS:

10 Mr. Strawser, do you accept the
11 nomination?

12 MR. STRAWSER:

13 I do.

14 MR. DAVIS:

15 Are there any further nominations?
16 Hearing none. Being that Bryan
17 Strawser is the only candidate for the
18 position of Board Vice Chairperson, he
19 could be elected by acclamation as
20 well. Let's have another roll call of
21 ayes.

22

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

1 and Jennifer Keth as backup and after some discussion
2 the Board determined no change in membership was
3 needed.

4 Mr. Davis noted the Regulations Committee has not
5 met since December 2019. He stated the Regulations
6 Committee Meetings are open to the public and similar
7 to a Board meeting but is off the record. Members
8 are Nancy Porambo, Vickiann Hicks, and Dana Douglas
9 and after some discussion the Board determined no
10 change in membership was needed.]

11 MR. DAVIS:

12 Is there a motion to keep the committee
13 assignments as discussed in open
14 session?

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. HICKS:

22 I will second that motion.

23 CHAIR PORAMBO:

24 Thank you.

25

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

5 [The motion carried unanimously.]

6 ***

7 Meeting Dates

8 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
9 Professional Member, noted the next scheduled Board
10 meeting is February 14, 2023.

11 Ms. Townley welcomed and introduced Paul Keller
12 who would be taking over as Board administrator.]

13 ***

14 Adjournment

15 CHAIR PORAMBO:

16 Motion to adjourn?

17 MR. STRAWSER:

18 I make the motion to adjourn.

19 MS. HICKS:

20 I second that.

21 ***

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

24 ***

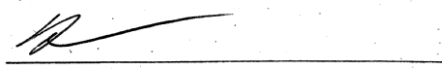
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CERTIFICATE

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.



Brian D. O'Hare,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

November 15, 2022

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:00	Executive Session
9	10:30	Commence Open Session
10		
11	10:31	Official Call to Order
12		
13	10:31	Introduction of Board Members/Attendees
14		
15	10:34	Approval of Minutes
16		
17	10:36	Report of Board Regulatory Counsel
18		
19	10:45	Report of Board Counsel
20		
21	10:53	Report of Board Prosecutor
22		
23	10:58	Report of Board Administrator
24		
25	11:00	Appointment - Bureau of Finance and
26		Operations Annual Budget Presentation
27		
28	11:53	Report of Board Chair
29		
30	12:09	Correspondence
31		
32	12:19	Meeting Dates
33		
34	12:21	Adjournment
35		
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