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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: 9:34 A.M.

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

December 12, 2017

1 State Board of Massage Therapy

2 December 12, 2017

3 BOARD MEMBERS:

4
5 Becky Lesik, LMT, Chair
6 Kathryn L. Waters, Deputy Commissioner, Bureau of
7 Professional and Occupational Affairs
8 Gloria Rosado, LMT, Vice Chair
9 Camille Baughman, LMT
10 Jamie Corey, LMT
11 Mary Meyers, LMT
12 Shannon Baker, Secretary of Health Designee - Absent
13 Jessica Nelson, Office of Attorney General Designee
14

15
16 BUREAU PERSONNEL:

17
18 Jacqueline Wolfgang, Esquire, Board Counsel Dean
19 Picarella, Esquire, Board Prosecution Liaison
20 Adam Morris, Esquire, Board Prosecutor
21 Monty Batson, Esquire, Board Prosecutor
22 Carol J. Niner, Board Administrator
23

24
25 ALSO PRESENT:

26
27 Richard Caufman
28 Lorena Haynes, Director of CE, FSMTB
29 Sonja Way, Esquire, Government Relations Specialist,
30 FSMTB
31 Carolyn Herbert Blank, CEU Provider
32 Edward Portley, CEU Provider
33 Nina Kottcamp, Coordinator, Harrisburg Area Community
34 College (HACC)
35 Carrie Shaley, LMT, Honor Your Body Wellness
36 Bethany Lowrie, Massage Therapy Director, Metro Beauty
37 Academy
38 Natalie Cook, The Winter Group
39 Kim Kane Santos, LMT
40 James Specker, Government & Industry Relations
41 Director, AMTA
42 Donna Sarvello, NCBTMB
43 Winona F. Bontrager, LMT, National Certification Board
44 for Therapeutic Massage and Bodywork, NCBTMB
45 Kelly L Givens, Delegate, AMTA
46 Frederick Broadbent, President, AMTA PA Chapter
47 Christopher Deery, Board Member AMTA
48 Xerlan Deery, Phoenixville Massage and Bodywork
49
50

1 ***

2 State Board of Massage Therapy

3 December 12, 2017

4 ***

5 The regularly scheduled meeting of the State Board
6 of Massage Therapy was held on Tuesday, December 12,
7 2017. Becky Lesik, LMT, Chair, called the meeting to
8 order at 9:34 a.m.

9 Board members, staff and audience members were
10 introduced. Kathryn L. Waters, Deputy Commissioner,
11 Bureau of Professional and Occupational Affairs was
12 not present at the commencement of the meeting.

13 ***

14 Report of Prosecutorial Division
15 Presentation

16 [Adam Morris, Esquire, Board Prosecutor, presented
17 three Consent Agreements for File No. 17-72-10659, and
18 File No. 15-72-02020 and 16-72-12503.]

19 ***

20 [Monty Batson, Esquire, Board Prosecutor, presented
21 two Consent Agreements for File No. 16-72-07953 and
22 File No. 14-72-01915.]

23 ***

24 Appointment - NCBTMB

25 [Donna Sarvello, Vice President of Educational

1 Support, National Certification Board for Therapeutic
2 Massage and Bodywork (NCBTMB), provided information on
3 the program's work with assigned schools and
4 continuing education (CE) providers.

5 She pointed out the importance of ensuring that
6 people taking the Board Certification test have
7 attended legitimate schools, have the necessary 750
8 hours of education, and meet the Board's requirements.
9 Ms. Sarvello stated the Board is responsible for
10 guaranteeing state approval of the schools and
11 properly qualified instructors.

12 She also discussed the Board's requirements for
13 accredited and non-accredited colleges. She clarified
14 information regarding denial rates as well as
15 obtaining information relating to denied or revoked
16 schools.

17 Ms. Sarvello discussed changes and updates in the
18 Board's provider program and live course approval with
19 regard to distance learning and energy work. She
20 clarified the issue of liability insurance in
21 schools.]

22 ***

23 [The Board recessed from 10:06 a.m. until 10:12 a.m.]

24 ***

25 Appointment - FSMTB Presentation

1 [Sonja Way, Esquire, Federation of State Massage
2 Therapy Schools, (FSMTB) discussed the history of the
3 federation and the services available. She noted that
4 there are currently 41 state boards, the District of
5 Columbia and Puerto Rico. She outlined the services
6 provided by the Federation.

7 Ms. Way encouraged the Board to be involved in
8 government guidance and policy creation. More
9 information regarding the resolution process will be
10 available in early 2018. Ms. Way listed the
11 Federation committees and encouraged all to get
12 involved.]

13 ***

14 [Lorena Haynes, Director of Continuing Education,
15 FSMTB, discussed the Regulatory Education and
16 Confidence Hub (REACH) program, a learning management
17 system available on the Federation's website at
18 *fsmtb.org*. She said online courses on regulatory
19 ethics are available.

20 Ms. Haynes discussed the Massage Therapy Licensing
21 Database (MATILDA). She noted that it will show
22 completion of CEU courses.]

23 ***

24 [Winona Bontrager, LMT, asked for clarification
25 regarding the use of student information from the

1 MBLEx application in MATILDA. Nina Kottkamp, HACC,
2 stressed that students need to know how their
3 information is being used to prevent violations under
4 the Family Educational Rights and Privacy Act (FERPA).

5 Lorena Haynes discussed the CE registry program
6 that was voted on 35-1 by State boards. It should be
7 launched in early 2018.]

8 ***

9 Human Trafficking Task Force Report

10 [The Board discussed information on the FSMTB Human
11 Trafficking Task Force Report. Key findings included
12 that police forces worked better with a more
13 integrated approach. The association of trafficking
14 with the massage industry endangers therapists and the
15 public. The rising costs for boards that have to
16 increase fees to combat fraud were discussed, as well
17 as the importance of involvement by schools and
18 reaching out to law enforcement. It was stressed that
19 human trafficking business was not an illicit massage
20 business; it was a crime.]

21 *****

22 [Kathryn L. Waters, Deputy Commissioner, entered the
23 meeting at 11:53 a.m.]

24 ***

25 Approval of Minutes of September 18, 2017 meeting.

1 CHAIRPERSON LESIK:

2 I would like to know if there are any
3 additions or corrections.

4 [The Board discussed corrections to the minutes.]

5 CHAIRPERSON LESIK:

6 We'd like to call for a vote to adopt the
7 September 18, 2017 draft minutes with the
8 proposed corrections.

9 MS. COREY:

10 So moved.

11 MS. BAUGHMAN:

12 I second.

13 CHAIRPERSON LESIK:

14 All in favor? All those opposed?

15 [The motion carried. Kathryn Waters, Deputy
16 Commissioner, and Mary Meyers abstained from voting on
17 the motion.]

18 ***

19 Report of Commissioner

20 [Kathryn Waters, Deputy Commissioner, provided an
21 update on Executive Order 2017-03, signed on October
22 24, 2017 by Governor Wolf that will permit the Board
23 to review licensing processes. She noted the Advisory
24 group committee email and questionnaire sent to all
25 Board members.]

1 ***

2 Report of Board Administrator

3 [Carol Niner, Board Administrator, discussed the PALS
4 system. She noted glitches in a few applications that
5 were being inspected. The system has sped up the
6 processing time, and more complete applications were
7 being received. The next renewal cycle will be online
8 only.]

9 ***

10 [Natalie Cook, ANTP, discussed House Bill 1488, which
11 would put into the law that people can request to have
12 CEUs waived for the first renewal cycle. The earliest
13 consideration would be at the end of January.]

14 ***

15 [Mary Meyers exited the meeting at 12:03 p.m.]

16 ***

17 [Mary Meyers entered the meeting at 12:07 p.m.]

18 ***

19 [Kathryn Waters, Deputy Commissioner, exited the
20 meeting at 12:10 p.m.]

21 ***

22 [The Board recessed from 12:10 p.m. until 12:45 p.m.]

23 ***

24 Election of officers

25 MS. WOLFGANG:

1 I'm looking for a nomination for the
2 position of Chair.

3 MS. COREY:

4 I nominate Becca.

5 MS. WOLFGANG:

6 Is there a second?

7 MS. ROSADO:

8 I second.

9 MS. WOLFGANG:

10 Are you willing to accept the nomination?

11 CHAIRPERSON LESIK:

12 I am willing.

13 MS. WOLFGANG:

14 Are there any other nominations? Hearing
15 none, the nomination period is closed.

16 All in favor? Opposed? Abstentions?

17 [The motion carried unanimously.]

18 ***

19 CHAIRPERSON LESIK:

20 We need motions for the floor for Vice
21 Chair, please.

22 MS. MEYERS:

23 I nominate Gloria Rosado.

24 MS. BAUGHMAN:

25 Second.

1 CHAIRPERSON LESIK:

2 Are you willing to accept the nomination?

3 MS. ROSADO:

4 I am.

5 CHAIRPERSON LESIK:

6 All those in favor? All those opposed?

7 Any abstentions?

8 [The motion carried unanimously.]

9 ***

10 CHAIRPERSON LESIK:

11 Are there any nominations from the floor
12 for Secretary position? Anybody willing
13 to be the secretary?

14 [The Board discussed the duties of secretary.]

15 MS. COREY:

16 I nominate Mary.

17 MS. BAUGHMAN:

18 I second.

19 CHAIRPERSON LESIK:

20 Mary, will you serve?

21 MS. MEYERS:

22 Yes, I am willing to serve.

23 CHAIRPERSON LESIK:

24 All those in favor? All those opposed?

25 Any abstentions?

1 [The motion carried unanimously.]

2 ***

3 Report of Board Counsel

4 [Jacqueline Wolfgang, Esquire, noted the Regulatory
5 Status and Case Status Reports for the Board's
6 review.]

7 ***

8 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
9 12:51 p.m. the Board entered into Executive Session
10 with Jacqueline Wolfgang, Esquire, for the purpose of
11 conducting quasi-judicial deliberations. The Board
12 returned to open session at 3:00 p.m.]

13 ***

14 MOTIONS:

15 MS. WOLFGANG:

16 I believe the Board would consider
17 motions at this time. In the Matter of
18 BPOA vs. James Deiter, File No. 16-72-
19 08568, I believe the Board would approve
20 and issue as its final determination the
21 draft adjudication and order presented by
22 Board Counsel with the modifications
23 discussed in executive session.

24 And I would note for the record that
25 board member Jessica Nelson recused

1 herself from this matter.

2 MS. COREY:

3 So moved.

4 MS. BAUGHMAN:

5 Second.

6 CHAIRPERSON LESIK:

7 All those in favor? All those opposed?

8 Any abstentions?

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

11 ***

12 MS. WOLFGANG:

13 In the matter of BPOA vs. William Webb,
14 File No. 12-72-06398, I believe the Board
15 would entertain a motion to approve and
16 issue as its final determination a draft
17 adjudication and order presented by Board
18 Counsel.

19 MS. BAUGHMAN:

20 So moved.

21 MS. MEYERS:

22 Second.

23 CHAIRPERSON LESIK:

24 All those in favor? All those opposed?

25 Any abstentions?

1 [The motion carried unanimously.]

2 ***

3 MS. WOLFGANG:

4 In the Matter of BPOA vs. Vladimir
5 Rystar, File No. 13-72-12328, I believe
6 the Board would entertain a motion to
7 approve and issue as its final
8 determination a draft adjudication and
9 order presented by Board Counsel with the
10 modification discussed in executive
11 session.

12 MS. MEYERS:

13 So moved.

14 MS. ROSADO:

15 Second.

16 CHAIRPERSON LESIK:

17 All those in favor? All those opposed?
18 Any abstentions?

19 [The motion carried unanimously.]

20 ***

21 MS. WOLFGANG:

22 In the Matter of BPOA vs. Doina Pop, File
23 No. 15-72-12811, I believe the Board
24 would entertain a motion to adopt and
25 issue as its final determination a

1 proposed adjudication and order issued by
2 the Hearing Examiner and that Board
3 Counsel draft and issue an order to that
4 effect. For the record, Mary Meyers
5 recused from this matter.

6 MS. COREY:

7 So moved

8 MS. NELSON:

9 Second.

10 CHAIRPERSON LESIK:

11 All those in favor? All those opposed?

12 Any abstentions?

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

15 ***

16 MS. WOLFGANG:

17 In the matter BPOA vs. Micah Moffett,
18 File No. 16-72-12630, I believe the Board
19 would entertain a motion to adopt and
20 issue as its final determination a
21 proposed adjudication and order issued
22 by the Hearing Examiner and that Board
23 Counsel draft and issue an order to that
24 effect.

25 MS. BAUGHMAN:

1 So moved

2 MS. MEYERS:

3 Second.

4 CHAIRPERSON LESIK:

5 All those in favor? All those opposed?

6 Any abstentions?

7 [The motion carried unanimously.]

8 ***

9 MS. WOLFGANG:

10 In the Matter of BPOA vs. Christopher
11 Timberlake, File No. 17-72-04009, I
12 believe the Board would entertain a
13 motion to grant the MDFA and instruct
14 board Counsel to draft an adjudication
15 and order pursuant to discussions in
16 executive session.

17 MS. ROSADO:

18 So moved.

19 MS. MEYERS:

20 Second.

21 CHAIRPERSON LESIK:

22 All those in favor? All those opposed?

23 Any abstentions?

24 [The motion carried unanimously.]

25 ***

1 MS. WOLFGANG:

2 Regarding Consent Agreement, File No. 16-
3 72-07953 I believe the Board would
4 entertain a motion to adopt the Consent
5 Agreement. And for the record, board
6 member Jessica Nelson recused from this
7 matter.

8 MS. COREY:

9 So moved.

10 MS. MEYERS:

11 Second.

12 CHAIRPERSON LESIK:

13 All those in favor? All those opposed?
14 Any abstentions?

15 [The motion carried. Jessica Nelson recused herself
16 from deliberations and voting on the motion. The
17 Respondent's name for File 16-72-0753 is Mark Allen
18 Spangler.]

19 ***

20 MS. WOLFGANG:

21 Regarding Consent Agreement, File No. 17-
22 72-10659, I believe the Board would
23 entertain a motion to adopt the Consent
24 Agreement.

25 MS. ROSADO:

1 So moved.

2 MS. BAUGHMAN:

3 Second.

4 CHAIRPERSON LESIK:

5 All those in favor? All those opposed?

6 Any abstentions?

7 [The motion carried unanimously. The Respondent's
8 name for File No. 17-72-10659 is Valerie G. Curtis.]

9 ***

10 MS. WOLFGANG:

11 Regarding Consent Agreements, File Nos.
12 15-72-02020 and 16-72-12503, I believe
13 the Board would entertain a motion to
14 adopt the Consent Agreement contingent
15 upon prosecution making the revisions in
16 the Consent Agreement regarding the date
17 of the BEI interview.

18 MS. ROSADO:

19 So moved.

20 MS. COREY:

21 Second.

22 CHAIRPERSON LESIK:

23 All those in favor? All those opposed?

24 Any abstentions?

25 [The motion carried unanimously. The Respondent's

1 name for File Nos. 15-72-02020 and 16-72-12503 is John
2 L. Crouse.]

3 ***

4 MS. WOLFGANG:

5 Regarding Consent Agreement, File No. 14-
6 72-01915 I believe the Board would
7 entertain a motion to adopt the Consent
8 Agreement.

9 MS. BAUGHMAN:

10 So moved.

11 MS. MEYERS:

12 Second.

13 CHAIRPERSON LESIK:

14 All those in favor? All those opposed?
15 Any abstentions?

16 [The motion carried unanimously. The Respondent's
17 name for File No. 14-72-01915 is Regency Tennis Club
18 t/d/b/a Summit Tennis and Athletic Club.]

19 ***

20 MS. WOLFGANG:

21 Regarding the applications of Tianxia
22 Parks and Yinying Liu, the Board will not
23 be voting on these matters, but rather
24 provide the Board Administrator with
25 instructions on these applications.

1 ***

2 MS. WOLFGANG:

3 I believe the Board would entertain a
4 motion to provisionally deny the
5 application of Weiguang Liu.

6 MS. COREY:

7 So moved.

8 MS. BAUGHMAN:

9 Second.

10 CHAIRPERSON LESIK:

11 All those in favor? All those opposed?
12 Any abstentions?

13 [The motion carried unanimously.]

14 ***

15 MS. WOLFGANG:

16 I believe the Board would entertain a
17 motion to provisionally deny the
18 application of Fengling Qu.

19 MS. BAUGHMAN:

20 So moved.

21 MS. ROSADO:

22 Second.

23 CHAIRPERSON LESIK:

24 All those in favor? All those opposed?
25 Any abstentions?

1 [The motion carried unanimously.]

2 ***

3 MS. WOLFGANG:

4 I believe the Board would entertain a
5 motion to provisionally deny the
6 application of Xiuqin Li.

7 MS. COREY:

8 So moved.

9 MS. BAUGHMAN:

10 Second.

11 CHAIRPERSON LESIK:

12 All those in favor? All those opposed?
13 Any abstentions?

14 [The motion carried unanimously.]

15 ***

16 MS. WOLFGANG:

17 I believe the Board would entertain a
18 motion to grant the application of James
19 Yoo.

20 MS. BAUGHMAN:

21 So moved.

22 MS. MEYERS:

23 Second.

24 CHAIRPERSON LESIK:

25 All those in favor? All those opposed?

1 Any abstentions?

2 [The motion carried unanimously.]

3 ***

4 MS. WOLFGANG:

5 I believe the Board would entertain a
6 motion to grant the application of
7 ShanShan Meng.

8 MS. COREY:

9 So moved.

10 MS. MEYERS:

11 Second.

12 CHAIRPERSON LESIK:

13 All those in favor? All those opposed?
14 Any abstentions?

15 [The motion carried unanimously.]

16 ***

17 MS. WOLFGANG:

18 I believe the Board would entertain a
19 motion to grant the application of
20 Meiling Tian.

21 MS. MEYERS:

22 So moved.

23 MS. NELSON:

24 Second.

25 CHAIRPERSON LESIK:

1 All those in favor? All those opposed?

2 Any abstentions?

3 [The motion carried unanimously.]

4 ***

5 Miscellaneous

6 [Jamie Corey discussed her involvement on the
7 nominating committee. She announced the two new FSMTB
8 Board members, Tom Ryan and Robin Alexander, will each
9 be serving three-year terms.

10 Ms. Corey chaired the policy committee. She
11 reported that a resolution asking FSMTB to investigate
12 testing sites in rural locations passed. Resolutions
13 regarding having set guidelines on how to run the
14 elections and requiring meeting materials at an
15 earlier date did not pass.]

16 ***

17 [Mary Meyers discussed her involvement with a breakout
18 group handling the topic of identifying and
19 communicating with stakeholders, applicants, licensees
20 and schools. She stressed the importance of involving
21 the public in making decisions. Ms. Meyers noted that
22 the keys to effective communications are fairness,
23 transparency and knowledge of rights, laws and
24 regulations.]

25 ***

1 [Becky Lesik, LMT, discussed the executive director
2 summit for board administrators, which features
3 training to help administrators to spot fraud. She
4 noted that she received positive feedback from
5 executive director summit participants. She discussed
6 the Federation Authentic Information Review (FAIR)
7 task force and the tools developed to identify
8 application fraud and best practices for dealing with
9 fraud.

10 Ms. Lesik discussed her role as the chair of the
11 licensing renewal committee at FSMTB. She cited
12 statistics from a survey of 3,845 licensed massage
13 therapists.

14 She noted an average of 673 hours of initial
15 training. There are more than 300 massage therapy
16 schools and programs in the US accredited by a
17 national accrediting body.

18 Ms. Lesik noted important topics such as risk
19 management, relevant risks and regulatory reform. She
20 stated FSMTB commended boards that had massage
21 therapists sitting on their boards and recommended
22 having a licensed massage therapist or subject matter
23 expert at hearings before a hearing examiner.]

24 ***

25 Review of Proposed Meeting Dates 2018

1 [The following meeting dates for 2018 were noted:
2 February 6, April 10, June 12, August 7, September 18
3 and December 4. There will be a regulatory committee
4 meeting on February 5, 2017.]

5 CHAIRPERSON LESIK:

6 From the floor do we approve the meetings
7 as proposed?

8 MS. COREY:

9 Yes.

10 MS. ROSADO:

11 Second.

12 CHAIRPERSON LESIK:

13 All those in favor? All those opposed?
14 Any abstentions?

15 [The motion carried unanimously.]

16 ***

17 [There being no further business, the State Board of
18 Massage Therapy meeting adjourned at 3:32 p.m.]

19 ***

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21

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23

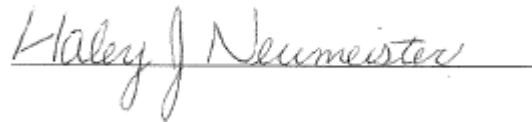
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CERTIFICATE

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



Haley Neumeister,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
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December 12, 2017

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TIME	AGENDA
9:34	Official Call to Order
9:37	Report of Prosecutorial Division
9:43	Appointment - NCBTMB
10:06	Recess
10:12	Return to Open Session
10:13	Appointment - FSNTB
11:53	Approval of Minutes
11:54	Report of Commissioner
11:56	Report of Board Administrator
12:10	Lunch Break
12:45	Return to Open Session
12:46	Report of Board Counsel
12:51	Executive Session
3:00	Return to Open Session
3:00	Motions
3:00	Miscellaneous
3:32	Adjournment