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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: 9:30 A.M.

Board Room C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

Tuesday, April 9, 2019

1 State Board of Massage Therapy
2 April 9, 2019

3
4
5 BOARD MEMBERS:
6

7 Becky D. Caufman, LMT, Chair
8 K. Kalonji Johnson, Acting Commissioner, Bureau of
9 Professional and Occupational Affairs
10 Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Professional
11 Member, Vice Chair
12 Camille Baughman, BS, MA, LMT, Professional Member
13 Jamie H. Corey, LMT, Professional Member
14 Gloria E. Rosado, LMT, Professional Member
15 Linda A. Chamberlain, MS, BSN, RN, CNDLTC, Secretary
16 of Health designee
17 Jessica A. Nelson, Office of Attorney General designee
18 Shea M. Rhodes, Esquire, Public Member - Absent
19
20

21 BUREAU PERSONNEL:
22

23 Thomas M. Davis, Esquire, Board Counsel
24 Monty J. Batson, Esquire, Board Prosecution Liaison
25 Glenn P. Masser, Esquire, Board Prosecutor
26 Dean F. Picarella, Esquire, Board Prosecutor
27 Carol J. Niner, Board Administrator
28
29

30 ALSO PRESENT:
31

32 Edward Portley Jr., LMT, Just This Side of Heaven
33 Massage & Continuing Education for Massage
34 Therapists
35 Carolyn Hubert-Black, LMT, Continuing Education
36 Provider
37 Mike L. Walters, LMT, PTA, EMT-B, An Athlete's Edge
38 Carrie Shaley, LMT, Honor Your Body Wellness
39 Nina M. Kottcamp, LMT, NCMT, Coordinator, Harrisburg
40 Area Community College
41 Stephanie Shull, Senior Practice Manager, WellSpan
42 Center for Mind/Body Health
43 Cynthia Rish, Operations Manager, Rish Law Office, LLC
44 Natalie Cook, Associate, McNeas-Winter Group LLC,
45 representing the American Massage Therapy
46 Association Pennsylvania Chapter
47 Kelly L. Givens, LMT, CR, American Massage Therapy
48 Association
49
50

1 ***

2 State Board of Massage Therapy

3 April 9, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Massage Therapy was held on Tuesday, April 9,
7 2019. Becky D. Caufman, LMT, Chair, called the meeting
8 to order at 9:30 a.m.

9 ***

10 [Chair Caufman requested that all cell phones be
11 turned off.]

12 Chair Caufman welcomed Acting Commissioner
13 Kalonji Johnson.

14 Chair Caufman requested audience members to
15 register. She also requested the introduction of
16 Board members, staff, and audience.]

17 ***

18 [Glenn P. Masser, Esquire, Board Prosecutor, presented
19 the Consent Agreement for File No. 16-72-00834.]

20 ***

21 Report of Acting Commissioner

22 [Kalonji Johnson, Acting Commissioner, Bureau of
23 Professional and Occupational Affairs, introduced
24 himself and discussed his previous role as Policy
25 Director for the Department of State.]

1 Acting Commissioner Johnson announced his
2 replacement, Marc Farrell, as the new Deputy Policy
3 Director, who has extensive knowledge in the
4 regulatory process and is now devoted to Department of
5 State regulations.

6 Acting Commissioner Johnson announced Stephen
7 Latanishen as the new Director of the Office of
8 Intergovernmental Affairs, who will be the liaison for
9 stakeholders and will assist in expediting Board
10 appointments.

11 Acting Commissioner Johnson addressed Governor
12 Wolf's priority to eliminate burdensome regulations
13 and barriers to licensure, noting that he will be
14 implementing that policy.

15 Chair Caufman noted a concern regarding Ms. Corey
16 being at the end of her USQ as a Board member. Acting
17 Commissioner Johnson commented that the issue was
18 being worked on.

19 Acting Commissioner Johnson addressed the
20 Pennsylvania Licensing System (PALS). He noted that
21 forms outside of PALS functionality will be fully
22 integrated into the PALS process by June 2019,
23 resulting in a marked difference in processing
24 efficiency and time.

25 Chair Caufman questioned whether a governmental

1 site of all approved continuing education courses in
2 Pennsylvania will be available for the general
3 population. Acting Commissioner Johnson commented
4 that this matter was being negotiated.]

5

6 Approval of Minutes of the February 5, 2019 meeting

7 CHAIR CAUFMAN:

8 Let's look at the Board minutes from the
9 February 5, 2019 draft.

10 [The Board discussed corrections to the minutes.]

11 CHAIR CAUFMAN:

12 Anyone have anything else? If we do
13 not, I would ask for a motion from the
14 floor to approve the draft minutes from
15 February with corrections.

16 MS. COREY:

17 So moved.

18 CHAIR CAUFMAN:

19 Second?

20 MS. ROSADO:

21 I second.

22 CHAIR CAUFMAN:

23 Gloria seconds. All those in favor?

24 All those opposed? Any abstentions?

25 [The motion carried unanimously.]

1
2 Report of Board Chair

3 [Becky D. Caufman, LMT, Chair, stated Mr. Davis will
4 be attending the Federation of State Massage Therapy
5 Boards (FSMTB) Member Board Executive Summit in
6 Cleveland, OH, April 18-19, 2019. She mentioned one
7 of the topics regarding Boards utilizing the
8 Regulatory Education and Competence Hub (REACH)
9 Program component of FSMTB, which is a regulatory
10 education hub. She also mentioned there will be a
11 discussion concerning the need for English proficiency
12 in the profession.

13 Chair Caufman noted a few states have added an
14 English competency portion to their regulations and
15 rules. She commented that the information brought
16 back from the meeting would be helpful in determining
17 how to proceed.

18 Chair Caufman expressed a concern for public
19 safety when individuals cannot speak English and
20 communicate their health issue.

21 Mr. Batson noted prosecution's concerns from a
22 safety standpoint if individuals cannot properly
23 evaluate and determine whether or not a massage is
24 contraindicated. He believed that requirement should
25 be imposed.

1 Mr. Batson updated the Board regarding its cases.
2 There was not a big backlog, but there were a lot of
3 first-time offenses and about 15-30 cases of sexual
4 assault this year.

5 Chair Caufman noted the resolution time for
6 FSMTB. She also mentioned a concern related to the
7 voting procedures last year.

8 Ms. Corey addressed her role on the FSMTB Policy
9 Committee, according to the bylaws, to review policies
10 and evaluate the efficiency of the FSMTB. She noted
11 that the committee would be reviewing the nominating
12 committee and their policies regarding the board of
13 directors and the actual mathematical system to be
14 followed to assure an impartial electoral process.

15 Ms. Corey was in the process of drafting a
16 mission statement and clarifying the role of the
17 nominating committee. She stated another committee
18 member was reviewing the mathematical process of an
19 election, due to the problems with FSMTB not being
20 able to conduct the electrical voting process. She
21 stated the policy committee would be proposing a
22 resolution or a bylaw amendment at the annual meeting
23 in the hopes of remedying these issues.

24 Chair Caufman noted the need to discuss the
25 resolution draft that is due July 1, 2019. She noted

1 membership to the FSMTB was renewed, and the fees
2 would cover sending the delegate to the annual meeting
3 in Atlanta, GA.

4 Chair Caufman commented that the FSMTB attends
5 the Federation of Associations of Regulatory Boards
6 (FARB) and the Council on Licensure, Enforcement and
7 Regulation (CLEAR) every year on the Board's behalf.
8 She noted the 2019 Annual FSMTB Meeting on October 3-
9 5, 2019. She stated FSMTB asked for volunteers for a
10 task force at the last annual meeting to study the
11 efficiency of massage establishment regulations and
12 again asked for volunteers.

13 Chair Caufman stated there are still a number of
14 Massage Therapy Boards that are not health Boards, but
15 are service Boards. She noted a significant
16 discrepancy in education. She also stated FSMTB has
17 the Massage & Bodywork Licensing Examination (MBLEx)
18 Eligibility Panel that needs volunteers and item
19 writers for the MBLEx test.

20 Chair Caufman stated individuals do not have to
21 be a Board member to be a committee member of FSMTB,
22 but in order to be a voting member at the annual
23 meetings, individuals need to be an active Board
24 member of FSMTB.]

25

1 [Kalonji Johnson, Acting Commissioner, Bureau of
2 Professional and Occupational Affairs, exited the
3 meeting at 9:59 a.m.]

4 ***

5 [Chair Caufman expressed a concern with the continued
6 need to call information technology (IT) to have
7 issues resolved.

8 Chair Caufman requested Ms. Porambo discuss her
9 attendance at a recent meeting regarding Current
10 Procedural Terminology (CPT) codes.

11 Ms. Porambo will be attending another CPT
12 Editorial Panel Meeting in Chicago in May. She
13 discussed utilizing the code for manual therapy as the
14 universal code for massage therapy. She stated the
15 language had been worked on for two years to assure
16 Pennsylvania's utilization, having the restriction
17 from using the code for manual therapy.

18 Ms. Porambo also addressed problems within the
19 profession of physical therapists (PTs) who wanted to
20 discard the CPT code 97124, which describes work
21 inherent in massage, but did not realize its impact on
22 the manual therapy code. She stated nothing could be
23 done with that issue until the rehab committee was
24 back together.

25 Ms. Porambo commented that Blue Cross Blue Shield

1 will not recognize the massage therapy code and only
2 recognize the manual therapy code, which restricts
3 therapists in the state of Pennsylvania from working
4 with health care professionals and being a part of a
5 team.

6 Ms. Porambo stated massage therapists work well
7 with PTs, occupational therapists (OTs), and athletic
8 trainers, but they were not ready for the change at
9 this time.

10 Kelly L. Givens, LMT, CR, American Massage
11 Therapy Association, questioned where this was
12 happening. Ms. Porambo commented that she has been a
13 part of the American Medical Association's workgroup.
14 She stated the American Massage Therapy Association
15 (AMTA) was asked to bring a member forward to
16 represent the profession with respect to hearings.
17 She has been working nationally. Most states would
18 have no problem with the transition in removing the
19 97124 code and are already using manual therapy codes.

20 Ms. Porambo reiterated Pennsylvania's issue due
21 to the restriction in the actual statute. She noted
22 the purpose of the committee was to make sure all
23 affected health care practitioners have a place at the
24 table.

25 Ms. Porambo stated, unless there is a CPT code

1 and this process takes place, not much could be done
2 at the state level other than working within the
3 statute and with senators. She stated AMA has been
4 very open with the process and the Board cannot
5 overstep the process being done by the AMA.

6 Mr. Davis addressed correspondence from Katie
7 Cassidy, LMT, who attended the Independent Regulatory
8 Review Commission Meeting, where it was obvious that
9 the licensure base does not really understand the
10 purpose of the Board. He noted that a commissioner
11 suggested that the outreach and education to the
12 public by the Board be improved. He also noted this
13 would work well with the Board's discussion regarding
14 an informational newsletter.

15 Chair Caufman was hopeful that the Board would
16 have a newsletter out by summer with topics and
17 information for practitioners to utilize the website.

18 Chair Caufman noted a recent issue encountered by
19 a CE provider related to the fee increase that was put
20 into effect in the latter part of 2018 and requested
21 Ms. Niner explain the fee increase process and time
22 frames. Ms. Niner explained, as soon as a new fee
23 becomes effective, applications are updated and posted
24 on the website. She discussed the importance of
25 getting the most current application and fees out, as

1 applications will be returned if an individual would
2 pay too much or too little.

3 Ms. Niner stated all documents are forwarded to a
4 document processing center that receives mail for all
5 29 licensing Boards for determination of management.
6 It could be up to four weeks until the document is
7 uploaded into the system due to the volume of mail
8 received.

9 Ms. Niner mentioned that handling prepopulated
10 documents from the system is a lot easier, because the
11 documents are generated with barcodes that are scanned
12 and attached automatically. She also noted 8,308
13 active licensees.

14 Carolyn Hubert-Black, LMT, CE Provider, requested
15 the Board attorney address cannabidiol (CBD) oil for
16 clarification.

17 Mr. Davis stated the Board does not take a
18 position on that issue because the law is not clear.
19 He noted that his job was to provide legal advice and
20 counsel to the Board, and the only time the Board may
21 "speak" is through regulation or adjudication. He
22 suggested that licensees who have questions concerning
23 the legality of CBD oils should contact an attorney or
24 professional associations, because the Board was not
25 taking a stance on the CBD oil issue.

1 Mike L. Walters, LMT, PTA, EMT-B, An Athlete's
2 Edge, expressed a concern regarding cannabinoid
3 treatment. Mr. Walters discussed cannabinoid
4 hyperemesis syndrome, allergies, and possible CBD oil
5 contamination. He commented that athletes being
6 treated with CBD oils without their permission affects
7 their whole life.

8 Mr. Walters was hopeful that massage therapists
9 can raise the bar a bit and be more concerned about
10 investigation.]

11 ***

12 Report of Board Regulatory Counsel

13 [Thomas M. Davis, Esquire, Board Regulatory Counsel,
14 informed the Board that the regulatory committee
15 recently met and discussed the regulatory package at
16 length. He stated the final package will be published
17 in the Pennsylvania Bulletin. He explained the
18 regulatory process.]

19 ***

20 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
21 10:21 a.m. the Board entered into Executive Session
22 with Thomas Davis, Esquire, Board Counsel, for the
23 purpose of conducting quasi-judicial deliberations and
24 to receive advice of Counsel on the matters upon which
25 the Board shall later vote. The Board returned to

1 open session at 12:05 p.m.]

2 ***

3 MOTIONS

4 MR. DAVIS:

5 Number 3 on the agenda is File No. 18-
6 72-007358. That matter has been tabled
7 for the time being.

8 ***

9 MR. DAVIS:

10 Number 4 on the agenda. Based on the
11 Board's discussions in executive
12 session, I believe the Chair would
13 accept a motion to adopt as final the
14 proposed Adjudication and Order of the
15 hearing examiner in the following
16 matter: Commonwealth of Pennsylvania
17 BPOA vs. Lisa Rose Hughes, LMT, Case No.
18 17-72-08140.

19 CHAIR CAUFMAN:

20 From the floor, we need a motion,
21 please?

22 MS. COREY:

23 So moved.

24 CHAIR CAUFMAN:

25 Jamie firsts.

1 MS. BAUGHMAN:

2 Second.

3 CHAIR CAUFMAN:

4 Camille seconds. All those in favor?

5 All those opposed? Any abstentions?

6 [The motion carried unanimously.]

7 ***

8 MR. DAVIS:

9 Number 5 on the agenda. Based on the
10 Board's discussions in executive
11 session, I believe the Chair would
12 accept a motion to adopt as final the
13 proposed Adjudication and Order of the
14 hearing examiner in the following
15 matter: In the Matter of the
16 Commonwealth of Pennsylvania BPOA vs.
17 Lillian Kim, Case No. 18-72-007253.

18 MS. ROSADO:

19 So moved.

20 CHAIR CAUFMAN:

21 Gloria.

22 MS. CHAMBERLAIN:

23 Second.

24 CHAIR CAUFMAN:

25 Linda seconds. All those in favor? All

1 Number 7 on the agenda. Based on the
2 Board's discussions in executive
3 session, I believe the Chair would
4 accept a motion to deny the final appeal
5 of Beverly Jane Williams, LMT and adopt
6 the proposed amended order of the
7 hearing examiner in the following
8 matter: In the Matter of the Citation
9 Issued to Beverly Jane Williams, LMT,
10 Case No. 15-72-11161.

11 MS. CHAMBERLAIN:

12 So moved.

13 CHAIR CAUFMAN:

14 Linda first. Second?

15 MS. ROSADO:

16 I second.

17 CHAIR CAUFMAN:

18 Gloria seconds. All those in favor?

19 All those opposed? Any abstentions?

20 [The motion carried unanimously.]

21 ***

22 MR. DAVIS:

23 Number 8 on the agenda. Based on the
24 Board's discussions in executive
25 session, I believe the Chair would

1 accept a motion to approve as final the
2 draft final order granting licensure on
3 probationary status in the following
4 matter: In the Matter of the
5 Application for a License to Practice
6 Massage Therapy of Roxanne Keller, Case
7 No. 19-72-003208.

8 CHAIR CAUFMAN:

9 From the floor?

10 MS. PORAMBO:

11 I move.

12 CHAIR CAUFMAN:

13 Nancy moves.

14 MS. COREY:

15 I'll second.

16 CHAIR CAUFMAN:

17 Jamie seconds. All those in favor? All
18 those opposed? Any abstentions?

19 [The motion carried unanimously.]

20 ***

21 MR. DAVIS:

22 Number 9 on the agenda. Based on the
23 Board's discussions in executive
24 session, I believe the Board would
25 entertain a motion to adopt the Consent

1 Agreement at Case No. 16-72-00834.

2 MS. COREY:

3 So moved.

4 CHAIR CAUFMAN:

5 Jamie first.

6 MS. CHAMBERLAIN:

7 Second.

8 CHAIR CAUFMAN:

9 Linda seconds. All those in favor? All
10 those opposed? Any abstentions?

11 [The motion carried unanimously.]

12 ***

13 MR. DAVIS:

14 For the Record, Consent Agreement No.
15 16-72-00834 is Commonwealth of
16 Pennsylvania BPOA vs. Edith Angelique
17 Mealing, LMT.

18
19 Number 10 on the agenda. The
20 Application for Massage Therapist
21 Licensure by Examination of Jeremy
22 George Kayal.

23 Based on the Board's discussions in
24 executive session, I believe the Chair
25 would accept a motion approving the

1 application.

2 MS. BAUGHMAN:

3 I so move.

4 MS. ROSADO:

5 I second.

6 CHAIR CAUFMAN:

7 Gloria seconds. All those in favor?

8 All those opposed? Any abstentions?

9 [The motion carried unanimously.]

10 ***

11 MR. DAVIS:

12 Number 11 on the agenda, the Application
13 for Massage Therapist Licensure
14 Examination of Tomasz R. Stawarz.

15 Based on the Board's discussions in
16 executive session, I believe the Chair
17 would accept a motion approving the
18 application.

19 CHAIR CAUFMAN:

20 From the floor?

21 MS. COREY:

22 So moved.

23 CHAIR CAUFMAN:

24 Jamie first.

25 MS. CHAMBERLAIN:

1 Second.

2 CHAIR CAUFMAN:

3 Linda seconds. All those in favor? All
4 those opposed?

5 [The motion carried. Ms. Baughman opposed the motion.
6 Ms. Porambo abstained from voting on the motion.]

7 ***

8 MR. DAVIS:

9 Number 12 on the agenda, the Application
10 for Massage Therapist Licensure by
11 Examination of Myunghwa Ahn.

12 Based on the Board's discussions in
13 executive session, I believe the Chair
14 would accept a motion approving the
15 application.

16 MS. CHAMBERLAIN:

17 So moved.

18 CHAIR CAUFMAN:

19 Linda first.

20 MS. NELSON:

21 I'll second.

22 CHAIR CAUFMAN:

23 Jessica seconds. All those in favor?
24 Opposing?

25 [The motion carried. Ms. Baughman opposed the motion.]

1 Ms. Porambo abstained from voting on the motion.]

2 ***

3 MR. DAVIS:

4 Number 13 on the agenda, the matter of
5 Monica T. Lewis. This has been tabled
6 for the time being.

7 ***

8 MR. DAVIS:

9 Number 14 on the agenda, the Application
10 for Massage Therapist Licensure by
11 Examination of Xiukun Gao.

12 Based on the Board's discussions in
13 executive session, I believe the Chair
14 would accept a motion provisionally
15 denying the application.

16 MS. ROSADO:

17 So moved.

18 MS. NELSON:

19 Second.

20 CHAIR CAUFMAN:

21 Gloria first. Jessica seconds. All
22 those in favor? All those opposed? Any
23 abstentions?

24 [The motion carried unanimously.]

25 ***

1 [Becky D. Caufman, LMT, Chair, announced the 2019
2 Annual FSMTB Meeting October 3-5 in Atlanta, GA.
3 Nominations were made on the floor to send Chair
4 Caufman as the delegate, Ms. Baughman as the
5 alternate, and Ms. Porambo as third.]

6 ***

7 Adjournment

8 CHAIR CAUFMAN:

9 The 2019 meeting of the State Board of
10 Massage Therapy is adjourned.

11 [There was no second to the motion.]

12 ***

13 [There being no further business, the State Board of
14 Massage Therapy Meeting adjourned at 12:17 p.m.]

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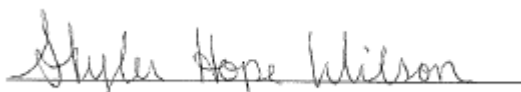
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CERTIFICATE

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.



Skyler Hope Wilson,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

April 9, 2019

TIME	AGENDA
9:32	Official Call to Order
9:31	Roll Call
9:33	Report of Prosecutorial Division
9:36	Report of Acting Commissioner
9:44	Approval of Minutes
9:46	Report of Board Chair
10:06	Correspondence
10:19	Report of Regulatory Counsel
10:21	Executive Session
12:05	Return to Open Session
12:05	Motions
12:17	Adjournment