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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: 10:51 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, April 4, 2023

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State Board of Massage Therapy
April 4, 2023

BOARD MEMBERS:

- Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair, Professional Member
- Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs - Absent
- Linda A. Chamberlain, MS, BSN, RN, CNDLTC, Secretary of Health designee
- Brett W. Mauser, Office of Attorney General designee, on behalf of Jessica A. Nelson, Office of Attorney General designee
- Dana J. Douglas, LMT
- Vickiann Hicks, LMT, BCTMB, CCCA - Absent
- 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
- J. Karl Geschwindt, Esquire, Acting Senior Board Prosecutor
- Andrea L. Costello, Esquire, Board Prosecution Liaison
- Garrett A. Rine, Esquire, Board Prosecutor
- Paul Keller, Board Administrator
- Danie Bendesky, Director of Intergovernmental Affairs, Department of State
- Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State
- Andrew LaFratte, MPA, Executive Policy Specialist, Department of State
- Michelle Witmer, Fiscal Management Specialist, Bureau of Finance and Operations, Department of State
- Amanda Richards, Fiscal Chief, Bureau of Finance and Operations, Department of State

State Board of Massage Therapy
April 4, 2023

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ALSO PRESENT:

- Edward Portley Jr., LMT, Just This Side of Heaven
Massage & Continuing Education for Massage
Therapists
- Jim Earley, LMT, MBA, Advanced Certification
Instructor, GotYourBack University
- Lance Hostetter, Director of Government Relations,
Associated Bodyworks & Massage Professionals
- Nina M. Kottcamp-Long, LMT, NCMT, Director of
Holistic
Health and Wellness, Harrisburg Area Community
College
- Brenda Maruhnich, LMT, Pittsburgh Massage Therapy and
Wellness
- Camille Baughman, MA, BSed, LMT, Camille Baughman &
Associates
- Christine Hooper, MT, American Massage Therapy
Association
- Dorene Reggiani
- Kate J.
- Kelly L. Dunn

1 ***

2 State Board of Massage Therapy

3 April 4, 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 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 would later vote. The Board
11 commenced 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, April
15 4, 2023. Nancy M. Porambo, MS, LMT, CNMT, NCTMB,
16 Chair, Professional Member, called the meeting to
17 order at 10:51 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 entered into
24 Executive Session prior to the Board meeting for the
25 purpose of conducting quasi-judicial deliberations

1 and to receive advice of counsel on the matters upon
2 which 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 February 14, 2023 meeting

9 CHAIR PORAMBO:

10 Let's continue on with the approval of
11 the minutes from February 14, 2023.

12 Are there any changes?

13 May I have a motion to approve?

14 MR. STRAWSER:

15 I make the motion.

16 CHAIR PORAMBO:

17 Could I have a second, please?

18 MS. DOUGLAS:

19 I second.

20 CHAIR PORAMBO:

21 Roll call.

22

23 Porambo, aye; Chamberlain, abstain;

24 Douglas, aye; Keth, aye; Alumbro Shade,

25 aye; Strawser, aye; Waller, abstain;

1 Mauser, abstain.

2 [The motion carried. Linda Chamberlain, Ellyn Jo
3 Waller, and Brett Mauser abstained from voting on the
4 motion.]

5 ***

6 Regulatory Report

7 [Thomas M. Davis, Esquire, Board Counsel, noted prior
8 Board discussion regarding online continuing
9 education (CE) and how Act 100 of 2021 promotes the
10 use of virtual platforms in education. He mentioned
11 that a lot of the licensing Boards in the
12 Commonwealth are allowing continuing education to be
13 100 percent online.

14 Mr. Davis stated massage therapists are required
15 to obtain 24 continuing education credits and the
16 Board requires that a minimum of 16 hours of
17 continuing education be earned through contact hours,
18 so no more than 8 may be earned online. He
19 provided information concerning other jurisdictions
20 and referred to the northeast quadrant, where Maine,
21 Vermont, and Ohio do not require CE at all; New
22 Hampshire, Rhode Island, New York, and Maryland allow
23 all CE to be online; Connecticut allows 6 of 24
24 online; and New Jersey allows 6 of 20 online.

25 Mr. Davis explained that the Board is keeping in

1 line with other states as far as online CE whether
2 they keep it the same or allow 100 percent online.
3 He suggested that the Board consider allowing more
4 online CE, noting the Board could allow all CE online
5 based on Act 100 of 2021.

6 Ms. Douglas commented that it is difficult to
7 find CEs in person and almost impossible find anybody
8 to teach them at work. She noted online CE would be
9 more convenient and would not be a detriment if they
10 already have their credits and license.

11 Mr. Strawser stated massage therapy is very hands
12 on and believed some of it needs to be hands on.

13 Ms. Alumbro Shade believed the Board should allow
14 CE online, which would leave it up to the licensees
15 whether they want to do everything hands on or
16 online.

17 Mr. Davis clarified that allowing 100 percent
18 online education still allows people to go in person,
19 should they chose to do so. Whereas the regulations
20 currently require that licensees obtain a minimum
21 amount of in-person CE. He mentioned that the State
22 Board of Veterinary Medicine is removing their 25
23 percent cap for online education and allowing for 100
24 percent online CE, and the State Board of Physical
25 Therapy has always allowed 100 percent online CE, and

1 he noted that both veterinary medicine and physical
2 therapy are hands on occupations, like massage
3 therapy.

4 Ms. Chamberlain agreed with 100-percent online
5 continuing education.

6 Dr. Waller also agreed with online education.

7 Ms. Keth agreed with online continuing education,
8 noting that a lot of issues this year with renewals
9 were requests to be online because people could not
10 find some courses close to them. She commented that
11 she preferred in person but believed there should be
12 a choice for continuing education.

13 Chair Porambo commented that it has been very
14 difficult to find classes and would like to see more
15 options available online.

16 Mr. Strawser has had zero difficulty finding
17 classes in the Harrisburg area and asked whether
18 finding in-person classes is a geographical issue.

19 Chair Porambo noted the inconvenience of
20 traveling 2 hours for a physical class because
21 schools around her are closed and believed it to be a
22 geographical issue in some areas.

23 Ms. Keth also agreed with class availability
24 being geographical, noting she lives in a rural area
25 and travels 2 hours to Erie.

1 Jim Earley, LMT, MBA, Advanced Certification
2 Instructor, GotYourBack University, has been an
3 instructor for the last 10 or 12 years and taught CE
4 and Zoom classes during the pandemic. He noted that
5 he understands the need of online CE for people who
6 must travel a lot from different areas but mentioned
7 more places like wellness centers are turning
8 themselves into CE places to make it more convenient
9 for people.

10 Mr. Earley commented that it is a huge difference
11 and a big disservice to the actual therapist to not
12 take CE in person, especially with hands-on skills.
13 He agreed that ethics and other things could be taken
14 online but is not comfortable teaching something like
15 cupping on Zoom. He mentioned that there could be a
16 balance of maybe a little bit online but felt that
17 allowing all CE online would be a huge disservice to
18 their industry and the public. He commented that
19 therapists should provide the best service to the
20 community and clients and learning some modalities
21 online would not service that.

22 Edward Portley Jr., LMT, Just This Side of Heaven
23 Massage & Continuing Education for Massage
24 Therapists, addressed the importance of hands-on
25 teaching when performing myofascial release therapy

1 or muscular therapy, noting he is evaluating every
2 therapist to make sure the technique is done
3 correctly. He mentioned that he would be okay with
4 half of the credits being online but believed there
5 should be a limit because certain techniques and
6 modalities should be in person.

7 Nina M. Kottcamp-Long, LMT, NCMT, Director of
8 Holistic Health and Wellness, Harrisburg Area
9 Community College, stated the nursing department at
10 the college is very disappointed that all nursing
11 continuing education units (CEUs) are online and
12 opined that the quality of nursing CEUs has gone
13 downhill.

14 Ms. Kottcamp-Long addressed an informal survey
15 with 30 new students who were asked whether they
16 would take hands-on CEU or online and the answer was
17 that they would probably go to a professional
18 organization, whether it be Associated Bodywork &
19 Massage Professionals (ABMP) or the American Massage
20 Therapy Association (AMTA), because so many CEUs are
21 included with membership and low cost.

22 Ms. Kottcamp-Long addressed online continuing
23 education from a business perspective. She mentioned
24 that she has been running CEUs in Harrisburg just
25 about every weekend and that people would choose

1 online if given the option. She noted the Board is
2 not solvent and would like to know how much is
3 received from CEU providers that register for \$100.

4 Ms. Kottcamp-Long stated providers do not have to
5 pay \$100 if they are already approved by the National
6 Certification Board for Therapeutic Massage &
7 Bodywork (NCBTMB) or through the Department of
8 Education. She believed CEU providers in
9 Pennsylvania should submit an application and pay
10 \$100 for their courses to help resolve the insolvency
11 to the Board and still have a requirement for hands
12 on. She noted that instructors who do hands on would
13 not come to Pennsylvania if the requirement for hands
14 on is eliminated.

15 Ms. Kottcamp-Long mentioned the importance of
16 receiving more revenue for the Board from CEU
17 providers and believed that would go away if there is
18 an option between hands on or online. She suggested
19 making everyone who teaches in Pennsylvania pay \$100.
20 She also expressed concern with removing hands on
21 because, in her opinion, a licensee is not a seasoned
22 therapist until they worked on 1,000 clients and
23 mentioned the importance of preventing any danger to
24 consumers.

25 Lance Hostetter, Director of Government

1 Relations, Associated Bodyworks & Massage
2 Professionals (ABMP), commented that ABMP provides
3 their own continuing education for their members and
4 would advocate for a hybrid model. He noted there is
5 an opportunity for some elements of education to be
6 provided online that is not hands-on activity but is
7 not advocating one way or another for a change. He
8 commented that he did not come prepared to share a
9 full position on what ABMP would recommend as a
10 complete model for Pennsylvania but offered to work
11 with the Board on a proposal.

12 Brenda Maruhnich, LMT, Pittsburgh Massage Therapy
13 and Wellness, expressed concern with allowing online
14 classes that put people at risk, noting that many
15 cancer patients are seeking massage therapy and the
16 importance of knowing the level of light touch. She
17 noted being an advocate for hybrid and being open to
18 increasing the number of hours available online but
19 not online for everything because it opens up a huge
20 risk to fragile populations.

21 Ms. Maruhnich suggested half of the CE be online
22 to still allow a requirement or component to have
23 hands on. She referred to CE that requires more
24 training, such as lymphatic drainage with oncology
25 massage, and that the Society for Oncology Massage

1 has a 24-hour education model even to join.

2 Katherine Jendral, LMT, CLT, Clear Mountain
3 Wellness, commented that a hybrid model would be the
4 best course of action by possibly increasing the
5 number of CEs to maybe 20 out of 24. She addressed
6 different learning types, noting kinesthetic learners
7 would always seek out hands-on classes and visual and
8 audio learners would be comfortable in a classroom or
9 online. She noted people are already teaching manual
10 lymphatic drainage and cupping online.

11 Christine Hooper, MT, American Massage Therapy
12 Association, informed Board members of a trend across
13 the country, post-COVID, of boards deciding to either
14 increase the online hours or allow all online and
15 offered to provide more data. She noted it
16 highlighted the problems with those living in more
17 rural areas with lack of access and not as many
18 providers. She noted that having the online
19 education as an option would be helpful.

20 Chair Porambo asked Ms. Huber to provide the
21 Board with the data from across the country.

22 Mr. Earley commented that he teaches in different
23 states, including Maryland, where there is no
24 requirement for live CE but is appreciated when he
25 teaches there because not many people teach in

1 person. He was not for 100 percent online and
2 suggested a hybrid model would be perfect.

3 Ms. Maruhnich reiterated Ms. Kottcamp-Long's
4 comments regarding increasing the fees for educators
5 or looking at it from a revenue standpoint, noting it
6 could be very beneficial given the current situation.

7 Chair Porambo commented that she recognizes the
8 importance of in-person education and that the Board
9 would take everything into consideration. She
10 informed everyone the issue would be tabled with
11 respect to decision-making until the next meeting
12 after they receive information from AMTA.

13 Chair Porambo thanked everyone for their feedback
14 and participation.]

15 ***

16 Report of Board Prosecutors

17 [Andrea L. Costello, Esquire, Board Prosecution
18 Liaison, presented the Consent Agreement for Case No.
19 22-72-018295.]

20 ***

21 [Garrett A. Rine, Esquire, Board Prosecutor,
22 presented the Consent Agreement for Case No. 23-72-
23 000190.]

24 MR. DAVIS:

25 I am going to ask if any of the Board

1 members, now that we have heard from
2 the prosecutor's office, do you want to
3 reenter into Executive Session to
4 further discuss these matters before
5 having a vote? Hearing none.

6 I will read the prepared
7 statements. Based on the Board's
8 discussions in Executive Session, I
9 believe the Chair would accept a motion
10 to approve the Consent Agreement in the
11 matter of Case No. 22-72-018295.

12 MR. STRAWSER:

13 I make the motion.

14 CHAIR PORAMBO:

15 Do I have a second?

16 DR. WALLER:

17 Second.

18 CHAIR PORAMBO:

19 Roll call.

20
21 Porambo, aye; Chamberlain, aye;
22 Douglas, aye; Keth, aye; Alumbro Shade,
23 aye; Strawser, aye; Waller, aye;
24 Mauser, aye.

25 [The motion carried unanimously. Case No. 22-72-

1 018295 is Commonwealth BPOA v. Shawn Lee Stacey Jr.
2 LMT.]

3 ***

4 MR. DAVIS:

5 Moving to number 13. Based on the
6 Board's discussions during Executive
7 Session, I believe the Chair would
8 accept a motion to approve the Consent
9 Agreement in the following matter:
10 Case No. 23-72-000190.

11 CHAIR PORAMBO:

12 Do I have a motion?

13 MR. STRAWSER:

14 I'll make the motion.

15 CHAIR PORAMBO:

16 Second?

17 DR. WALLER:

18 Second.

19 CHAIR PORAMBO:

20 Roll call.

21

22 Porambo, aye; Chamberlain, aye;
23 Douglas, aye; Keth, aye; Alumbro Shade,
24 aye; Strawser, aye; Waller, aye;
25 Mauser, aye.

1 [The motion carried unanimously. Case No. 23-72-
2 000190 is Commonwealth BPOA v. Edward G. Blankenship
3 Jr., LMT.]

4 ***

5 Regulatory Report - CE Course Approval Application
6 Time Frame
7 [Thomas M. Davis, Esquire, Board Counsel, addressed
8 CE course approval and CE provider approval
9 applications, noting it states on the application
10 that it must be turned in 90 days prior to a certain
11 deadline. He informed Board members that the 90-day
12 requirement was not in the regulations but is in some
13 of the other applications and believed it just
14 carried over as a matter of copy and paste. He
15 suggested the Board add the 90-day requirement to the
16 regulations in order to keep the applications as they
17 are and to maintain consistency.]

18 CHAIR PORAMBO:

19 Do I have a motion?

20 MR. STRAWSER:

21 I make the motion.

22 CHAIR PORAMBO:

23 Do I have a second?

24 DR. WALLER:

25 Second.

1 CHAIR PORAMBO:

2 Roll call.

3

4 Porambo, aye; Chamberlain, aye;

5 Douglas, aye; Keth, aye; Alumbro Shade,

6 aye; Strawser, aye; Waller, aye;

7 Mauser, aye.

8 [The motion carried unanimously.]

9

10 Regulatory Report

11 [Thomas M. Davis, Esquire, Board Counsel, noted prior

12 Board discussion regarding the 60-day requirement in

13 the CE Waiver regulation, where the Board's

14 regulation stated a request for waiver of CE has to

15 be before the Board 60 days prior to the renewal

16 date.

17 Mr. Davis stated the current version of the

18 general revisions has the Board increasing that to 90

19 days and amending subsection (f) to require such

20 waivers be requested at least 90 days prior to the

21 expiration of the license to ensure all requests are

22 received prior to the final Board meeting of the

23 renewal cycle.

24 Mr. Davis mentioned the Board did not like that

25 it had to go to committee for that last period of

1 time because the Board likes to debate those things
2 and is why they are increasing it to 90 days. He
3 asked whether the Board wanted to keep it at 60 or
4 increase it to 90, which is how the Board voted.

5 Ms. Douglas stated decreasing the time frame
6 would be better for people requesting waivers and
7 suggested keeping it at 60 days but going to less
8 would be great.

9 Mr. Davis explained that the Board could decrease
10 the time frame if they are comfortable with allowing
11 the Applications Committee or another committee make
12 the decision outside of the Board meeting and then
13 ratify it later. He noted 90 days would allow the
14 full Board to look at everything and that it would be
15 more difficult for the applicants but better for the
16 Board. He mentioned the Board was at 90 days two
17 months ago and now at 30 days, noting it might be
18 easier to leave the time frame at 60 days because it
19 has not been a concern, until now.

20 Mr. Strawser believed it should be reduced and
21 referred to the last renewal period, where quite a
22 few people who had the CE scheduled and then got
23 COVID could not make the CE, missed the time frame
24 for the Board, and were penalized.

25 Ms. Chamberlain noted that 60 days seemed

1 reasonable.

2 Ms. Alumbro Shade noted she preferred keeping it
3 at 60 days.

4 Ms. Keth believed the time frame could be
5 shortened to 30 days if they send it to the committee
6 for review but then send it to the Board for
7 something really outstanding for a full vote.

8 Dr. Waller noted being comfortable staying with
9 60 days.

10 Mr. Davis mentioned that Ms. Chamberlain, Ms.
11 Alumbro Shade, and Dr. Waller were at 60 days and Ms.
12 Keth at 30 days.

13 Chair Porambo noted the matter would be tabled
14 until the next meeting.]

15

16 Regulatory Report - Application and Renewal Fees
17 [Thomas M. Davis, Esquire, Board Counsel, informed
18 Board members that he was contacted by the Bureau of
19 Finance and Operations (BFO) after their previous
20 presentation showing the Board's income was meeting
21 expenses and invited BFO to discuss the matter with
22 the Board.

23 Amanda Richards, Chief of Fiscal Management,
24 Bureau of Finance and Operations, noted presenting
25 their annual budget report and fee package a few

1 months ago and presented to the Board to discuss
2 their post-renewal numbers. She reported 9,169
3 licensees in November 2022 and 7,846 post renewal,
4 showing a decrease of 1,350 licensees. She stated
5 nothing has changed from a revenue standpoint, where
6 everything from back in November showing revenue for
7 FY20-21 and FY21-22 around \$1.4 million is still the
8 same.

9 Ms. Richards informed Board members that expenses
10 have changed drastically, where FY20-21 expenses are
11 now up to \$885,000 and FY21-22 expenses are up to
12 almost \$808,000. She provided an update from this
13 morning, noting \$455,630.96 in expenses since
14 November when they were at \$141,000.

15 Ms. Richards referred to the decrease in the
16 license count and increase in expenses, noting BFO is
17 projecting the Board to be \$1.9 million in the red
18 compared to where they thought they would be in
19 November at \$1.4 million. She stated expenses are
20 now exceeding revenue based on the information.

21 Ms. Richards mentioned that the Board approved a
22 fee package in November, but because of the decrease
23 in licenses and the increase in expenses, the 20
24 percent increase is not enough. She noted that as of
25 FY21-22 and FY22-23, the Board is projected to be

1 \$244,000 in the red. She referred to licensees from
2 2018 to present, showing 8,848 in 2019 and looks like
3 the actual first part of the current fee increase was
4 done in 2018.

5 Ms. Richards noted the Board was at 9,104
6 licensees in 2018, dropped to 8,044 in 2019, and had
7 7,845 the next renewal. She mentioned that the
8 license count drops with every renewal cycle. She
9 provided a breakdown of expenses and revenue over the
10 last six years, noting things are staying about
11 average.

12 Ms. Richards informed Board members that the
13 Board would be in the red almost \$3.4 million by
14 FY30-31 if they do nothing. She addressed increasing
15 application fees, noting 4.5 percent is not enough
16 and 20 percent is not enough based on the new license
17 count and decrease going forward for FY28-29 and
18 FY30-31.

19 Chair Porambo asked Ms. Richards to provide a
20 copy of the report to the Board and requested clarity
21 for licensees regarding the considerable increase in
22 cost, noting the high legal fees.

23 Ms. Richards explained that legal costs include
24 attorneys and expert witnesses, noting large cases
25 increase the amount of money that is charged to the

1 Board. She mentioned that an increase in one area
2 could cause an increase somewhere else, where an
3 investigation could increase cost in the Bureau of
4 Enforcement and Investigation (BEI).

1 Mr. Davis noted previous Board discussion
2 concerning the Board's priorities and debt to the
3 Professional Licensure Augmentation Account (PLAA).
4 He mentioned the statutory requirement, where if the
5 revenues raised by fees, fines and civil penalties
6 imposed under the act are not sufficient to meet
7 expenditures over a two-year period, the Board is
8 required to increase those fees by regulation so that
9 revenues will meet or exceed expenses. He stated the
10 suggested fee amounts are a projection of what the
11 fees would need to be to pay back PLAA. He noted
12 that, based on the projection, now that the Board's
13 biannual fee is at \$175, projected revenues meet
14 projected expenses, so he suggested that the Board
15 consider not worrying about the PLAA at this moment.
16 He suggested that repaying the PLAA is more of a
17 policy decision for the Bureau, and the Board should
18 listen to the Bureau regarding that sort of thing.
19 He recommended the Board focus on the very strong
20 possibility of losing licensees if they increase the
21 renewal fee to \$305.

22 Chair Porambo requested a copy of the updated
23 report.

24 Mr. Davis noted receiving a copy of the report
25 from BFO this morning but did not review it and

1 offered to provide a copy to the Board. He mentioned
2 the Board would need time to review the numbers and
3 requested BFO work with him on a new set of numbers
4 for revenue to meet operating costs.

5 Mr. Davis mentioned having a similar discussion
6 with other boards regarding increasing operating
7 costs and how to decrease that, noting it may not be
8 possible because they have several legal requirements
9 when it comes to investigations and experts.

10 Chair Porambo commented that other boards may
11 also be seeing a reduction in workers and could be a
12 result of baby boomers retiring. She noted it has
13 been a trend even before COVID and many schools are
14 closed.

15 Chair Porambo thanked Ms. Richards for the
16 presentation. She mentioned that the Board would
17 probably be receiving information from BFO because
18 some of the numbers may change if people were late in
19 filing.

20 Ms. Maruhnich stated the expenses the Board is
21 incurring are necessary because of litigation, noting
22 attorney and expert fees vary greatly. She asked
23 whether the Board had any input or control over the
24 attorneys and experts being hired.

25 Mr. Davis explained that all of the hiring is

1 through the Commonwealth hiring process because all
2 in-house counsel are Commonwealth employees. He noted
3 expert fees do vary because they are independent
4 contractors and are subject to the discretion of the
5 prosecution department. He mentioned that much of
6 what the prosecution division does is subject to
7 privilege and cannot be shared even with the Board.
8 He explained that prosecution is free to make their
9 decisions independent of the Board's wishes but must
10 prove their case to the Board for discipline to be
11 implemented.

12 Ms. Maruhnich asked whether there may be
13 investigations but not a case, where money goes into
14 investigating but the investigation does not lead to
15 discipline, and suggested that there could be a trend
16 the Board needs to look at, clarifying certain rules
17 or regulations that may help reduce cost.

18 Ms. Costello explained that the Board currently
19 has about 150 cases and most cases are usually
20 founded, but prosecution may win a case and not
21 receive payment. She mentioned seeing a trend in
22 unlicensed practice cases, where individuals are not
23 paying application and renewal fees. She noted those
24 individuals are disciplined and fined but the Board
25 may not actually receive payment on those cases as

1 well.

2 Ms. Costello stated sexual assault cases can be
3 expensive and have a long litigation period, where
4 prosecution typically hires an expert. She noted
5 being cost-conscious of the Board's situation and
6 that a lot of Board cases are unlicensed practice and
7 sexual assault, which can be expensive. She
8 mentioned that prosecution always tries to resolve
9 things amicably, especially if they can get a
10 permanent voluntary surrender, even if they do not
11 receive money because not going through the hearing
12 process would save money.

13 Ms. Costello stated she has the bulk of the cases
14 but is not billing 100 percent of her time to the
15 Board, noting she has only had one or two massage
16 hearings in the last three months and some
17 provisional denial hearings. She mentioned receiving
18 a lot of complaints about human trafficking and
19 prostitution but are letting law enforcement deal
20 with those and are not incurring a lot of costs.]

21 ***

22 Report of Board Administrator

23 Applications

24 MR. DAVIS:

25 Moving to the Applications. All of

1 these were discussed in Executive
2 Session, so I believe we could go
3 through most of them on the prepared
4 motion discussed in executive.

5 Number 14 on the Board's agenda.
6 Based on the Board's discussions in
7 Executive Session, I believe the Chair
8 would accept a motion to approve the
9 Application for Licensure as a Massage
10 Therapist of Steven Ray.

11 CHAIR PORAMBO:

12 Do I have a motion?

13 MR. STRAWSER:

14 I'll make the motion.

15 CHAIR PORAMBO:

16 Do I have a second?

17 DR. WALLER:

18 Second.

19 MR. KELLER:

20 Porambo, aye; Chamberlain, aye;
21 Douglas, aye; Keth, aye; Alumbro Shade,
22 aye; Strawser, aye; Waller, aye;
23 Mauser, aye.

24 [The motion carried unanimously.]

25 ***

1 MR. DAVIS:

2 Moving to number 15. Based on the
3 Board's discussions in Executive
4 Session, I believe the Chair would
5 accept a motion to approve the
6 Application for Licensure as a Massage
7 Therapist of Kristine Probst.

8 CHAIR PORAMBO:

9 Do I have a motion?

10 MR. STRAWSER:

11 I'll make the motion.

12 CHAIR PORAMBO:

13 Second?

14 DR. WALLER:

15 Second.

16 MR. KELLER:

17 Porambo, aye; Chamberlain, aye;
18 Douglas, aye; Keth, aye; Alumbro Shade,
19 aye; Strawser, aye; Waller, aye;
20 Mauser, aye.

21 [The motion carried unanimously.]

22 ***

23 MR. DAVIS:

24 Number 16 on the Board's agenda. Based
25 on the Board's discussions in Executive

1 transcript to the Applications
2 Committee for review.

3 CHAIR PORAMBO:

4 Motion?

5 MR. STRAWSER:

6 I'll make the motion.

7 CHAIR PORAMBO:

8 Second?

9 DR. WALLER:

10 Second.

11 MR. KELLER:

12 Porambo, aye; Chamberlain, aye;
13 Douglas, aye; Keth, aye; Alumbro Shade,
14 aye; Strawser, aye; Waller, aye;
15 Mauser, aye.

16 [The motion carried unanimously.]

17 ***

18 MR. DAVIS:

19 Number 18 on the Board's agenda. Based
20 on the Board's discussions in Executive
21 Session, I believe the Chair would
22 accept a motion to accept the
23 transcript as genuine and send the
24 Application to the Applications
25 Committee for review.

1 CHAIR PORAMBO:

2 I need a motion?

3 MR. STRAWSER:

4 I'll make the motion.

5 DR. WALLER:

6 Second.

7 MR. KELLER:

8 Porambo, aye; Chamberlain, aye;

9 Douglas, aye; Keth, aye; Alumbro Shade,
10 aye; Strawser, aye; Waller, aye;

11 Mauser, aye.

12 [The motion carried unanimously.]

13 ***

14 MR. DAVIS:

15 For clarification, number 18 is in
16 reference to the Application of Daniel
17 Sheredy. Number 17 was in reference to
18 the Application of Dorene Reggiani.

19 ***

20 MR. DAVIS:

21 Moving to number 19. Based on the
22 Board's discussions in Executive
23 Session, I believe the Chair would
24 accept a motion to approve the
25 Application for Licensure as a Massage

1 Therapist of Shawn Hamburger.

2 CHAIR PORAMBO:

3 I need a motion?

4 MR. STRAWSER:

5 I make the motion.

6 CHAIR PORAMBO:

7 Second?

8 DR. WALLER:

9 Second.

10 MR. KELLER:

11 Porambo, aye; Chamberlain, aye;

12 Douglas, aye; Keth, aye; Alumbro Shade,

13 aye; Strawser, aye; Waller, aye;

14 Mauser, aye.

15 [The motion carried unanimously.]

16 ***

17 MR. DAVIS:

18 Moving to number 20 on the Board's

19 agenda. Based on the Board's

20 discussions in Executive Session, I

21 believe the Chair would accept a motion

22 to approve the Application for

23 Licensure as a Massage Therapist of

24 Kevin Frame.

25 CHAIR PORAMBO:

1 Motion?
2 MR. STRAWSER:
3 I'll make the motion.
4 CHAIR PORAMBO:
5 Second?
6 DR. WALLER:
7 Second.
8 MR. KELLER:
9 Porambo, aye; Chamberlain, aye;
10 Douglas, aye; Keth, aye; Alumbro Shade,
11 aye; Strawser, aye; Waller, aye;
12 Mauser, aye.
13 [The motion carried unanimously.]
14 ***
15 MR. DAVIS:
16 Number 21 on the Board's agenda. Based
17 on the Board's discussions in Executive
18 Session, I believe the Chair would
19 accept a motion to approve the
20 Application for Licensure as a Massage
21 Therapist of Lucretia Santee.
22 CHAIR PORAMBO:
23 Motion?
24 MR. STRAWSER:
25 I'll make the motion.

1 CHAIR PORAMBO:

2 Do we have a second?

3 DR. WALLER:

4 Second.

5 MR. KELLER:

6 Porambo, aye; Chamberlain, aye;
7 Douglas, aye; Keth, aye; Alumbro Shade,
8 aye; Strawser, aye; Waller, aye;
9 Mauser, aye.

10 [The motion carried unanimously.]

11 ***

12 MR. DAVIS:

13 Number 22 on the Board's agenda. Based
14 on the Board's discussions in Executive
15 Session, I believe the Chair would
16 accept a motion to approve the
17 Application for Licensure as a Massage
18 Therapist of Kevin McElroy.

19 CHAIR PORAMBO:

20 Motion?

21 MR. STRAWSER:

22 I'll make the motion.

23 CHAIR PORAMBO:

24 Second?

25 DR. WALLER:

1 Second.

2 MR. KELLER:

3 Porambo, aye; Chamberlain, aye;
4 Douglas, aye; Keth, aye; Alumbro Shade,
5 aye; Strawser, aye; Waller, aye;
6 Mauser, aye.

7 [The motion carried unanimously.]

8 ***

9 MR. DAVIS:

10 Number 23 on the Board's agenda. Based
11 on the Board's discussions in Executive
12 Session, I believe the Chair would
13 accept a motion to deny the Application
14 for Approval of the Continuing
15 Education Course submitted by Mary
16 Chicchi, specifically Low-Level Light
17 Therapy (LLLT) and Massage: The
18 Perfect Combination.

19 CHAIR PORAMBO:

20 Do I have a motion?

21 MR. STRAWSER:

22 I make the motion.

23 CHAIR PORAMBO:

24 Second?

25 DR. WALLER:

1 Second.

2 CHAIR PORAMBO:

3 Thank you.

4

5 Porambo, aye; Chamberlain, aye;

6 Douglas, aye; Keth, aye; Alumbro Shade,

7 aye; Strawser, aye; Waller, aye;

8 Mauser, aye.

9 [The motion carried unanimously.]

10

11 MR. DAVIS:

12 Number 24 on the Board's agenda. Based

13 on the Board's discussions in Executive

14 Session, I believe the Chair would

15 accept a motion to deny the Application

16 for Approval of the Continuing

17 Education Course submitted by Lorrie

18 Cole, specifically Stress SOS Self-Care

19 Strategies for Massage Therapists &

20 Clients.

21 CHAIR PORAMBO:

22 Do I have a motion?

23 MR. STRAWSER:

24 I'll make the motion.

25 CHAIR PORAMBO:

1 Second?

2 DR. WALLER:

3 Second.

4 CHAIR PORAMBO:

5 Thank you.

6

7 Porambo, aye; Chamberlain, aye;

8 Douglas, aye; Keth, aye; Alumbro Shade,

9 aye; Strawser, aye; Waller, aye;

10 Mauser, aye.

11 [The motion carried unanimously.]

12

13 MR. DAVIS:

14 Number 25 on the Board's agenda. Based
15 on the Board's discussions in Executive
16 Session, I believe the Chair would
17 accept a motion to deny the Application
18 for Approval of the Continuing
19 Education Course submitted by Gabrielle
20 Warner, specifically the 50 hours she
21 spent as a teaching assistant at the
22 Colorado School of Healing Arts.

23 CHAIR PORAMBO:

24 Do I have a motion?

25 MR. STRAWSER:

1 I'll make the motion.

2 CHAIR PORAMBO:

3 Second?

4 DR. WALLER:

5 Second.

6 CHAIR PORAMBO:

7 Thank you.

8

9 Porambo, aye; Chamberlain, aye;

10 Douglas, aye; Keth, aye; Alumbro Shade,

11 aye; Strawser, aye; Waller, aye;

12 Mauser, aye.

13 [The motion carried unanimously.]

14

15 Correspondence

16 Waiver Requests

17 MR. DAVIS:

18 Moving to 26 on the Board's agenda.

19 Based on the Board's discussions in

20 Executive Session, I believe the Chair

21 would accept a motion denying the

22 Request for Waiver of all or part of

23 the continuing education requirement of

24 Kimberly Stark.

25 CHAIR PORAMBO:

1 Do I have a motion?

2 MR. STRAWSER:

3 I'll make the motion.

4 CHAIR PORAMBO:

5 Second?

6 DR. WALLER:

7 Second.

8 CHAIR PORAMBO:

9 Thank you.

10

11 Porambo, aye; Chamberlain, aye;

12 Douglas, aye; Keth, aye; Alumbro Shade,

13 aye; Strawser, aye; Waller, aye;

14 Mauser, aye.

15 [The motion carried unanimously.]

16

17 Report of Board Counsel

18 Record for Deliberation

19 MR. DAVIS:

20 Moving back up to number 9 on the

21 Board's agenda just for the votes.

22 Again, these matters were discussed in

23 Executive Session.

24 Number 9. Based on the Board's

25 discussions in Executive Session, I

1 believe the Chair would entertain a
2 motion to grant the Motion to Deem
3 Facts Admitted and Enter Default and
4 direct Board Counsel to prepare an
5 Adjudication and Order in accordance
6 with the discussion in Executive
7 Session in the matter of Commonwealth
8 BPOA v. Jason Abrams, Case No. 19-72-
9 006064.

10 CHAIR PORAMBO:

11 Do I have a motion?

12 MR. STRAWSER:

13 I'll make the motion.

14 CHAIR PORAMBO:

15 Second?

16 DR. WALLER:

17 Second.

18 CHAIR PORAMBO:

19 Thank you.

20

21 Porambo, aye; Chamberlain, aye;

22 Douglas, aye; Keth, aye; Alumbro Shade,

23 aye; Strawser, aye; Waller, aye;

24 Mauser, aye.

25 [The motion carried unanimously.]

1
2 MR. DAVIS:

3 Number 10 and 11. Based on the Board's
4 discussions in Executive Session, I
5 believe the Chair would entertain a
6 motion to grant the Motion to Deem
7 Facts Admitted and Enter Default and
8 direct Board Counsel to prepare an
9 Adjudication and Order in accordance
10 with the discussion in Executive
11 Session in the following matters:
12 Number 10, Commonwealth BPOA v.
13 Christina Rene Guiden, LMT, Case No.
14 22-72-015091; Number 11, Commonwealth
15 BPOA v. Leon Morancie, Case No. 22-72-
16 003491.

17 CHAIR PORAMBO:

18 Do I have a motion?

19 MR. STRAWSER:

20 I'll make the motion.

21 CHAIR PORAMBO:

22 Second?

23 DR. WALLER:

24 Second.

25 CHAIR PORAMBO:

1 Thank you.

2

3 Porambo, aye; Chamberlain, aye;
4 Douglas, aye; Keth, aye; Alumbro Shade,
5 aye; Strawser, aye; Waller, aye;
6 Mauser, aye.

7 [The motion carried unanimously.]

8

9 Report of Acting Commissioner - No Report

10

11 Report of Board Chair

12 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
13 announced the Federation of State Massage Therapy
14 Boards (FSMTB) Annual Meeting would be held September
15 28-30 in San Diego, CA, and that FSMTB is asking for
16 any resolutions to the bylaws by June 30, 2023. She
17 noted Paul Keller would be attending the FSMTB Board
18 Executive Summit April 27-28.

19 Chair Porambo addressed a topic offered to the
20 Board as members of FSMTB on May 10 at 1 p.m. called
21 *The Uncomfortable Truth - Sexual Harassment and*
22 *Misconduct Against Licensed Massage Therapists*. She
23 stated FSMTB took a survey of licensed massage
24 therapists regarding sexual harassment and misconduct
25 committed by clients against them. She mentioned the

1 survey generated over 3,000 responses and that
2 licensed massage therapists are not always the
3 perpetrator. She noted FSMTB would provide an
4 overview of the survey results and resources for the
5 Board and that FSMTB commented that licensed massage
6 therapists are also part of the public who needs
7 protecting.

8 Chair Porambo informed Board members that FSMTB
9 is working hard to combat massage licensing fraud and
10 partnered with a business called The Network to
11 conduct research on how traffickers exploit gaps in
12 education oversight in the massage profession by
13 attempting to set up diploma mills and generate fake
14 transcripts and certificates. She noted the
15 information would help states recognize false
16 transcripts.

17 Chair Porambo addressed the Interstate Massage
18 Compact (IMpact), noting model legislation has been
19 released for Board members to review. She noted
20 other states have already introduced legislation to
21 adopt the IMpact model and that Georgia, Nebraska,
22 Nevada, Ohio, and Washington have all applied for
23 that change.

24 Chair Porambo invited everyone to the next State
25 Board of Massage Therapy Meeting on June 7. She

1 noted appreciation for those in attendance and for
2 their helpful comments from outside of the Board.
3 She asked everyone to mark their calendars for the
4 2023 Board meeting dates on August 1, September 18,
5 and November 14. She also announced 2024 meeting
6 dates are scheduled for February 13, April 2, June 4,
7 August 13, September 24, and December 3.]

8 ***

9 Adjournment

10 CHAIR PORAMBO:

11 Motion to adjourn?

12 MR. STRAWSER:

13 I'll make the motion.

14 CHAIR PORAMBO:

15 Thank you everyone for attending. Hope
16 to see you next time. Have a great
17 day.

18 ***

19 [There being no further business, the State Board of
20 Massage Therapy Meeting adjourned at 12:25 p.m.]

21 ***

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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.



Kelly L. Dunn,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

April 4, 2023

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:00	Executive Session
9	10:30	Commence Open Session
10		
11	10:51	Official Call to Order
12		
13	10:52	Introduction of Board Members/Attendees
14		
15	10:55	Approval of Minutes
16		
17	10:56	Regulatory Report
18		
19	11:26	Report of Board Prosecutors
20		
21	11:32	Regulatory Report (cont.)
22		
23	12:08	Report of Board Administrator
24		
25	12:16	Correspondence
26		
27	12:17	Report of Board Counsel
28		
29	12:19	Report of Board Chair
30		
31	12:25	Adjournment
32		
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