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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: 10:30 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, June 7, 2023

State Board of Massage Therapy
June 7, 2023

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BOARD MEMBERS:

Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
Professional Member
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
Linda A. Chamberlain, MS, BSN, RN, CNDLTC, Secretary
of Health designee - Absent
Jessica Nelson, Office of Attorney General designee
Dana J. Douglas, LMT
Vickiann Hicks, LMT, BCTMB, CCCA
Jennifer A. Keth, LMT, CNC
Imelda Alumbro Shade, LMT - Absent

BUREAU PERSONNEL:

Dean F. Picarella, Esquire, Senior Board Counsel
Thomas M. Davis, Esquire, Board Counsel
J. Karl Geschwindt, Esquire, Acting Senior Board
Prosecutor
Andrea L. Costello, Esquire, Board Prosecution
Liaison
Colby B. Widdowson, Esquire, Board Prosecutor
J. Karl Geschwindt, Esquire, Board Prosecutor
Paul Keller, Board Administrator
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State
Danie Bendesky, Director of Intergovernmental
Affairs, Department of State
Debra Rand, Chief Hearing Examiner, 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
Julie Snader, Deputy Director, Bureau of Finance and
Operations, Department of State
Michelle Witmer, Fiscal Management Specialist,
Bureau of Finance and Operations, Department of
State

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State Board of Massage Therapy
June 7, 2023

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
- Nina M. Kottcamp-Long, LMT, NCMT, Director of
Holistic Health and Wellness, Harrisburg Area
Community College
- Scott Yeager, Outreach Manager, Pennie
- Brenda Maruhnich, Pittsburgh Massage Therapy and
Wellness
- Natalie Cook, Associate, McNees-Winter Group
- Twyla Jones, Massage Therapist, Harrisburg, PA
- Carolyn Hubert-Black, LMT, Continuing Education
Provider
- Robin Reynolds, Massage Therapist, Sigafoose
Chiropractic Life Center
- Brea Epley
- Carol
- Sherry T.
- Ian Weeber

1 ***

2 State Board of Massage Therapy

3 June 7, 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 returned
11 to open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Massage Therapy was held on Wednesday, June
15 7, 2023. Nancy M. Porambo, MS, LMT, CNMT, NCTMB,
16 Chair, called the meeting to order at 10:30 a.m.

17 ***

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

22 Mr. Davis also noted the Board entered into
23 Executive Session prior to the Board meeting for the
24 purpose of conducting quasi-judicial deliberations
25 and to receive advice of counsel on the matters upon

1 which the Board would later vote.]

2 ***

3 Introduction of Board Members/Attendees

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

6 ***

7 Amendment to the Agenda

8 MR. DAVIS:

9 We have a Vice Chairperson who is no
10 longer on the Board, so we'd like to
11 fill that slot. That was something
12 brought to our attention in the last 24
13 hours.

14 I do believe the Chair would accept
15 a motion to amend the agenda adding the
16 election of Vice Chair as item 25.

17 CHAIR PORAMBO:

18 That's correct.

19 MR. DAVIS:

20 Is there a motion?

21 MS. KETH:

22 So moved.

23 CHAIR PORAMBO:

24 Do we have a second?

25 MS. DOUGLAS:

1 I'll second the motion.

2 MR. KELLER:

3 Porambo, aye; Claggett, aye; Nelson,
4 aye; Douglas, aye; Hicks, aye; Keth,
5 aye.

6 [The motion carried unanimously.]

7 ***

8 Approval of minutes of the April 4, 2023 meeting

9 CHAIR PORAMBO:

10 I'm looking for approval of the minutes
11 from the April 4, 2023 meeting. Are
12 there any changes? Hearing none.

13 Do we have a motion?

14 MS. KETH:

15 So moved.

16 MS. DOUGLAS:

17 I second the motion.

18 CHAIR PORAMBO:

19 Thank you very much.

20
21 Porambo, aye; Claggett, abstain;
22 Nelson, aye; Douglas, aye; Hicks,
23 abstain; Keth, aye.

24 [The motion carried. Arion Claggett and Vickiann
25 Hicks abstained from voting on the motion.]

1 Appointment - Pennsylvania Insurance Department -

2 Pennie Health Insurance Presentation

3 [Scott Yeager, Outreach Manager, Pennie, presented to
4 the Board to provide information about the
5 Pennsylvania Health Insurance Exchange Authority
6 known as Pennie.
7

8 Mr. Yeager stated Pennie launched November 1,
9 2020, and has helped Pennsylvanians get protected
10 with health and dental insurance and financial
11 assistance to reduce the monthly premium. He noted
12 Pennie helps individuals and families who fall into
13 "gray areas" and do not qualify for Medical
14 Assistance or may not have access to employer-
15 sponsored coverage.

16 Mr. Yeager reported that Pennie currently has
17 371,000 customers, noting 37 percent of those
18 individuals are 55 and older who are not eligible for
19 Medicare options. He noted Pennie also works with
20 small business owners and sole proprietors. He
21 stated about 1 in 20 individuals in Pennsylvania are
22 without health insurance, noting unmanageable medical
23 debt is the number one trigger for bankruptcy across
24 the nation.

25 Mr. Yeager reported 90 percent of Pennie

1 customers qualify for financial assistance, noting
2 the biggest barrier is people think they cannot
3 afford it. He noted financial assistance is provided
4 by way of advanced premium tax credits to reduce the
5 monthly premium, along with cost-sharing reductions
6 aligned with silver plans to reduce copays,
7 deductibles, and coinsurance.

8 Mr. Yeager reported one out of four Pennie
9 customers pay less than \$1 a day, 14 percent pay less
10 than \$1 a month, and 40 percent pay less than \$75 a
11 month. He addressed changes since HealthCare.gov,
12 noting Pennie's legislation wanted to establish a
13 competitive marketplace and offer many health and
14 dental insurers in the Commonwealth of Pennsylvania.

15 Mr. Yeager addressed Pennie's reinsurance program
16 that regulates monthly rates and premiums individuals
17 pay for quality health insurance. He informed
18 everyone that the open enrollment period is from
19 November 1 to January 15, noting it also has a
20 special enrollment period open yearlong for
21 individuals who have a qualifying life event and
22 provided a list of qualifying events.

23 Mr. Yeager addressed a program called the "Path
24 to Pennie", which is a partnership between Pennie and
25 the Pennsylvania Department of Revenue to help

1 uninsured tax filers in Pennsylvania. He explained
2 that Form REV-1882 could be completed and attached to
3 their state tax return and then the Pennsylvania
4 Department of Revenue securely shares that
5 individual's information with Pennie.

6 Mr. Yeager noted Pennie created a qualifying life
7 event in anticipation of the ending of continuous
8 coverage under Medical Assistance, where individuals
9 who make 150 percent or less of the federal poverty
10 limit and who do not qualify for Medical Assistance
11 can explore options at Pennie.

12 Mr. Yeager addressed the end of continuous
13 coverage for Medical Assistance, noting the
14 redetermination process resumed but both Pennie and
15 the Department of Human Services share a "no-wrong-
16 door policy" and established a secure transfer
17 process of application information if they do not
18 qualify for some other form of protection. He noted
19 Pennie's goal is to inform individuals that Pennie is
20 a viable option for health insurance.

21 Mr. Yeager invited everyone to attend Pennie's
22 Community Workgroup and encouraged everyone to visit
23 their online toolkit and refer individuals to Pennie
24 at 844-844-8040.

25 Chair Porambo thanked Mr. Yeager for the

1 presentation.]

2

3 Appointment - Bureau of Finance and Operations

4 Fee Package Presentation

5 [Amanda Richards, Chief of Fiscal Management, Bureau
6 of Finance and Operations, Department of State, noted
7 the Board has a projected biennial revenue around
8 \$1.6 million with the biennial budget and expenses
9 around \$1.6 million for a projected biennial balance
10 of negative \$37,157 from expenses and revenue for
11 FY21-22 and FY22-23.

12 She noted licensee population in November was
13 9,169, decreased in April to 7,846, and increased
14 again to 7,948 at the time of the report. She also
15 noted a current licensee count of 7,967 licensees as
16 of this morning.

17 Chair Porambo asked whether the Bureau of Finance
18 and Operations is seeing trends in other professions
19 with respect to the reduction of licensees.

20 Acting Commissioner Claggett noted some boards are
21 seeing a decrease in licensee population.

22 Ms. Richards addressed expenses and revenue over
23 the last six years, noting expenses are exceeding
24 revenue on a renewal period basis.

25 Ms. Richards referred to the initial startup for

1 the Board in 2008 to 2009 and cost of the initial
2 applications from 2010 to 2011. She addressed the
3 next six renewal periods, noting expenditures are
4 exceeding revenue, along with the money to be paid
5 back to the Professional Licensure Augmentation
6 Account (PLAA) for each renewal period.

7 Ms. Richards stated by the end of FY31-32, the
8 Bureau of Finance and Operations (BFO) is projecting
9 the Board to be in a deficit of \$3,167,542.63 if they
10 do nothing.

11 Ms. Richards informed Board members that it would
12 take a 16 percent increase in renewal fees over the
13 next three renewals for expenses and revenue to meet.
14 She also mentioned the importance of paying back
15 PLAA, where it was determined that \$112 over the next
16 three renewal cycles plus the additional 16 percent
17 increase in the biennial renewal fees would be
18 required in order to bring the Board back into the
19 black. She noted BFO is projecting the Board would
20 be back in the black by FY30-31 by \$802,458.97.

21 Ms. Richards mentioned that BFO is trying to keep
22 fees as low as possible because the Board tends to
23 lose licensees when there is an increase. She noted
24 BFO also took that into account going out the next
25 couple fiscal years and included a 5 percent decrease

1 in the license count.

2 Ms. Richards offered another option of a straight
3 34 percent increase over the next three fiscal years,
4 which would also be required to bring the Board back
5 into the black and pay back PLAA.

6 Ms. Hicks asked whether BFO took into account the
7 increase in costs over the past two years for
8 businesses and product and the increase in expenses.

9 Ms. Richards explained that BFO included an
10 increase in expenses when reviewing the options.

11 Kimberly A. Mattis, Director, Bureau of Finance
12 and Operations, Department of State, informed Board
13 members that BFO does not want a drastic fee increase
14 for the Board and referred to the first option, where
15 it shows \$315 in the first renewal because it is a
16 \$203 renewal fee plus a one-time assessment fee of
17 \$112, the next one the renewal is \$209 plus \$112, the
18 next renewal \$216 with \$112, and then BFO is
19 anticipating that it would stay at \$216 without an
20 assessment. She mentioned that there may not be a
21 lot at the end of FY31-32 but are back in the black
22 with \$18,000 at the end of that renewal.

23 Ms. Mattis addressed the second option, noting
24 \$422 in the last renewal and is where the renewal fee
25 would stay.

1 Ms. Mattis informed everyone that BFO works with
2 the commissioner's staff and executive team to keep
3 the renewal fee low and solvent.

4 Ms. Hicks asked whether the Board underbudgeted
5 for prosecution expenses and other things and was
6 never increased throughout the past 11 years.

7 Ms. Mattis noted being with the department for a
8 long time and only two boards have been created,
9 including Board of Massage Therapy. She commented
10 that everything with prosecution is complaint-driven
11 and hard to gauge what it would look like, noting the
12 Board receives more complaints than what was
13 anticipated.

14 Ms. Mattis stated the Board was proactive and
15 raised fees only four years ago but the result of
16 that was the decrease in license population. She
17 mentioned BFO is trying to build in those decreases
18 in license population that is anticipated with any
19 fee increase with any board.

20 Chair Porambo referred to House Bill 1241
21 regarding an establishment license, noting it would
22 increase paperwork and clerical time and asked
23 whether BFO thought about projecting numbers to be
24 higher in the expense categories for things like the
25 bill that the Board would face so the Board has

1 realistic numbers at the end of six years.

2 Ms. Mattis noted BPO anticipated increases in
3 clerical work but also have to be cognizant of the
4 decreases in the number of licensees because a lot of
5 it offsets each other.

6 Mr. Davis suggested that the Board drafts
7 regulations only to carry out the requirements of the
8 statute. Should HB1241 pass, the Board will have to
9 draft additional regulations, to include additional
10 fees to compensate for the additional administrative
11 work.

12 Ms. Keth asked whether the fee would be prorated
13 toward the end to bring it down if the Board chose
14 the assessment option to pay off the debt and had a
15 dramatic increase in licensees.

16 Mr. Davis commented that he has heard of waiving
17 fees for a certain biennial period but is not aware
18 of any Boards who have elected to charge a lower fee
19 than called for in the regulations.

20 Ms. Mattis explained that the Board could pay the
21 assessment and then waive the subsequent renewal in
22 the following cycle.

23 Brenda Maruhnich, LMT, Pittsburgh Massage Therapy
24 and Wellness, commented that they would lose more
25 licensees with the fee increase and if House Bill

1 1241 passes.

2 Ms. Hicks commented that their expenses would be
3 even higher because the Board would have to handle
4 all of those people working without a license.

5 Nina M. Kottcamp-Long, LMT, NCMT, Director of
6 Holistic Health and Wellness, Harrisburg Area
7 Community College, agreed with Ms. Maruhnich, noting
8 5 percent is under what is anticipated to be lost.
9 She believed the trends of licensing have to be
10 across the board from an occupational standpoint and
11 this is a national trend as far as losing population.

12 Chair Porambo noted over a 5 percent loss in the
13 last licensing period.

14 Mr. Davis noted BFO provided licensure counts
15 since 2018 or 2019. He mentioned the last fee
16 increase was in December 2019. He also noted the
17 Board had historical highs in 2018 to 2019, and then
18 once again in 2022 to 2023 with 9,104 and 9,169,
19 respectively. He reported a 10 percent drop from
20 8,848 to 8,044 for a loss of about 800 people.

21 Mr. Davis noted a loss of 10 percent with the last
22 fee increase but noted the licensee count did
23 incrementally increase again for the next two years.
24 He mentioned that a licensee decrease experienced
25 after a fee increase may be temporary, noting it

1 recovered last time and could recover again.

2 Mr. Davis stated the Board must bring in enough
3 money to cover expenses. He suggested overlooking
4 the \$112 assessment and just increasing fees to \$203,
5 \$209, and \$216.

6 Ms. Mattis explained that the funds from the
7 Professional Licensure Augmentation Account come from
8 the other 25 boards and commissions that are a part
9 of that account, so monies that have been used to
10 make the Board solvent are borrowed and do not belong
11 to the Massage Therapy Board and must be repaid. She
12 noted that other boards cannot be used to balance the
13 account.

14 Mr. Davis asked what would happen if the Board
15 does not pay it back.

16 Acting Commissioner Claggett stated the money must
17 be repaid to the PLAA and noted that the first option
18 presented by BFO would allow the Board to repay the
19 PLAA.

20 Mr. Davis stated massage therapists licensed in
21 the next six years are going to be the ones that pay
22 the additional \$112 per renewal in order to pay off
23 the Board's debt to PLAA and then licensees who join
24 the Board in 2034 would not have to worry about that
25 debt and pay \$216 biennially.

1 Ms. Mattis noted that is the same argument about
2 people who joined and did not pay their share that
3 were part of the first three renewals who did not pay
4 what should have been paid. She mentioned the
5 importance of making sure revenue is covering
6 expenses and PLAA repaid. She stated the proposed
7 package is what would get the Board back in the
8 black.

9 Mr. Davis commented that the Board has to worry
10 about how licensees are going to react. He noted the
11 first option is more palatable than the second but
12 expressed concern that the Board would see a dramatic
13 decrease in licensees over the next six years,
14 followed by an increase.

15 Ms. Kottcamp-Long asked whether there would be an
16 increase for an initial license for new massage
17 therapists in the field.

18 Mr. Davis explained that there is a proposal to
19 increase the application fees from \$100 to \$113 to
20 \$118 to \$123.

21 Ms. Kottcamp-Long asked whether there was any room
22 in the statute to increase the initial application
23 fee. She noted that students are prepared for costs
24 when entering school and asked whether there was any
25 room to add it to that calculation for more of an

1 increase.

2 Mr. Davis explained that the problem is they only
3 see several hundred applications for initial
4 licensure a year but nearly 10,000 renewals, so
5 increasing the application fee would have much less
6 of an effect to the Board's revenue stream than
7 increasing the biennial renewal fee.

8 Chair Porambo asked whether other states are in
9 the same position as the Board with respect to their
10 number of licensees.

11 Natalie Cook, McNees-Winter Group, offered to
12 provide feedback at a later time.

13 Ms. Kottcamp-Long suggested having the application
14 fee closer to the renewal fee to provide a
15 psychological acceptance of what it costs to be in
16 the industry early on. She commented that it is a
17 shell shock to new applicants when the initial
18 application fee to enter the field is over \$100 and
19 potentially over \$200 for renewal.

20 Ms. Kottcamp-Long mentioned that one of her
21 students graduated and applied for a license in
22 Pennsylvania and in Maryland, where the application
23 fee for initial licensure was around \$300 in
24 Maryland. She commented that a higher cost for
25 licensure is easier on someone who is just starting

1 in the industry than those who have been in the field
2 for a long time.

3 Ms. Costello asked whether the assessment fee
4 would be added to late fees if people tried to stay
5 out for the next few years.

6 Mr. Davis noted that to be a good point and said
7 he would look into it. He asked whether the Bureau's
8 fee schedule would be used for the citations and
9 whether the \$112 assessment would have to be put into
10 the citation schedule.

11 Ms. Costello stated every board has a different
12 schedule but they typically follow the citation
13 schedule. She noted that she never saw it used to
14 create a solution with the assessment.

15 Ms. Keth asked whether the assessment could be
16 added to incoming applications.

17 Acting Commissioner Claggett commented that
18 applications fees are based on the cost.

19 Ms. Mattis further explained that they do a cost
20 analysis and come up with a generalized fee of how
21 much an application would cost. She assumed there is
22 a way to put an assessment fee on top of that because
23 their policy is that the application fee is the cost
24 to do business across the board. She was unsure
25 whether anything would prevent them from doing that

1 but noted the need for further discussion.

2 Acting Commissioner Claggett commented that there
3 are many new individuals coming in and is why the
4 increase was added to the renewals. He recommend the
5 Board vote on one of the options and believed option
6 one was the best option.

7 Mr. Davis disagreed and informed Board members
8 that they need not pick either option; they could
9 come up with something creative based on the two
10 options to keep the licensee population as high as
11 possible while bringing in what the Board is
12 spending. He noted the Board can simply increase
13 renewal fees to \$203, \$209, and \$216 and not
14 implement the \$112 assessment, which would allow the
15 Board to match its income to its expenditures and
16 maintain the licensee count.

17 Mr. Davis informed Board members that they have
18 time to think about it between now and the next
19 meeting and BFO has done everything they could do.
20 He mentioned reaching out to the associations for
21 input between now and the next meeting.

22 Ms. Hicks commented that everybody's expenses have
23 been going up and noted the importance of getting
24 more licensed therapists who have a better ethical
25 way of working to fix all of the prosecution cases.

1 She agreed with the increase and adding to it in the
2 future.

3 Ms. Kottcamp-Long noted the importance of
4 communicating and preparing individuals for the fee
5 increase in January 2027.

6 Acting Commissioner Claggett offered to provide an
7 email blast to all licensees alerting them of
8 upcoming fee increases.

9 Chair Porambo commented that a community college
10 recently closed their program because of lack of
11 interest. She reported having positive feedback from
12 all different types of people that are interested in
13 massage. She believed it to be a matter of
14 communication, noting the importance of leaders and
15 educators in the massage therapy community exciting
16 students about the career and what they do as a
17 massage therapist.

18 Acting Commissioner Claggett informed everyone
19 that a career expo is being scheduled for all boards
20 for high school students and college students to
21 learn about the different professions. He noted high
22 school is like a career pathway, but many high school
23 and college students do not know about the great
24 benefits of a massage therapy career.

25 Acting Commissioner Claggett addressed having a

1 public meeting, possibly at the Pennsylvania Farm
2 Show, where schools could attend, and Board members
3 could discuss the profession of massage therapy.

4 Robin Reynolds, Massage Therapist, Sigafoose
5 Chiropractic Life Center, commented that the Board is
6 not going to be able to sustain itself if it keeps
7 losing people and agreed that career expos are a
8 great thing. She noted seeing a lot of Asian spas in
9 a lot of areas she goes by daily.

10 Ms. Reynolds mentioned being in Lemoyne for a
11 professional massage, noting there were six Asian
12 spas circling the licensed massage therapist she was
13 there to see. She believed something needs to be
14 done and suggested that the Commonwealth should
15 require that they also be licensed. She noted a lot
16 of shadiness is going on with some of the places, but
17 everyone continues to turn a blind eye.

18 Ms. Reynolds commented that her license is not
19 respected in this state and young people thinking of
20 a career in massage therapy need to understand what
21 it would offer them. She believed that other boards
22 do not have unlicensed people working in their
23 community right under their nose.

24 Acting Commissioner Claggett stated there are
25 unlicensed barbers and other individuals on different

1 boards but not much someone can do about it.

2 Ms. Reynolds commented that places are popping up
3 all over, noting the importance of getting unlicensed
4 massage therapists under control to keep massage
5 therapy a respectable profession.

6 Mr. Davis addressed the Massage Therapy Act under
7 section 13, which says nothing in this act shall be
8 construed as preventing, restricting, or requiring
9 licensure of any of the following activities, and he
10 then referred to paragraph (6) that says, the
11 practice of an individual who uses touch to affect
12 the energy systems, acupoints, Qi meridians, or
13 channels of energy of the human body while engaged
14 within the scope of practice of a profession with
15 established standards and ethics. Such practices
16 include acupressure, Asian bodywork therapy, polarity
17 therapy bodywork, Qigong, Reiki, Shiatsu and Tui Na.

18 Mr. Davis suggested that anyone who wishes for the
19 Commonwealth to require licensure of Asian Bodywork
20 should speak with their legislators about having that
21 paragraph changed because there is a statutory
22 exception to those bodywork options that the Board
23 cannot do anything about. As for the unlicensed
24 practice of massage therapy, he explained that the
25 Board needs people to file complaints to alert the

1 prosecution department, at which point they can do
2 something about it. He also noted that the
3 investigations cost money and explained that is why
4 the Board is spending so much on prosecution.

5 Ms. Maruhnich commented that the majority of
6 expenditures are because of illicit actors and the
7 new house bill being proposed would cause a bigger
8 monkey wrench for many practitioners. She stated
9 massage therapy is considered a healthcare board but
10 people keep trying to lump them in with massage
11 therapy and spas under cosmetology law.

12 Ms. Maruhnich asked when they would get
13 recognition within the healthcare realm to be able to
14 go within the hospitals and possibly take insurance
15 that may open a door to more income for many
16 practitioners, which then would make it easier and
17 more palatable to pay the proposed raised fees.

18 Mr. Davis explained that while massage therapy is
19 considered a health-related board as per the
20 Department of State, is not necessarily considered
21 healthcare - in fact, the definition specifically
22 says it does not include the practice of the healing
23 arts. It is more of a business, from a legal
24 perspective, and making that change would require a
25 legislative change.

1 He mentioned that massage therapy is considered a
2 business board in many states, but a healthcare board
3 in some other states. Accordingly, he explained that
4 the issue is bigger than it seems, and it may require
5 that the nation accept massage therapy as healthcare.

6 Ms. Maruhnich asked when the Board changed to
7 being listed under the business boards and not the
8 other health-regulated boards when the Board was
9 created.

10 Mr. Davis explained that it has never changed from
11 a legal perspective but may be on the website in a
12 less than proper location, or listed as a health-
13 related board. He commented that every time they get
14 a statute that impacts the boards that the legal
15 office has to determine whether or not they are
16 encompassing the practice of massage therapy or not.

17 He stated it all comes down to key language used but
18 that it is extremely inconsistent because some people
19 do think of massage therapy as health care.

20 Ms. Hicks agreed that massage therapy should fall
21 under healthcare, noting most states do not consider
22 massage therapy healthcare and is a state decision.
23 She noted massage therapy falls under the nursing
24 team in Virginia and used to be under chiropractic in
25 Maryland.

1 Ms. Hicks referred back to illicit activity,
2 noting it is very clear what those places are but
3 does not understand why police officers cannot do
4 anything if someone is doing something illegal,
5 especially if they do not hold a license for massage.

6 Ms. Costello stated there is a very big human
7 trafficking issue throughout the United States. She
8 informed Board members that law enforcement is very
9 aware of that, but it is difficult because there is a
10 county-by-county approach. She mentioned that one of
11 the big things with the complaints is that a lot of
12 times there might not actually be any massage going
13 on and is purely prostitution and human trafficking,
14 which is outside of their realm and they ultimately
15 defer to law enforcement.

16 Ms. Costello explained that how the cases are
17 handled depends on the county, where some of them go
18 to Pennsylvania State Police and look at it in a more
19 regional way. She stated it is difficult to catch
20 the same person because they change names and move
21 very often because they are involved in human
22 trafficking and sex trafficking.

23 Ms. Costello further explained that some of the
24 individuals violating the licensing laws may be
25 victims, noting it is a difficult situation for

1 prosecution to pursue potential victims of a
2 trafficking scheme for unlicensed massage practice.
3 She stated they almost never have cooperating
4 witnesses because people who are going there to
5 solicit services are not going to cooperate and file
6 a complaint.

7 Ms. Costello stated a lot of cases are deferred to
8 law enforcement because prosecution cannot really do
9 anything with human trafficking and prostitution
10 cases unless a licensed person is involved. She
11 addressed exempt practice, noting that there usually
12 would be something in the business, such as a price
13 list with massage services or maybe someone licensed
14 employing someone unlicensed.

15 Ms. Costello noted that mostly all of the massage
16 cases are assigned to her and reported an average of
17 about 130 massage cases open at any given time with
18 about 30 cases in that realm mostly being pursued by
19 law enforcement. She also noted a handful of sexual
20 assault cases and impairment cases every year that
21 takes the most money, especially if the person wants
22 to fight the case. She also addressed unlicensed
23 practice and consumer complaints for unprofessional
24 conduct.

25 Ms. Hicks commented that the Board is already in a

1 financial situation, and the potential establishment
2 license is very intense compared to most
3 establishment licenses. She stated an establishment
4 license is not friendly for the person doing the
5 right thing but is for the people who are not doing
6 the right thing, noting that would fall on the Board.

7 Ms. Hicks expressed concern as to why there is not
8 more federal help with unscrupulous behavior as
9 opposed to putting that burden on a legitimate
10 company to now have other hoops to jump through that
11 are very heavy on human trafficking when it is
12 obvious what places are human trafficking.

13 Carolyn Hubert-Black, LMT, CE Provider, asked when
14 it would be possible to revisit the apprenticeship
15 program she presented several months ago.

16 Chair Porambo offered to add it to the next agenda
17 and asked Ms. Hubert-Black to submit information to
18 Mr. Davis prior to the meeting to be shared among
19 Board members.

20 Ms. Hubert-Black also wrote a high school massage
21 therapy curriculum program and spoke with the
22 previous Chair in reference to that and asked whether
23 she could submit it to the Board for review. She
24 noted being a teacher with the Philadelphia Board of
25 Education and having taught in college and

1 vocational-technical school, as well as 4th and 12th
2 grade. She mentioned basing the curriculum on her
3 massage therapy experience, massage therapy
4 experience as an educator, and massage therapy
5 experience as a CE provider.

6 Mr. Davis informed Ms. Hubert-Black that the Board
7 must adhere to the Sunshine Act and cannot have an
8 extended discussion without it being on the agenda.
9 He noted the Board would be happy to add that to the
10 agenda for the Board's review at the next meeting and
11 asked Ms. Hubert-Black to send materials to his
12 email.

13 Ms. Hubert-Black asked whether massage therapists
14 are going to be part of the multistate license.

15 Mr. Davis explained that it depends on what the
16 legislature does but noted numerous boards have
17 compacts in the works. He explained that there is a
18 hang-up with the Federal Bureau of Investigation
19 (FBI) background checks because to participate in
20 these compacts every new licensee within the
21 Commonwealth of Pennsylvania would have to undergo
22 the FBI background check.

23 Mr. Davis further explained that it is a
24 multistate fingerprint background check and difficult
25 to actually put into place for numerous boards that

1 have only had to do typically in-state background
2 checks.

3 Mr. Davis believed the legislature would visit the
4 idea of the massage therapy compact once the other
5 compacts are ironed out and going well but could not
6 say whether the Commonwealth would participate or not
7 because that's a legislative decision.

8 Twyla Jones, Massage Therapist, Harrisburg, PA,
9 requested a breakdown of what legal fees are being
10 paid for illicit cases against licensed massage
11 therapists who are being cited. She mentioned that
12 the information may be helpful when talking to peers
13 and preparing them for the increases.

14 Mr. Davis suggested Ms. Jones submit a Right-to-
15 Know Law request to be put through the proper
16 channels because some of that information is
17 absolutely publicly available and some is privileged
18 because of ongoing prosecution matters. He explained
19 that under the Right-to-Know Law that they could
20 provide anything they are legally able to provide.
21 He referred her to the Pennsylvania Licensing System
22 (PALS) and Department of State main website for a
23 link to the Right-to-Know process.]

24 MR. DAVIS:

25 Based upon discussions in open session,

1 I believe the Chair would be willing to
2 accept a motion for the Board to
3 increase fees in accordance with page 6
4 of BFO's presentation on today's date,
5 which is titled "Renewal Application
6 Assessment, effective in January 2027,
7 2029, and 2031. Year one renewal fee
8 increase, 16 percent; year two, \$6
9 increase; year three, \$7 increase."

10 CHAIR PORAMBO:

11 Do I have a motion?

12 MS. KETH:

13 So moved.

14 CHAIR PORAMBO:

15 Second?

16 MS. DOUGLAS:

17 I will second the motion.

18 MR. KELLER:

19 Porambo, aye; Claggett, aye; Nelson,
20 aye; Douglas, aye; Hicks, aye; Keth,
21 aye.

22 [The motion carried unanimously.]

23 ***

24 Regulatory Report

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

1 Board discussion regarding two forms for CE course
2 approval and provider approval and adding that to the
3 general revisions regulation to match the current
4 application. He informed Board members that he added
5 that and is working on the general revisions
6 regulation. He also would be drafting the fee
7 regulation and provide the annex at the next meeting
8 for the Board's review and a vote.

9 Mr. Davis addressed the CE waiver project, noting
10 one request for waiver of the CE requirement during
11 Executive Session. He stated the Board's statute and
12 the Board's regulations allow the Board to review and
13 process and vote on individual requests for waiver
14 when it comes to CEs due to hardship, etcetera. He
15 noted the current regulation states that such a
16 request has to be before the Board at least 60 days
17 prior to the expiration of the license.

18 Mr. Davis noted the Board's current general
19 revisions regulation proposes to increase this to 90
20 days but the Board discussed getting rid of it
21 entirely at the last meeting and questioned what
22 other boards are doing. He mentioned there are 29
23 licensing boards at the Bureau of Professional and
24 Occupational Affairs (BPOA) and tried to find similar
25 language dealing with CE waiver, which he provided to

1 the Board.

2 Mr. Davis stated about two-thirds of them do not
3 have a set time frame and provided time periods for
4 other boards. He noted the rest just say that the
5 Board has essentially carte blanche to decide. He
6 referred to the Board of Landscape Architects, where
7 the Board may waive all or part of the continuing
8 education requirement for biennial renewal upon
9 written documentation by a licensee of illness,
10 emergency, or hardship. The waiver request will be
11 evaluated by the Board on a case-by-case basis. The
12 Board will send written notification of its approval
13 or denial of a waiver request.]

14 MR. DAVIS:

15 Based upon the Board's discussions in
16 open session, I believe the Chair would
17 accept a motion to allow Board Counsel
18 to amend the general revisions
19 regulation annex to allow for the
20 language regarding CE waiver as
21 discussed in open session today, i.e.,
22 copying the waiver language from
23 Landscape Architect regulations.

24 CHAIR PORAMBO:

25 Motion?

1 MS. KETH:

2 So moved.

3 CHAIR PORAMBO:

4 Second?

5 MS. DOUGLAS:

6 I second the motion.

7 MR. KELLER:

8 Porambo, aye; Claggett, aye; Nelson,
9 aye; Douglas, aye; Hicks, aye; Keth,
10 aye.

11 [The motion carried unanimously.]

12 ***

13 Report of Board Counsel

14 [Thomas M. Davis, Esquire, Board Counsel, addressed
15 House Bill 1241 of 2023 regarding possible licensure
16 of businesses. He noted it is a proposed bill
17 currently with the House Professional Licensure
18 Committee since May 24, 2023, and is in very early
19 stages. He suggested Board members review the bill.

20 He noted the Board does not have anything to do with
21 the legislation at this point, but if it passes, it
22 empowers the Bureau to license facilities, and he
23 assumed that the Bureau would ask the Massage Board
24 to handle that.

25 Chair Porambo encouraged anyone who has comments

1 regarding House Bill 1241 to find out when the
2 meeting is and voice their opinion at the public
3 meeting.]

4 ***

5 Report of Board Counsel
6 Adjudications and Orders

7 MR. DAVIS:

8 Moving to number 9 on the Board's
9 agenda, we discussed these in Executive
10 Session earlier today, so I have an
11 idea as to how the Board will vote. I
12 will read the prepared motions.

13 Number 9 on the Board's agenda,
14 based on the Board's discussions in
15 Executive Session, I believe the Chair
16 would accept a motion to approve as
17 final the Draft Adjudication and Order
18 in the following matter: Commonwealth
19 BPOA v. Heather Renee Caldwell, LMT,
20 Case No. 21-72-014970.

21 CHAIR PORAMBO:

22 Do I have a motion?

23 MS. KETH:

24 So moved.

25 MS. DOUGLAS:

1 I second the motion.

2 MR. KELLER:

3 Porambo, aye; Claggett, aye; Nelson,
4 recuse; Douglas, aye; Hicks, aye; Keth,
5 aye.

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

8 ***

9 MR. DAVIS:

10 Moving to number 10 on the Board's
11 agenda, based on the Board's
12 discussions in Executive Session, I
13 believe the Chair would accept a motion
14 to direct Board Counsel to draft an
15 Adjudication and Order in the following
16 matter: Commonwealth BPOA v. Taylor
17 Rhae Dotterer, LMT, Case No. 22-72-
18 014727.

19 CHAIR PORAMBO:

20 Do I have a motion?

21 MS. KETH:

22 So moved.

23 MS. DOUGLAS:

24 I second the motion.

25 MR. KELLER:

1 Porambo, aye; Claggett, aye; Nelson,
2 aye; Douglas, aye; Hicks, aye; Keth,
3 aye.

4 [The motion carried unanimously.]

5 ***

6 MR. DAVIS:

7 Moving to number 11 on the Board's
8 agenda, based on the Board's
9 discussions in Executive Session, I
10 believe the Chair would entertain a
11 motion to adopt as final the Proposed
12 Adjudication and Order in the following
13 matter: Commonwealth BPOA v. Jennifer
14 Nicole Myers, LMT, Case No. 21-72-
15 010384.

16 CHAIR PORAMBO:

17 Do I have a motion?

18 MS. KETH:

19 So moved.

20 MS. DOUGLAS:

21 I second the motion.

22 MR. KELLER:

23 Porambo, aye; Claggett, aye; Nelson,
24 recuse; Douglas, aye; Hicks, aye; Keth,
25 aye.

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

3 ***

4 MR. DAVIS:

5 Number 12 on the Board's agenda, based
6 on the Board's discussions in Executive
7 Session, I believe the Chair would
8 accept a motion to direct Board Counsel
9 to draft an Adjudication and Order in
10 the following matter: Commonwealth
11 BPOA v. Fuzhou Yang, LMT, Case No. 21-
12 72-010518.

13 CHAIR PORAMBO:

14 Do I have a motion?

15 MS. KETH:

16 So moved.

17 MS. DOUGLAS:

18 I second the motion.

19 MR. KELLER:

20 Porambo, aye; Claggett, aye; Nelson,
21 aye; Douglas, aye; Hicks, aye; Keth,
22 aye.

23 [The motion carried unanimously.]

24 ***

25 Report of Board Counsel

1 Record for Deliberation

2 MR. DAVIS:

3 Number 13 on the Board's agenda, based
4 on the Board's discussions in Executive
5 Session, I believe the Chair would
6 entertain a motion to grant the Motion
7 to Enter Default and Deem Admitted the
8 Facts in the following matter:

9 Commonwealth BPOA v. Christopher Sean
10 Strain, LMT, Case No. 22-72-003254.

11 CHAIR PORAMBO:

12 Do I have a motion?

13 MS. KETH:

14 So moved.

15 MS. DOUGLAS:

16 I second the motion.

17 MR. KELLER:

18 Porambo, aye; Claggett, aye; Nelson,
19 recuse; Douglas, aye; Hicks, aye; Keth,
20 aye.

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

23 ***

24 Report of Board Administrator

25 Applications

1 MR. DAVIS:

2 Number 16 on the Board's agenda, the
3 Application for a License to Practice
4 Massage Therapy of Randy Brown.

5 Based on the Board's discussions in
6 Executive Session, I believe the Chair
7 would accept a motion approving the
8 application.

9 CHAIR PORAMBO:

10 Do I have a motion?

11 MS. KETH:

12 So moved.

13 MS. DOUGLAS:

14 I second the motion.

15 MR. KELLER:

16 Porambo, aye; Claggett, aye; Nelson,
17 aye; Douglas, aye; Hicks, aye; Keth,
18 aye.

19 [The motion carried unanimously.]

20 ***

21 MR. DAVIS:

22 Application for a License to Practice
23 Massage Therapy of Michael Feldman,
24 Lori Liquori, and Amanda White.

25 Based on the Board's discussions in

1 Executive Session, I believe the Chair
2 would accept a motion approving the
3 applications.

4 CHAIR PORAMBO:

5 Can I have a motion?

6 MS. KETH:

7 So moved.

8 MS. DOUGLAS:

9 I second the motion.

10 MR. KELLER:

11 Porambo, aye; Claggett, aye; Nelson,
12 aye; Douglas, aye; Hicks, aye; Keth,
13 aye.

14 [The motion carried unanimously.]

15 ***

16 Correspondence

17 Waiver Request

18 MR. DAVIS:

19 Number 20 on the Board's agenda. Based
20 on the Board's discussions, I believe
21 the Chair would accept a motion denying
22 the Request for Waiver all or part of
23 the continuing education requirements
24 of the following individual: Nancy L.
25 Watt.

1 CHAIR PORAMBO:

2 Can I have a motion, please?

3 MS. KETH:

4 So moved.

5 CHAIR PORAMBO:

6 Second?

7 MS. DOUGLAS:

8 I second the motion.

9 MR. KELLER:

10 Porambo, aye; Claggett, aye; Nelson,
11 aye; Douglas, aye; Hicks, aye; Keth,
12 aye.

13 [The motion carried unanimously.]

14 ***

15 Report of Board Prosecutors

16 [Andrea L. Costello, Esquire, Board Prosecution
17 Liaison, presented the Consent Agreement for Case No.
18 22-72-002304.]

19 ***

20 [Colby B. Widdowson, Esquire, Board Prosecutor,
21 presented the Consent Agreement for Case No. 22-72-
22 018338.]

23 MR. DAVIS:

24 Now that we've heard the presentations
25 from both prosecutors with regard to

1 the Consent Agreements, I will mention
2 that the Board discussed these Consent
3 Agreements in Executive Session this
4 morning, but having heard these
5 presentations, are there any Board
6 members who need to reenter into
7 Executive Session to further discuss
8 these matters before the vote? Hearing
9 none, I'll read the prepared motions.

10 Based on the Board's discussions in
11 Executive Session, I believe the Chair
12 would accept a motion to approve the
13 Consent Agreement in the following
14 matters: Case No. 22-72-002304 and
15 Case No. 22-72-018338.

16 CHAIR PORAMBO:

17 Do I have a motion?

18 MS. KETH:

19 So moved.

20 MS. DOUGLAS:

21 I second the motion.

22 MR. KELLER:

23 Porambo, aye; Claggett, aye; Nelson,
24 recuse; Douglas, aye; Hicks, aye; Keth,
25 aye.

1 [The motion carried. Jessica Nelson recused herself
2 from deliberations and voting on the motion. That is
3 Commonwealth BPOA v. Keith Patrick Palmer, LMT, as
4 well as Commonwealth BPOA v. Jacob Tyler Robbins,
5 LMT.]

6 ***

7 Report of Acting Commissioner - No Report

8 ***

9 Report of Board Chair - No Report

10 ***

11 Miscellaneous

12 MR. DAVIS:

13 Moving on to number 21 on the Board's
14 agenda, Pacific Medical Training. What
15 this is, is there are preapproved
16 providers of CPR on the Board's
17 website, and the regulations allow for
18 additional providers to be added to
19 that preapproved list. That's what
20 happened here. Pacific Medical
21 Training submitted a request to the
22 Board. That request was reviewed
23 during Executive Session, and I now
24 have the prepared motion.

25 Based on the Board's discussions, I

1 believe the Chair would accept a motion
2 approving the Request of Debbie McGrody
3 that the Pacific Medical Training
4 course be added to the list of
5 preapproved CPR courses for massage
6 therapists in the state of
7 Pennsylvania.

8 CHAIR PORAMBO:

9 Do I have a motion?

10 MS. KETH:

11 So moved.

12 MS. DOUGLAS:

13 I second the motion.

14 MR. KELLER:

15 Porambo, aye; Claggett, aye; Nelson,
16 aye; Douglas, aye; Hicks, aye; Keth,
17 aye.

18 [The motion carried unanimously.]

19 ***

20 MR. DAVIS:

21 Is there a motion to send Board Chair
22 Nancy Porambo to the FSMTB Annual
23 Conference?

24 MS. KETH:

25 So moved.

1 MS. DOUGLAS:

2 I second the motion.

3 MR. KELLER:

4 Porambo, abstain; Claggett, aye;

5 Nelson, aye; Douglas, aye; Hicks, aye;

6 Keth, aye.

7 [The motion carried. Nancy Porambo abstained from
8 voting on the motion.]

9 ***

10 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair, noted
11 the cost to send a representative to the Federation
12 of State Massage Therapy Boards (FSMTB) Annual
13 Meeting is part of the Board's annual fee, and that
14 includes all associated costs.]

15 ***

16 Election of Vice Chairperson

17 [Thomas M. Davis, Esquire, Board Counsel, noted the
18 current vice chair is no longer on the Board, his
19 term of service having ended. Mr. Davis proposed the
20 Board elect a new vice chair.]

21 MR. DAVIS:

22 For the position of Vice Chairperson,

23 I'll open the floor for nominations.

24 CHAIR PORAMBO:

25 I'd like to nominate Jennifer Keth.

1 MR. DAVIS:

2 Jennifer Keth, do you consent to the
3 nomination?

4 MS. KETH:

5 I do.

6 MR. DAVIS:

7 Jennifer Keth has been nominated. Are
8 there any further nominations? Hearing
9 none. The nominations are now closed.

10 Being that Jennifer Keth is the
11 only candidate for the position of
12 Board Vice Chair, she can be elected by
13 acclamation; however, being that it's
14 virtual, it's a little difficult, so if
15 we could do a roll call vote very
16 quickly.

17 MR. KELLER:

18 Porambo, aye; Claggett, aye; Nelson,
19 aye; Douglas, aye; Hicks, aye.

20 [The motion carried unanimously.]

21 ***

22 Meeting Dates

23 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair, noted
24 the remaining 2023 meeting dates are August 1,
25 September 18, and November 14. She also noted 2024

1 meeting dates are February 13, April 2, June 4,
2 August 13, September 24, and December 3.]

3 ***

4 Adjournment

5 CHAIR PORAMBO:

6 Motion to adjourn.

7 MS. KETH:

8 So moved.

9 ***

10 [There being no further business, the State Board of
11 Massage Therapy Meeting adjourned at 12:33 p.m.]

12 ***

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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.



Ian Weeber,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

June 7, 2023

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8	9:00	Executive Session
9		
10	10:30	Commence Open Session
11		
12	10:30	Official Call to Order
13		
14	10:31	Introduction of Board Members/Attendees
15		
16	10:35	Amendment to the Agenda
17		
18	10:35	Approval of Minutes
19		
20	10:36	Appointment - Pennsylvania Insurance
21		Department - Pennie Health Insurance
22		Presentation
23		
24	10:50	Appointment - Bureau of Finance and
25		Operations Fee Package Presentation
26		
27	12:10	Regulatory Report
28		
29	12:15	Report of Board Counsel
30		
31	12:22	Report of Board Administrator
32		
33	12:23	Correspondence
34		
35	12:24	Report of Board Prosecutors
36		
37	12:29	Miscellaneous
38		
39	12:31	Election of Vice Chairperson
40		
41	12:33	Adjournment
42		
43		
44		
45		
46		
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