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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

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Tuesday, August 13, 2024

State Board of Massage Therapy
August 13, 2024

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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 -
Absent
Dana J. Douglas, LMT
Kathleen Hill, LMT
Jennifer A. Keth, LMT, CNC, Vice Chair
Imelda Alumbro Shade, LMT
Bryan Strawser, LMT

BUREAU PERSONNEL:

Jared Hinsey, Esquire, Board Counsel
Thomas M. Davis, Esquire, Regulatory Board Counsel
Liliana G. Fisher, Esquire, Board Prosecution Liaison
Paul Keller, Board Administrator
Jason Giurintano, Deputy Chief Counsel, Counsel
Division, Department of State
Stephanie Dunkerley, Legal Analyst, Office of General
Counsel

ALSO PRESENT:

Christine Hooper, Manager, Legislative and Regulatory
Affairs, American Massage Therapy Association
Nina M. Kottcamp-Long, LMT, NCMT, Coordinator,
Massage Therapy Program/Holistic Health and
Wellness, Harrisburg Area Community College
Angie Armbrust, Senior Associate, McNeas-Winter
Group LLC
Erin Haden, Government Relations Coordinator,
Associated Bodywork & Massage Professionals
Montsho Garman
Heidi Briant, Southpointe Massage Therapy
Lackawanna Students
Mai Lin Petriner, Director of Legal and Regulatory
Affairs, Federation of State Massage Therapy Boards

State Board of Massage Therapy
August 13, 2024

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ALSO PRESENT: (cont.)

Bryn Erace, Multi Unit Franchise Owner, Hand & Stone
Massage and Facial Spa
Karl Shaley, Chicago Theological Seminary
Erika S.
Tanya
Derek Richmond, Sargent's Court Reporting Service,
Inc.

1 ***

2 State Board of Massage Therapy

3 August 13, 2024

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 Jared Hinsey, 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 Tuesday, August
15 13, 2024. Nancy M. Porambo, MS, LMT, CNMT, NCTMB,
16 Chair, called the meeting to order at 10:30 a.m.

17 ***

18 [Jared Hinsey, 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. Hinsey also noted the Board entered into
23 Executive Session with Board Counsel to have
24 attorney-client consultations and for the purpose of
25 conducting quasi-judicial deliberations.]

1 ***

2 Introduction of Board Members/Attendees

3 [Chair Porambo requested an introduction of Board
4 members and attendees. A quorum of Board members was
5 present.

6 Jason Giurintano, Deputy Chief Counsel, Counsel
7 Division, Department of State, introduced himself and
8 provided a brief summary of his professional
9 background.

10 Chair Porambo welcomed Mr. Giurintano.]

11 ***

12 Approval of minutes of the June 4, 2024 meeting

13 CHAIR PORAMBO:

14 Approval of the minutes from June 4,
15 2024. Are there any changes? Hearing
16 none.

17 I'd like to accept a motion.

18 MR. STRAWSER:

19 I'll make the motion.

20 MS. HILL:

21 Second.

22 MR. KELLER:

23 Claggett, aye; Alumbro Shade, aye;
24 Douglas, aye; Hill, aye; Strawser, aye;
25 Keth, aye; Porambo, aye.

1 [The motion carried unanimously.]

2

3 Regulatory Report - Regulatory Status Report

4 [Thomas M. Davis, Esquire, Regulatory Counsel,

5 provided a Regulatory Status Report prior to the

6 meeting for the Board's review. He will update the

7 Board concerning 16A-726, massage therapy in

8 cosmetology or esthetician salons, and 16A-728,

9 massage therapy virtual education.]

10

11 Regulatory Report - Final-Form Rulemaking - 16A-726

12 Massage Therapy in Cosmetology or Esthetician

13 Salons

14 [Thomas M. Davis, Esquire, Regulatory Counsel,

15 addressed the final-form rulemaking for 16A-726,

16 massage therapy in cosmetology or esthetician salons.

17 He noted prior discussion regarding the minimum room

18 size of 120 square feet for massage therapy brought

19 up during the comment period. He mentioned that the

20 Board's initial proposed regulations had 120 square

21 feet, and the Board and the State Board of

22 Cosmetology decided to reduce that to 90 square feet.

23 He mentioned the reduction to 90 square feet is the

24 only change to the rulemaking package between the

25 proposed rulemaking and the final rulemaking and

1 requested Board approval.]

2 MR. DAVIS:

3 Based on the Board's discussions in
4 open session, I believe the Chair would
5 accept a motion to approve final-form
6 rulemaking 16A-726 relating to the
7 practice of massage therapy in
8 cosmetology and esthetician salons and
9 to direct reg counsel to promulgate the
10 final-form rulemaking through the
11 regulatory review process.

12 MR. STRAWSER:

13 I'll make the motion.

14 MS. HILL:

15 Second.

16 MR. KELLER:

17 Claggett, aye; Alumbro Shade, aye;
18 Douglas, aye; Hill, aye; Strawser, aye;
19 Keth, aye; Porambo, aye.

20 [The motion carried unanimously.]

21 ***

22 [Thomas M. Davis, Esquire, Regulatory Counsel, noted
23 the final-form rulemaking will soon be published as
24 final in the *Pennsylvania Bulletin* after it goes
25 through more levels of review.]

1 Regulatory Report - Proposed Rulemaking - 16A-728

2 Virtual Supervision (Online Classes)

3 [Thomas M. Davis, Esquire, Regulatory Counsel,
4 addressed proposed regulation 16A-728 regarding
5 virtual supervision, also known as online classes,
6 which has not yet been published in the *Pennsylvania*
7 *Bulletin*. He noted prior discussion to allow a
8 certain percentage of the 600 initial hours to be
9 taken via virtual supervision in real-time classes,
10 which will allow students to ask the instructors
11 questions.
12

13 Mr. Davis believed it will be allowing
14 approximately 120 of the initial 600 hours online.
15 He noted it breaks down § 20.11, which is the minimum
16 hour requirements for massage therapy students. He
17 stated the Board's regulations currently require at
18 least 175 contact hours of instruction in anatomy,
19 physiology, kinesiology, pathology, et cetera, and
20 will be changed to state that of those 175 hours, 75
21 must be earned through contact hours, which allows
22 100 to be earned through virtual supervision a/k/a
23 real-time online classes.

24 Mr. Davis noted (2) is not really being changed,
25 where at least 250 contact hours in massage therapy

1 and bodywork assessment; theory; and practice,
2 including sanitation, safety, and hygiene must
3 continue to be earned through contact hours.

4 Mr. Davis noted (3) is being changed, where at
5 least 25 hours in professional ethics, business, and
6 law related to massage therapy business will all be
7 allowed via virtual supervision.

8 Mr. Davis noted (4) is not being changed, where
9 150 hours in related courses appropriate to massage
10 therapy curriculum must be earned through contact
11 hours.

12 Mr. Davis mentioned that it is a fairly big
13 change for the Board and is based on Act 100, which
14 suggested all of the boards look into virtual
15 education. He requested permission to publish it in
16 the *Pennsylvania Bulletin* as proposed to allow for a
17 30-day public comment period.]

18 MR. DAVIS:

19 Based on the Board's discussions in
20 open session, I believe the Chair would
21 accept a motion to approve proposed
22 rulemaking 16A-728 virtual supervision
23 aka online classes and to direct reg
24 counsel to promulgate the proposed
25 rulemaking through the regulatory

1 review process.

2 CHAIR PORAMBO:

3 Do I have a motion?

4 MR. STRAWSER:

5 I'll make the motion.

6 MS. HILL:

7 Second.

8 MR. KELLER:

9 Claggett, aye; Alumbro Shade, aye;

10 Douglas, aye; Hill, aye; Strawser, aye;

11 Keth, aye; Porambo, aye.

12 [The motion carried unanimously.]

13 ***

14 Report of Board Counsel

15 Proposed Adjudication and Order

16 MR. HINSEY:

17 I believe the Board Chair would
18 entertain a motion to adopt the
19 Proposed Adjudication and Order in the
20 matter of agenda item 6, Ali Almasri,
21 Case No. 23-72-016685.

22 CHAIR PORAMBO:

23 Do I have a motion?

24 MR. STRAWSER:

25 I'll make the motion.

1 MS. HILL:

2 Second.

3 MR. KELLER:

4 Claggett, aye; Alumbro Shade, aye;

5 Douglas, aye; Hill, aye; Strawser, aye;

6 Keth, aye; Porambo, aye.

7 [The motion carried unanimously.]

8 ***

9 Report of Board Prosecutor

10 [Liliana G. Fisher, Esquire, Board Prosecution

11 Liaison, on behalf of J. Karl Geschwindt, Esquire,

12 Senior Board Prosecutor and Prosecution Liaison,

13 presented the Consent Agreement for Case No. 22-72-

14 011280 and Case No. 23-72-009428.]

15 ***

16 [Liliana G. Fisher, Esquire, Board Prosecution

17 Liaison, presented the Consent Agreement for Case No.

18 21-72-013393.]

19 MR. HINSEY:

20 Based on the presentation of the

21 prosecution division, does any Board

22 member wish to reenter Executive

23 Session for deliberations on any of

24 these matters? Hearing none.

25 Based on Executive Session

1 deliberations, I believe the Board
2 Chair would entertain a motion to
3 approve the Consent Agreements at
4 agenda item 7, Case No. 22-72-011280;
5 agenda item 8, Case No. 23-72-009428;
6 and agenda item 9, Case No. 21-72-
7 013393.

8 CHAIR PORAMBO:

9 Do I hear a motion?

10 MR. STRAWSER:

11 I'll make the motion.

12 MS. HILL:

13 Second.

14 MR. KELLER:

15 Claggett, aye; Alumbro Shade, aye;
16 Douglas, aye; Hill, aye; Strawser, aye;
17 Keth, aye; Porambo, aye.

18 [The motion carried unanimously. The Respondent's
19 name at agenda item 7, Case No. 22-72-011280, is
20 Joseph C. Nezovich, LMT; agenda item 8, Case No. 23-
21 72-009428, Sarah Alizabeth Tolley, LMT; and agenda
22 item 9, Case No. 21-72-013393, James Leonard Smith
23 II, LMT.]

24 ***

25 Report of Acting Commissioner

1 [Arion R. Claggett, Acting Commissioner, Bureau of
2 Professional and Occupational Affairs, announced that
3 the Board's website was updated and encouraged
4 everyone to visit the website when they have a
5 chance.]

6 ***

7 Report of Board Chair

8 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair,
9 addressed the Federation of State Massage Therapy
10 Boards In-Touch Newsletter. She noted the hours for
11 massage education in the states of Tennessee,
12 Colorado, Delaware, Louisiana, Nevada, and Florida
13 have been raised from 500 to 650 hours based on FSMTB
14 and the Entry-Level Analysis Project (ELAP).]

15 Chair Porambo stated recommendations and
16 resolutions are being brought forward. She noted the
17 person who will be attending the Federation of State
18 Massage Therapy Boards Meeting will be talking and
19 making decisions on this. She asked Board members to
20 review the information so they can provide feedback.]

21 ***

22 Report of Board Administrator

23 Applications

24 [Jared Hinsey, Esquire, Board Counsel, noted agenda
25 items 10 and 11, the Applications of Mary Ebinger and

1 Montsho Garman, are being tabled for further
2 processing by the Board.]

3 ***

4 Miscellaneous - Approval for Board Member to Attend
5 FSMTB Annual Meeting

6 MR. HINSEY:

7 Under item 12, I believe the Board
8 Chair would entertain a motion to
9 approve a Board member to attend the
10 FSMTB Annual Meeting October 3-5, 2024,
11 in Washington, D.C.

12 CHAIR PORAMBO:

13 I need a motion to accept Jennifer Keth
14 as the attendee at the Federation of
15 State Massage Therapy Boards Meeting in
16 October 2024.

17 MR. STRAWSER:

18 I'll make the motion.

19 MS. HILL:

20 Second.

21 MR. KELLER:

22 Claggett, aye; Alumbro Shade, aye;
23 Douglas, aye; Hill, aye; Strawser, aye;
24 Keth, aye; Porambo, aye.

25 [The motion carried unanimously.]

1
2 Miscellaneous - Request for Comment - U.S. Department
3 of Veterans Affairs Standard of Practice for
4 Massage Therapists Employed by the VA
5 [Thomas M. Davis, Esquire, Regulatory Counsel,
6 addressed the request for comment from the U.S.
7 Department of Veterans Affairs (VA). He stated the
8 Department of Veterans Affairs for the federal
9 government has been tasked with developing a policy
10 that defines the standard of practice, which the
11 Board will know as the scope of practice for massage
12 therapists in VA facilities.

13 Mr. Davis explained that it does not affect
14 massage therapists licensed by the Board or any
15 member of the public, who receives massage therapy
16 services from an individual licensed by the Board.

17 Mr. Davis explained that this is just for
18 individuals receiving massage therapy service by an
19 individual, who works for the federal government in a
20 federal facility, including Veterans Affairs. He
21 referred to Section 13 of their act, where nothing in
22 this act shall be construed as preventing,
23 restricting, etc., the practice of massage therapy by
24 any individual employed by the federal government
25 while that individual is engaged in the performance

1 of duties under federal law.

2 Mr. Davis noted the VA is requesting comments and
3 input from boards defining what massage therapy would
4 be for the purpose of the federal policy. He
5 mentioned discussing the matter with the Office of
6 General Counsel concerning the request and reported
7 that any response from the Board must be approved by
8 the Office of General Counsel and the Governor's
9 Office of Policy and Planning.

10 Mr. Davis informed Board members that he and Mr.
11 Hinsey will be putting together a letter in the next
12 few weeks for approval, which will be placed back on
13 the agenda for the next meeting on September 24,
14 2024. He again stated it does not affect licensees
15 or the citizens of the Commonwealth of Pennsylvania,
16 and the Board already has language in the practice
17 act that exempts all of this from their jurisdiction.

18 Mr. Davis informed Board members that he would be
19 asking for their review and approval on September 24,
20 2024, noting the VA's proposed massage therapist
21 standard of practice does not vary from their state's
22 licensure requirements, which means it has no impact
23 and is no different than the Board's current
24 practice.

25 Chair Porambo commented that it could have a

1 positive impact, because it will open up the job
2 market for massage therapists.

3 Mr. Davis noted it as a way to legitimize massage
4 therapy at the federal level and is a very strong
5 sign that the federal government is taking massage
6 therapy very seriously.

7 Nina M. Kottcamp-Long, LMT, NCMT, Coordinator,
8 Massage Therapy Program/Holistic Health and Wellness,
9 Harrisburg Area Community College, informed Board
10 members that the VA already started to bring on some
11 massage therapists through grant funding, and this
12 will open that umbrella more.

13 Ms. Kottcamp-Long expressed appreciation that the
14 VA is already saying it does not affect their
15 license. She mentioned that state massage therapists
16 in Virginia did not require a license years ago if
17 they worked for the state and believed it to be good
18 as long as that does not happen.

19 Ms. Douglas commented that the government wants
20 to standardize working for the VA across all of the
21 states but requested clarification as to whether
22 someone who moved here from another state and worked
23 for the VA could keep their license from another
24 state without transitioning to a Pennsylvania
25 license.

1 Mr. Davis explained that anyone who works for the
2 federal VA in a facility in Pennsylvania does not
3 need to be licensed by Pennsylvania, noting there is
4 a very strong federal exemption for that.

5 Ms. Kottcamp-Long referred to a spa in Harpers
6 Ferry, WV, that was ran by the state and had an
7 exemption from needing a state massage license, where
8 they provided on-the-job training. She requested
9 confirmation that someone transferring from another
10 state who worked in a VA facility and did not have a
11 license would not need a Pennsylvania license.

12 Mr. Davis noted Ms. Kottcamp to be correct and
13 stated the federal government provided information
14 regarding certain requirements of their massage
15 therapists that included education, passage of an
16 exam, and a few other items, but is completely not
17 within the licensure jurisdiction of the Board.

18 Mr. Davis again noted that he would have the
19 letter available for review at the September 24, 2024
20 meeting.]

21 ***

22 Next Meeting Dates

23 [Nancy M. Porambo, MS, LMT, CNMT, NCTMB, Chair, noted
24 the next scheduled meeting date is September 24,
25 2024, and there is one meeting date remaining for

1 2024 on December 3. She also noted 2025 Board
2 meeting dates are February 18, April 1, June 24,
3 August 11, September 23, and December 3.]

4 ***

5 Adjournment

6 CHAIR PORAMBO:

7 Motion to adjourn?

8 MR. STRAWSER:

9 I'll make the motion.

10 MS. HILL:

11 Second.

12 CHAIR PORAMBO:

13 Meeting adjourned.

14 ***

15 [There being no further business, the State Board of
16 Massage Therapy Meeting adjourned at 11:05 a.m.]

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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.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF MASSAGE THERAPY
REFERENCE INDEX

August 13, 2024

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:30	Introduction of Board Members/Attendees
10:35	Approval of Minutes
10:35	Regulatory Report
10:43	Report of Board Counsel
10:44	Report of Board Prosecutor
10:50	Report of Acting Commissioner
10:51	Report of Board Administrator
10:51	Miscellaneous
11:05	Next Meeting Dates
11:05	Adjournment