

**BOARD OF MASSAGE THERAPY**  
Professional & Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

**MINUTES OF MEETING**

Date: Wednesday, February 1, 2012

Time: 9:00 a.m.

Place: King Kalakaua Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813

Members Present: Wendee Wilson, Chair, Public Member  
Rhonda Scott, Vice Chair, Massage Therapist  
Laura Chock, Public Member  
Olivia Nagashima, Massage Therapist

Staff Present: Christine Rutkowski, Executive Officer ("EO Rutkowski")  
Kenyatta Nichols, Executive Officer ("EO Nichols")  
Rodney Tam, Deputy Attorney General ("DAG")  
Jennifer Fong, Secretary

Guests: Pualani Gillespie, American Massage Therapist Association ("AMTA")/National  
Certification Board for Therapeutic Massage & Bodywork ("NCBTMB")  
Holly Viveiros  
Name illegible (Guest of Holly Viveiros)

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor,  
as required by Section 92-7(b), Hawaii Revised Statutes ("HRS").

Call to Order: There being a quorum present, the Chair called the meeting to order at 9:07 a.m.

Chair's Report: **Announcements**  
  
None.

**Additions/Additional Distribution**  
  
None.

### **Approval of the Previous Minutes – December 8, 2011 Meeting**

The Chair asked the members if they had any questions about the previous minutes.

The Vice Chair asked that the fourth paragraph on page 3 be amended to reflect a statement that she does cut off people that speak to her regarding board matters.

The Chair said she did not recall the Vice Chair making that statement.

EO Rutkowski suggested that because there seems to be some disagreement over what the Vice Chair may have said, instead of amending the December 8<sup>th</sup> minutes, the Vice Chair could clarify her statement at today's meeting.

The Vice Chair agreed.

Upon a motion by Ms. Chock, seconded by Ms. Nagashima, it was voted on and unanimously carried to approve the minutes of the December 8, 2011 meeting as circulated.

### Executive Officer's Report:

EO Rutkowski informed the Board that as of February 2, 2012, EO Nichols will be the Board's EO.

She then invited the Vice Chair to clarify her statement from the December 8<sup>th</sup> minutes.

The Vice Chair said she would like to emphasize that when people approach her and she finds that it is about a matter that may possibly come before the Board, she does cut them off and lets them know that it is not information that they can share with her.

The Chair noted that these individuals should also be referred to the Board's office so that the EO can address any concerns or questions they may have.

The Vice Chair said that she is aware of that.

EO Rutkowski asked if she refers people to the Board's office.

The Vice Chair said it depends on the situation. Sometimes she just tells them to read over the rules carefully. She believes it is understood that they should call the office if they have any questions.

Ms. Nagashima stated that she refers people with questions to the Board's office.

The EO stated that if someone contacts them to discuss an issue or plead their case in hopes of gaining their vote, the person does not realize that by doing so, they may actually lose a vote because the member may have to recuse herself from any vote due to the Sunshine Law. As board members, they have an obligation to educate and help the public understand the process.

The Vice Chair said that she understood and acknowledged what EO Rutkowski is saying; she is aware that there should be no ex parte communication.

Correspondence: None.

Open Forum: Ms. Gillespie asked if there is any monitoring once the Board approves a workshop.

EO Rutkowski replied in the negative.

Ms. Gillespie asked if complaints against a Board approved workshop would go to the Regulated Industries Complaints Office ("RICO").

EO Rutkowski replied in the affirmative.

Ms. Gillespie stated that the NCBTMB is doing a nationwide sweep and they have identified two schools so far that have been decertified. This is due to a variety of reasons but among them is that the schools were issuing fraudulent transcripts, for example, the transcript may state that additional hours of anatomy, physiology and kinesiology were taught during the apprentice training, however, during the investigation, it was found that the additional hours were not being taught.

Ms. Nagashima said that the Board does not require additional anatomy, physiology and kinesiology hours during the apprentice training.

Ms. Gillespie stated that the additional hours are listed in the appendix of the Board's rules.

Ms. Nagashima noted that there is no appendix in the Board's current rules. The appendix that Ms. Gillespie is referring to is part of the draft of the proposed rule revisions which the Board is still working on.

The Chair stated that anyone may file a complaint with RICO and RICO will review the complaint to determine if they will investigate.

EO Rutkowski said that when a massage apprentice permit application is received, the applicant is required to submit a certificate or transcript to show that they have

completed the requisite training. However, if a Board approved workshop is conducting training that they are not approved for, a complaint should be filed.

Ms. Viveiros stated that she had some questions for the Board.

EO Rutkowski asked if the questions were related to her request.

Ms. Viveiros said yes.

The Chair informed Ms. Viveiros that her questions will be addressed when the Board gets to her item.

Applications:

**Ratification List**

Upon a motion by Ms. Nagashima, seconded by the Vice Chair, it was voted on and unanimously carried to approve the attached ratification list.

Applications:

**Applications**

Executive Session:

At 9:36 a.m., upon a motion by the Chair, seconded by Ms. Nagashima, it was voted on and unanimously carried to move into executive session pursuant to §92-5(a)(1) and (4), HRS, "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both; and "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities;".

EXECUTIVE SESSION

Joshua G. Jarvis – Application for Exam & License – Massage Therapist  
Hillary E. Kusko – Application for Exam & License – Massage Therapist  
Shawnay M.L. Palmer – Application for Exam & License – Massage Therapist  
Jodi L. Van Bezooen – Application for Exam & License – Massage Therapist

At 9:45 a.m., upon a motion by the Chair, seconded by the Vice Chair, it was voted on and unanimously carried to move out of executive session.

Chapter 91, HRS  
Adjudicatory Matters:

At this time, the Chair called for a recess from the Board's meeting at 9:45 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

**In the Matter of the Massage Establishment License of *Kil Hun Kim, dba Judy Massage* and the Massage Therapist's License of *Kil Hun Kim, MAS 2007-94-L*; In the Matter of the Massage Therapist Apprentice Permit of *Bok Sun Manzanilla, MAS 2007-95-L***

The DAG summarized the above matter and a brief discussion followed.

After discussion, because of the Board's stated zero tolerance for lewd and lascivious conduct, it was moved by Ms. Nagashima to affirm the Board's previous decision at the July 29, 2010 meeting to adopt the Hearings Officer's Findings of Fact and Conclusions of Law and to issue the Board's Proposed Final Order to revoke Respondent Kim's MAT and MAE licenses, Respondent Manzanilla's apprentice permit and fine each Respondent \$3,000.00 each. It was seconded by the Chair, with the Chair, Ms. Nagashima and Ms. Chock voting "yes" and the Vice Chair voting "yes with reservations". The motion carried.

Following the Board's review, deliberation and decision on this matter, pursuant to Chapter 91, HRS, the Chair announced that the Board was reconvening its scheduled meeting at 10:18 a.m. pursuant to Chapter 92, HRS.

At 10:18 a.m., the DAG left the meeting.

Applications:

**Applications**

Exam & License – Massage Therapist

**Joshua G. Jarvis**

After discussion, it was moved by the Chair, seconded by Ms. Nagashima, and unanimously carried to approve Mr. Jarvis' request for exam waiver and his application for exam and license.

**Hillary E. Kusko**

After discussion, it was moved by the Chair, seconded by Ms. Nagashima, and unanimously carried to deny Ms. Kusko's request for exam waiver on the basis of §452-16, HRS.

**Shawnay M.L. Palmer**

After discussion, it was moved by the Chair, seconded by Ms. Nagashima, and unanimously carried to approve Ms. Palmer's request for exam waiver subject to submission of a license verification from the State of Washington/Board of Massage Therapy of Washington and copies of certificates verifying the continuing education ("CE") classes referred to in her January 19, 2012 letter and delegate to the EO to approve the application, provided all documents are received and there are no questions regarding the documents.

**Jodi L. Van Bezooeyen**

After discussion, it was moved by the Chair, seconded by Ms. Nagashima, and unanimously carried to approve Ms. Van Bezooeyen's application for exam and license.

New Business:                    **Request from Holly Viveiros Regarding a License to Perform "Portable Massage Therapy" via a Bus**

The Board reviewed an inquiry from Ms. Viveiros in which she states she would like to massage from an air conditioned bus that can securely hold 1-4 massage tables and/or chairs. She would like to massage at a variety of events (sports, receptions, weddings, reunions, etc.) She is asking what she needs to do to get her business plan approved for a license to perform "Portable Massage Therapy".

The Chair asked Ms. Viveiros if she would like to address the Board.

Ms. Viveiros stated that she would like to clarify that she is still trying to find a vehicle so it may not be a bus. It could possibly be a van or truck as well. She said she would like to be able to do a broad range of events. She would meet all of the sanitation requirements. The facility would be similar to a massage establishment ("MAE"), however, it would be a portable location instead of a fixed one.

The Vice Chair asked if she had applied for an MAE license.

Ms. Viveiros said no as she was unsure of what the Board would require for her to be able to do what she would like. She said that she is planning to take the list of requirements the Board wants and have the vehicle refurbished to include those requirements.

The Vice Chair said she has heard of someone retrofitting a recreational vehicle ("RV") to perform massage and she believes that the Board approved the RV for an MAE license.

The Chair said she does not recall such a decision.

EO Rutkowski asked Ms. Viveiros if she had contacted the Department of Health to ask if she would issue a sanitation clearance for such a vehicle.

Ms. Viveiros said she had not. She said that most of her business would be to different "on-call" events and would not be on a consistent basis. She asked what the Board would consider as a "consistent" or "regular" basis.

Ms. Nagashima stated that there is a difference between offering massage to a client at their home or work and performing massage at an event such as a farmer's market. If the client invites her to their home or work, it could be considered outcall, however, if the MAT is signing up for the event and paying for a booth, it cannot be considered outcall.

EO Rutkowski clarified that if a client calls and sets up an arrangement for the MAT to go to a specific venue for one time, it is considered outcall because it would be a specific arrangement with a specific client. It is not the same as doing events without a specific arrangement with a client. If a client knows that they can regularly find the MAT at a specific location, it would be considered on a "regular" basis. She said another thing to consider regarding the mobile facility is that part of the regulatory scheme is that the Board and RICO should be able to find the MAE at any given time.

Upon a motion by Ms. Nagashima, seconded by the Vice Chair, it was voted on and unanimously carried to defer discussion on this matter to its April 25, 2012 meeting and request that Ms. Viveiros contact the State of Hawaii Department of Health, Sanitation Branch, regarding the Sanitation Clearance and submit a written summary of the information provided to her by the Sanitation Branch to the Board's office by April 13, 2012.

At this time, EO Rutkowski asked if the Board could add an item to the agenda.

#### **Additions/Additional Distribution**

Upon a motion by the Chair, seconded by the Vice Chair, it was voted on and unanimously carried to add the following item to the agenda as an addition:

8. New Business
  - b. 2012 Legislative Session

#### **2012 Legislative Session**

EO Rutkowski stated that there is one carryover bill from the previous session regarding Native Hawaiian Healing. She also wanted to let the Board know that there are four bills which would amend Chapter 436B the Professional and Vocational Licensing law, which would require licensing boards to: (1) accept military education; training and service towards the qualifications of a license and require the Board to adopt rules; and (2) establish procedures to expedite the issuance of licenses, certifications, or permits to military spouses. These bills are HB 2257 and its companion bill SB 2395 and HB 2258 and its companion bill SB 2392. The Professional and Vocational Licensing Division ("PVL") will be submitting testimony in opposition of all four bills.

There was a brief discussion during which the board members agreed with PVL's opposition.

Unfinished Business:    **Rule Revisions – Title 16, Chapter 84, Hawaii Administrative Rules (“HAR”)**

Rules Revisions Investigative Sub-Committee Proposed Amendments

The Board reviewed the “Summary of Proposed Changes to Title 16 Chapter 84” that was submitted by the Investigative Sub-Committee.

After some discussion, upon a motion by the Chair, seconded by Ms. Chock, it was voted on and unanimously carried to adopt the following changes to the proposed rules:

- §16-84-2, under “Definitions”, add definition for “Open Air Venue” to mean “a location that is portable with no solid walls at which massage therapy services, massage therapy training or both, are offered or provided.”
- §16-84-2, under “Definitions”, amend the definition of “Out-call massage” by combining the definitions for “Off-site massage” and “Out-call massage”.
- §16-84-9, under “Application and requirements for massage therapy workshop”, add language stating that the MAE should also be responsible for the workshop course along with the principal therapist.
- §16-84-43, under “Advertising”, delete item (b) as it singles out one type of modality and does not mention others.

By consensus, the Board deferred discussion on the following proposed changes to allow them to consult with their DAG:

- §16-84-8, under section b)(1)(C) of “Massage therapist apprentice permit requirements and application”, increase the anatomy, physiology and kinesiology (“APK”) and pathology hours required to 300.
- §16-84-11, under “Massage therapist training requirements”, change the hours of education to: 300 hours of APK and Pathology; 100 hours of theory and demonstration and 200 hours of clinical operations including hands on supervised massage training.
- §16-84-11, under “Massage therapist training requirements”, add a continuing education requirement of 12 hours at biannual renewal of licenses.



- In Appendix A, combine #2, #3 & #4 (Anatomy, physiology, structural kinesiology & pathology) for a total of 300 hours; #4 (Massage theory and demonstration) for a total of 300 hours including the hands on training of 140 hours, clinical operations, sanitation regulations, office procedures, etc.

At 11:50 a.m., the Vice Chair left the meeting.

Next Meeting: Wednesday, April 25, 2012  
9:00 a.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 11:53 a.m.

Taken by:

/s/ Jennifer Fong

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Jennifer Fong  
Secretary

Reviewed by:

/s/ Kenyatta Nichols

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Mr. Kenyatta Nichols  
Executive Officer

2/22/12

[ ] Minutes approved as is.

[ ✓ ] Minutes approved with changes; see minutes of April 25, 2012.

**BOARD OF MASSAGE THERAPY**  
**RATIFICATION LIST – FEBRUARY 1, 2012**

**MAT APPROVED FOR EXAM**

Edie A Feldman  
Christopher L Matsuo  
Phuong V Ishimoto  
Chikako Ochiai  
David M Puerta  
Lana R Olson  
Jerry H T Ngo  
Maureen D Barteling  
Laura Lee Stephens  
Karen M Fujimura  
Cindall Walters  
Kikiola K Pimental  
Lisa Zyski  
Colin S Joy  
Larisha L Naidu  
Danielle J Foster  
Diego D Castiglioni  
Ivana Cablova  
Tirzah F Shiya  
Sarah E Buker  
Ereka Anderson  
Michael K Gaige  
Heather C Fencil  
Young Bin Lee  
Nile A Curtis  
Jessica M Lahr  
Micah J Brewer  
Cheryl L Calhoun  
Yuka Okuda  
Renee R Theuriet  
Awatsada Thongkoppet

Shuhei Oyama  
Eva A Silva  
Cynthia L Nemeth  
Mara Franzmeier  
Jacqueline C Dressler  
Patricia Claire Peralion  
Amelia Van Der Wethuizen  
Justin T Hokamura  
Elizabeth I Kendrick  
Dean G Alipio  
Leinani R Yamamoto  
Lori Ann Pusateri  
Kalena A Callihan  
Martina Vesela  
Jamnian C Swoboda  
Tan T Tran  
Peter A Bayramian  
Kristen M Coyle  
Dereck Y S Fong  
Rhenee L S Higa  
John Shinsato  
Elizabeth R McGain  
Kelsey R Perkins  
Amity Ann Mead  
Margie Lynn Perry  
Tomoko Y Houtz  
Mike Wong  
Seria Kitagaki  
Sheri Miller  
Megan N Hopkins  
Stephanie A Brysacz

Courtney Dukelow  
Aiko Nasu  
Symone P T Reed  
Richard M Storaasli  
Yuko Nakamura  
Yusuke Nakamura  
Rain K Cruz  
Michaela Ann DeLong  
Sean D Starn  
Misha M Mundy  
Satomi Kono  
Isis N Conseur  
Tamaki H Fujiyama  
Sumita Phrueksasuwana  
Heather K Rodrigues  
Julie Fisher  
Christina N Lane  
Stacey A Perbera  
Diana A Johnson  
Sarita Velada  
Wyman Toki  
Ryan A Mulnick  
Desiree M Fleming  
Nicole L Hind  
Ryoko Saegusa  
Nana Takeuchi  
Alany-Grace C Eder  
Tamara L Manley  
Caitlyn Gillaspay  
Randall S Waddell  
James K Palakiko

**MAP APPROVED FOR PERMIT**

Adam C Gray  
Shain D Braum  
Andrea C McGinnis  
Elionne C Cambeilh  
Katharina Tritz  
Shino Munger  
Diane P Aquinaldo  
Carla D Daniels  
Danielle D Reiter

Azha J Rivera-Jacinto  
Rhonn A Andres  
Amy-Marie K Smith  
Tracy L Thorstad  
Phatchara Srisamai  
Ty T Nakamoto  
Kristie K Hudson  
Chanc G Dean  
Corina McPartland

Kaili M Niemeyer  
Tara L Gorman  
Pranom Thangokpo  
Myong Suk Kim  
Andrea C Armstrong  
Slavica Vuckovic  
Uen C Shin  
Ashley Mortensen  
Mark O Holt

**BOARD OF MASSAGE THERAPY**  
**RATIFICATION LIST – FEBRUARY 1, 2012**

**MAP APPROVED FOR PERMIT**

|                    |                         |                   |
|--------------------|-------------------------|-------------------|
| Su Hui Hicks       | Chiara G Bonvini        | Claire K Parker   |
| Yun Cha Park       | Deanna M Lloyd          | Theresa M Klepper |
| Audrey H Kim       | Christopher Musslewhite | Ginger M Jackson  |
| Nancy Shockley     | Hyong K Chon            | Su Jin Choi       |
| Tess S Deutsch     | Yumi Tomono             | Sunisa P Kaplan   |
| Kathryn E Huntsman | Victor M Martinez       | Lana P Bolender   |
| Kenneth Jannelli   | India E Soo             | Yumi Tomono       |
| Victoria L Colzie  | Madona Oandason Noa     |                   |

**MAE APPROVED FOR LICENSE**

Xuan H T Nguyen dba Palms Beauty Spa  
Kandy Inc dba North Shore Salan and Spa  
Monsoon Inc dba Hoku Beauty and Day Spa  
Dr Body Inc  
Orchid Hotel Partners LLC dba The Fairmont Orchid Hawaii  
Yon Tok Rush dba Mika Massage  
Julie L Hitchcock dba Spa Makaiwa  
Quynh Hawaii LLC dba Bellaviva Nails & Spa  
Maui Massage & Wellness LLC  
Chin Cha Bright dba Eden Massage Center  
Mid Pacific Massage Therapy LLC  
Brandon Raynor dba Brandon Raynor's School of Natural Therapies  
Ai and D Nelson Massage  
Heang H Yang  
M J Enterprises LLC dba Island Health and Wellness

**APPROVED MASSAGE WORKSHOPS**

|   |                                    |
|---|------------------------------------|
| Kwang Chai, MAT 2662<br>Yunchun Han, MAT 11091<br>Dr. Chai's Health Center, Inc., MAE 841   | December 15, 2011 – March 15, 2012 |
| Kapuaihooleiiaikaponou Souza, MAT 4149<br>Wesley C. Sen, MAT 3770<br>Paula Lehua Mccandless, MAT 4510<br>Michell Shue, MAT 6279<br>Sharon M. Yanagihara, MAT 9529<br>Lahela K. Hekekia, MAT 6286<br>Kauhi Hoopii, MAT 7404<br>Bella Torre Academy, MAE 2658 | January 4 – June 30, 2012          |
| Moxie DuBois, MAT 2714<br>Karen Migliaccio, MAT 5289<br>Malama Healing Arts, MAE 2714   | January 14 – March 4, 2012         |