

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

MINUTES OF MEETING

Date: Wednesday, April 25, 2012

Time: 9:00 a.m.

Place: Queen Liliuokalani 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: Kenyatta Nichols, Executive Officer ("EO")
Jennifer Fong, Secretary

Guests: S. Pualani Gillespie, American Massage Therapist Association ("AMTA")
Anne Fritz, AMTA
Arlene Estrella, AMTA
Lei Fukumura, Special Deputy Attorney General ("SDAG")
Walter Aipa, AMTA

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 9:12 a.m.

Chair's Report: **Announcements**

None.

Additions/Additional Distribution
Upon a motion by Ms. Nagashima, seconded by Ms. Chock, it was voted on and unanimously carried to add the following items to the agenda:

Additions

6. Applications

b. Applications

Exam & License – Massage Therapist

- Rachel Weyenberg

The Chair announced that the following was distributed to the Board members as additional distribution:

9. Unfinished Business

- a. Request from Holly Viveiros Regarding a License to Perform “Portable Massage Therapy” via a Bus

Approval of the Previous Minutes – February 1, 2012 Meeting

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

Ms. Nagashima stated that she would like the following change to be made: On page 8, under “Unfinished Business”, change the second header to “Rules Revisions Investigative Sub-Committee Proposed Amendments **Based on Draft #10 dated 5/15/09**”.

The Vice Chair stated that she would like the following change to be made: On page 8, under the first bullet point of “Unfinished Business”, delete the phrase “that is portable” from the definition for “Open Air Venue”.

There being no further discussion or amendments to the minutes, Ms. Nagashima voted to approve the minutes of the February 1, 2012 meeting as amended. It was seconded by Ms. Chock, voted on and unanimously carried.

Executive Officer’s Report:

None.

At this time, the Chair announced that she would be taking the agenda out of order.

Chapter 91, HRS Adjudicatory Matters:

The Chair called for a recess from the Board’s meeting at 9:16 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

In the Matter of the Massage Therapist’s License of *Marcus W. Brown, aka Marcus William Brown*; MAS 2010-16-L – Settlement Agreement After Filing of Petition for Disciplinary Action and Board’s Final Order

After discussion, it was moved by the Chair to defer the Settlement Agreement. It was seconded by Ms. Nagashima, with the Chair and Ms. Nagashima voting "yes", Ms. Chock voting "yes with reservations" and the Vice Chair voting "no". The motion carried.

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*

After discussion, it was moved by Ms. Nagashima to approve the Board's Proposed Final Order as the Final Order. It was seconded by the Chair, voted on and unanimously 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 9:37 a.m. pursuant to Chapter 92, HRS.

Applications:

Applications

Executive Session:

At 9:37 a.m., upon a motion by Ms. Nagashima, seconded by the Vice Chair, it was voted on and unanimously carried to move into executive session pursuant to §92-5(a)(1), HRS, "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;".

EXECUTIVE SESSION

Amy Fonarow – Application for Exam & License – Massage Therapist
David Jackson – Application for Exam & License – Massage Therapist
Ekela Tadio – Application for Exam & License – Massage Therapist
Rachel Weyenberg – 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.

Applications:

Applications

Exam & License – Massage Therapist

After discussion, it was moved by the Chair, seconded by Ms. Nagashima, it was voted on and unanimously carried to approve the following requests for exam waiver and application for exam and license:

**Amy Fonarow
Rachel Weyenberg**

David Jackson

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

Ekela Tadio

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

The Chair resumed the agenda items in order.

Correspondence: None.

Open Forum: Ms. Gillespie said that on behalf of the AMTA, she would like to thank Ms. Nagashima for speaking at their last convention about Hawaii State laws and rules. Ms. Gillespie reported that at the convention, the AMTA spoke to licensees and found that many would be in support of requiring mandatory continuing education ("CE") for licensure and re-licensure. She said that many therapists are seeing clients come in with more serious ailments than they have dealt with in the past.

The Vice Chair reported that she had sent out her company newsletter to 3,500 therapists in Hawaii which included a notice of the Board's vacant position.

Applications: **Ratification List**

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

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

The EO summarized the previous discussion on this matter and stated that the Ms. Viveiros provided a copy of an email she received from Peter Oshiro of the Department of Health, Sanitation Branch stating that they do not have rules to inspect mobile massage operations.

The Vice Chair said she had previously heard of someone named Bunny Gabaylo who used to give massages in his RV which she believed was approved by the Board. She asked the EO if he had more information about Mr. Gabaylo.

The EO reported that he found that Mr. Gabaylo had a massage therapist license but could find no record of him having a massage establishment license.

The Vice Chair stated that she would like more information from Ms. Viveiros before making a decision.

The Chair reminded that Board that at the last meeting, Ms. Viveiros had said that she was waiting on the Board to let her know what the requirements would be for a vehicle to be used for mobile massage. She was planning to retro fit a vehicle based on the Board's specifications. This vehicle would be considered Ms. Viveiros' massage establishment.

Ms. Gillespie suggested that the law be changed to address all scenarios.

The Chair said that ultimately, it would come down to what the Board would allow based on its current statutes and rules.

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 August 1, 2012 meeting.

Ms. Gillespie stated that she would like to notify the Board that the AMTA is planning to write a letter to the owners of places like swap meets and farmers' markets to inform them that massage therapists are not allowed to perform massage therapy at those places.

Ms. Gillespie was informed that based on the Board's previous determinations, the massage establishment application had been amended in October 2011 which would allow massage therapists to obtain a massage establishment license to perform massage therapy at an open-air market, a farmers' market, a swap meet, a flea market, and like premises.

Mr. Aipa questioned whether a group of massage therapists can apply for various licenses at different events with each therapist being listed as the principal massage therapist for one of the events.

The EO stated that the same statutes and rules apply for all massage establishments.

Ms. Nagashima recalled that the Board wanted all non-"brick and mortar" massage establishment applications to come before the Board to be reviewed on a case-by-case basis.

The Vice Chair and Ms. Chock stated that they had the same recollection.

Upon a motion by Ms. Nagashima, seconded by Ms. Chock, and unanimously carried to clarify that the Board would like all massage establishment applications

for non-“brick and mortar” establishments to be reviewed by the Board at a meeting on a case-by-case basis.

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.

The EO reported that he had discussed the proposed changes with the Board’s Deputy Attorney General (“DAG”). The DAG is still reviewing the proposed changes.

Next Meeting: Wednesday, August 1, 2012
9:00 a.m.
King Kalakaua 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 10:45 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Kenyatta Nichols

Kenyatta Nichols
Executive Officer

5/4/12

[] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____.

BOARD OF MASSAGE THERAPY
RATIFICATION LIST – APRIL 25, 2012

MAT APPROVED FOR EXAM

Anthony J Nayeli
Tiyani A Saren
Jill C Regan
Francine M Meriot
Suzanne K Slobodnik
Cheryl Ann Rezac
Joshuah Z Zorich
Shannon T Ray
Valarie M Matinjussi
Christine M Doo
Justin P Tafuri
Nicole S Mitani
Marie S N Audant
Hiroyuki Saito
Arielle K Tufaga
Lyndsey C Trapp
Pei Q Zhong
Sarah J Thieme
Kanakano Imagawa
Katsumasa Fujita
Emi T Richnow
Tracy L Thorstad
Hitomi Nakamura
Arnaud J H Adam
Naomi Yamazaki
Alyssa Pan
Kristine D Novy
Therese D Martinez
Amanda L Sutherland

Adriana P Hull
Amy N Figueira
Jeffrey R Carden
Joong W Jun
Amy L Hastanan
Pricila T Nascimento
Jan Ralph D Rivera
Gui H Pan
Rupert L Adarme
Brian A Shoen
Mariana V Vasileva
Shavaun E Gilliland
Yuko McLamara
Courtney A Collazo
Yoshitaka Nada
Jutta G G Mueller
Yuko O Nishimoto
Denise M Witte
Cameo K Fahning
Cassie T Chow
Fares Lahouel
Kimberly I Urban
Mayu Fujisawa
Phusadee Laronde
Vala L Stimson
Lena M Tuiloma
Michelle A Starsiak
Aneta M Wojtkow
Haibo Peng

Leah E Madden
Itsu Niizeki
Chika Ichijo
Lea H Siebert
Theresa M Zorzi
Piera L Bastidas
Kasumi M Ito
Summer S Hanna
Helen M Brown
Saori Yoshida
Eleanor Gordon
Stephanie M Miller
Fabio Maenchen
Shiori J Patino
Erica L English
Kari H Valentine
Jennifer L Fuller
Tan T Fujiwara
Mami Kajiwara
Leilani J Pollante
Robert L Green
Harry M Frank
Dyanna D Smith
Ruth A Menominee
Yeon K Moreno
Jennifer M Shirai

MAP APPROVED FOR PERMIT

Michael R Crawford
Audrey H Kim
Chaweewan Iamwong
Lana P Bolender
Mark Holt
Jennifer P A Le
My Le Lam-Nguyen
Mami Kajiwara
Soon D Paik
Kim Hui Yi
Walaiporn Lipman
Chin P Harrell

Hyong K Chon
Heather Fencel
Cheryl Ann Gamez
Kyung S Jung
Michael R Crawford
Stuart B Hayter
Mark O Holt
Victor Martinez
Su Hui Hicks
Jin Mi Chung
Hyon Chu Yi
Laurel A Carr-Howard

Jill E Barker
Pyong S Fairfax
Chi-Suk Carley
Kyong Min Kim
Chung C Cho
Kenneth S McNickle
Marc C Fournier
Jon R Bougeon
Cherylann H Padaken
Brittany N Ryan
Joseph Hinton
Debra Dicolli

BOARD OF MASSAGE THERAPY
RATIFICATION LIST – APRIL 25, 2012

MAP APPROVED FOR PERMIT

Brianna R Marr
Keska W Dwight
Jill A Johnson
Min Ah You
Yong Hu Jin
Angela K Brink
Sherri Kayano
Julie D Lowrey
Joshua L Frame
Lila R Micheli

Diana To-Loan Vo
Su Hui Hicks
Lola L B Suzuki
Tarah M Cech
Tatjana Schmid
Lilaenya Singer
Karren L Sisson
Clarence K Solomon
Ken R Guerpo
Sean K Lau

Kasey Lopes
Melvin K Kwan Jr
Vicki D Pakele
Heather K Itokazu
Natalie J Luczon
Tiffany T Evenson
Traci J Miller
Myong Suk Kim

MAE APPROVED FOR LICENSE

Carrie L Gebb
Emerald Thai Massage LLC
Sabrina Mata dba Primal Core Therapeutic Massage
Lori L Parker
Apono Hawaii dba Auntie Margaret's Lomilomi Massage
Nikki Spencer
Diane Tran dba Diane's Day Spa
Angel's Touch Thai Massage LLC
Yong Min Kim dba Tu Massage
Peter Bui dba Avalon Salon
Central Maui Massage Inc
Armida D Domingo dba Arahmae's Facial & Massage Center
Mamalaho Hot Tubs & Massage LLC
Liu Yun Gong LLC dba Liu Yun China Massage
Dee L Hyde-Begany dba Freedom of Movement
PAFMO Hawaii Inc dba Day Spa Moe

APPROVED MASSAGE WORKSHOPS

Brandon Raynor, MAT 9939 February 20, 2012 – March 23, 2012
Brandon Raynor's School of Natural Therapies, MAE 2727

Sascha Thompson, MAT 5920 April 2, 2012 – June 8, 2012
Jennifer Souryck, MAT 9338
Uraivan Piccione, MAT 9261
Bellathena Day Spa, MAE 2629

Jongsang Choi, MAT 4765 March 3, 2012 – June 30, 2012
Hawaii Health Shiatsu Center, MAE 2026