

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

MINUTES OF MEETING

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").

- Date: Wednesday, August 1, 2012
- Time: 9:00 a.m.
- Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813
- Present: Wendee Wilson, Public Member, Chair
Rhonda Scott, Massage Therapist, Vice Chair
George Davis, Jr., Massage Therapist
Olivia Nagashima, Massage Therapist
Rodney J. Tam, Deputy Attorney General ("DAG")
Kenyatta Nichols, Executive Officer ("EO")
Jennifer Fong, Secretary
- Excused: Laura Chock, Public Member
- Guests: Jo Ann M. Uchida Takeuchi, Deputy Director, Department of Commerce and
Consumer Affairs ("DCCA")
Walter Aipa, American Massage Therapy Association ("AMTA")
Arlene Estrella, AMTA
S. Pualani Gillespie, AMTA
Emily Mariano
Barbra Manni, 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").
1. Call to Order: There being a quorum present, Chair Wilson called the meeting to order at 9:05 a.m.

2. Additions/
Revisions to
Agenda:

None.

3. Introduction of
Jo Ann M. Uchida
Takeuchi, Deputy
Director, DCCA:

Deputy Director Uchida Takeuchi thanked the members for their time and effort to serve the public. She noted that the new DCCA administration would like to interact with the boards on a more regular basis than they may have with previous administrations. Last year, they conducted an orientation with the board chairs which included presentations from each of the DCCA's divisions on their respective role within the DCCA. The response from that orientation was so positive that they are planning to have a similar orientation for all board members later this year.

4. Approval of
Minutes:

Upon a motion by Ms. Nagashima, seconded by Vice Chair Scott, it was voted on and unanimously carried to approve both the board and executive session minutes of the April 25, 2012 Board meeting.

At this time, Chair Wilson announced she was taking the agenda out of order to discuss the following agenda items:

- 7. Old Business, a. Request from Holly Viveiros Regarding a License to Perform "Portable Massage Therapy" via a Bus
- 7. Old Business, b. Rule Revisions – Title 16, Chapter 84, Hawaii Administrative Rules, 1) Rules Revisions Investigative Sub-Committee Proposed Amendments

7. Old Business:

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

The Board continued their discussion on Ms. Viveiros' inquiry regarding "Portable Massage Therapy".

Vice Chair Scott said that she heard from Bunny Gabaylo, a licensee who used to give massages in his RV. He said that what he was doing was considered "out-call" because he went to his clients. He did not go before the Board at a meeting, instead he spoke to the EO at that time and the DOH and was able to work it out. He told her that he stopped using the RV because the cost of gas and maintenance was too high and he kept getting stopped by the police who were checking if his vehicle was valid.

Ms. Nagashima stated that Ms. Viveiros is just inquiring on whether what she is asking is allowable.

Vice Chair Scott said that based on Ms. Viveiros' letter, she is asking to do something similar. In Mr. Gabaylo's case, the DOH was involved, however, the RV satisfied all of their requirements such as having both hot and cold running water and a restroom.

DAG Tam reminded the Board that the question is whether Ms. Viveiros needs a massage therapy establishment ("MAE") license. His understanding is that if she is going to the client, she does not need an MAE license, however, if she is at one location on a regular basis and the clients come to her at that location, then she would need to an MAE license.

Ms. Nagashima asked how the Board can require these types of applicants comply with the DOH requirements.

DAG Tam said that the Board has previously informed others with similar situations that they still need to comply with the DOH requirements even if the DOH will not issue the sanitation clearance.

Vice Chair Scott said that she would like the application amended to include specific sections of the laws and rules that the applicant would have to attest to complying with.

Chair Wilson said that she feels the Board does not need to list specific sections as it is the responsibility of all Hawaii licensed massage therapists to know all of the laws and rules pertaining to their profession, including the DOH sanitation rules for massage establishments.

Upon a motion by Ms. Nagashima, seconded by Chair Wilson, it was voted on and unanimously carried to inform Ms. Viveiros that if she provides a mobile service that travels to at a location designated by her client, it would be considered "out-call massage" which is allowable under her Hawaii massage therapist license. If she designates a regular location where the clients come to her, an MAE license would be required. In addition, she would be required to comply with all laws and rules that govern Hawaii licensed massage therapists as well as all state and county laws that would govern such a business.

This is an informal interpretation for informational and explanatory purposes only and is not an official opinion or decision, and therefore is not to be viewed as binding on the Board.

b. Rules Revisions – Title 16, Chapter 84, Hawaii Administrative Rules (“HAR”)

1) Rules Revisions Investigative Sub-Committee Proposed Amendments

DAG Tam stated that with regards to the proposal to add a continuing education requirement of 12 hours at the biannual renewal of massage therapist licenses, the Board would have to change their statute before they can add it to their rules. With regards to increasing the number of hours required to obtain a massage therapist license, the change could be made to the rules without changing the statute as the number of hours is not specified in the statute.

Ms. Gillespie stated that she recently returned from a Massage Therapy Entry-Level Analysis Project (“ELAP”) meeting which is a collaborative project between several organizations including the AMTA and the Associated Bodywork and Massage Professionals (“ABMP”). The project’s purpose is to establish national guidelines for the educational hours required to obtain a national license. ELAP is not considering apprentice programs towards the educational hours as they would not be able to regulate how the apprentices are trained. She noted that Hawaii and Utah are the only states that allow apprenticeship training. Ms. Gillespie said that while the Board is currently not a member of the Federation of State Massage Therapy Boards (“FSMTB”), they may be forced to join when the national license system is developed.

Vice Chair Scott questioned how the Board could be forced to join an organization.

Ms. Gillespie said that it would be similar to how it was done for other professions where a bill was introduced to the legislature. She cited the Board of Nursing as an example.

Vice Chair Scott said that she feels the Board should not be preemptive and instead, should continue to move forward with the rule amendments.

Chair Wilson noted that any statutory changes would need to be made via a bill introduced to the legislature.

DAG Tam stated that in order to add CE to a profession the questions on the PVL Division's "Continuing Professional Education Guidelines Checklist" ("Checklist") must be answered.

Chair Wilson suggested that the Board draft general language for insertion into the statute and provide the details within their rules.

Ms. Nagashima suggested specifying a minimum number of CE hours in the statute which she believed would allow the Board the ability to increase that amount in their rules.

DAG Tam said that the Board should specify the number of CE hours in the statute. He asked what the national average of hours is for states with a CE requirement.

Ms. Gillespie said most states require 12-16 hours bi-annually.

Vice Chair Scott questioned whether a CE requirement is needed. She said she does not recall the Board reviewing many complaints about ethical violations.

Ms. Nagashima said to her best recollection approximately 1% of the violations the Board receives from RICO are ethics-related, however, the Board is charged with protecting the consumer. She feels that many massage therapists ("MATs") knowingly work on clients with ailments even if they do not know how to specifically handle their ailment. These MATs end up injuring their client further instead of helping them. She said CE should be required to educate MATs on how to handle specific ailments.

Mr. Davis said that those clients are a specific population and not every MAT deals with those clients.

Vice Chair Scott questioned why the sub-committee is proposing a decrease in hands-on hours to 200 hours. She said that nationally, the average is 325 hands-on hours.

Ms. Nagashima said that change came from a previous discussion.

Vice Chair Scott said she had reservations about the sub-committee's recommendation to combine the definitions for "Off-site massage" and "Out-call massage".

Ms. Nagashima asked what the Board's next steps should be.

EO Nichols said that if the Board decides to add a CE requirement, they need to answer the questions on the Checklist.

The DAG stated that the Board has the option to repeal Chapter 84 and create a new chapter.

Vice Chair Scott stated that at the last meeting during the open air venue discussion, she thought the DOH sanitation information was going to be added to both the rules and the MAE application.

Chair Wilson requested that the MAE application be placed on the agenda for discussion.

Upon a motion by Chair Wilson, seconded by Ms. Nagashima, it was voted on and unanimously carried to move towards repealing Chapter 84 and creating a new HAR chapter.

At 10:11 a.m., the Board returned to its regular order of business.

5. Applications: a. Ratifications

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

b. Applications

Executive
Session:

At 10:13 a.m., it was moved by Chair Wilson, seconded by Vice Chair Scott, and unanimously carried to enter into executive session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Section 92-5(a)(1), HRS, and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with Section 92-5(a)(4), HRS.

Guests were excused from the meeting room.

At 10:39 a.m., it was moved by Chair Wilson, seconded by Vice Chair Scott, and unanimously carried to move out of executive session.

Registration – Massage Therapist Apprentice

- Curtis Brunk

After discussion, it was moved by Chair Wilson, seconded by Vice Chair Scott, and unanimously carried to approve Mr. Brunk's application for massage therapist apprentice registration.

Exam & License – Massage Therapist

- Janine Davis

After discussion, it was moved by Chair Wilson, seconded by Vice Chair Scott, and unanimously carried to approve Ms. Davis' application for massage therapist exam and license.

- Kille Kalama

After discussion, it was moved by Chair Wilson, seconded by Vice Chair Scott, and unanimously carried to approve Mr. Kalama's application for massage therapist exam and license.

- Juanita Sofge

After discussion, it was moved by Chair Wilson, seconded by Vice Chair Scott, and unanimously carried to approve Ms. Sofge's application for massage therapist exam and license.

- Jon Watase

After discussion, it was moved by Chair Wilson, seconded by Vice Chair Scott, and unanimously carried to approve Mr. Watase's application for massage therapist exam and license subject to submission of a criminal abstract from Colorado that indicates no other criminal conviction.

License – Massage Therapy Establishment

- Yong Min Kim dba Chi Rong Massage

After discussion, it was moved by Chair Wilson, seconded by Vice Chair Scott, and unanimously carried to deny Mr. Kim's application for massage therapy establishment license pursuant to HRS §436B-19(9), HRS §§452-24(a)(1), HRS §452-24(a)(9) and HAR §16-84-19(1).

6. Chapter 91,
HRS,
Adjudicatory
Matters:

At 10:39 a.m., Chair Wilson recessed the Board's meeting to discuss the following adjudicatory matters pursuant to Chapter 91, HRS.

- a. 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

It was moved by Vice Chair Scott, seconded by Chair Wilson, and unanimously carried to approve the above settlement agreement.

- b. In the Matter of the Massage Establishment License of Thai Hawaiian Massage and the Massage Therapist License of Pojjanee Varney; MAS 2010-43-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Vice Chair Scott, seconded by Mr. Davis, and unanimously carried to approve the above referenced settlement agreement.

- c. In the Matter of the Massage Therapy License of Kyoko Elliott, a.k.a. Kyoko Marcus, MAS 2011-40-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

It was moved by Chair Wilson, seconded by Vice Chair Scott, and unanimously carried to approve the above referenced settlement agreement.

- d. In the Matter of the Massage Therapist's License of Emily U. Mariano; MAS 2009-4-L – Request for Board Approval of Continuing Education Course

It was moved by Vice Chair Scott, seconded by Chair Wilson, and unanimously carried to approve the course submitted for the continuing education portion of the "terms of settlement" in the settlement agreement approved by the Board on August 4, 2011.

At 11:00 a.m., the Board came out of Chapter 91, HRS and returned to its regular order of business.

8. Next Meeting:

Wednesday, October 24, 2012
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

9. Adjournment: With no further business to discuss, Chair Wilson adjourned the meeting at 11:06 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Kenyatta Nichols

Mr. Kenyatta Nichols
Executive Officer

8/14/12

[] Minutes approved as is.

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

BOARD OF MESSAGE THERAPY

RATIFICATION LIST
Wednesday, August 1, 2012

REGISTRATION – MESSAGE THERAPIST APPRENTICE

| | | |
|---------------------------|---------------------------|----------------------------|
| Adkins, Sukanya S | Jackson, Ginger M | Pinto, Pua'o Eleili K |
| Ai, Jennifer M | Keanu, Jasmine M | Santos, Raina L W |
| Ames, Ok Hui | Keliholokai, Jacie | Smith, Hyo Won |
| Apt, Chanida | Kim, Kyong Min | Souza, Kalamakuakahawaii H |
| Avilla-Berdon, Richanda P | Kim, Myong S | Takahashi, Megumi |
| Baculi, Susan | Lam, William | Thomas, Bunthing |
| Ball, Song | Leano, Rachel Joy Ann C | Tsunoda, Kevin H |
| Becker, Elizabeth L | Leonard, Marylyn C | Verdon, Sun Yo |
| Bungcayas, Sheila P | Mack, Jonathan K G | Warren, Lenise K |
| Che, Keumseon | Mahelona, Marsha | West, Stephanie L |
| Elek, Jung M | McPartland, Corina | Woodcock, Sally R |
| Freeman, Klarissa L | Mellen, Lesley A | Yee, Alana J |
| Garcia, Nadia F | Napaepae-Kunewa, Puou L G | Yenter, Ruth T |
| Gomez-Young, Cristina M | Napoleon, Aliikamanaekahi | Yi, Kum Hui |
| Hayter, Stuart B | Oh, Ki Sung | Yoon, Hanna Y |
| Heberle, Jamie | Otsuka, Yumiko | |
| Hemsouvanh, Sommany | Pendzik, Carrie M | |

EXAM & LICENSE – MESSAGE THERAPIST

| | | |
|-------------------------|----------------------|-----------------------|
| Adams, Linda Susan | Collins, Crystal D | Goff, Calvin R |
| Agustin, Emily L | Cook, Maleka | Gomberg, Chutikarn C |
| Amazaki, Jittima | Cordeiro, Teresa M | Goo, Bryce M Y |
| Andrews, George S | Cousins, Alice A | Goodhue, Emilee S |
| Azama, David M | Cowart, Elizabeth A | Goodoni, Jessica L |
| Baca, Amie E | Craft, Alaina L | Gould, Meghan E |
| Baclayon, Hope P | Cramer, Robert C | Gudiyev, Veronika |
| Barry, Alana J M | Crosby, Shawn | Haggard, Melany L |
| Bellapianta, Sasiprapha | Daugherty, Carol Ann | Ham, Kristy |
| Bessette, Michelle M | Day, Cheyenne S | Hamai, Susan K |
| Bonifacio, Richard | Day, Mai | Harris, Christopher S |
| Bonvini, Chiara G | Dencklau, Angela M | Harris, Norah E |
| Bradshaw, Hailey N | Dias, Cris E F | Hayes, Alexandria R |
| Brady, Jillian M | Dicosmo, Erica L | Hazard, Cherie J |
| Brauer, Gary E | Dollahite, Stephen C | Hetland, Stephen M |
| Brewer, Holly H | Duncanson, Alana N | Hino, Maile A |
| Burkler, Rebecca R | Fields, Vicki M | Houston, Robin N |
| Bush, Clarice K N | Flores, Lisa M | Howells, Sian M |
| Butler, Darryl O | Fotinos, Elizabeth I | Huntsman, Kathryn E |
| Cambeilh, Elionne C | Garcia, Rizza Lynn T | Ikeda, Youngseon Lee |
| Carey, Padraic S | Gibbons, Collin P | Ishizaki, Krislyn K |
| Charles, Vanessa L | Go, Kurt C L | Izuo, Esther L |

EXAM & LICENSE – MASSAGE THERAPIST

| | | |
|------------------------|----------------------------|-----------------------|
| Johnson, Brenda G | Naluai, Darlene K | Sawai, Miyoko |
| Jordan, Debra M | Nishimura, Yumie | Schmidt, Panita |
| Kam, Kuniko S | Ocean, Diana T | Seibold, Kristi S |
| Kamp, Amanda A | Ouarkoub, Beth Star | Sermklin, Kansachita |
| Kawai, Alyce Y | Palomares, Shawnelle C K A | Shaffer, Joseph R |
| Kellner, Nicole L | Pears, Patricia | Shibata, Ai |
| Kim, Jong Ae | Pereira, Elsa F | Shook, Teresa A |
| Kishi, Rumiko | Perry, Sharay N | Siegal, Jennifer |
| Komuro, Miharuo | Pia, Desiree K | Sim-Shaffer, Kay K |
| Kuhia, Nalani M | Reasol-Church, Riza Lyn R | Sing, Anson P |
| La Vecchia, Cory J | Resnick, Portia B | Smith, Christina Z |
| Laborde, Angela K | Reyes, Miyuki | Srinamom, Chamaiporn |
| Largo, Stacie T | Riveira, Melanie | Starbright, Timothy E |
| Lauzon, Daniel J | Rizzolo, Melissa V | Stearns, Chelsea R |
| Lombay, Jofelyne Q | Roberts, Stephanie | Suzuki, Ayumi |
| Maggi, Sun Hee J | Rodriguez, Amber C | Takashima, Satomi |
| Mai, Van T | Roman, Arlee Elizabeth | Thompson, Nicole L |
| Meis, Laura C | Ruiz-Sexton, Mayte | Thur-Fine, Lani Dawn |
| Minotta-Kelso, Paula A | Ruta, Ruth Anne | Tom, Ann M |
| Miyano, Tomoko | Sakamoto, Wakako | Volm, Laurie E |
| Moniz, Ariel W | Salazar, Bianca C | Wittrup, Lisa J |
| Murthi, Jessica S | Sato, Tsugumi | Yamada, Tomoko |

LICENSE – MASSAGE THERAPY ESTABLISHMENT

Aisawan Thai Spa & Massage LLC
Balance Balance Inc dba Stretch Works
Yasuko Banville dba Salon Lehua
Beauti Therapy LLC dba Btherapy Green Spa
Peggy J S Brisbane
Rosalind Canite
Sitanant Cheung
Chip J Fischer dba Chantal's Day Spa & Boutique
CTF Koa Kea Hotel LLC dba Koa Kea Hotel & Resort Spa
Jane Fee
Golden Lotus Spa LLC
Harbor Massage Therapy LLC
Hawaiian Rainforest LLC
Lisa D Johnson
Kahala Stace Inc
Lymph Soushin USA Inc
Maui Operating LLC dba The Westin Maui Resort & Spa
MaxBerry LLC dba Maui Powerhouse Gym

LICENSE – MASSAGE THERAPY ESTABLISHMENT

MOA Hawaii

Lillian Le-Hoa Mori dba Head to Toe Nails & Spa

Sachiko Osamura

Premkamal Spas LLC

Quan Yin Family Health LLC

Kristin Shaw

Junko N Shields

South Shore Physical Therapy & Sports Medicine Inc dba Imua Physical Therapy

Spa Bamboo LLC

Karine V Sternthall

Thai Beauty Spa LLC dba Twelve Twenty one Studio and Day Spa

The Fixx Salon & Spa Corp

Susan M S Vigil

Sheilla-Mary A Villena dba WIMSIM Massage Therapy

Kristin R Youngs

MASSAGE THERAPY WORKSHOP

Carol J. Hart, MAT 6285

May 14, 2012 – June 30, 2012

Mark W. Olson, MAT 5771

Aloha Lomi Massage Academy, MAE 2666

Janet L. Graves, MAT 2376

September 8, 2012 – December 31, 2012

Isabelle Fisher, MAT 4520

Rodney Fisher, MAT 4228

Golden Lotus Studio, MAE 2659

R. Haunani Hopkins, MAT 5099

July 23, 2012 – August 24, 2012

Mapuna Wai Ola Massage, MAE 1744

Heather Han, MAT 5283

July 3, 2012 – September 21, 2012

Inner Rhythm Consulting, MAE 2668

Shari Sunshine, MAT 5186

August 1, 2012 – September 1, 2012

Sacred Healing Arts Center LLC, MAE 2687

Michael Ceraso, MAT 7464

July 1, 2012 – August 3, 2012

Mark Olson, MAT 5771

Christy Ceraso, MAT 6475

Daniel Albers, MAT 3409

Kalani Honua, Inc., MAE 1816

MASSAGE THERAPY WORKSHOP

Michael Ceraso, MAT 7464

Mark Olson, MAT 5771

Michelle Carbonneau, MAT 5596

Daniel Albers, MAT 3409

Nadia Al-Wagga, MAT 7586

Kalani Honua, Inc., MAE 1816

August 5, 2012 – September 7, 2012

Carol J. Hart, MAT 6285

Mark Olson, MAT 5771

Aloha Lomi Massage Academy, MAE 2666

July 1, 2012 – January 18, 2013

Eugene Ortiz, MAT 1117

Eugene Ortiz, MAE 1587

July 3, 2012 – September 6, 2012

Angela Leslee, MAT 4052

The Herbalist, Inc., MAE 1353

August 6, 2012 – October 11, 2012

Lindsey Shannon, MAT 11136

Rachel Gonzalez, MAT 9909

Amy Doff, MAT 6466

Big Island Academy of Massage, MAE 2548

July 9, 2012 – September 17, 2012

Bonnie Henshaw, MAT 4324

Bonnie L.H. Henshaw, MAE 4324

August 21, 2012 – October 16, 2012