

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: Thursday, January 31, 2013
- Time: 9:00 a.m.
- Place: Prince Leleiohoku Conference Room
King Kalakaua Building
335 Merchant Street, 3rd Floor
Honolulu, Hawaii 96813
- Present: Wendee Wilson, Public Member, Chair
Rhonda Scott, Massage Therapist, Vice Chair
Laura Chock, Public Member
George Davis, Jr., Massage Therapist
Olivia Nagashima, Massage Therapist
Rodney J. Tam, Deputy Attorney General ("DAG")
Kenyatta Nichols, Executive Officer ("EO")
Jennifer Fong, Secretary
- Guests: Anne Fritz, American Massage Therapy Association ("AMTA")
Paul Groesbeck, Life Foundation
Nikola Gregory
Sandra Kerisano
- 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 9:16 a.m.
 2. Additions/Revisions to Agenda: Upon a motion by Chair Wilson, seconded by Ms. Chock, it was voted on and unanimously carried to add the following item to the agenda:
 - Under 4. Applications, b. Applications, add "Jonathan Mattingly"
 - Under 6. New Business, add "b. Inquiry regarding whether a massage therapist can use class IV lasers on patients, under the supervision or orders of a medical doctor or naturopathic physician"

Chair Wilson announced that the following agenda items have been re-ordered:

- Agenda item 6. New Business, a. Request for reconsideration re: 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 Apprentice Permit of Bok Sun Manzanilla; MAS 2007-95-L has been changed to item b. under 5. Chapter 91, HRS, Adjudictory Matters.
- Agenda item 6. New Business, b. 2013 Legislative Representative has been moved up to item 6. a.

3. Approval of Board Meeting and Executive Session Minutes of the October 24, 2012 Meeting:

Upon a motion by Ms. Nagashima, seconded by Ms. Chock, it was voted on and unanimously carried to approve both the board and executive session minutes of the October 24, 2012 Board meeting.

4. Applications:

a. Ratifications

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

b. Applications

Executive Session:

At 9:20 a.m., it was moved by Chair Wilson, seconded by Ms. Nagashima, 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 9:27 a.m., Vice Chair Scott arrived.

At 9:39 a.m., it was moved by Mr. Davis, seconded by Ms. Nagashima, and unanimously carried to move out of executive session.

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 applications for exam and license:

- Bartolome, Mark

- Sharlene Jackson
- Sandra Kerisano
- Jonathan Mattingly

- Brook Mabry
After discussion, it was moved by Chair Wilson, seconded by Mr. Davis, and unanimously carried to defer Ms. Mabry's application for massage therapist exam and license. The Board directed EO Nichols to request additional information from Ms. Mabry.

5. Chapter 91,
HRS,
Adjudicatory
Matters:

At 9:41 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 License of Yong Min Kim, and the Massage Establishment License of Yong Min Kim, dba 975 Massage; In the Matter of the Massage Therapist License of Yong Min Kim, and the Massage Establishment License of Yong Min Kim, dba Kim's Massage; In the Matter of the Massage Therapist License of Yong Min Kim, and the Massage Establishment License of Yong Min Kim, dba Hana B; In the Matter of the Massage Therapist License of Yong Min Kim, and the Massage Establishment License of Yong Min Kim dba Tu Massage; MAS 2011-25-L; MAS 2011-28-L [Consolidated Cases]; MAS 2012-43-L; MAS 2012-44-L; MAS 2012-45-L; MAS 2012-46-L

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

- b. Request for reconsideration re: 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 Apprentice Permit of Bok Sun Manzanilla; MAS 2007-95-L

It was moved by Chair Wilson, seconded by Ms. Nagashima, and unanimously carried to deny the request for reconsideration in the above referenced matter.

At 9:50 a.m., the Board came out of Chapter 91, HRS and returned to its regular order of business.

6. New Business: a. 2013 Legislative Representative

After some discussion, upon a motion by Chair Wilson, seconded by Ms. Chock, it was voted on and unanimously carried to appoint Ms. Nagashima as the Board's legislative representative.

b. Inquiry regarding whether a massage therapist can use class IV lasers on patients, under the supervision or orders of a medical doctor or naturopathic physician

The Board reviewed an email from Darren Demello requesting that the board allow massage therapists to use Class IV lasers on patients, under the supervision and orders of a medical doctor or a naturopathic physician. Mr. Demello also inquired whether a chiropractor could give directives to a massage therapist to administer the use of a Class IV laser.

After some discussion, upon a motion by Chair Wilson, seconded by Ms. Nagashima, it was voted on and unanimously carried based on the information provided, the use of lasers does not fall within the scope of practice for a massage therapist.

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.

7. Old Business: a. Inquiry regarding whether a licensed massage therapist is able to use a peddler's permit to establish a massage business and if a peddler's permit allows a licensed/unlicensed massage therapist to offer services at open/farmer's markets

Vice Chair Scott stated that the peddler's permit is not designed to circumvent the massage therapy laws or to be used in lieu of a massage establishment license.

Ms. Nagashima asked if the Board would be informed if any massage therapists receive a peddler's permit.

EO Nichols said no, as the peddler's permits are not within the Board's purview.

After further discussion, upon a motion by Chair Wilson, seconded by Mr. Davis, it was voted on and unanimously carried that a peddler's permit

may not be used in lieu of a massage establishment license to establish a massage business. To practice massage in this state requires a current Hawaii massage therapist license and may require a massage establishment license pursuant to the Board's statutes and rules.

b. Department of Health proposed legislative bill – Massage Establishments

EO Nichols reported that he has not received additional information regarding the proposed Department of Health bill regarding inspection of massage establishments.

c. Rule Revisions – Title 16, Chapter 84, Hawaii Administrative Rules

After some discussion, the Rules Investigative Sub-Committee which consists of Chair Wilson and Ms. Nagashima, agreed to present a status report to the Board at its next meeting.

9. Next Meeting: Wednesday, April 24, 2013
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

10. Adjournment: With no further business to discuss, Chair Wilson adjourned the meeting at 10:20 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Kenyatta Nichols

Mr. Kenyatta Nichols
Executive Officer

2/13/13

[] Minutes approved as is.

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