

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, April 30, 2014
- Time: 9:00 a.m.
- Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813
- Present: Olivia Nagashima, Massage Therapist, Chair
George Davis, Jr., Massage Therapist, Vice Chair
Stephanie Bath, Massage Therapist
Laura Chock, Public Member
Rodney J. Tam, Deputy Attorney General ("DAG")
Lee Ann Teshima, Executive Officer ("EO")
Jennifer Fong, Secretary
- Guests: Arlene Estrella, American Massage Therapy Association ("AMTA") Hawaii
Anne Fritz, AMTA Hawaii
Char Young, AMTA Hawaii
- 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").
- There being a quorum present, the Chair called the meeting to order at 9:03 a.m.
- The Chair noted that EO Kenyatta Nichols is no longer with the Department and introduced Ms. Teshima as the Board's temporary EO. She also welcomed the Board's new industry member, Stephanie Bath.
- The Chair read HRS §92-3 Open meetings and HAR §16-84-39 Oral testimony. Upon a motion by the Vice Chair, seconded by Ms. Bath, it was voted on and unanimously carried to add the following item to the agenda:
- Additions/Additional Distribution: Upon a motion by the Vice Chair, seconded by Ms. Bath, it was voted on and unanimously carried to add the following application to the agenda:

Additions:

6. Applications

b. Applications

Exam & License – Massage Therapist

viii. Douglas Fredrickson

The Chair announced that the following agenda item had additional distribution:

Additional Distribution:

6. Applications

b. Applications

Exam & License – Massage Therapist

ii. Michelle Jung – Request for Exam Waiver (License Forfeiture)

Approval of Minutes of
the January 29, 2014
Meeting:

Upon a motion by Ms. Chock, seconded by the Vice Chair, it was voted on to approve the minutes of the January 29, 2014 meeting as circulated with the Chair, the Vice Chair and Ms. Chock voting "yes" and Ms. Bath abstaining stating that she was not present at the January meeting. The motion is passed.

Executive Officer's
Officer's Report:

2014 Legislative Session – SB 2376 Relating to Advertising – Bill Status Report

The EO reported that this bill failed to move through the Legislature and asked if the Board knew the basis for the bill since the massage law already addressed massage advertising of body parts.

The DAG replied that the Attorney General's Office had opined a long time ago that HRS §452-23(a)(4) was unconstitutional.

Ms. Bath questioned why massage is the only healthcare profession to have advertising limitations in their statute. She noted other professions such as chiropractors, naturopathic physicians and physical therapists do not have the same limitations. She suggested that this may be an issue for the Board to look into.

Inquiry – Is an MAT required to drape a client?

The EO reported that she received a phone call from an MAT who wanted to know if they were required to drape a client and if so, what statute/rule states this.

The Chair stated that it is a violation of the code of ethics.

The EO asked which code of ethics and if the Board has adopted a code of ethics.

The Chair said no, however, both the AMTA and the National Certification Board for Therapeutic Massage & Bodywork ("NCBTMB") have code of ethics.

The EO said the Board may want to consider reviewing the available code of ethics and adopting one or both of them.

Ms. Bath pointed out that sometimes a client may have a condition where no draping is necessary.

The Vice Chair said that if a client requests no draping, it is up to each individual therapist to use their judgment as far as accommodating the client's wishes. They always have the right to refuse service.

Ms. Bath said she feels the situation must be comfortable for both the therapist and the client.

After further discussion, it was the consensus of the Board that the massage laws and rules do not specify whether a massage therapist is required to drape a client.

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.

Unfinished Business: **Rule Revisions – Title 16, Chapter 84, Hawaii Administrative Rules – Draft #2**

The Chair noted that this discussion was deferred from the January 29, 2014 meeting, however, with the addition of Ms. Bath, she is recommending that the discussion be deferred until the next meeting to allow Ms. Bath time to review the draft.

Members of the audience representing the AMTA asked if they could receive a copy of the draft the Board was reviewing.

The DAG stated that normally the public will have an opportunity to provide comments/recommendations later on in the rules adoption process.

The EO stated that she would prefer that the AMTA and other interested parties provide their comments and recommendations now instead of later. A copy of the draft was provided to the AMTA representative.

Ms. Bath asked if the Board could also make revisions to HRS Chapter 452.

The EO stated that any revisions to HRS Chapter 452 would require legislation. If the bill is coming from the Board, it would be considered an administration bill and in general, all administration bills must be complete and ready to submit by summer as they must be approved by the department as well as the Governor's office. She recommended that the board members review the statute to see if there is anything they feel must be amended. She cautioned that when drafting a bill, the Board must be careful because submission of a bill opens up the entire practice act to change.

Executive Session:

At 9:44 a.m., upon a motion by the Vice Chair, seconded by Ms. Chock, it was voted on and unanimously carried to move into Executive Session in accordance with HRS, 92-5(a)(1) and (4), "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".

At 10:47 a.m., upon a motion by the Vice Chair, seconded by Ms. Chock, it was voted on and unanimously carried to move out of executive session.

Applications:

Ratification List

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

Applications

Exam & License – Massage Therapist

Kari Simmers – Military Spouse Request for Exam Waiver

Upon a motion by the Vice Chair, seconded by Ms. Bath, it was voted on and unanimously carried to and unanimously carried to defer decision on Ms. Simmers' request for exam waiver pending receipt of additional documents from Ms. Simmers.

Michelle Jung – Request for Exam Waiver (License Forfeiture)

Upon a motion by the Chair, seconded by the Vice Chair, it was voted on and unanimously carried to deny Ms. Jung's request for exam waiver on the basis of §452-16, HRS.

David Clark – Request for Exam Waiver (License Forfeiture)

Upon a motion by the Chair, seconded by Ms. Chock, it was voted on and unanimously carried to defer decision on Mr. Clark's request for exam waiver pending receipt of additional documents from Mr. Clark.

Kelsey Duke
Jamie-Lee Seden

Upon a motion by the Chair, seconded by the Vice Chair, it was voted on and unanimously carried to approve the applications for Ms. Duke and Ms. Seden.

Chelsea Thrasher

Upon a motion by the Chair, seconded by the Vice Chair, it was voted on and unanimously carried to defer Ms. Thrasher's application subject to receipt of additional information and to delegate to the EO that upon receipt of information, to approve Ms. Thrasher's application.

Suzanne Remington – Military Spouse Request for Exam Waiver

Upon a motion by the Chair Nagashima, seconded by Ms. Chock, it was voted on and unanimously carried to approve Ms. Remington's request for exam waiver.

Douglas Fredrickson

Upon a motion by the Chair, seconded by the Vice Chair, it was voted on and unanimously carried to approve Mr. Fredrickson's application for massage therapist exam and license.

Delegation to the EO

After some discussion, upon a motion by the Chair, seconded by the Vice Chair, it was voted on and unanimously carried to delegate to the EO to approve applications that meet the following:

- One (1) "Driving Under the Influence" ("DUI") conviction;

- No other convictions; and
- Applicant has complied with all court imposed sanctions, including but not limited to payment of fines, etc.

Next Meeting: The EO stated that the Board's next meeting is currently scheduled for Wednesday, June 25, 2014, however, she will be out of town and asked the Board members if they wanted to cancel or reschedule the meeting.

After some discussion, it was the consensus of the Board to change the June meeting to Wednesday, June 4, 2014.

Wednesday, June 4, 2014 – New Date
9:00 a.m.
Princess Likelike Conference Room – New Room
King Kalakaua Building
335 Merchant Street, **Third Floor**
Honolulu, Hawaii 96813

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 11:00 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Lee Ann Teshima

Lee Ann Teshima
Executive Officer

5/8/14

[] Minutes approved as is.

[✓] Minutes approved with changes; see minutes of June 4, 2014.

BOARD OF MASSAGE THERAPY

RATIFICATION LIST
Wednesday, April 30, 2014

MASSAGE THERAPIST

| | |
|---------------------------------------|---------------------------------|
| MAT 13673 ALAN C ALEJANDRO | MAT 13714 MIKI MALLORY |
| MAT 13674 MARLEN J RESIWAIN | MAT 13715 KELLY L MEKONENN |
| MAT 13675 JODI K HIRANAKA | MAT 13716 GINA C Y ON |
| MAT 13676 JEONGWON SHIN | MAT 13717 DANIELLE M PACIFIC |
| MAT 13677 SANDY M JANSEN | MAT 13718 JORDAN PARIS |
| MAT 13678 CAROLINE R GIPPLE | MAT 13719 JESSE J PEDGINSKI |
| MAT 13679 HAILEY L JOHNSON | MAT 13720 STEPHANIE ROBINS |
| MAT 13680 GEOFF S EATON | MAT 13721 MELANIE MOANA |
| MAT 13681 CARLO G CAYETANO | MAT 13722 FRANCOIS L TORRES |
| MAT 13682 ARUNRAT RYCHLIK | MAT 13723 STERLING P CORIA |
| MAT 13683 MADALYNE BOOTH | MAT 13724 BRITNI L BROOKS |
| MAT 13684 MAKOTO YABE | MAT 13725 VALYNN D KWON |
| MAT 13685 KELLY L MAHON | MAT 13726 STAR BROWN |
| MAT 13686 JESSICA M WOOD | MAT 13727 CODY H MIYAMOTO |
| MAT 13687 PEGGY T SUN | MAT 13728 SELINA T BLACKWELL |
| MAT 13688 DANIELLE E ODONNELL | MAT 13729 SAYAKA O BUEHRING |
| MAT 13689 JULIE DAGENAIS | MAT 13730 SHAREA O WADDLE |
| MAT 13690 DEREK J SIMONS | MAT 13731 MAHINAPIHA VENTURA |
| MAT 13691 GAVIN R HUGHES | MAT 13732 SANDY C RATONEL |
| MAT 13692 JOCELYN C WOLFE | MAT 13733 DEBORAH A BONELLI |
| MAT 13693 MARI K DILLER | MAT 13734 RAYEL WYATT-SUNFELLOW |
| MAT 13694 MAELALAINE DEAN | MAT 13735 RIE YUKIHIRO |
| MAT 13695 MERCEDES MINOUX | MAT 13736 TRACY L STRIGGLE |
| MAT 13696 TYLER J HANLIN | MAT 13737 KURT E MASON |
| MAT 13697 LYANNE K BINKAUSKI | MAT 13738 PEI JU HSU |
| MAT 13698 GERALD P FOURNIER | MAT 13739 MABEL C P WU |
| MAT 13699 LAMA WANGCHUK | MAT 13740 JANICE H FUKUDA |
| MAT 13700 SOPAWAN PHUAKTAI | MAT 13741 LAURA M BRODRICK |
| MAT 13701 MELISSA N MCCARROL | MAT 13742 WADE M HASHIMOTO |
| MAT 13702 RYAN A SHARP | MAT 13743 SUWAPHA S BASZKIEWICZ |
| MAT 13703 NATALIE J LUCZON | MAT 13744 TABITHA L GIOIMO |
| MAT 13704 SATOMI N WON | MAT 13745 JEREMIAH J M F VALDEZ |
| MAT 13705 MIKA Y ALDAN | MAT 13746 MIEKO OCHSNER |
| MAT 13706 TAKIKO BERSCH | MAT 13747 TILSSA R STITH |
| MAT 13707 CROSLYNN S M BACLAAN-KANUHA | MAT 13748 CATHY BLISS |
| MAT 13708 DEANNA A M BROWELEIT | MAT 13749 AYAKO KAWAKAMI |
| MAT 13709 JOANNA J HUTCHINS | MAT 13750 JOE L GUTIERREZ |
| MAT 13710 TIMOTHY A HOGAN | MAT 13751 EVA J HALLVIK |
| MAT 13711 DAVIANN G JOSEPH | MAT 13752 GINA M SNOWDEN |
| MAT 13712 SARAH E KANNON | MAT 13753 AMY K PENNINGTON |
| MAT 13713 BRIANA R LEBARD | MAT 13754 RODEL C CLAROS |

MASSAGE THERAPIST (continued from previous page)

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|-------------------------------|--------------------------------|
| MAT 13755 MARK K NAONE | MAT 13778 MARIAH E FULLMER |
| MAT 13756 KELLY K MARLIN | MAT 13779 RACHEL M FERGUSON |
| MAT 13757 VIVIAN K SAMURA | MAT 13780 JOSIEFINE M SEGUNDO |
| MAT 13758 BLAKE T MATAOA | MAT 13781 ERWIN-IAN A GARCIA |
| MAT 13759 MANUEL D BAEZ JR | MAT 13782 ATCHARAPORN YAMADA |
| MAT 13760 LACEY A CURTIS | MAT 13783 CHELSEE J LARGO |
| MAT 13761 FANGLIN A SAKISAT | MAT 13784 SHEREEN L KAILI |
| MAT 13762 SHIRLEY A RODRIGUES | MAT 13785 GENJI MORIYA |
| MAT 13763 WILLIAM L JOHNSON | MAT 13786 KRISSANA SCOTT |
| MAT 13764 CHRISTINA L SPOONER | MAT 13787 LYNSA P NGUYEN |
| MAT 13765 KYLA M WAYAS | MAT 13788 MAKI M GARCIA-DEAKIN |
| MAT 13766 MARY ANN F REPOLLO | MAT 13789 LAUREN J SYKES |
| MAT 13767 DOUG R BRYANT | MAT 13790 BOONSONG SOMJIT |
| MAT 13768 CYNTHIA A MAY | MAT 13791 NANCY WONG |
| MAT 13769 CHRISTY TAYLOR | MAT 13792 JENNIFER I KING |
| MAT 13770 JACOB P TURNER | MAT 13793 FOINUU FOLAUOO |
| MAT 13771 CARLYNN P TURNER | MAT 13794 DAVID HIRONAKA |
| MAT 13772 ARIEL M NELSON | MAT 13795 TERESA FIELD |
| MAT 13773 SAWA KATO | MAT 13796 SAGE M KAONOHU |
| MAT 13774 HANS C HEINZ | MAT 13797 ANTHONY B ORTIZ |
| MAT 13775 CHIE MATSUOKA | MAT 13798 MARIA F BARTON |
| MAT 13776 JENNIFER L KAM | MAT 13799 EMILY R PRESLEY |
| MAT 13777 MAYUMI HARRIS | MAT 13800 CAITLIN M TERRELL |

MASSAGE THERAPY ESTABLISHMENT

MAE 2923 HEARTS & STARS SALON LLC
MAE 2924 JILL POMI
MAE 2925 PARACOM INC
MAE 2926 GILDERSLEEVE INVESTMENT GROUP INC
MAE 2927 PHI T NGUYEN
MAE 2928 VEGEFRU SUPPORT INC
MAE 2929 HOME PLANNER HAWAII INC
MAE 2930 HENRY E STROZIER
MAE 2931 A&M INTERNATIONAL INC
MAE 2932 AFFORDABLE MASSAGE LLC
MAE 2933 JA BEAUTY INC
MAE 2934 TRANQUILITY BEAUTY AND WELLNESS LLC
MAE 2935 HAWAII ACUPUNCTURE SERVICE LLC
MAE 2936 ISLAND ACQUISITIONS KAPALUA LLC

MASSAGE THERAPY ESTABLISHMENT (continued from previous page)

MAE 2937 TOPP THAI MASSAGE LLC
MAE 2938 AQUA HAWAII INC
MAE 2939 THAI PATTAYA MASSAGE LLC
MAE 2940 CASTLE MEDICAL CENTER
MAE 2941 INTUITIVE MASSAGE THERAPY LLC
MAE 2942 NIKI BRYAN SPAS INTERNATIONAL LLC
MAE 2943 PHONESAVANH YONEMURA
MAE 2944 JUSTIN B AVERY
MAE 2945 ZEN SPA LLC
MAE 2946 DR & MH HAWAII LLC
MAE 2947 JENNIFER J CAREY
MAE 2948 MASSAGE BY DEAN LLC

MASSAGE THERAPY WORKSHOP

| | |
|--|--------------------------------|
| Darren Tominaga, MAT 5578 Darren R. Tominaga, MAE 2814 | March 10, 2014 – June 14, 2014 |
| Darryl Young, MAT 11332 Matthew Akama, MAT 11622 Bella Torre Academy, Inc., MAE 2658 | April 14, 2014 – June 9, 2014 |
| Michael Aquino, MAT 808 Massage & Bodywork, MAE 2873 | May 1, 2014 – June 30, 2014 |