

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, January 28, 2015
- 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, Chairperson
George Davis, Jr., Massage Therapist, Vice-Chairperson
Stephanie Bath, Massage Therapist
Rodney J. Tam, Deputy Attorney General ("DAG")
Carlos Keen, Executive Officer ("EO")
Jennifer Fong, Secretary
- Guests: Jen Lee
Arlene Estrella, American Massage Therapy Association ("AMTA") Hawaii
Mathew Pardini, Hawaii Massage Association ("HMA")
Atara Pardini, HMA
Melvin G. Mason, Jr.
Michelle McKeon
- Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Hawaii Revised Statutes ("HRS") section 92-7(b).
1. Call to Order: There being a quorum present, the Chairperson called the meeting to order at 9:09 a.m.
2. Additions/
Additional
Distribution
to Agenda: None.

3. Approval of Minutes of the October 29, 2014 Meeting: Upon a motion by the Vice-Chairperson, seconded by Ms. Bath, it was voted on and unanimously carried to approve the minutes of the October 29, 2014 meeting as circulated.
4. Chair's Report: The Chairperson had no issues to report.
5. Vice Chair's Report: The Vice-Chairperson had no issues to report.
6. Executive Officer's Report: Regarding Prometric's request to update the content of the Hawaii massage therapy examination, the EO reported that he had received a list of reference materials currently used to teach massage students from some of the Hawaii licensed massage schools. He noted that at the last meeting, the Chairperson had asked him to find out if Prometric had updated the exam after a similar review in 2010. He was told that as a result of the 2010 review, the exam was updated in 2011, however, due to a high pass rate, Prometric is requesting that the exam content be reviewed again.

The Chairperson asked what the pass rate is.

The EO said 67%.

The Board asked the EO to find out why Prometric believes 67% to be a high pass rate and if there are other factors involved in requesting the review.

The EO reported that the 2015 legislative session recently started. There is already one bill, H.B. No. 787, pertaining to massage. He reminded the Board that hearing notices can be posted as late as twenty-four (24) hours prior to the hearing and they will need to designate a member to represent them at legislative hearings.

This matter was deferred to the end of the meeting.

Executive Session:

At 9:16 a.m., it was moved by Ms. Bath, seconded by the Vice-Chairperson, and unanimously carried to move into Executive Session in accordance with HRS section 92-5(a)(4) "[t]o 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

- 7. New Business, a. Questions about agenda items and testimony from public;

- 8. Unfinished Business, a. Complaint from Gerald Lam regarding Lomilomi; Response from the Regulated Industries Complaints Office (“RICO”); Gerald Lam’s Response to RICO;
- 9. Applications, b. Applications (Kristie Kikkert/ River Rudhe)

At 9:45 a.m., it was moved by the Vice-Chairperson, seconded by Ms. Bath, and unanimously carried to move out of executive session.

7. New Business:

a. **Questions about agenda items and testimony from public**

The DAG gave a brief summary of Ms. Bath’s e-mail inquiry in which she asked if the items on the agenda may be limited and whether comments from the public during the meeting may be limited or submitted only in writing or given as testimony.

The Chairperson stated that the Board’s annual meeting schedule is posted on its website and the meeting agenda is posted on the State calendar website at least six (6) calendar days before the meeting date. The meeting is open to the public. Anyone can submit a written request to include an item on the agenda or submit written comments on an item on the agenda. Oral testimony can also be given at the meeting.

8. Unfinished Business:

b. **Complaint from Gerald Lam regarding Lomilomi; Response from the Regulated Industries Complaints Office (“RICO”); Gerald Lam’s Response to RICO**

The DAG gave a brief summary of Mr. Lam’s letter regarding the practice of lomilomi under HRS chapter 452.

The Chairperson noted that the definition of “massage” in HRS chapter 452 only covers the physical practice, not any spiritual aspects, of massage therapy. HRS chapter 452 clearly includes “Hawaiian massage” and “lomilomi” within the scope of practice of massage therapists.

Mr. Mason said he feels that lomi is its own modality that involves spiritual, mental and emotional aspects and also includes and integration of hula and lua. He questioned why the Board cannot provide oversight and enforcement. He stated that he has seen many miracles and other significant events happen due to the energy of the islands. He feels the term “lomilomi” has been exploited and should not be used by someone just because they took a 3-5 day workshop.

According to his letter, Mr. Lam considers lomilomi to be more of a spiritual practice than a physical practice and asserts the following:

1. Licensed Massage Therapists (“LMTs”) advertising and practicing lomilomi commonly violate the massage licensing law;
2. LMTs advertising and practicing lomilomi are misrepresenting themselves and defrauding consumers;
3. LMTs practicing lomilomi must be medically licensed, or certified as statutorily exempt from medical licensing;
4. Licensing massage therapists for lomilomi is unconstitutional and violates the fundamental rights of traditional Native Hawaiian healing practitioners;
5. LMTs advertising and practicing lomilomi that lack Hawaiian ancestry are in violation of state laws;
6. LMTs advertising and practicing lomilomi violate cultural ethics and social propriety exposing themselves and conspirators to tort liability.

The Council is requesting that LMTs be immediately ordered and directed to cease all advertisements, representations and practice of “Hawaiian massage commonly known as lomilomi” and that the public be promptly notified that licensed massage therapists are prohibited from practicing the Native Hawaiian traditional practice of lomilomi, and that such spiritual practice is not subject to authorization and regulation by the Board of Massage Therapy.

The DAG noted that when the Board discussed Mr. Lam’s letter at their last meeting, the Board members commented that they can only respond based on what is in their statutes and rules. The definition of “massage” does not address any spiritual aspect, only the physical practice, of massage therapy. The bottom line is that with regards to the physical practice of massage, lomilomi is a type of massage modality. He asked Mr. Mason to describe what the physical definition of “lomilomi” is to him.

Mr. Mason stated that he believes that lomilomi is 80% spiritual and 20% physical. The physical aspect involves manipulation of muscle, tissue and bone; however, there is a descriptive point to every sequence that is based on genealogical ties.

The Chairperson noted that the statutes and rules are very broad and cover as many modalities as possible. While the Board respects the Hawaiian community, the statutes and rules do not address a massage therapist’s use of prayer, meditation, chants, music, and other types of external enhancements to a physical massage. Thus, the Board believes that matters beyond the physical performance of massage (including the use of external enhancements) are outside the Board’s jurisdiction. Consequently, the Board does not believe

that the use of external enhancements by a licensed massage therapist violates any of the provisions of HRS chapter 452.

Mr. Mason noted that true lomilomi is a dying art. Kupunas are dying so the art is dying with them. He questioned why the law is vague.

The DAG stated that the law is established by the Legislature and the Legislature included "Hawaiian massage" and "lomilomi" within the scope of practice of massage therapists and made the definition broad. He noted that the purpose of the Board is to ensure public protection and that licensees meet the minimum qualifications required. The Board can only implement the law as it is. He asked if anyone else in the audience wanted to describe what they consider to be the physical aspect of lomilomi.

Ms. McKeon stated that she is a licensed massage therapist and also a cultural practitioner of lomilomi. She took intense training in lomilomi at Hale Makua. She feels the public perception of lomilomi is that it involves longer strokes and biomechanical waves.

Ms. Pardini said from a public standpoint, she feels that providers should be certified. She cited an example of someone claiming to be a Rolfing teacher without proper training.

Ms. McKeon commented that every ahupua'a had its own practitioner. Each practitioner was taught a different way. The techniques were handed down from generation to generation.

Based on the comments from the public and Board members, the physical practice of lomilomi is similar to a Swedish type of massage (i.e., the strokes are similar).

The Chairperson stated that the Board can only govern what is in its statutes and rules, and does not allow them to make any determinations based on intent. Each individual's intent may be different depending on their training, lineage and so forth. The Board cannot govern that.

The DAG thanked the audience for their input. He reiterated that the Board can only respond based on what is in their laws and rules, therefore, they are bound by the definition in the law. The spiritual aspect of the modality is not covered, so that is beyond the Board's jurisdiction. He also stated that the Board's laws and rules do not limit the practice of massage based on race or ancestry and thus, do not discriminate against any licensee.

By consensus, the Board asked the EO to draft a response to Mr. Lam that expressed the above in more detail.

The Board agreed that their response is an informal interpretation for informational and explanatory purposes only and is not an official opinion or decision.

9. Applications:

a. Ratifications

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

b. Applications

- Kristie Kikkert

Upon a motion by the Vice-Chairperson, seconded by Ms. Bath, it was voted on and unanimously carried to approve Ms. Kikkert's application for massage therapist license.

- River Rudhe

Upon a motion by Ms. Bath, seconded by the Vice-Chairperson, it was voted on and unanimously carried to approve Mr. Rudhe's application for massage therapist license.

At this time, the Chairperson announced she was taking the agenda out of order to resume discussion on the following agenda item:

- 6. Executive Officer's Report

6. Executive Officer's Report:

After some discussion, it was the consensus of the Board that for the 2015 Legislative session, the Chairperson will be the Board's official representative and the Vice-Chairperson will be the alternate.

The Board returned to its regular order of business.

10. Next Meeting:

Wednesday, April 29, 2015
9:00 a.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

11. Adjournment: With no further business to discuss, the Chairperson adjourned the meeting at 10:41 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Carlos Keen

Carlos Keen
Executive Officer

2/26/15

Minutes approved as is.

Minutes approved with changes; see minutes of _____.

BOARD OF MASSAGE THERAPY

RATIFICATION LIST

Wednesday, January 28, 2015

MASSAGE THERAPIST

MAT 14058 JOSEPH K MANUIA
MAT 14059 CHALEI VANNATTA
MAT 14060 SHANICE K L TEIXEIRA
MAT 14061 DAVID RYSKA
MAT 14062 STACEY N OBRA
MAT 14063 CHARLES K ARQUETTE
MAT 14064 CHELSEA-RAE C MARTOS
MAT 14065 ROBERTO WHARTON
MAT 14066 KIMBERLY L MCCARTNEY
MAT 14067 JOSEPH A MCGUIGAN
MAT 14068 MELISSA L MCCARTHY
MAT 14069 NARA SANSONE
MAT 14070 CARMEN J HOLMES
MAT 14071 MARCEL V CLOUTIER
MAT 14072 SOOKYUNG LEE
MAT 14073 JUNKO KATEKARU
MAT 14074 TRACY D JORGENSON
MAT 14075 FABIANA F ATWOOD
MAT 14076 STACI K KAHAKUI-WILSON
MAT 14077 MELINDA L BALICAO
MAT 14078 SAMUEL W COOK
MAT 14079 GINA L ROSSI
MAT 14080 JAIME LEIGH K SALLE
MAT 14081 CHUCK A MILLER
MAT 14082 ALISON K SEIDL
MAT 14083 CHRISTINA S FITZGERALD
MAT 14084 MIWA MAREELS
MAT 14085 EMILY S WAMPLER
MAT 14086 SKYLER W LOUIS-WORKMAN
MAT 14087 SHIE FUJIMORI
MAT 14088 SARAH E AGATE
MAT 14089 CIARA N BOGGS
MAT 14090 CHERI K NASHIWA
MAT 14091 THANANYA OWENS
MAT 14092 CHIEMI KNUITSEN
MAT 14093 YANN C TRIVIDIC
MAT 14094 MIKI HOLT
MAT 14095 ALEXANDRIA R MOLES
MAT 14096 JESSICA M BENDER
MAT 14097 DION N GARCIA
MAT 14098 ANGELA W YANG

MAT 14099 TYZELLE R MERICLE
MAT 14100 PATRICIA A EMSLIE
MAT 14101 MAUREEN D BOKSA
MAT 14102 LAURA THUERWACHTER
MAT 14103 JACQUELINE AHUMADA BUSTOS
MAT 14104 RYAN V JOHNSON
MAT 14105 MAKI A MIZOGUCHI
MAT 14106 WATCHARA W LATHAN
MAT 14107 SAMANTHA A GRAY
MAT 14108 NATASHA R CASAREZ
MAT 14109 WARAPORN RIVERA
MAT 14110 HAI J PENG
MAT 14111 ELIZABETH J ARANDIA
MAT 14112 SHOKO YOSHII
MAT 14113 CHRISTINA M TEJCHMA
MAT 14114 EVA S BLUM
MAT 14115 ASHTON K AKI-FURTADO-WHITE
MAT 14116 IMANILYNNE A SABATINI PACHECO
MAT 14117 AMANDA C PIERSON
MAT 14118 REBECCA J DANIEL
MAT 14119 KANA H NASH
MAT 14120 JERRY I ZIEMER
MAT 14121 CELESTE MANDALA
MAT 14122 KARI A BRANSON
MAT 14123 TYLER J REIHER
MAT 14124 IBRAHIM D LOEKS
MAT 14125 DESIREE TURNER
MAT 14126 MARIA C M REMOS
MAT 14127 KATIE R PLISS
MAT 14128 PETER KIMMISH
MAT 14129 HEATHER L TANIS
MAT 14130 LINDSAY N HAYES
MAT 14131 MELISSA A HALL
MAT 14132 YAOWALAK YODSIRI
MAT 14133 CHASE N STASNEY
MAT 14134 REYNOLD S L WONG
MAT 14135 I NAM NELSON
MAT 14136 CHARLES A DAWES
MAT 14137 MIZUHOI WILLIAMSON
MAT 14138 JULIE A WATTS
MAT 14139 KATY ROURKE

MASSAGE THERAPIST (continued from previous page)

MAT 14140 JOHN J REARDON	MAT 14158 MELINDA M WALLACE
MAT 14141 TERESA ANN PRICE	MAT 14159 MIKI C SATO
MAT 14142 OLGA PETRI	MAT 14160 ALIZABETH K HIILIHEMA ROSE
MAT 14143 ASAMI OPPATA	MAT 14161 JAYLENE K HAMILTON
MAT 14144 YUMIE NAKAYAMA	MAT 14162 JERI EL-SWAIFY
MAT 14145 NARITA SAN T MEANA	MAT 14163 ANDREW H DENNY
MAT 14146 NOBUKO MENJO	MAT 14164 JOSEPH AHQUIN
MAT 14147 JOSHUA K LONG	MAT 14165 RATANA AORNLAMAI
MAT 14148 JARED J LOJESKE	MAT 14166 ELOISE K WEBB
MAT 14149 JESSICA C LIN	MAT 14167 AMANDA L JARVIS
MAT 14150 MONICA F LEFLER	MAT 14168 KRISTEN N SANTIAGO
MAT 14151 RENEE S HOLLISON BETAMOUR	MAT 14169 SAMUEL J SANDERS
MAT 14152 BERNADETTE GUTIERREZ	MAT 14170 PIPER HALFEN
MAT 14153 NORIKO PABLO	MAT 14171 RANSON T ALMONTE
MAT 14154 DEZIRE A MONIZ	MAT 14172 ALBERT J MARTINI III
MAT 14155 SANAE IGARASHI	MAT 14173 ASHLEY N HARMS
MAT 14156 LAURA C ANDERSON	MAT 14174 JANICE YAMADA
MAT 14157 YONAMI ASAKURA	MAT 14175 SPIRIT ACLADACH

MASSAGE THERAPY ESTABLISHMENT

MAE 3009 RESORTTRUST HAWAII LLC	MAE 3018 ALOHA ACUPUNCTURE & WELLNESS INC
MAE 3010 STUDIO CHIROPRACTIC LLC	MAE 3019 THAI ALOHA MASSAGE LLC
MAE 3011 SMILES NAILS INC	MAE 3020 NATURE CARE INC
MAE 3012 MOANA SALON AND DAY SPA INC	MAE 3021 SESAME R UNLU
MAE 3013 BARONESA LLC	MAE 3022 THAI-ISSAN THERAPEUTIC MASSAGE LLC
MAE 3014 REGINA M CRISTINO-SIMMONS	MAE 3023 LINDA M ALIMBOYOGUEN
MAE 3015 INFINITY WELLNESS LLC	
MAE 3016 MICHAEL S MUKAIDA	
MAE 3017 PAUL A VENTURA	

MASSAGE THERAPY WORKSHOP

Malay Kimura, MAT 4616 The Massage Way, Inc., MAE 1688	November 10, 2014 – December 19, 2014
Michael Aquino, MAT 12210 808 Massage and Wellness, MAE 2873	August 5, 2014 – October 5, 2014
Janet Deal, MAT 10691 Janet L. Deal dba Deal Massage, MAE 2919	February 2, 2015 – March 28, 2015