

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

MINUTES OF MEETING

Date: Wednesday, August 10, 2016

Time: 9:00 a.m.

Place: King Kalakaua Conference Room (**New 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
Paula Behnken, Public Member
Rodney J. Tam, Deputy Attorney General (“DAG”)
Carol Kramer, Executive Officer (“EO”)
Jennifer Fong, Secretary

Guest: Ruben Siouxson

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 Nagashima called the meeting to order at 9:05 a.m.

2. Additions/
Additional
Distribution
to Agenda:
 - Under 6. a. Email from RICO regarding an MAE license – Excerpts from the Board of Massage Therapy Minutes of Meeting for 2/7/07, 4/4/07 and 10/1/08.

 - Under 6. b. Letter from Marguerite Pennington requesting to accept her program as an approved school – Emails from Kapana Thronas-Kahoonei, Anne Skabo and Lizabeth Harris

3. Approval of
Minutes of the
May 4, 2016
Meeting: Chair Nagashima asked if there were any corrections to the May 4, 2016 minutes. Ms. Bath noted that she had no corrections, however, she would like to clarify one of her statements in the minutes. On page 2, under “4. Executive Officer’s Report,

a. Legislation Update, 1) HB 2233”, the second paragraph states “The Board reviewed Ms. Bath’s follow up report, in which she stated that she had not come up with language at this time.” Ms. Bath would like to clarify that the reason she did not provide language was because in researching the issue, she did not feel it was appropriate to do so.

After some discussion, the following changes to the minutes were requested (underlined material added, while bracketed material is to be deleted):

- On Page 3, under “5. Unfinished Business, b. Hawaii Massage Exam”, the fourth paragraph should read “DAG [EO] Tam noted that as the pass/fail percentages are dependent on the candidates, the exam provider would not be able to adjust the content to change those percentages.”
- On Page 5, the first sentence of the second paragraph should read “Ms. Bath said she feels apprenticeships are problematic because some businesses solely for profit [business], and not to train apprenticeships.”
- On Page 7, the last sentence of the last paragraph should read “She noted that once the Board can come to an agreement on a full draft, the rules review process can begin.”

There being no further discussion or amendments to the minutes, Ms. Bath voted to approve the minutes of the May 4, 2016 meeting as amended. It was seconded by Ms. Behnken, voted on and unanimously carried.

4. Election of Officers: After some discussion, Ms. Behnken moved to nominate Vice Chair Davis as Chair. Ms. Bath seconded the motion. It was voted on and unanimously carried.

After some discussion, Vice Chair Davis moved to nominate Ms. Behnken as Vice Chair. Ms. Bath seconded the motion. It was voted on and unanimously carried.

5. Executive Officer’s Report: EO Kramer announced that this is Chair Nagashima’s last meeting as a board member. She presented Chair Nagashima with a certificate of appreciation and thanked her for devoting valuable time while serving on the Board.

EO Kramer reminded the Board that there will be an orientation for board members on Tuesday, August 30, 2016 from 8:30 a.m. to 12:30 p.m. at the State Capitol Auditorium. Topics to be discussed include Ethics in Government, the Sunshine Law, Contested Case Hearings, Administrative Procedures, Handling Complaints, and the Role of a Board/Commission Member. Ms. Behnken is already attending. If any other members are interested in attending, they should let her know as soon as possible.

EO Kramer reported that SB 2863 was signed into law as Act 146 by Governor Ige on June 29, 2016. A copy of Act 146 as well as the updated HRS Chapter 452 have been distributed to the board members.

6. Correspondence: a. Email from RICO regarding an MAE license

The Board reviewed an email from RICO regarding asking if Harry Frank dba Awakening Hands Bodywork needs a massage establishment (“MAE”) license. RICO attached a letter from Mr. Frank in which he states in part “The office sessions are primarily my mainland & local friends and the occasional Maui Guest from the B-units at the Mana Kai or Day’s Inn where the units are too small for a bodywork session. The Office: Out Call ratio is only 9.4%.”

Ms. Bath notes that a printout of Mr. Frank’s website states “Visit South Kihei Office”.

Ms. Behnken stated she feels because Mr. Frank advertises his office as an option and, thus, creates an expectation that he practices there, he should obtain an MAE license for the office location.

Chair Nagashima agreed.

DAG Tam also noted that his practice appears to fall within the definition of a “massage therapy establishment” under HRS section 452-1: “...premises occupied and used for the purpose of practicing massage therapy...”.

After some discussion, upon a motion by Ms. Behnken, seconded by Vice Chair Davis, it was voted on and unanimously carried that based on the information provided in Mr. Frank’s letter and website, it is the Board’s informal interpretation that a massage therapy establishment license would be required in order to provide massage therapy services at his office location.

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. Letter from Marguerite Pennington requesting to accept her program as an approved school

The Board reviewed Ms. Pennington’s request that “my new students be granted the same rights as my old ones have been”.

EO Kramer reported that previously, the Board agreed to accept the training and education of students taught by Ms. Pennington, provided the curriculum is in

accordance with Hawaii Administrative Rules (“HAR”) § 16-84-23 and also must be conducted in a licensed massage establishment or a Department of Education licensed school. EO Kramer noted that HAR § 16-84-23 is the section listing requirements for apprentices.

After some discussion, upon a motion by Ms. Behnken, seconded by Ms. Bath, it was voted on and unanimously carried that based solely on the information provided in Ms. Pennington’s letters, it is the Board’s informal interpretation to reaffirm its decision to accept the training and education of students taught by Ms. Pennington; provided that the curriculum satisfies the requirements of HAR § 16-84-23, and the training is conducted at a licensed MAE or a Department of Education licensed school.

With respect to the location of her MAE, the Board requested that EO Kramer inform Ms. Pennington that having an MAE in a doctor’s office is acceptable; provided that the applicant submits an agreement between the applicant and the owner/rental management company of the building (not between the applicant and the doctor they are subleasing the space from). Alternatively, the applicant could have the doctor apply for an MAE license with the applicant as the principal 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. Unfinished Business:

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

EO Kramer noted that the Rules Committee’s latest draft was provided to the Board last week.

Vice Chair Davis noted that the Rules Committee has completed proposed language up to Subchapter 4.

DAG Tam reminded the Board that currently the Rules Revisions Investigative Sub-Committee currently consists of Chair Nagashima and Vice Chair Davis, however, Chair Nagashima’s term will be ending soon.

After discussion, upon a motion by Ms. Behnken, seconded by Ms. Bath, it was voted on and unanimously carried to dissolve the Rules Revisions Investigative Sub-Committee (“Sub-Committee”) and delegating authority to Vice Chair Davis to continue working on the draft.

DAG Tam noted that Vice Chair Davis can consult with Chair Nagashima on the draft once her term is over.

By consensus, this matter was deferred to allow time for the draft to be reviewed by the members.

6. New Business: a. Shamanic Visionary Craniosacral Work

The Board reviewed a letter from Mana Jampa asking for written confirmation that he is not required to have a massage therapist ("MAT") license in order to perform "transformational sessions" which include "shamanic visionary craniosacral work". Mr. Jampa states that his sessions combine sensitive hands-on light touch with the meditative use of intuitive vision and heart-felt presence. There is no rubbing, stroking, tapotement, pressing, shaking, or kneading with the hands, feet, elbows or arms.

After some discussion, upon a motion by Vice Chair Davis, seconded by Ms. Behnken, it was voted on and unanimously carried that based solely on the information provided by Mr. Jampa, it is the Board's informal interpretation that "shamanic visionary craniosacral work" falls within the definition of "massage therapy" under HRS section 452-1 and therefore, this work would require a Hawaii massage therapist license.

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. Breast Massage and Draping

The Board reviewed an email from Barbara Heard in which she asks "Does Hawaii have any laws, rules or requirements governing either breast massage and/or draping?"

Vice Chair Davis said that there are currently nothing in the laws and rules regarding breast massage or draping, however, there is language in the proposed rules which address draping.

Ms. Bath said that she has previously performed lymphatic massage on women who have had mastectomies.

Vice Chair Davis noted that he feels that if a client comes in and requests no draping and both the client and the MAT agree, then it is okay.

After some discussion, upon a motion by Ms. Behnken, seconded by Vice Chair Davis, it was voted on and unanimously carried to inform Ms. Heard that the Hawaii laws and rules governing massage therapy do not specifically address breast massage and/or draping, however, as the Board is currently revising their

rules, if Ms. Heard has any recommendations or suggestions, she may submit them to the Board for consideration.

c. Cupping

EO Kramer stated that she is also the EO for the Board of Acupuncture and they were asking if cupping is also within the scope of practice of a massage therapist.

Chair Nagashima noted that the technique, which is used to manipulate soft tissue, is common in mainstream practice.

Ms. Behnken noted that Chair Nagashima is only referring to massage therapists using a cup applied to the skin and does not include the use of needles. She stated that massage therapists are not allowed to puncture skin.

After some discussion, upon a motion by Ms. Behnken, seconded by Vice Chair Davis, it was voted on and unanimously carried that based on the information provided, it is the Board's informal interpretation that cupping, in which cups are placed on the skin to create suction, falls within the definition of "massage therapy" under HRS section 452-1 and therefore, can be performed by a Hawaii massage therapist who is properly trained to perform this technique.

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.

9. Applications:

a. Ratifications

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

Chair Nagashima noted that the Board would be going into Executive Session. She asked Mr. Sioxson if he had any questions or concerns for the Board.

Mr. Sioxson stated that he decided to attend the meeting so he could speak to the Board about his application. He has a conviction in California and has provided a Hawaii criminal abstract and supporting documents but says that he has been notified that the California Penal Code prohibits an individual from giving a copy of their record to an unauthorized third party such as the Board. He asked the Board for advice.

DAG Tam noted that Mr. Sioxson's application was not on the agenda.

Upon a motion by Chair Nagashima, seconded by Vice Chair Davis, it was voted on and unanimously carried to add the following item to the agenda:

- Under 9. b. Applications – 2) Ruben Sioxon.

b. Applications

Executive Session:

At 10:10 a.m., it was moved by Vice Chair Davis, seconded by Ms. Bath, 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 10:24 a.m., it was moved by Vice Chair Davis, seconded by Ms. Behnken, and unanimously carried to move out of Executive Session.

1) Renee Ann LeFauve

Upon a motion by Vice Chair Davis, seconded by Ms. Behnken, it was voted on and unanimously carried to approve Ms. LeFauve to sit for the exam.

2) Ruben Sioxon

The Board suggested Mr. Sioxon try to obtain the following information to supplement his application:

- A letter from his probation officer that he has successfully completed his probation;
- Letters of support from the community (e.g. employers, teachers, pastors);
- A copy of the letter from California stating that he cannot provide his record to an unauthorized third party;
- A letter from him stating that the California conviction for evading a peace officer is his only conviction.

10. Chapter 91, HRS Adjudicatory Matters:

The Chair called for a recess from the Board's meeting at 10:24 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

- a. In the Matter of the Massage Establishment License of **Kauai In Home Therapy, MAS 2015-61-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

After discussion, it was moved by Ms. Behnken, seconded by Vice Chair Davis, and unanimously carried to approve the Settlement Agreement.

- b. In the Matter of the Massage Therapist License of **Sherona K. Cobb-Adams**, **MAS 2014-47-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

After discussion, it was moved by Ms. Behnken, seconded by Vice Chair Davis, and unanimously carried to approve the Settlement Agreement.

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 10:32 a.m. pursuant to Chapter 92, HRS.

11. Next Meeting: Wednesday, November 2, 2016
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

10. Adjournment: With no further business to discuss, Chair Nagashima adjourned the meeting at 10:35 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Carol Kramer

Carol Kramer
Executive Officer

9/1/16

Minutes approved as is.

Minutes approved with changes; see minutes of _____.

BOARD OF MASSAGE THERAPY

RATIFICATION LIST

Wednesday, August 10, 2016

MASSAGE THERAPIST

MAT 14734 ADRIAN K HOSE
MAT 14735 SARA E WRIGHT
MAT 14736 NICOMIS N BLALOCK
MAT 14737 VALERIE CARPENTER
MAT 14738 MIKAH L MATSON
MAT 14739 LAURA L MACKEY
MAT 14740 MISAKO MAKIHIRA
MAT 14741 HEATHER D DEMASS
MAT 14742 LEAH V YAMAOKA
MAT 14743 LILY S BARR
MAT 14744 PRESTON S BAIAC
MAT 14745 ROCHELLE RUSSEL
MAT 14746 JUSTIN V NAVARRETE
MAT 14747 KATHRYN E MILLER
MAT 14748 MARTHA S SPENCER
MAT 14749 ASHLEY GUTHRIE
MAT 14750 RIA C WACKER
MAT 14751 KAHANUKEOLA S AH PUCK
MAT 14752 SARAH S WAUGH
MAT 14753 BENJAMIN R WHITE
MAT 14754 JOLENE-JARIISE L MARIANO-HARDY
MAT 14755 DEJSHERON R ALSTON
MAT 14756 MICAH J K MONIZ
MAT 14757 ROBIN M GRABER
MAT 14758 LAURA A OWEN
MAT 14759 FRANCISSE M C TENGASANTOS
MAT 14760 LUBIS J FULLER
MAT 14761 SARA A ALDERMAN
MAT 14762 RICHARD C CACAL
MAT 14763 BREELYN DUPERTUIS
MAT 14764 JASMINE K CAMPBELL
MAT 14765 JOSHUA P BYRD
MAT 14766 YUMI HARRIS
MAT 14767 MONIKA S KERR
MAT 14768 MELISSA A EISENHART
MAT 14769 EMI DAVY
MAT 14770 JENNIFER B BENTATO
MAT 14771 CASSERLY R DANIELS
MAT 14772 TRAVIS J USINGER
MAT 14773 AARON C SIMON
MAT 14774 CHAD K ADOLPHO
MAT 14775 NAYELI ALCANTARA ESQUIVEL
MAT 14776 JOSHUA D HERSHEY
MAT 14777 ALYSSA M GHOLSON
MAT 14778 JACQUELINE S CHONG
MAT 14779 ALI M GUNDERSEN
MAT 14780 DOROTHY-JEAN MATTING
MAT 14781 TYLER L MAYO
MAT 14782 KHAMPHAN NORASING
MAT 14783 WHITNEY K DEROCHEMONT
MAT 14784 JESSICA C WOOD
MAT 14785 GIA NINKHAN
MAT 14786 STEPHEN J BUSLOVICH
MAT 14787 SUDIE B NOLAND
MAT 14788 NAOMI HARADA
MAT 14789 HOLLY HARRISON
MAT 14790 KELLY L DEAL
MAT 14791 MISATO MATSUOKA
MAT 14792 KEIKO NAKAMURA
MAT 14793 DUSTIN G MEZA
MAT 14794 JOHN E PLATA III
MAT 14795 FOREST K HORWATT
MAT 14796 YUWADEE ARAKAKI
MAT 14797 BUNTHITA MANORUANG
MAT 14798 MARSHALL SCOTT
MAT 14799 SHIORI TSUDA
MAT 14800 MAMI K KOVACS
MAT 14801 CHRISTINA WANG
MAT 14802 TORI T WAIALEALE-BATTAD
MAT 14803 YUKO K SEDLER
MAT 14804 SAYAKA SATO
MAT 14805 SHIN K OYA
MAT 14806 HONG THI NGUYEN
MAT 14807 YOAV Y MELAMED
MAT 14808 ZACHARY T MANDRYK
MAT 14809 ASHLEY L KENT
MAT 14810 LISA M JOHNSON
MAT 14811 NOREEN J JASSO BOWDEN
MAT 14812 YUKO HUNEKE
MAT 14813 SARAH E HALL
MAT 14814 CHISATO HABU
MAT 14815 SERENA FRARO
MAT 14816 APRIL C FOX
MAT 14817 ARLENE M FA
MAT 14818 MICHAELYN B ETRATA
MAT 14819 REBECCA F DILIBERTO
MAT 14820 HITOMI DEMURA-DEVORE
MAT 14821 LISA M COTE

MASSAGE THERAPIST (continued from previous page)

MAT 14822 MATTHEW M COCKEY	MAT 14846 CLAIRE W MUSKOPF
MAT 14823 STACEY M CAMPBELL	MAT 14847 MELISSA M ORR
MAT 14824 EIKA CAIN	MAT 14848 NATALIE PITCHER
MAT 14825 VENECIA L BATTAGLIA	MAT 14849 SARA K KENNEDY
MAT 14826 TINA M BARTSCH	MAT 14850 BEVERLY KOKI
MAT 14827 NOELANI I ANDERSON	MAT 14851 WENDIE S LINDSAY
MAT 14828 AYA ACUNA	MAT 14852 FRANCISCO C PONCE JR
MAT 14829 HANNAH E WHEELER	MAT 14853 KOROSETA S READ
MAT 14830 LING WALKER	MAT 14854 CHERRYLYN Y ROSETE
MAT 14831 NEIDY M PRADO	MAT 14855 MASAHARU SAIKI
MAT 14832 NATHATHAI CHANTASUWAN	MAT 14856 TIFFANI N L SAUNDERS
MAT 14833 ELLIE M GIBBENHUCK	MAT 14857 OLGA ZAGREBINA
MAT 14834 TIMOTHY Y ANDERSON	MAT 14858 THOMAS M RIVERA
MAT 14835 EUN Y BAEK	MAT 14859 KELLEY M RASCH
MAT 14836 CLAUDIA BRULLHARDT	MAT 14860 BRYCE A DAMASO
MAT 14837 BRUCE L K CHU	MAT 14861 MOLLY E FURGESON
MAT 14838 MIGUEL A DAZA SANABRIA	MAT 14862 ERIKA C M S MIZOKUCHI
MAT 14839 JING X DIETZ	MAT 14863 CARLA D MOORE
MAT 14840 TAILYNNE G FERWALT	MAT 14864 ASHLEY N MELTON
MAT 14841 IRMA L FLORES	MAT 14865 KATRYNA F FOSI
MAT 14842 SONG Y HAN	MAT 14866 HELENE S LOHR
MAT 14843 CINDY A HOLDEN	MAT 14867 DOUGLAS I DORIA
MAT 14844 KATHERINE E JAKIELSKI	MAT 14868 ANGELYN M ALLEN-ADAMS
MAT 14845 KRISTIN I MANNING	

MASSAGE THERAPY ESTABLISHMENT

MAE 3150 MAYA L SWINFORD	MAE 3163 SUMITRA V BARTON
MAE 3151 LAVILASH BY JANICE LLC	MAE 3164 BYUNGIN HAWAII ACUPUNCTURE CLINIC INC
MAE 3152 FIRST START THAI MASSAGE LLC	MAE 3165 INNESSENCE THERAPY LLC
MAE 3153 REBECCA LINCOLN-ROWSON	MAE 3166 RACHEL M FERGUSON
MAE 3154 LIEU THI PARKER	MAE 3167 ESPOIR USA CORPORATION
MAE 3155 ALOHA MASSAGE THERAPY LLC	MAE 3168 HALE LAPA'AU SKIN AND BODY LLC
MAE 3156 NORMAN K ARAKAWA	MAE 3169 A & M INTERNATIONAL INC
MAE 3157 KO OLINA FS HOTEL LLC	MAE 3170 KEVIN K L KISHIDA
MAE 3158 HI-MED THERAPEUTIC MASSAGE AND WELLNESS CLINIC	MAE 3171 BODY FIX LLLP
MAE 3159 MARCELLA D SMITH	MAE 3172 CUONG DANNY QUACH LAI
MAE 3160 MMK MAUI LP	MAE 3173 GWENDOLYN J SMYTH
MAE 3161 CANDI K MIRAFUENTES	MAE 3174 NAOMI K K SHEEN
MAE 3162 HIGH MAINTENANCE LLC	

MASSAGE THERAPY WORKSHOP

Beyond Bare Waxing Hawaii Inc., MAE 3125

Instructors: Darryl Young, MAT 11332
Mathew Akama, MAT 11622
Kauhi Hoopii, MAT 7404
Initial Course: 5/9/16 – 6/30/16

Aloha Massage Academy LLC, MAE 2828

Instructor: Angela Leslee, MAT 4052
Initial Course: 7/4/16 – 9/8/16

Janet L. Deal dba Deal Massage, MAE 2919

Instructor: Angela Leslee, MAT 4052
Initial Course: 7/1/16 – 10/8/16

Golden Lotus Spa, LLC dba Golden Lotus Studio, MAE 2659

Instructors: Janet Graves, MAT 2376
Carol Hart, MAT 6285
Isabelle Fisher, MAT 4520
Rodney Fisher, MAT 4228
Initial Course: 9/3/16 – 11/23/16

Bonnie L.H. Henshaw, MAE 2649

Instructor: Bonnie Henshaw, MAT 4324
Initial Course: 7/5/16 – 8/30/16

Sunshine Massage Therapy, LLC, MAE 3066

Instructor: Soon Ye Bang, MAT 9043
Initial Course: 7/25/16 – 8/13/16

Medical Massage, LLC, MAE 3129

Instructor: Tina Walters, MAT 11747
Initial Course: 9/1/16 – 11/10/16

Aloha Massage Academy LLC, MAE 2828

Instructors: Angela Leslee, MAT 4052
Serena Jarvis, MAT 10110
Initial Course: 9/19/16 – 11/25/16

Kapolei Massage Institute LLC, MAE 3146

Instructors: Lenora Carras, MAT 13303
Rani Hanohano, MAT 13429
Initial Course: 9/6/16 – 12/20/16

Noriko Sabatine, MAE 2709

Instructors: Daniel Tsukayama, MAT 12532
Celeste Magnani, MAT 12463
Christopher Paler, MAT 13160
Initial Course: 8/22/16 – 11/4/16

17 Massage LLC, MAE 3141

Instructor: Brian Nakatsu, MAT 11600
Initial Course: 8/11/16 – 10/15/16

Kalani Honua Inc., MAE 1816

Instructors: Amy Doff, MAT 6466
Daniel Albers, MAT 3409
Michael Ceraso, MAT 7464
Carrie Rowell, MAT 12307
Nile Curtis, MAT 12727
Initial Course: 9/12/16 – 10/21/16