

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

**MINUTES OF MEETING**

- Date: Wednesday, February 1, 2017
- Time: 9:00 a.m.
- Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813
- Present: George Davis, Jr., Massage Therapist, Chair  
Paula Behnken, Public Member, Vice Chair  
Stephanie Bath, Massage Therapist  
Samantha Meehan-Vandike, Massage Therapist  
Rodney J. Tam, Deputy Attorney General (“DAG”)  
Carol Kramer, Executive Officer (“EO”)  
Jennifer Fong, Secretary
- Guests: Arlene Estrella  
Anne Fritz  
Joel Marcos
- 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 Davis called the meeting to order at 9:05 a.m.
  2. Additional Distribution to Agenda: Chair Davis announced that additional distribution was given to the board members regarding the following agenda item:
    - 7. Applications, b. Applications, 2) Jennifer Ezell – additional documents from Ms. Ezell’s application were distributed.
  3. Approval of Minutes of the November 2, 2016 Meeting: Chair Davis asked if there were any corrections to the November 2, 2016 minutes. There were none.

Upon a motion by Vice Chair Behnken, seconded by Ms. Meehan-Vandike, it was voted on and unanimously carried to approve the minutes of the November 2, 2016 meeting as circulated.

4. Executive Officer's Report: a. Licensing Fee Increases

EO Kramer reported that on September 30, 2016, Governor David Ige signed the revised Hawaii Administrative Rules ("HAR") Chapter 53 which includes both new fees and increased license fees for many professions including massage therapy. The applications have been revised to reflect the new licensing fees.

5. Correspondence: a. Clarification of principal massage therapist's responsibilities

The Board reviewed an email from Debbe Evans requesting clarification of the responsibilities of the principal massage therapist at a licensed massage establishment. Ms. Evans noted that HAR §16-84-11(b) states "The principal massage therapist shall be responsible for the conduct of all massage therapists, apprentices, and any other persons affiliated or connected with the massage establishment while those persons are within the premises of the massage establishment." Ms. Evans is asking "Does the board truly mean to include activities that are not related to the act of massage but who happen to be working at the spa or licensed establishment? For example, the wording above might include the receptionist, cleaning personnel, the HVAC folks working on site, or licensed estheticians who have no activity or involvement in massage."

Chair Davis stated that he can see where licensees may get confused.

DAG Tam said that the language is clear that the principal massage therapist ("PMT") is responsible for the activity of anyone connected to the massage therapy establishment ("MAE") performing activities for the MAE. In Ms. Evans' example, this would include the receptionist. The PMT would not be responsible for cleaning personnel and heating, ventilation and air conditioning ("HVAC") staff if they were not contracted by the MAE to perform their work (i.e. if they were employed by the building/property owners where the MAE is located). With regards to the estheticians, it would depend on the facts and circumstances. For example, while the PMT would not be responsible for any activities covered under the esthetician's scope of practice, if the esthetician performed massage therapy at the spa not covered under the esthetician's scope of practice, it would be considered unlicensed massage activity and the PMT would be responsible.

Upon a motion by Vice Chair Behnken, seconded by Ms. Meehan-Vandike, it was voted on and unanimously carried to direct EO Kramer to inform Ms. Evans that generally, the PMT shall be responsible for anyone connected with the establishment, including the receptionist and possibly the estheticians as the estheticians can affect massage activity depending on circumstances. The cleaning personnel or HVAC people are not connected with the establishment and therefore, the PMT would not be responsible for these individuals.

The Board is in the process of revising its rules and will be taking these questions into consideration.

In accordance with HAR §16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and thus, is not binding on the Board.

b. Clarification of operating a massage therapy establishment without a licensed massage therapist in attendance

The Board reviewed an email from David Ross of RICO regarding massage establishments. Mr. Ross' email stated in part "I am checking a lot of massage establishments and have found that a lot of them offer massage by appointment only. There is not always a therapist on site. Sometimes there is no one there and the door is locked. Some of these places are beauty shops and offer massage also, but their main purpose is the beauty shop. They do not always have a massage therapist on duty. In these cases, is it the policy that the "massage establishment" portion of the business is not open unless they have an appointment and are providing services? Do these places have to have a licensed massage therapist on duty at all times? Even some of the spas that offer massage services are not open all of the time. In these establishments, where only massage services are offered, it seems appropriate for them to always have a licensed therapist on duty on site. If they are only open by appointment, then a licensed therapist would be on site when they are open. What is the Board's position on that?"

After some discussion, upon a motion by Vice Chair Behnken, seconded by Ms. Meehan-Vandike, it was voted on and unanimously carried to inform Mr. Ross a massage therapist is required to be on premises when a licensed massage therapy establishment is open for business. If the location holds multiple professional licenses (e.g. MAE and beauty shop licenses), a massage therapist is only required to be on premises if massage activity is taking place. If no massage activity is taking place in the MAE, a massage therapist is not required to be on premises.

6. New Business:      a. 2017 Legislative Session

- 1) Senate Bill (“SB”) No. 838, Relating to Advertising/House Bill (“HB”) No. 394, Relating to Advertising – Prohibits advertisements for massage, relaxation, spa, escort, or body rubs from including images depicting any person being advertised as a massage therapist, relaxation therapist, or escort in a nude condition

EO Kramer gave a brief synopsis of the bill.

DAG Tam informed the Board that HRS 712, the statute amended in this bill, is the criminal code.

Chair Davis stated that on page 3, line 16 provides a definition of “Relaxational therapy” as “means any method of practicing healing arts other than massage therapy, including but not limited to pedicure, manicure, reflexology, and spa treatment services.” He noted that reflexology is a massage modality so it should not be included as “other than massage therapy”.

Ms. Bath expressed concern that the bills only address the person depicted in the advertisement or directory being “in nude condition”. She felt it would be just as bad for the person to be depicted in skimpy clothing.

After some discussion, upon a motion by Chair Davis, seconded by Vice Chair Behnken, it was voted on and unanimously carried that while the Board supports the intent of the bills, they feel “reflexology” should be removed from the definition of “relaxational therapy” as “reflexology” does meet the definition of “massage” as stated in HRS §452-1.

- 2) HB No. 77, Relating to an Office of Administrative Hearings – Establishes a centralized office of administrative hearings in the Department of Accounting and General Services to hear cases referred to it by state executive branch agencies

EO Kramer gave a brief synopsis of the bill.

After some discussion, it was the consensus of the Board that they will not be providing any comments on this bill.

- 3) HB No. 325, Relating to Government Records/SB No. 478, Relating to Government Records – Allows a member of a board to provide other members of the board any government record for which disclosure is required by section 92F-12, HRS, provided that no commitment relating to

a vote on the matter is made or sought and no additional discussion other than a statement describing the record and the issue related to the government record is included in the transmittal.

EO Kramer gave a brief synopsis of the bill.

DAG Tam reminded the board members that currently, they cannot communicate with each other regarding board business outside of a board meeting. This bill would allow the board members to share information amongst themselves as long as no discussion or commitment is made.

After some discussion, it was the consensus of the Board that they will not be providing any comments on this bill.

- 4) HB No. 952, Relating to Public Meetings/SB No. 860, Relating to Public Agency Meetings – Allows two or more members of a board, including a quorum of the board, to discuss selection of board officers in private without limitation or subsequent reporting

EO Kramer gave a brief synopsis of the bill.

DAG Tam noted that currently, all discussion regarding selection of board officers takes place solely at a board meeting.

After some discussion, it was the consensus of the Board that they will not be providing any comments on this bill.

- 5) HB No. 1383, Relating to the Sunshine Law/SB No. 1209, Relating to the Sunshine Law – Removes the limit on the number of board members allowed to have private discussions regarding the selection of the board's officers

EO Kramer gave a brief synopsis of the bill.

DAG Tam noted that the bills appear to be similar to HB No. 952 and SB No. 860.

After some discussion, it was the consensus of the Board that they will not be providing any comments on this bill.

b. Federation of State Massage Therapy Boards ("FSMTB")

EO Kramer reported that she was contacted by the FSMTB to see if Hawaii was interested in becoming a member.

Chair Davis stated that recently FSMTB and the American Massage Therapy Association (“AMTA”) have taken differing views on approving continuing education (“CE”) providers. The National Certification Board for Therapeutic Massage and Bodywork (“NCBTMB”) currently approves CE providers and the FSMTB wants to do the same. AMTA has stated that they are not going to support the FSMTB.

Vice Chair Behnken expressed concern that there is a large membership fee and it does not appear that the FSMTB offers any services which would make membership worthwhile for Hawaii.

Chair Davis asked the audience if they had any comments or concerns.

Ms. Estrella stated that she believes FSMTB membership is more beneficial for states without licensing boards or those just getting started with implementing licensing.

Upon a motion by Vice Chair Behnken, seconded by Ms. Meehan-Vandike, it was voted on and unanimously carried to defer discussion on FSMTB membership.

7. Applications:

a. Ratifications

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

c. Applications

Executive  
Session:

At 9:48 a.m., it was moved by 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 10:17 a.m., it was moved by Chair Davis, seconded by Vice Chair Behnken, and unanimously carried to move out of Executive Session.

1) Leigh Ashby

Upon a motion by Chair Davis, seconded by Ms. Meehan-Vandike, it was voted on and unanimously carried to approve Ms. Ashby to sit for the exam

pending submission of a current application and documentation that Ms. Ashby meets the education requirement.

2) Jennifer Ezell

Upon a motion by Chair Davis, seconded by Vice Chair Behnken, it was voted on and unanimously carried to defer Ms. Ezell's application and direct EO Kramer to inform Ms. Ezell that she does not qualify for licensure by endorsement or reciprocity as a military spouse under HRS section 436B-14.7(a) because the requirements of her state of licensure (i.e., Tennessee) are not equivalent to or do not exceed those established in this State, however, she may be able to qualify for a temporary license under HRS section 436B-17(b) as long as she is supervised by a Hawaii licensed massage therapist. With either option, submitting additional education documents and successfully passing our state's licensing exam are required.

3) Louis Landsman

Upon a motion by Chair Davis, seconded by Vice Chair Behnken, it was voted on and unanimously carried to approve Mr. Landsman's application for a massage therapist apprentice registration.

4) Havina Spa LLC

Upon a motion by Chair Davis, seconded by Ms. Meehan-Vandike, it was voted on and unanimously carried to approve Havina Spa LLC's application for massage therapy establishment license.

At 10:19 a.m., DAG Tam left.

Recess: At 10:19 a.m., Chair Davis called for a recess.

Reconvene: At 10:25 a.m., the Board returned to its regular order of business.

8. Unfinished Business:
- a. Rule Revisions – Title 16, Chapter 84, Hawaii Administrative Rules - Definitions  
EO Kramer reminded the Board that at their last meeting, they decided to review the proposed draft one section at a time and determined that they would start with Subchapter 1, Section 2 Definitions. Both Vice Chair Behnken and Ms. Bath provided comments on this section which were distributed in the meeting packet.

Ms. Bath expressed concern regarding the qualifications for instructors teaching the Board approved workshops and apprentices. The current qualifications only require the instructor be licensed for three years. She feels length of time in the profession does not necessarily mean that the individual has the skills or knowledge to teach someone else.

After some discussion, the Board agreed that they all share Ms. Bath's concerns, however, no specific criteria to address qualifications were proposed.

Chair Davis suggested that the board members think about the issue and the matter can be discussed further when they get to the appropriate section of the draft.

After further discussion, board members agreed by consensus to the proposed definitions .

Chair Davis asked the board members to provide their comments on Subchapter 1, Sections 3 through 5 and the entire Subchapter 2 to the staff by the end of February so that they may be compiled for review and discussion at the Board's next meeting.

Board members agreed.

9. Next Meeting: Wednesday, May 3, 2017  
9:00 a.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813

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10. Adjournment: With no further business to discuss, Chair Davis adjourned the meeting at 12:19 p.m.

Taken by:

/s/ Jennifer Fong

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Jennifer Fong  
Secretary

Reviewed by:

/s/ Carol Kramer

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Carol Kramer  
Executive Officer

2/16/17

Minutes approved as is.

Minutes approved with changes; see minutes of \_\_\_\_\_.

# BOARD OF MASSAGE THERAPY

## RATIFICATION LIST

Wednesday, February 1, 2017

### MASSAGE THERAPIST

MAT 14980 ANDREW G DAVID  
MAT 14981 NATALIE B HYYTIA  
MAT 14982 ASHLEY R DUDOIT  
MAT 14983 BRANDON MEDEIROS  
MAT 14984 RONNIE P LAURIN  
MAT 14985 JENNIFER D FERNANDEZ  
MAT 14986 MALIA S SATO  
MAT 14987 JAMES A KOSCH  
MAT 14988 MIMI B SHERMAN  
MAT 14989 HANNAH C SEATON  
MAT 14990 JHEROLD V PIZARRO  
MAT 14991 KATIE L RADGOWSKI  
MAT 14992 LOREN D BROWNLEA  
MAT 14993 KENNETH J DROTAR  
MAT 14994 JENNIFER M LUM  
MAT 14995 MOLLY J MILLER  
MAT 14996 PELENATITA M NAMOA  
MAT 14997 MYLO RANNEY-GUILLORY  
MAT 14998 CASSIE H ROBINSON  
MAT 14999 MICHAEL L ROBERTS  
MAT 15000 TAYLOR M RUSHING  
MAT 15001 LAUREN VANCOURT  
MAT 15002 DAVID M CROONQUIST  
MAT 15003 DENISE U DOS SANTOS  
MAT 15004 TRAVIS K RODRIGUES  
MAT 15005 AMANDA E MAYERS  
MAT 15006 KATHLEEN M MCFEETERS  
MAT 15007 KEI S ENOKI  
MAT 15008 DYLAN J T K PILGER  
MAT 15009 NADAWEE LONG  
MAT 15010 KARLA M HERNANDEZ  
MAT 15011 YAHWEH P NAM  
MAT 15012 JOSE R ESPINO-RAMIREZ  
MAT 15013 KAYSHA K BOUNOS  
MAT 15014 ASHLIE N BENSON  
MAT 15015 THERESA E MEJIA  
MAT 15016 XUE YU  
MAT 15017 LORINA MENDOZA  
MAT 15018 DANIELLE N COURNOYER  
MAT 15019 CINTHIA G VAZ PACHECO  
MAT 15020 JERIEL M CUARESMA  
MAT 15021 MEMI WILSON  
MAT 15022 JASMINE-CHANEL D TACUB  
MAT 15023 LAWRENCE J ADAMS  
MAT 15024 LUKE N SUGANO  
MAT 15025 PIYAPHAT PHAKDEECHOKANAN  
MAT 15026 NAOMI LOWE  
MAT 15027 ROSEANNE M GETKA  
MAT 15028 ALLISON B BECKETT  
MAT 15029 JENELLE NERI  
MAT 15030 KAJA A GAWRONSKI  
MAT 15031 NICOLE M BERINOBIS  
MAT 15032 JUSTIN M MCCRARY  
MAT 15033 HEATHER D LACKEY  
MAT 15034 JESSICA K ECK  
MAT 15035 JESSICA J EVERETT  
MAT 15036 SUSANA ARRIAGADA  
MAT 15037 TERI B WILKINSON  
MAT 15038 ANGELA L WALSH  
MAT 15039 KATHRYN P SZAFRANSKI  
MAT 15040 STEFANIE L <CHURCHWELL  
MAT 15041 CHARLYNN H CHOCK  
MAT 15042 JUNKO MATSUKAWA  
MAT 15043 SHANTEL L BECKERS  
MAT 15044 LEIMI T IHA  
MAT 15045 ABIGAIL M LADEN  
MAT 15046 ANNE M HALE  
MAT 15047 HAROLYN N VICKS  
MAT 15048 JESSICA L STUART  
MAT 15049 CHASITY LAND  
MAT 15050 PAUL D MCDANIEL  
MAT 15051 JOSANDA N NAPEAHI  
MAT 15052 SCOTT M CANEPA  
MAT 15053 JENNESSA M FAULKNER  
MAT 15054 CATHERINE E GREEN  
MAT 15055 KUKAPUOUHAA S K GUNDERSON  
MAT 15056 CHIEKO OTANI  
MAT 15057 LIJUAN LU  
MAT 15058 MINAKO OZAWA  
MAT 15059 BENJAMIN L KOENIGSBERG  
MAT 15060 DENYMAR A RANADA  
MAT 15061 JUSTIN E LAND  
MAT 15062 IRENE A HERMAN  
MAT 15063 DIANE I SANDS  
MAT 15064 MARGARETE K MAY  
MAT 15065 NUCHJAREE O'CONNELL

MASSAGE THERAPIST (continued from previous page)

MAT 15066 WARREN K HIGUCHI  
MAT 15067 DAVID A FEIN  
MAT 15068 LIZA LARA  
MAT 15069 APHINYA M FONTAINE  
MAT 15070 SHINOBU WILL  
MAT 15071 ADRIENNE M CUTTEN  
MAT 15072 JODIE K PADILLA  
MAT 15073 KIMBERLY S MUFALLI  
MAT 15074 JULIA R STOUT  
MAT 15075 MELANIE A PAINTER  
MAT 15076 BENYAPA K NIELSON  
MAT 15077 NAOMI A ACKERMAN  
MAT 15078 MARIE F WEBER

MAT 15079 RUBEN N SIOXSON  
MAT 15080 KAY-LYNN K KAMAE-KAOPUIKI  
MAT 15081 JESSICA M BURKE  
MAT 15082 TRACY A LIU  
MAT 15083 DAWN A BYER  
MAT 15084 SHELBY H L MOSSMAN  
MAT 15085 AILEEN BACHILLER  
MAT 15086 CRIS NAKAHARA  
MAT 15087 SARAH N TOLVE  
MAT 15088 MARINA SANO  
MAT 15089 REINA BAY  
MAT 15090 MACKENZIE L EASON

MASSAGE THERAPY ESTABLISHMENT

MAE 3192 LAYCIE-ANN A R TOBOSA  
MAE 3193 ZEROPOINT EMBODIMENT LLC  
MAE 3194 TARA L GORMAN  
MAE 3195 BRENDA M MARTIN  
MAE 3196 YUKI YOSHIDA  
MAE 3197 YOKO NAKAJIMA  
MAE 3198 OM MAUI HEATH AND FITNESS LLC  
MAE 3199 GOGO INTERNATIONAL INC  
MAE 3200 SUPERGREEN 528 HZ INC  
MAE 3201 INTUITIVE HEALTHCARE LLC  
MAE 3202 COSMO MEDICAL SPA LLC  
MAE 3203 ROY JIMMY LOZANO  
MAE 3204 HOPE K TABIAN  
MAE 3205 AQUA HAWAII INC  
MAE 3206 DANA FOY

MAE 3207 BLACK ENTERPRISES INC  
MAE 3208 BRANDON C FEJERAN  
MAE 3209 HOKULANI MASSAGE LLC  
MAE 3210 ELEVATE ENTERPRISES LTD  
MAE 3211 LOKELANI SOLUTIONS LLC  
MAE 3212 SPA AT BLACK ROCK INC  
MAE 3213 ORTHOSPORT HAWAII LLC  
MAE 3214 KAUAI ALOHA LOMI MASSAGE LLC  
MAE 3215 DAVID A KOERNER  
MAE 3216 ELIZABETH ANN FENTON  
MAE 3217 BRYSON N MURATA  
MAE 3218 JERILYN B GUYANG  
MAE 3219 KAILUA WELLNESS CENTER LLC  
MAE 3220 KAIZEN PERSONAL TRAINING INC  
MAE 3221 OLANANI ACUOASIS

MASSAGE THERAPY WORKSHOP

**Healing Journey LLC, MAE 1745**

Instructors: Rochelle Featheran, MAT 3097  
Misty Miyashiro, MAT 8351  
Initial Course: February 21, 2017 – June 20, 2017

**Nikki Janssen dba The Upcountry Massage Company, MAE 1110**

Instructor: Mary Bouton, MAT 9690  
Initial Course: February 3, 2017 – March 4, 2017

**Hokulani Massage LLC, MAE 3209**

Instructor: Bonnie Henshaw, MAT 4324  
Initial Course: January 30, 2017 – April 6, 2017

**Supergreen 528 HZ Inc., MAE 3200**

Instructor: Susan Wilesmith, MAT 9933  
Initial Course: March 14, 2017 – April 8, 2017