

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

MINUTES OF MEETING

Date: Wednesday, May 3, 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
Mana Moriarty, Deputy Attorney General ("DAG")
Carol Kramer, Executive Officer ("EO")
Jennifer Fong, Secretary

Guests: Lauren Biddle, Prometric

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:

- 4. Executive Officer's Report, a. 2017 Legislative Session Update – a copy of Senate Bill No. 1286, S.D. 2, H.D. 2, C.D. 1 and Conference Committee Rep. No. 97 were distributed.

3. Approval of Board Meeting Minutes of the February 1, 2017 Meeting: Chair Davis asked if there were any comments or concerns regarding the board meeting minutes of the February 1, 2017 meeting.

There were none.

Upon a motion by Vice Chair Behnken, seconded by Ms. Bath, it was voted on and unanimously carried to approve the minutes of the February 1, 2017 meeting as circulated.

4. Executive Officer's Report: a. 2017 Legislative Session Update

EO Kramer reported that Senate Bill No. 1286, S.D. 2, H.D. 2, C.D. 1 passed on 4/5/17. She noted that the bill still requires the State Department of Education ("DOE") to license private trade, vocational and technical schools. The bill provides funds to the DOE for one staff position to handle these licenses. The licensing fees will be \$2,000 for the initial license and \$2,000 for each subsequent biennial renewal. The bill also requires that upon request, the Board review a massage school's curriculum and if approved, issue a letter to that effect to be submitted to the DOE with an application for massage school license.

After some discussion, it was the consensus of the Board that any requests to review a massage school's curriculum for purposes of licensure by the DOE as a massage school will be handled on a case-by-case basis and conducted based solely on the documents provided by the requestor.

b. Regulated Industries Complaints Office ("RICO") Open House, January 27, 2017

Copies of the materials provided at the Open House were distributed to the Board members.

Chair Davis noted that RICO collects fines for violations. He asked where those fines go.

EO Kramer said she believes RICO uses the funds to support staff with RICO's compliance and enforcement activities.

Chair Davis noted that the Compliance Resolution Fund report states the Professional & Vocational Licensing ("PVL") Division is planning to upgrade their website in the future. He commented that he has had difficulty finding insurance and workers compensation rates for massage therapists.

EO Kramer noted that insurance and workers compensation are not under the purview of the Board, therefore, that information would not be posted on the Board's website.

Vice Chair Behnken stated that Hawaii is a no-fault state so there is no published list of rates and fees available.

Ms. Meehan-Vandike said she believes all professions in Hawaii have the same issues with insurance and workers compensation rates. Each individual decides how much to bill. The individual submits the claim to the insurance company and waits to see if it is accepted.

5. Correspondence: a. Letter from Jeffrey Tidrick regarding Somatic Experiencing ("SE")

The Board reviewed an email from Jeffrey Tidrick requesting clarification on whether Somatic Experiencing ("SE") falls under the definition of massage therapy, and if so, what his ability would be to promote himself as a trauma therapist who uses a combination of talk and touch as a form of trauma resolution. He further asks if he can combine trauma therapy and massage therapy in advertising and practice.

Vice Chair Behnken said she spoke to someone who teaches SE. That person feels that massage therapy and SE are two different practices because SE generally does not involve touch. She expressed concern regarding the following language in Mr. Tidrick's letter: "However, I have read HRS chapter 452 and am not clear if Somatic Experiencing falls under the definition of massage therapy, and if so what my ability would be to promote myself as a trauma therapist who uses a combination of talk and touch as a form of trauma resolution. I am seeking clarity on whether I can combine trauma therapy and massage therapy in advertising and in practice."

Ms. Bath suggested that the Board inform Mr. Tidrick that they only govern the practice of massage therapy and if SE does not involve touch, it would not be considered "massage" as defined in HRS, Chapter 452.

Vice Chair Behnken agreed, noting that massage therapy and trauma therapy are two entirely separate things. The education requirements for massage therapist licensure do not include any trauma therapy training, therefore, she feels the two should not be practiced or advertised together.

By consensus, it is the informal interpretation of the Board that Somatic Experiencing is a technique that does not fall under the scope of practice of a massage therapist. The practice of massage therapy should be kept separate from any other professional practices, including Somatic Experiencing and trauma therapy.

This is an informal interpretation for information and explanatory purposes only and is not an official opinion or decision and therefore is not to be viewed as binding on the Board.

The Board also requested that EO Kramer remind Mr. Tidrick that as a Hawaii licensed massage therapist, he is bound by the laws and rules applicable to massage therapy, including HRS, Chapter 452 and Hawaii Administrative Rules ("HAR") Chapter 16-84.

Executive Session:

At 9:26 a.m., it was moved by Vice Chair Behnken, seconded by Ms. Bath, and unanimously carried to move into Executive Session in accordance with HRS, 92-5(a)(4), "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities" to discuss the following matters:

- 6. Executive Session, a. Review of massage therapy exam by Prometric;
- 6. Executive Session, b. Review of Board member roles and duties.
- 7. Applications, b. Applications, 1) Luke Jenkins
- 7. Applications, b. Applications, 2) Sheila Nicholas-Smith
- 7. Applications, b. Applications, 3) Jeremiah Podleski

Recess: At 10:22 a.m., Chair Davis called for a recess.

Reconvene: At 10:26 a.m., the Board returned to its Executive Session.

At 11:23 a.m., it was moved by Ms. Bath, seconded by Vice Chair Behnken, and unanimously carried to move out of Executive Session.

6. Executive Session: a. Review of massage therapy exam by Prometric

Board members agreed by consensus that this matter will be deferred to the August meeting pending their review of the current list of exam references, the list of references provided by Hawaii licensed massage schools as well as their own suggestions for additional references to determine if they want to make any changes, whether additions or deletions, to the list.

b. Review of Board member roles and duties

Board members discussed the effectiveness of its members and meetings.

DAG Moriarty summed up the discussion with a question each Board member should keep in mind, "Is the Board being protective or is the Board protecting (the public)?"

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7. Applications:

a. Ratifications

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

b. Applications

1) Luke Jenkins

Upon a motion by Chair Davis, seconded by Ms. Bath, it was voted on and unanimously carried to defer Mr. Jenkins' application pending submission of additional court documents and information relating to stated offenses.

2) Sheila Nicholas-Smith

Upon a motion by Chair Davis, seconded by Ms. Meehan-Vandike, it was voted on and unanimously carried to direct EO Kramer to inform Ms. Nicholas-Smith that she is still short 135 practical training hours.

3) Jeremiah Podleski

Upon a motion by Chair Davis, seconded by Ms. Bath, it was voted on and carried to approve Mr. Podleski to sit for the massage therapist exam with Chair Davis, Ms. Bath and Ms. Meehan-Vandike voting "Yes" and Vice Chair Behnken abstaining. The motion passed.

8. Chapter 91, HRS
Adjudicatory
Matters:

The Chair called for a recess from the Board's meeting at 11:30 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

a. In the Matter of the Massage Therapy Establishment License of Aloha Hawaiian Ocean Massage & Spa, LLC (MAS 2016-101-L) – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

b. In the Matter of the Massage Therapist's License of Hyun Kim, and the Massage Establishment License of Rejuve-Plus, LLC (MAS 2016-84-L) – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

- c. In the Matter of the Massage Therapy License of Amber C. Pollard, and the Massage Establishment License of Amber C. Pollard (MAS 2016-102-L) – Settlement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order

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

- d. In the Matter of the Massage Therapy Establishment License of Smile Massage & Spa, LLC (MAS 2017-30-L) – Settlement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order

After discussion, it was moved by Ms. Bath, seconded by Ms. Meehan-Vandike, and unanimously carried to approve the Settlement Agreement.

- e. In the Matter of the Massage Therapy License of Susan M.S. Vigil, and the Massage Establishment License of Susan M.S. Vigil (MAS 2016-99-L) – Settlement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order

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

At 11:40 a.m., the Board moved out of Chapter 91, HRS, and returned to its regular order of business.

Recess: At 11:41 a.m., Chair Davis called for a recess.

Reconvene: At 11:45 a.m., the Board returned to its regular order of business.

At 11:45 a.m., DAG Moriarty left.

9. Unfinished Business: a. Rule Revisions – Title 16, Chapter 84, Hawaii Administrative Rules - Subchapter 1 and 2

The Board discussed and agreed with the following definitions, however, the definitions are subject to change pending discussion of the entire proposed draft:

- "Affiliated with" means "a massage therapist or massage therapy apprentice who is an independent contractor or employee of an establishment."

- “Apprentice” means “a person who has been issued a permit by the board to learn the practice of massage therapy under the direct supervision of a sponsoring massage therapist.”
- "Anatomy" means “the identification of the gross structures of the human body.”
- “Compensation” means “any payment, monetary or otherwise, given in exchange for massage therapy.”
- "Current" means no more than 2 years old.
- "Direct supervision" requires a sponsoring massage therapist or instructor to be on premises and physically available, at the massage therapy establishment or classroom where the massage therapy is being performed, in order to control, direct, and instruct the apprentice or student. This requirement shall remain in effect during the entire apprenticeship or student training period.
- “Draping” means “the use of a covering intended to preserve the client’s privacy, modesty and warmth, and should be done in a way that is comfortable for and agreeable to both client and massage therapist.”
- "Frequency" is determined through the perception of the public that the massage therapy services will be offered on a dependable and regular basis.”
- “Instructor” means “a massage therapist who is teaching a workshop and has held a current active massage therapist license for a minimum of three (3) consecutive years in a state that meets or exceeds the education and licensing requirements of the State of Hawaii, or is certified by a nationally recognized professional organization approved by the Board.”
- “Lewd and Lascivious” means “any form of sexual conduct, innuendo, impropriety, action, harassment, abuse, gesture, or contact between the client and massage therapist, massage therapist apprentice, or massage therapist student.”
- “Kinesiology” means “the study of the principles of mechanics and anatomy in relation to human movement.”

- “Massage therapist” means “a person licensed to practice massage therapy.”
- "Massage school" or "school" means “an educational institution that provides an instructional training program for massage therapy students, and is approved or accredited by a government educational agency or organization approved by the Board.”
- “Off-site massage location” means “a location outside of a licensed massage establishment (e.g. a hotel room, private residence, corporate/office facility, etc.). The location shall practice the same sanitation guidelines as described in Chapter 16XX19(1)* or in the established Department of Health Sanitation Rules for Massage Establishments.”
** The exact citation will be determined after review of the entire proposed draft.*
- “Open air venues” means “a location that is portable with no solid walls at which massage therapy services are offered or provided.”
- “Out-call” or “out-call massage service” means “massage therapy services that are provided by a licensed massage therapist in a location that has been designated by the client and is not used primarily to provide massage therapy services.”
- "Pathology" means “the study of the origin, nature, and symptoms of diseases.”
- "Permanent fixed location" means “a location in a structure that is not portable or movable at which massage therapy, massage therapy training, or both, are offered or provided.”
- "Person" means “an individual, sole proprietor, partnership, corporation, or limited liability company.”
- "Physiology" means “the functions of the anatomical structures of the human body.”
- "Practical educational experience" means “the academic knowledge gained under the direct supervision of a sponsor or instructor.”

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- "Practical hands-on training" means "the physical components of massage therapy gained under the direct supervision of a sponsor or instructor."
- "Premises" means "a permanent fixed location."
- "Principal massage therapist" means "the licensed massage therapist designated by a licensed massage therapy establishment as being responsible for all massage activities, all massage therapists, and all massage therapist apprentices affiliated with the massage establishment."
- "Sexual act" means "any type of solicited or unsolicited direct physical contact of a sexual nature at any time during the professional relationship including touching the genitals or anus, touching a female's breasts without permission and therapeutic intent, sexual intercourse of any kind, any behavior or gesture that may be interpreted as inappropriate or sexual, and inappropriate sexual comments about a person."
- "Sponsoring massage therapist" or "sponsor" means "a massage therapist who has held a current active State of Hawaii massage therapy license for at least three consecutive years, is affiliated with a licensed massage therapy establishment, and is registered with the Board as being the person responsible for the direct supervision of an apprentice."
- "Theory of massage" means "the study of the basic principles and procedures of massage therapy techniques."
- "Workshop" means "a course of study that is taken as a pathway leading to an apprentice permit or taken to fulfill deficient hours required to be licensed in Hawaii. Workshop hours taken to fulfill a deficiency must be specific to the lacking deficient content. Workshops shall be approved by the Board."

After some discussion, by consensus, the Board deferred the discussion on Subchapter 2 and add an additional meeting in June or July for the main purpose of discussing the entire proposed draft. Board members were asked to submit their comments on the entire proposed draft to the staff by the end of May.

10. Next Meeting: Wednesday, June 28, 2017
 9:00 a.m.
 Queen Liliuokalani Conference Room
 King Kalakaua Building
 335 Merchant Street, First Floor
 Honolulu, Hawaii 96813

11. Adjournment: With no further business to discuss, Chair Davis adjourned the meeting at
 12:23 p.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Carol Kramer

Carol Kramer
Executive Officer

5/22/17

Minutes approved as is.

Minutes approved with changes; see minutes of _____.

BOARD OF MASSAGE THERAPY

RATIFICATION LIST
Wednesday, May 3, 2017

MASSAGE THERAPIST

MAT 15091 JOHN P SUMERA	MAT 15134 JEFFREY B TIDRICK
MAT 15092 KAAINA F K LACEY-NAHALE	MAT 15135 RIE KATAYAMA
MAT 15093 AMANDA L CASSISE	MAT 15136 KRISTINE M SUTTON
MAT 15094 PRESTON D CASSISE	MAT 15137 TAYLOR H KLINGENSMITH
MAT 15095 DANITA EVANS	MAT 15138 MIHO NAGANO
MAT 15096 ANDREA N BORDELON	MAT 15139 KEIKO ZENDA
MAT 15097 ERICA B BARNHART	MAT 15140 SAYAKA RICCIO
MAT 15098 LAUREN E PARKER	MAT 15141 AMELIA R MIRELES
MAT 15099 EGAN Y TASAKI	MAT 15142 FERNANDA B PAULSEN
MAT 15100 TIARE K LUM	MAT 15143 BERNADETTE E GRIEBENOW
MAT 15101 NICOLE N SHIROMA	MAT 15144 RENEE A LE FAUVE
MAT 15102 CAMILLE E FREE	MAT 15145 PAUL D MAUSER
MAT 15103 MARY E TALLMAN	MAT 15146 MIRA KIM
MAT 15104 ZEN G E K POWERS	MAT 15147 MARIA LUDIVINA A HORNYAK
MAT 15105 COLLIN D HAMBY	MAT 15148 DANIEL L HOBBS
MAT 15106 BULGAA PUREVDAGVA	MAT 15149 JOSHUA J GUTIERREZ
MAT 15107 REBECCA M NELSON	MAT 15150 GYAN D COVA
MAT 15108 KERLIE P CONSTANTINO	MAT 15151 CAMILA G CORDERO
MAT 15109 ADAM REY	MAT 15152 MARK CIPARRO
MAT 15110 CHRISTINE N SHINN	MAT 15153 SHANNA C WEINER
MAT 15111 KAORI O CHEE	MAT 15154 TRACY N TAKEMOTO
MAT 15112 CAITLIN D STANSFIELD	MAT 15155 CHIAKI HASHIMOTO
MAT 15113 CARIE C RUSCHE	MAT 15156 ENRICO C BECKER
MAT 15114 SIOBHAN C RADWAY	MAT 15157 HAROLD BARRERO
MAT 15115 CRAIG A TORCHIA	MAT 15158 DANIEL B RODGERS
MAT 15116 DAWN M CAMP	MAT 15159 ANGELIKA A PAWIKOVSKY-SCOTT
MAT 15117 SHASHA A GANO	MAT 15160 LOREEN E KING
MAT 15118 BRANDON S TOMA	MAT 15161 BANGON BURKHART
MAT 15119 CHRISTINE E HARRIS	MAT 15162 SUCHITRA SRIJANTARA
MAT 15120 ARCHANTE JEAN-MARIE	MAT 15163 RYAN E SMITH
MAT 15121 SAMANTHA-SHEA K MIGUEL	MAT 15164 NIKKI L LIMPET
MAT 15122 JOYCE K AKA	MAT 15165 ISAIAH R FLEMING
MAT 15123 JOSHUA I LIGOT	MAT 15166 SARIAH K EDLAO-KUAILANI
MAT 15124 MARISSA L K EMERY	MAT 15167 MARIE-FRANCE LAURIN
MAT 15125 MARY F BOYD	MAT 15168 AIMEE H MEZA
MAT 15126 KELSEY R PERKINS	MAT 15169 DAVID P PAOPAO
MAT 15127 YUKO Y LEE	MAT 15170 SUSANNAH V V GUDMUNDSON
MAT 15128 HAN Y MENGE	MAT 15171 MORRIS S CARTER
MAT 15129 ANNALEA BROWN-CLAY	MAT 15172 YUMEI ZHANG
MAT 15130 QUANMIN DAVIS	MAT 15173 SUSAN M SCHATTAUER-MEDEIROS
MAT 15131 MICAH K PACATANG	MAT 15174 VICTORIA MOORHOUSE
MAT 15132 CHRISTINE RABSTENEK	MAT 15175 DIANE NGUYEN
MAT 15133 MARY K POITRA	MAT 15176 MIJIDAE P NOVAK

MASSAGE THERAPIST (continued from previous page)

MAT 15177 GARY M MIZUUCHI	MAT 15190 YENY E QUESADA
MAT 15178 MICHELE K OKUNAMI	MAT 15191 ELIZABETH HOLT
MAT 15179 DAWN ADELE	MAT 15192 DRUE E MCCLOY
MAT 15180 HIROKO HARADA	MAT 15193 DANIELLE E FURMAN
MAT 15181 YUKIKO S STANLEY	MAT 15194 JEANNE T CALO-WITT
MAT 15182 NAOMI E BUDIG	MAT 15195 HOLLY M KRUGER
MAT 15183 CINDY C DAGUIO	MAT 15196 CHRISTINA J SCIARAPPA
MAT 15184 THERESA M TUOHY	MAT 15197 DEBRA L GREEN
MAT 15185 MAYUKO FLORES	MAT 15198 EIKO N FUJIOKA
MAT 15186 CINDY C HUANG	MAT 15199 HEIDI MAZUR
MAT 15187 YAMILETH JIMENEZ VALENCIA	MAT 15200 SAMANTHA C WALDEN
MAT 15188 CHELSEY J HUNTSMAN	MAT 15201 TOKIMI FUKAZAWA
MAT 15189 JEAN WILLIFORD	MAT 15202 NAMIKO I CHANDLER

MASSAGE THERAPY ESTABLISHMENT

MAE 3222 HOKULANI MASSAGE LLC	MAE 3244 CHRISTINA WANG
MAE 3223 JOY C VASQUEZ	MAE 3245 SOUTH SHORE PHYSICAL THERAPY & SPORTSMEDICINE INC
MAE 3224 LAURA N MATSUMOTO	MAE 3246 RARA AVIS LLC
MAE 3225 WB MASSAGE & SPA LLC	MAE 3247 TEAM PHYSICAL THERAPY LLC
MAE 3226 CHARLOTTE L SCOTT-RUSSELL	MAE 3248 MASSAGE FUSION LLC
MAE 3227 ANANDA THERAPEUTIC MASSAGE LLC	MAE 3249 MASSAGE FUSION LLC
MAE 3228 FERNANDO S TORRES	MAE 3250 HYUN MI KIM
MAE 3229 THAI JASMINE LLC	MAE 3251 HEATHER G KOROTIE
MAE 3230 JENNIFER L FULLER	MAE 3252 RED EARTH MASSAGE AND WELLNESS LLC
MAE 3231 HAVINA SPA LLC	MAE 3253 HONOLULU MASSAGE THERAPY INC
MAE 3232 HAWAIIAN RAINFOREST LLC	MAE 3254 VIHN DUNG DONG
MAE 3233 HAWAIIAN RAINFOREST LLC	MAE 3255 HANDS IN MOTION MAUI LLC
MAE 3234 AQUA USA LLC	MAE 3256 ANNA B DAHLKE
MAE 3235 JES-TN K Z KALAWA	MAE 3257 DOUGLAS R BRYANT
MAE 3236 NATALIE B HYYTIA	MAE 3258 THE QUEEN'S MEDICAL CENTER
MAE 3237 MAUI INNERSHINE MASSAGE	MAE 3259 APHINYA M FONTAINE
MAE 3238 THE SKIN INSTITUTE INTERNATIONALE	MAE 3260 PLEASANT TRAVEL SERVICE
MAE 3239 808 MASSAGE SERVICE LLC	MAE 3261 WINDWARD SPINE AND BODY CENTER LLC
MAE 3240 ANGELICA M MARTINEZ	MAE 3262 HOOLA MALAMALAMA
MAE 3241 E'S THE PAIN-LOMILOMI THERAPY LLC	MAE 3263 NIU HAWAII
MAE 3242 LAHAINA DAY SPA AND WELLNESS CENTER LLC	
MAE 3243 MAHAMAUU LLC	

MASSAGE THERAPY WORKSHOP

Eugene Geno Ortiz, MAE 1587

Instructor: Eugene Ortiz, MAT 1117
Initial Course: May 16, 2017 – July 20, 2017

Honolulu Massage and Bodyworks, LLC, MAE 2821

Instructor: Kenji Wrathall, MAT 5971
Initial Course: December 12, 2016 – January 11, 2017

Rebecca Goff, MAE 1557

Instructor: Rebecca Goff, MAT 5359
Initial Course: May 4, 2017 – May 24, 2017

Yahavah A. Mathison, MAE 2548

Instructors: Yahavah Mathison, MAT 11629
Jayne Henderson, MAT 11950
Initial Course: December 18, 2016 – January 12, 2017

Fernando S Torres, MAE 3228

Instructor: Fernando Torres, MAT 7613
Initial Course: May 1, 2017 – August 31, 2017

R. Haunani Hopkins, MAE 1744

Instructor: R. Haunani Hopkins, MAT 5099
Initial Course: September 11, 2017 – November 15, 2017

Sunshine Massage Therapy, LLC, MAE 3188

Instructor: Soon Yee Bang, MAT 9043
Initial Course: March 28, 2017 – April 16, 2017

Yahavah A. Mathison, MAE 2548

Instructors: Nancy Kahalewai, MAT 697
Yahavah Mathison, MAT 11629
Jayne Henderson, MAT 11950
Initial Course: April 28, 2017 – June 27, 2017