

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

MINUTES OF MEETING

- Date: Wednesday, May 2, 2018
- 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
Jodie Hagerman, Public Member
Carol Kramer, Executive Officer ("EO")
Shari Wong, Deputy Attorney General ("DAG")
Jennifer Fong, Secretary
- Excused: Samantha Meehan-Vandike, Massage Therapist
- Guests: Gwen DeLuze-Coria
Nancy Campbell
- 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 the additional distribution was given to the Board members for the following agenda item:
 - 7. Applications, b. Applications, 3) Chiemi Trias
 3. Approval of Minutes of the March 7, 2018 Meeting: Chair Davis asked if there were any comments or concerns regarding the Board minutes of the March 7, 2018 meeting.
There were none.

Upon a motion by Vice Chair Behnken, seconded by Ms. Hagerman, it was voted on and unanimously carried to approve the minutes of the March 7, 2018 meeting as circulated.

4. Executive Officer's Report: EO Kramer reported that Olivia Nagashima will be re-joining the Board, effective July 1, 2018. Ms. Nagashima will be filling Ms. Meehan-Vandike's industry member position. She noted that Ms. Meehan-Vandike withdrew her application for reappointment to the Board when she found out her family would be moving out of state.

EO Kramer reminded the Board to submit their annual filing to the Hawaii Ethics Commission. She noted that the annual filing must be submitted by the end of May.

5. 2018 Legislative Session: a. H. B. No. 1966, H.D. 1 Relating to Massage Therapy – Exempts individuals and establishments that only offer foot, hand, and outer ear manipulation from massage therapy licensure requirements and related advertising restrictions

EO Kramer noted that at the Board's March 7, 2018 meeting, they made recommendations and directed Ms. Meehan-Vandike to draft proposed testimony for the bill, however, there has been no action on this bill since it was referred to the Senate Committee on Commerce, Consumer Protection, and Health on March 6, 2018. She said that the Committee decided not to hear the bill. She advised the Board that the bill could be submitted again during the next legislative session.

6. New Business: a. Request from Marta Milan to review logo for compliance with HRS Chapter 452

The Board reviewed Ms. Milan's request to review her sample logo and determine if it is compliant with HRS Chapter 452.

Chair Davis noted that the logo is a drawing depicting the human form of both the massage therapist and the client. The drawing shows more than the hands, wrists, and forearms.

Ms. Bath noted that the EO provided a definition of "picture" as "a visual representation of a person, object, or scene, as a painting, drawing, photograph, etc."

Vice Chair Behnken stated that the Board should have the same standards regardless of whether the picture is a drawing or a photograph.

After some discussion, it was the consensus of the Board that the sample logo provided by Ms. Milan does not comply with HRS Chapter §452-23(a)(4). 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. Applications: a. Ratifications

Ms. Bath asked if she could abstain from voting on the attached ratification list.

DAG Wong asked if there was a particular reason she would like to abstain.

Ms. Bath stated that she has a general concern about people practicing without a license. Those people then apply for a license and get a “slap on the wrist” from RICO for unlicensed activity.

Vice Chair Behnken noted that the ratification list is comprised of those whose licenses have already been issued.

Upon a motion by Vice Chair Behnken, seconded by Ms. Hagerman, it was voted on to approve the attached ratification list with Chair Davis, Vice Chair Behnken and Ms. Hagerman voting “yes” and Ms. Bath abstaining. The motion passed.

b. Applications

Executive Session:

At 9:19 a.m., it was moved by Vice Chair Behnken, seconded by Ms. Hagerman, 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” to discuss the following agenda items:

- 7. Applications, b. Applications, 1) Kelsey Bourque
- 7. Applications, b. Applications, 2) Michelle Harrell
- 7. Applications, b. Applications, 3) Chiemi Trias
- 7. Applications, b. Applications, 4) Samuel Webb

At 9:36 a.m., it was moved by Ms. Bath, seconded by Vice Chair Behnken, and unanimously carried to move out of Executive Session.

At this time, Chair Davis announced he was taking the agenda out of order to discuss the following agenda item:

- 8. Chapter 91, HRS Adjudicatory Matters, a. In the Matter of the Massage Establishment License of Serenity and Massage, LLC (MAS 2013-52-U) – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order

8. Chapter 91, HRS – Adjudicatory Matters:

At 9:37 a.m., Chair Davis recessed the Board’s meeting to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

- a. In the Matter of the Massage Establishment License of Serenity and Massage, LLC (MAS 2013-52-U) – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order

After discussion, it was moved by Ms. Hagerman, seconded by Vice Chair Behnken, and unanimously carried to approve the above-referenced settlement agreement.

At 9:39 a.m., the Board moved out of Chapter 91, HRS, and returned to its regular order of business.

7. Applications:

- a. Applications

1) Kelsey Bourque

Upon a motion by Vice Chair Behnken, seconded by Ms. Bath, it was voted on and unanimously carried to defer Ms. Bourque’s Application for Exam & License – Massage Therapist pending receipt of additional documents and to delegate authority to the EO to approve Ms. Bourque to sit for the Hawaii Massage Therapist Exam if all of the requirements to do so are met.

2) Michelle Harrell

Upon a motion by Vice Chair Behnken, seconded by Ms. Hagerman, it was voted on and unanimously carried to approve Ms. Harrell to sit for the Hawaii Massage Therapy Examination.

3) Chiemi Trias

Upon a motion by Vice Chair Behnken, seconded by Ms. Hagerman, it was voted on and unanimously carried to defer Ms. Trias’ Application for Exam & License – Massage Therapist pending additional information and clarification. The Board directed EO Kramer to send a letter to Ms. Trias asking her to appear before the Board.

4) Samuel Webb

Upon a motion by Ms. Bath, seconded by Chair Davis, it was voted on and unanimously carried to approve Mr. Webb to sit for the Hawaii Massage Therapy Examination.

At 10:21 a.m., DAG Wong left the meeting

Recess: At 10:29 a.m., Chair Davis called for a recess.

Reconvene: At 10:32 a.m., the Board returned to its regular order of business.

Recess: At 11:50 a.m., Chair Davis called for a recess.

Reconvene: At 11:57 a.m., the Board returned to its regular order of business.

8. Unfinished Business: a. Rule Revisions – Title 16, Chapter 84, Hawaii Administrative Rules

The following are some of the substantive changes which were discussed:

- A workshop instructor is required to be a massage therapist who has held a current active license for a minimum of three years within the last five years or is a member of a nationally recognized professional organization approved by the Board.
- For the massage apprentice permit, an applicant can hold a maximum of two concurrent permits which would allow them to train under two different sponsors, however, these permits must be for the same licensed massage therapy establishment (“MAE”). The principal massage therapist of that MAE is ultimately responsible to ensure the applicant gets the necessary training. The applicant will not be issued more than two permits for the same MAE. Concurrent permits will not be issued to train at different massage therapy establishments.
- No apprentice permit will be issued to any applicant who already meets the education requirement to take the Hawaii State Massage Examination.

The Board noted that the current format of the rules is disorganized and there is some information which is duplicated in several different areas. Chair Davis stated that he will work with EO Kramer on revising the subchapters and sections of the rules to organize the information better and make the document more reader-friendly.

The Board will resume discussion of the current draft at their next scheduled meeting.

9. Next Meeting: Wednesday, August 8, 2018
 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 Davis adjourned the meeting at
 12:45 p.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Carol Kramer

Carol Kramer
Executive Officer

5/18/18

Minutes approved as is.

Minutes approved with changes; see minutes of _____.

BOARD OF MASSAGE THERAPY

RATIFICATION LIST
Wednesday, May 2, 2018

MASSAGE THERAPIST

MAT 15565 TYSAN L K S PAAGA	MAT 15586 CHARLES R ELMER
MAT 15566 PAULA UPENIECE	MAT 15587 LIA E EYRE
MAT 15567 XIAOFAN JIANG	MAT 15588 MARTA B MILAN
MAT 15568 MIKI HENDRIX	MAT 15589 LILY H Y FUKUSHIMA
MAT 15569 ALEXANDRA M PRESCOTT	MAT 15590 JUNG K PARK
MAT 15570 ZI L JIANG	MAT 15591 GINA P HOLDORFF
MAT 15571 EUN JIN L OSHIRO	MAT 15592 ERIN J ADAMS
MAT 15572 TAKAKO K HUBBARD	MAT 15593 KIMBERLY E WOOD
MAT 15573 NICOLAS C TIMMERMAN	MAT 15594 JOANNIE U GARCIA
MAT 15574 MAMIKO TANAKA	MAT 15595 TERRIE L DAVIS
MAT 15575 DENISE M MORGAN	MAT 15596 PAULINE BRETHEREAU
MAT 15576 CHRISTINA L PALMERI	MAT 15597 AKEMI O FURUKAWA
MAT 15577 KARMA L CARPENTER	MAT 15598 BRENDEN P BRANCO
MAT 15578 EVERARDA CEJA	MAT 15599 DAEN E A MAU
MAT 15579 THANITSA CHIRAPANTIPA	MAT 15600 DANIE V VILLENA JR
MAT 15580 ELIZABETH MORRIS	MAT 15601 KARLA D D GARRETT
MAT 15581 SARA K COUSINEAU	MAT 15602 MICHELLE R FERRARO
MAT 15582 ROISIN K CLEERE-NEVILLE	MAT 15603 YOUNG JA LEE
MAT 15583 ELIZABETH M HERNANDEZ	MAT 15604 RACHEL J LEHN
MAT 15584 SHANNA L C KAM	MAT 15605 SAMANTHA M WEIGANDT
MAT 15585 MELISSA R MYTYCH	

MASSAGE THERAPY ESTABLISHMENT

MAE 3354 TRANQUIL PHOENIX MASSAGE LLC	MAE 3363 SHIFT MASSAGE LLC
MAE 3355 JIKIRAKU LLC	MAE 3364 ROYAL THAI MASSAGE AND SPA LLC
MAE 3356 DHL MAHI OPCO LLC	MAE 3365 DALE K OGATA
MAE 3357 SYNERGY SALON & SPA LLC	MAE 3366 AZMAN CHIROPRACTIC LLC
MAE 3358 BRE TURTLE BAY RESORT LLC	MAE 3367 DERWIN H DOI
MAE 3359 SUPERGREEN 528 HZ INC	MAE 3368 BEAUTY BY CHERI LLC
MAE 3360 QM LLC	MAE 3369 WANDEE W THURSTON
MAE 3361 PSB LLC	MAE 3370 CINDY L PERRY
MAE 3362 HAWAII NATURAL THERAPY LLC	

MASSAGE THERAPY WORKSHOP

Fernando S. Torres, MAE 3287

Instructor: Nicolle Marzo, MAT 5443
Initial Course: April 1, 2018 – June 30, 2018
906 Kilani Avenue
Wahiawa, Hawaii 96786
Phone: (808) 597-7460

Vive Institute LLC, MAE 3308

Instructors: Cheriess Bugado, MAT 6644
Christopher Musslewhite, MAT 13028
Initial Course: June 4, 2018 – June 30, 2018
224 Kamehameha Avenue #104
Hilo, Hawaii 96720
Phone: (808) 969-7676