

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

MINUTES OF MEETING

- Date: Wednesday, September 26, 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
Olivia Nagashima, Massage Therapist
Carol Kramer, Executive Officer ("EO")
Risé Doi, EO
Shari Wong, Deputy Attorney General ("DAG")
Jennifer Fong, Secretary
- Guests: Jenna Yamane
Austin Myrick
Tangee Lazarus
- 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 9:09 a.m.
2. Additional Distribution to Agenda: Chair Davis announced that the additional distribution was given to the Board members for the following agenda items:
- 4. New Business, a. Discussion on Revisions to Hawaii Revised Statutes ("HRS"), Chapter 452
 - 6. Applications, b. Applications, 1) Tangee Lazarus

3. Approval of
Minutes of the
August 8,
2018 Meeting:

Chair Davis asked if there were any comments or concerns regarding the Board minutes of the August 8, 2018 meeting.

There were none.

Upon a motion by Ms. Bath, seconded by Vice Chair Behnken, it was voted on to approve the minutes of the August 8, 2018 meeting as circulated with Chair Davis, Vice Chair Behnken, Ms. Bath and Ms. Hagerman voting “yes” and Ms. Nagashima abstaining. The motion passed.

4. New Business:

a. Discussion on Revisions to Hawaii Revised Statutes (“HRS”), Chapter 452

Chair Davis noted that based on recent inquiries to the Board, he thought the Board should look at revising HRS, Chapter 452. He reminded the Board that any changes would require a bill being passed by the legislature.

The Board reviewed Chair Davis’ suggested revisions for HRS, Chapter 452 including the following substantive suggestions:

- Adding a continuing education requirement of 12 hours per biennium including two hours in ethics, laws and rules, and four hours in life support for health care professionals.
- Amend HRS §452-23 to allow pictures that depict any part of the human form, including faces. However, the verbiage should make it clear any depiction that qualifies as lewd or lascivious or that in any way promotes or suggests any such type of behavior is not allowed.
- Amend HRS §452-23 to include social media as an advertising medium.
- Amend the fine amounts in HRS §452-24(b) to “...not less than \$250 nor more than \$3,000 for each violation.”

EO Kramer noted that the PVL Division’s Continuing Professional Education Checklist was distributed to the Board as an addition. The Division requires that these questions be answered before any bill requesting continuing education can be submitted. With regards to the fine amounts, the Board also needs to review HRS Chapter 436B, specifically sections 16 and 18 as they also address fine amounts. In addition, she noted that the next item on the agenda was discussion on the possible repeal of Hawaii Administrative Rules (“HAR”) §11-11. She suggested that the Board include language giving them the authority to promulgate rules for sanitation.

After some discussion, upon a motion by Ms. Bath, seconded by Chair Davis, it was voted on and unanimously carried that a permitted interaction group be formed, consisting of Ms. Hagerman and Ms. Nagashima to investigate amendments to HRS, Chapter 452.

Ms. Nagashima asked if bills could still be submitted for the 2019 legislative session.

EO Kramer stated that the deadline to submit administration bills for approval has passed.

Ms. Nagashima asked if bills could still be submitted from a professional organization.

EO Kramer said she was unsure of the deadlines for an organization to ask a legislator to submit a bill.

Ms. Nagashima stated that she would like to push to have some changes implemented and said she could provide information for some of the questions on the checklist.

Ms. Hagerman asked what timeline she is suggesting.

Ms. Nagashima said she has seen bills submitted as late as the first crossover.

EO Kramer suggested that any organization who would like to ask a legislator to submit a bill should aim to do so in January.

5. Unfinished Business:

a. Repeal of Hawaii Administrative Rules ("HAR") Chapter 11-11

EO Kramer reported that the Department of Health ("DOH") held a public hearing to repeal the Sanitation rules. The rules are currently pending further processing. Because of this, the Board needs to review the massage therapy establishment application to determine if the list of required supporting documents is sufficient as well as revise the proposed HAR Chapter 84 to remove all references to HAR Chapter 11-11 and incorporate specific sanitation language. She noted in reviewing old application files, she has seen a copy of a checklist which was used by DOH inspectors to conduct the sanitation clearance. She suggested adding the checklist to the application with an attestation that the applicant is required to sign.

Chair Davis asked if EO Kramer could provide a copy of the checklist to the Board for review.

EO Kramer said yes.

b. Rule Revisions – Title 16, Chapter 84, Hawaii Administrative Rules

At 10:10 a.m., DAG Wong arrived at the meeting.

The following are some of the substantive changes which were discussed regarding adding sanitation language from HAR Chapter 11-11-4:

- §11-11-4(a)(1): changing “a solid partition from the floor to the ceiling” to “a solid permanent partition”
- Removing §11-11-4(a)(4)
- §11-11-4(a)(5): removing the requirement for a mixing valve or combination faucet (running water still required)
- §11-11-4(c)(1): all instruments and linens that come in contact with the client shall be thoroughly cleaned and sanitized after use on each client
- Removing §11-11-4(d).

By consensus, the Board decided to continue this discussion later in the meeting.

Recess: At 10:41 p.m., Chair Davis called for a recess.

Reconvene: At 10:47 p.m., the Board reconvened their meeting.

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

- 6. Applications, b. Applications, 1) Tangee Lazarus
- 6. Applications, b. Applications, 2) Austin Myrick
- 6. Applications, b. Applications, 4) Brandon Thompson
- 6. Applications, b. Applications, 5) James Wescoatt

6. Applications: b. Applications

2) Austin Myrick

Chair Davis stated that Mr. Myrick has chosen to hold the discussion

regarding his application in open session. He noted that at their last meeting, the Board had deferred Mr. Myrick's application and requested additional information which Mr. Myrick has provided. He asked Mr. Myrick if he wanted to address the Board.

Mr. Myrick stated that he wants to practice massage therapy in Hawaii. He spent a number of years homeless and travelling. He is currently trying to rebuild his life as a father, student and worker. He currently holds an Oregon massage license and misses helping people.

Chair Davis noted that a letter of support was submitted by Mr. Myrick's brother Jeremy. He asked if this was the same brother involved in Mr. Myrick's 2001 conviction.

Mr. Myrick said yes, noting that the conviction occurred when he was a minor. He stated that while he felt his reaction was appropriate at the time, he now acknowledges it could have been handled better. He said he also didn't have a proper attorney and did not even see the police report of the incident until he applied for his Oregon license.

Ms. Hagerman asked if he is currently working.

Mr. Myrick said he is working for a company and his duties include tent building, lighting, setting up tables, and building stages.

Ms. Bath noted that two of the letters he submitted did not have a signature.

Mr. Myrick stated that those letters were sent to him via email.

Vice Chair Behnken asked if there was anything else he would like to say.

Mr. Myrick stated that his bad decisions have kept him from travelling the world and accepting opportunities offered to him. He noted that Canada would not let him in the country with his conviction of "promoting a detrimental drug" despite the fact that he was not dealing drugs.

Chair Davis thanked Mr. Myrick for attending and providing his testimony to the board.

1) Tangee Lazarus

Chair Davis asked Ms. Lazarus if she wanted to address the Board.

Ms. Lazarus stated that she believes she has come far and has completed

her requirements on faith. She is grateful to be here and appreciative of what she has done.

Ms. Nagashima stated that she has reviewed the education documents submitted by Ms. Lazarus and it appears she may be short 60 hours of hands on training as some of the hours from Thai Issan may be duplicative of hours obtained at Remington. EO Kramer said she (EO Kramer) can clarify the education hours during Executive Session discussion.

DAG Wong asked Ms. Nagashima if she knew Ms. Lazarus from the time Ms. Lazarus was at Remington.

Ms. Nagashima said yes and stated she would recuse herself from the vote. This would avoid any appearance of a conflict of interest. However, she wanted to bring up the possible education deficiency.

DAG Wong noted that the Board asked Ms. Lazarus to attend the meeting because it noticed some discrepancies between statements Ms. Lazarus made when she appeared at its August meeting and the information provided after the August meeting. For example, there are discrepancies regarding the dates she volunteered at Hospice Hawaii.

Ms. Lazarus stated she was trained in 2005 but took a break. She said the discrepancy in the letters is because the people she worked with in 2005 are no longer working at Hospice Hawaii, and the current people at Hospice Hawaii were not there in 2005.

DAG Wong noted that Ms. Lazarus also stated at the previous meeting that she volunteered since 2005. However, her written statement and a 2015 letter from Hospice Hawaii state she has been a volunteer since 2013. She asked Ms. Lazarus if she can provide documentation that she was a volunteer earlier.

Chair Davis asked how long was the break in volunteering.

Ms. Lazarus stated that the break was 2008-2012 because she was incarcerated off and on. She returned to volunteering in 2013. She was originally trained in 2005 and volunteered from 2005-2008. She stated she did not realize that the dates were critical.

DAG Wong reiterated that it is only critical because of the discrepancies between her testimony and the supporting documents submitted to the Board. To date, Ms. Lazarus has not provided any documentation about her volunteering from 2005-2008. If the Board did not have the current letter

from Hospice Hawaii stating Ms. Lazarus started volunteering there in 2013, Ms. Lazarus' statements in August could have given the Board the impression that she had volunteered there continuously since 2005. She also said the Board was under the impression from Ms. Lazarus' statements in August that Ms. Lazarus had discussed performing massage on patients at Hospice Hawaii.

Ms. Lazarus clarified that she had not yet performed massage services at Hospice Hawaii but her goal and plan was to perform massage and hands-on treatment as part of hospice services. She suggested the confusion may be due to a photo she submitted of her helping lower a hospice patient into the ocean. She noted that massage therapists at Hospice are paid, not volunteer, positions.

DAG Wong agreed that there may have been some confusion between her current goal performing office clerical work and end goal and noted that such discrepancies were why the Board asked her to come back for clarification.

Vice Chair Behnken noted that Ms. Lazarus provide a Remington College certificate stating that she achieved a GPA of 4.0 in the Massage Therapy Diploma Program, however, according to the transcript provided, she had a 2.07 GPA and did not complete the program.

Ms. Lazarus explained that the 4.0 was for a class at that particular point in time. She stated that she withdrew from Remington due to issues with the school, and she requested basically every piece of paper with her name on it. When she received the documents, they included statements from classmates confirming her issues with the school. Remington told her she could come back for free. However, she decided not to complete her studies there.

EO Kramer requested reclarification that the certificate was not based on her cumulative class grade, just her grade at a certain point in time during the class.

Ms. Lazarus said yes. She noticed a discrepancy between the grades she received on her assignments and the grades she received in class. Remington's attorney informed her she could sign a last chance agreement to finish her schooling but she chose to go elsewhere.

Vice Chair Behnken asked Ms. Lazarus whether she wanted to elaborate on her comments regarding this discrepancy.

Ms. Lazarus said when she arrived at Remington, she was told that they don't want people with certain convictions in the massage field. She tried to go to the administration but she got no help. She didn't get offered the last chance agreement until she got statements from students. Ms. Lazarus asked if she could read one of those statements to the Board.

Chair Davis allowed her to read a statement.

Chair Davis asked if there was anything else she would like to say.

Ms. Lazarus said no.

Chair Davis thanked Ms. Lazarus for attending and providing clarification regarding her application.

Executive
Session:

At 11:15 a.m., it was moved by Chair Davis, 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".

At 12:09 p.m., it was moved by Ms. Bath, seconded by Vice Chair Behnken, and unanimously carried to move out of Executive Session.

6. Applications:

b. Applications

2) Austin Myrick

Upon a motion by Vice Chair Behnken, seconded by Ms. Bath, it was voted on and unanimously carried to approve Mr. Myrick to sit for the Hawaii massage therapist exam.

1) Tangee Lazarus

EO Kramer informed Ms. Lazarus that upon further review, it was determined that she does meet the Board's education requirement.

Upon a motion by Chair Davis, seconded by Ms. Hagerman, it was voted on (with Chair Davis, Vice Chair Behnken and Ms. Hagerman voting "yes", and Ms. Bath abstaining and Ms. Nagashima recused) that upon passing the Hawaii massage therapy exam, payment of license fees and proof of current

CPR certification, a conditional license will be issued to Ms. Lazarus with the conditions listed below:

1. She must work for an employer and not be self-employed;
2. She shall inform the Board of her current employer and any change of employment within 10 days of the change;
3. She shall pay for and submit an annual State of Hawaii criminal history record check ("E-Crim report") from the Hawaii Criminal Justice Data Center to the Board which shall be due on January 31 of each year and shall cover the period of the preceding January to December; and;
4. She shall refrain from any actions that may result in her conviction for any crimes against persons or property (including but not limited to theft, burglary, assault, etc.) or any other act that is directly related to the massage therapy profession. Any such conviction(s) shall be reported to the Board within 30 calendar days of the conviction; and if she fails to timely notify the Board of such conviction(s), the conditional license shall be automatically revoked upon affidavit or declaration of the Executive Officer attesting to the conviction.
5. If she wishes to have any condition removed from the license, she shall make a request in writing to the Board, at which time the Board would consider her request.

Chair Davis asked Ms. Lazarus if she had any questions or concerns.

Ms. Lazarus said no.

At 12:12 p.m., DAG Wong left the meeting room.

Recess: At 12:13 p.m., Chair Davis called for a recess.

Reconvene: At 12:20 p.m., the Board reconvened their meeting.

Executive Session: At 12:21 p.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)(1), "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both,".

At 12:30 p.m., it was moved by Ms. Bath, seconded by Vice Chair Behnken, and unanimously carried to move out of Executive Session.

2) Lindsay Rudy

EO Kramer reported that after the August 8, 2018 meeting, she sent a letter to Ms. Rudy requesting submission of additional documents. To date, no additional documents have been received.

3) Brandon Thompson

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

4) James Wescoatt

Upon a motion by Chair Davis, seconded by Vice Chair Behnken, it was voted on and unanimously carried to approve Mr. Wescoatt to sit for the Hawaii massage therapist exam.

The Board returned to its regular order of business.

5. Unfinished Business:

b. Rule Revisions – Title 16, Chapter 84, Hawaii Administrative Rules

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

- All student hours of training must be conducted at an approved massage school.
- Each individual is allowed 12 total months of training time. If the individual completes less than the 12 total months of training time, they may submit an application for a new permit, however, they will only get the remainder of their 12 months of training.
- No apprentice training can take place outside of the licensed massage therapy establishment of record for the permit.

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

6. Applications:

a. Ratifications

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

7. Next Meeting: Wednesday, October 31, 2018
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Vice Chair Behnken informed the Board that she is unable to attend the October 31, 2018 meeting.

Chair Davis, Ms. Bath, Ms. Hagerman and Ms. Nagashima all confirmed that they were planning to attend.

8. Adjournment: With no further business to discuss, Chair Davis adjourned the meeting at 1:02 p.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Risé Doi

Risé Doi
Executive Officer

10/18/18

[] Minutes approved as is.

[✓] Minutes approved with changes; see minutes of October 31, 2018.

BOARD OF MASSAGE THERAPY

RATIFICATION LIST

Wednesday, September 26, 2018

MASSAGE THERAPIST

MAT 15750	KATHERINE A KARNIS	MAT 15762	PATCHAREE SOPONPISUT
MAT 15751	XINPING C NAKAMURA	MAT 15763	HANNAH L PADGETT
MAT 15752	YURIKA S BANDO	MAT 15764	NOA K P CHUNG
MAT 15753	KARESA S BULLOCK	MAT 15765	JIN HE
MAT 15754	ALANA J YEE	MAT 15766	MARIKO HATA
MAT 15755	HAIYAN YAN	MAT 15767	NUTHIDA JIRABUSAYAKUL
MAT 15756	AKI WONG	MAT 15768	DUY THAT TON
MAT 15757	SHIRLEY HARMER	MAT 15769	KRISTAL VILLAVICENCIO
MAT 15758	DRAKE N LITTLE	MAT 15770	ERIN S HENRY
MAT 15759	YOKO NAGASHIMA	MAT 15771	LYNNETTE A AUDY
MAT 15760	JORGE A MARES-BONILLA	MAT 15772	TING Y LI
MAT 15761	CHANNEL I R LAGOC	MAT 15773	ANABEL ARELLANO

MASSAGE THERAPY ESTABLISHMENT

MAE 3400	GOOD DAY THAI MASSAGE LLC	MAE 3413	KING MT LLC
MAE 3401	U BEAUTY AND SPA LLC	MAE 3414	GREEN TI MASSAGE LLC
MAE 3402	TAKITANI CHIROPRACTIC CORPORATION	MAE 3415	ESSENTIAL TOUCH LLC
MAE 3403	JOY'S EUROPEAN FACIALS LLC	MAE 3416	RESTORATIVE MASSAGE CLINIC LLC
MAE 3404	ZUDAO TIBET CENTER INC	MAE 3417	CARMERA K CHARTRAND
MAE 3405	JOYMART INC	MAE 3418	SPA QUEEN WAIKIKI LLC
MAE 3406	90210 MANAGEMENT COMPANY LLC	MAE 3419	123 SPA LLC
MAE 3407	V THERAPY LLC	MAE 3420	THAI MASSAGE THERAPEUTICS LLC
MAE 3408	K OF ALOHA LLC	MAE 3421	ADVANCED MASSAGE WEST OAHU INC
MAE 3409	LOUELLA K M VIDINHA	MAE 3422	KATHRYN J LUNDQUIST
MAE 3410	YAYA SPA LLC	MAE 3423	PADMA BLOSSOM WELLNESS CENTER LLC
MAE 3411	MANDARA SPA (HAWAII) LLC	MAE 3424	NA HOKU O KA LANI INC
MAE 3412	KAMA'AINA MASSAGE AND FOOT SPA LLC		

MASSAGE THERAPY WORKSHOP

R. Haunani Hopkins, MAE 1744

Instructor: R. Haunani Hopkins, MAT 5099

Initial Course: September 13, 2018 – December 2, 2018

79-7256 Nahenahe Loop

Honalo, Hawaii 96750

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