

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

MINUTES OF MEETING

Date: Wednesday, October 31, 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
Stephanie Bath, Massage Therapist
Jodie Hagerman, Public Member
Olivia Nagashima, Massage Therapist
Risé Doi, Executive Officer ("EO")
Shari Wong, Deputy Attorney General ("DAG")
Jennifer Fong, Secretary

Excused: Paula Behnken, Public Member, Vice Chair

Guests: LaTasha Williams
Tayelor Hashimoto
Justin Tabios
Sterling Coria
Gwen Coria
Malie Garcia
Felisha C. Abezas
Horatio Luster

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 9:04 a.m.

2. Additional Distribution to Agenda: None.

3. Approval of Minutes of the September 26, 2018 Meeting:

Chair Davis asked if there were any comments or concerns regarding the Board minutes of the September 26, 2018 meeting.

EO Doi requested the following changes:

On page 6, above "Chair Davis asked how long was the break in volunteering.", the following language should be added: "Ms. Lazarus said she started in 2005 and took a break."

On page 7, the third paragraph should read "DAG Wong agreed that there may have been some confusion between her current [goal] role performing office clerical work and her end goal and noted that such discrepancies were why the Board asked her to come back for clarification." (underlined material added, while bracketed material is to be deleted)

At 9:08 a.m., Ms. Hagerman arrived.

Chair Davis asked if there were additional comments or concerns.

There were none.

Upon a motion by Ms. Bath, seconded by Ms. Nagashima, it was voted on and unanimously carried to approve the minutes of the September 26, 2018 meeting as amended.

Ms. Nagashima and Ms. Hagerman stated that they did not complete their review of the Executive Session Minutes.

Chair Davis stated that he was deferring discussion on the Executive Session Minutes to allow time for the Board members to complete their review.

4. Board Member Disaster/Emergency Preparedness:

- a. The Board will view the **AVOID/DENY/DEFEND** training video developed by Advance Law Enforcement Rapid Response Training (ALERRT™): *The intuitive, easy-to-remember three step plan for survival in the event of an active shooter event or other public acts of violence.* The training video may be viewed at: <https://youtu.be/j0lt68YxLQQ>

The Board viewed the training video.

There were no comments or questions from the Board.

- b. DCCA Board Member Emergency Procedures

Board Members were given a copy of the DCCA's General Emergency

Procedures document.

There were no comments or questions from the Board.

5. Executive Officer's Report: a. 2019 Board Meeting Schedule

EO Doi noted that a copy of the 2019 Board Meeting Schedule was included in the meeting packet. The Board was reminded to inform the staff as soon as possible if they are unable to attend a meeting.

6. Applications: a. Ratifications

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

b. Applications

Executive Session:

At 9:26 a.m., it was moved by Ms. Nagashima, 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".

Guests were excused from the meeting room.

At 9:38 a.m., it was moved by Ms. Bath, seconded by Ms. Nagashima, and unanimously carried to move out of Executive Session.

Guests re-entered the meeting room.

1) Jaime Schrack

Upon a motion by Ms. Nagashima, seconded by Ms. Bath, it was voted on and unanimously carried to approve Ms. Schrack's request for exam waiver, pursuant to HRS §452-16.

7. New Business: a. Sanitation Requirements for the Massage Therapy Establishment Application – Draft Checklist and Sample Drawing Form

The Board was given a checklist drafted by former EO Carol Kramer based on the checklist which was previously used by the Department of Health's inspectors to conduct the sanitation inspection for massage therapy establishments as well as a sample of the drawing form currently in use by the

Board of Barbering and Cosmetology ("B&C Board").

Ms. Bath noted that the Department of Health was in the process of repealing HRS Chapter 11-11. She questioned if the Board can legally insert language in the application which is based on language that may be repealed.

DAG Wong noted that she recalls EO Kramer suggesting the Board to add language to Hawaii Administrative Rules ("HAR") Chapter 84 regarding the sanitation requirements.

Ms. Nagashima asked DAG Wong how a repeal of HRS Chapter 11-11 would affect massage establishments.

DAG Wong stated that if HRS Chapter 11-11 is repealed, there would be no way to enforce the sanitation requirements.

Chair Davis noted that the Board will be including sanitation requirements in their proposed rules draft.

DAG Wong reminded the Board that the rules process is lengthy and until new rules are adopted, there would be no enforcement of the sanitation requirements.

Ms. Nagashima stated that the Board could change their statutes.

DAG Wong agreed, noting that changing the statutes would be a faster process.

Ms. Nagashima asked if the Board can approve the proposed rules as they complete each section.

Chair Davis said he does not think that would be feasible because when the Board makes a change in one section, it often requires previously approved sections to be amended. He suggested that the Board fix their statutes first.

DAG Wong gave the Board a brief overview of the legislative process, noting that the deadline to submit administration bills has passed. She said if the Board wants legislation introduced for the upcoming session, it must be introduced by an outside party.

Ms. Bath said if the Board is okay with the draft checklist and the drawing form, they should take a vote to add the items to the massage establishment application.

Ms. Nagashima suggested deferring the discussion.

After some discussion, it was the consensus of the Board to defer discussion on this item.

8. Unfinished Business:

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

Chair Davis asked Ms. Hagerman and Ms. Nagashima to give a committee report.

Ms. Hagerman stated that the Board has been looking into the Chair’s suggested changes for HRS §452-19, specifically changing “misdemeanor” into “gross misdemeanor”. She said there is no such thing as a “gross misdemeanor”. There is “misdemeanor” and “felony”. In addition, there are two types of “misdemeanor” – “petty misdemeanor” which cannot require a jury trial and a “misdemeanor” which can require a jury trial. She said the committee needs to know the Board’s suggested language and asked if the Board wants to mirror sex trafficking laws.

Ms. Bath said she believes the licensing of massage establishments (“MAEs”) is based on anti-prostitution. She said she was a sole proprietor of an MAE for years and feels the license should not be required.

Ms. Nagashima said that licensees are not taking the penalties seriously. The fine for a petty misdemeanor is inconsequential. She agrees that the Board should consider increasing the penalty.

DAG Wong noted at the last meeting, one of the Chair’s suggested revisions was adding a continuing education (“CE”) requirement for massage therapist (“MAT”) license renewal and asked if the committee has completed the Division’s CE checklist yet.

Ms. Hagerman stated that the committee is still working on completing the checklist.

At 11:00 a.m., DAG Wong left the meeting room.

Recess: At 11:01 a.m., Chair Davis called for a recess.

Reconvene: At 11:09 a.m., the Board reconvened their meeting.

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

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

- Requiring an off-site massage location to have a current active MAE license.
- Allowing a person with a current active Hawaii MAT license to provide out-call services under the provisions of their massage therapist license without requiring any additional licensure.
- Changing the deadline for submitting a complete MAT application to the Board to sixty (60) days prior to the examination registration deadline.

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

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

- 3. Approval of Minutes of the September 26, 2018 Meeting

3. Approval of Minutes of the September 26, 2018 Meeting:

Chair Davis asked if there were any comments or concerns regarding the Executive Session Minutes of the September 26, 2018 meeting.

There were none.

Upon a motion by Ms. Bath, seconded by Ms. Nagashima, it was voted on and unanimously carried to approve the Executive Session Minutes of the September 26, 2018 meeting as circulated.

The Board returned to its regular order of business.

9. Next Meeting:

Chair Davis noted that the Board's next meeting is currently scheduled for January 30, 2019, however, he would like to see if another meeting can be scheduled before the end of the year.

By consensus, the Board requested that staff check with Vice Chair Behnken and DAG Wong as well as conference room availability to possibly hold a meeting on Wednesday, November 28, 2018. If the Board does not have quorum to hold a meeting or if a conference room is not available on that date, staff will let the Board know so another possible date can be chosen. Once quorum and room availability for a date is confirmed, the Board's website will be updated to reflect the date of the Board's next meeting.

10. Adjournment: With no further business to discuss, Chair Davis adjourned the meeting at 12:32 p.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Risé Doi

Risé Doi
Executive Officer

11/19/18

Minutes approved as is.

Minutes approved with changes; see minutes of _____.

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

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