

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

**MINUTES OF MEETING**

- Date: Wednesday, March 13, 2019
- 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  
Olivia Nagashima, Massage Therapist  
Risé Doi, Executive Officer ("EO")  
Shari Wong, Deputy Attorney General ("DAG")  
Christopher Leong, DAG  
Jennifer Fong, Secretary
- Excused: Jodie Hagerman, Public Member
- Guests: Kathryn Julia, ICAOM
- 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 9:02 a.m.
2. Additional Distribution to Agenda: Chair Davis announced that the following was distributed to the Board as additional distribution:
- 6. New Business, b. Institute of Chinese Acupuncture & Oriental Medicine ("ICAOM") request for their students to qualify to sit for the Hawaii State Massage Therapy exam – 8/12/15 meeting minutes re: ICAOM, information from ICAOM website and pages from the Accreditation Commission for Acupuncture and Oriental Medicine ("ACAOM") website

- 8. Unfinished Business, a. Discussion on Revisions to Hawaii Revised Statutes (“HRS”), Chapter 452 – Draft of proposed bill for the 2020 legislative session

3. Approval of Minutes of the January 30, 2019 Meeting:

Chair Davis asked if there were any comments or concerns regarding the Board minutes of the January 30, 2019 meeting.

There were none.

Upon a motion by Ms. Nagashima, seconded by Chair Davis, it was voted on and unanimously carried to approve the minutes of the January 30, 2019 meeting as circulated.

4. Executive Officer’s Report:

None.

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

- 6. New Business, b. Institute of Clinical Acupuncture & Oriental Medicine (“ICAOM”) request for their students to qualify to sit for Hawaii State Massage Therapy exam

6. New Business:

b. Institute of Clinical Acupuncture & Oriental Medicine (“ICAOM”) request for their students to qualify to sit for Hawaii State Massage Therapy exam

Ms. Nagashima noted for full disclosure that she knows Ms. Julia.

Chair Davis asked Ms. Julia if she would like to address the Board.

Ms. Julia stated that ICAOM offers a four-year master’s program in Oriental Medicine. They also offer an elective to add more hours of massage. ICAOM is accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (“ACAOM”). They are approved by the U.S. Department of Education (“DOE”) and also by the State Department of Commerce and Consumer Affairs for the Post-Secondary Program.

Vice Chair Behnken asked if the students take the massage hours in addition to the oriental medicine curriculum.

Ms. Julia said yes.

Chair Davis asked if the students take additional courses for subjects like anatomy.

Ms. Julia said no. The student would use the same anatomy courses for both oriental medicine and massage. She likened it to students taking core courses at a university.

Ms. Bath asked if the pathology is taught with an eastern slant.

Ms. Julia stated that they teach both eastern and western methods. She noted that ICAOM is not advertising as a massage program. The program is only offered to their master's program students who also want to get a massage license.

Vice Chair Behnken asked for confirmation that the program was not offered to anyone interested in solely obtaining their massage education.

Ms. Julia confirmed that they do not have a massage program for the general public.

Chair Davis noted that in 2015, Dr. Wai Hoa Low, ICAOM's President/CEO came to the Board with the same request and the Board suggested that the school either obtain a State DOE license as a massage school or they can apply to conduct a Board approved workshop and the students can obtain a massage apprentice permit for their practical training. He asked if there have been any changes to the program since then.

Ms. Julia said she did not know. She said that ICAOM has solid accreditation which should be enough to ensure that their graduates are well educated, so there will be no issues with public protection.

Chair Davis noted that ICAOM's accreditation is for acupuncture and oriental medicine. The question before the Board is if they would accept the education of students from a school whose accreditation is based solely on a different profession.

Ms. Bath noted that doing so would set a precedent. She likened it to accepting the education and training of students in other related professions such as physical therapy or occupational therapy.

Ms. Nagashima said the education may not be as focused on the massage profession as the education that can be obtained at an accredited massage therapy school.

Ms. Julia noted that the process for accreditation is long, rigorous and expensive. The Program was told by the State DOE that a license was not needed because they had national accreditation.

Ms. Nagashima noted that in the 2015 discussion with Dr. Low, it came out that when he spoke to the State DOE about the necessity of the license, massage was not even discussed. The State DOE was responding based on Dr. Low presenting ICAOM as an acupuncture and oriental medicine school, therefore, the State DOE determined it was not needed as ICAOM had the ACAOM accreditation.

Vice Chair Behnken said she thinks schools should not be allowed to circumvent the accreditation requirements to save money.

Ms. Julia stated it's not just about money. She feels that the State DOE requires unnecessary information. She said she started the Honolulu School of Massage in the 1980's when Henry Lee was the Board's EO. She said at that time, there was a man who did not want to get the DOE license. He came to Mr. Lee's office every day to tell him how qualified he was. That was how the workshops and apprenticeships were created. From that standpoint, those workshops and apprenticeships have less accreditation than a program such as ICAOM. She noted that the DOE wants things she feels are unnecessary such as documents from the Department of Health and the number of allowable occupants in the classroom.

Vice Chair Behnken stated that the Board should not make accreditation decisions on a case-by-case basis.

After some discussion, upon a motion by Vice Chair Behnken, seconded by Ms. Bath, it was voted on that ICAOM must have a current license from the State Department of Education as a massage school in order for students of their massage program to be considered for a Hawaii massage therapist license with Chair Davis, Vice Chair Behnken and Ms. Bath voting "Yes" and Ms. Nagashima abstaining. The motion passed.

Ms. Julia asked if the Board is willing to consider revisions to their education requirements which would allow ICAOM's students to be accepted.

Vice Chair Behnken said no as ICAOM's accreditation is as an acupuncture and oriental medicine school. It seems unlikely that the Board would consider any revision which allows for the Board to accept the education of a student from a school which does not have accreditation as a massage school.

Ms. Julia thanked the Board for their consideration.

The Board returned to its regular order of business.

5. Applications: a. Ratifications

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

b. Applications

Executive Session:

At 9:58 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" for the following agenda items:

- 5. Applications, b. Applications, 1) Bettina Bartch
- 5. Applications, b. Applications, 2) Seiko Ichiyama
- 5. Applications, b. Applications, 3) Amariah Raphael
- 5. Applications, b. Applications, 4) Sunisa Tonpuksa
- 5. Applications, b. Applications, 5) Island Energy Massage, LLC
- 5. Applications, b. Applications, 6) Maui Academy of Healing Arts

Guests were excused from the meeting room.

At 11:20 a.m., it was moved by Ms. Bath, seconded by Ms. Nagashima, and unanimously carried to move out of Executive Session.

1) Bettina Bartch

Upon a motion by Chair Davis, seconded by Vice Chair Behnken, it was voted on and unanimously carried to direct the EO to inform Ms. Bartch that the Board does not accept experience in lieu of meeting the Board's education requirements.

2) Seiko Ichiyama

Upon a motion by Vice Chair Behnken, seconded by Ms. Bath, it was voted on and unanimously carried to direct the EO to inform Ms. Ichiyama that the Board does not accept a copy of an affidavit from a former director of her massage school in lieu of the required proof of education documents.

3) Amariah Raphael

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

4) Sunisa Tonpudsa

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

5) Island Energy Massage, LLC

Upon a motion by Chair Davis, seconded by Vice Chair Behnken, it was voted on and unanimously carried to approve Island Energy Massage, LLC's application for massage therapy establishment license.

6) Maui Academy of Healing Arts

Upon a motion by Chair Davis, seconded by Ms. Nagashima, it was voted on and unanimously carried to direct the EO to inform Maui Academy of Healing Arts that based on the review of their application and supporting documents, the school's curriculum does not meet the Board's education requirements.

6. New Business:

a. Legislation

1) Discussion on S.B. 202 – Relating to Professional and Vocational Regulatory Programs

*Establishes repeal dates for all professional and vocational regulatory programs under the professional and vocational licensing division of the department of commerce and consumer affairs. Requires the auditor to perform an evaluation of each program prior to repeal.*

EO Doi reported that this bill has died.

7. Chapter 91, HRS – Adjudicatory Matters:

At 11:29 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 Therapist License of Melia L. Cahill (MAS 2018-73-L) –Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "1"

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

- b. In the Matter of the Massage Therapist License of Brian P. McCord (MAS 2018-89-L) –Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order

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

At 11:34 a.m., the Board moved out of Chapter 91, HRS, and returned to its regular order of business.

8. Unfinished Business:

- a. Discussion on Revisions to HRS, Chapter 452

The Board reviewed the proposed bill to amend the Board’s sanitary rules.

After some discussion, upon a motion by Ms. Nagashima, seconded by Chair Davis, and unanimously carried to approve the following language for the proposed bill to amend HRS §452 (underlined material added, while bracketed material is to be deleted):

- **§452-18 Sanitary rule.** The [department of health] board shall prescribe [such] sanitary rules as it deems necessary, with particular reference to the precautions necessary to be employed to prevent the creating and spreading of infectious and contagious disease[.] including:
  - (1) The massage therapy establishment shall be kept clean and in good repair, properly lighted and ventilated;
  - (2) In all new or existing establishments which have been extensively renovated, approved hand washing facilities shall be located in the operation area;
  - (3) Toilet facilities shall be located within 200 feet of the massage therapy establishment;
  - (4) Massage therapists with contagious diseases in communicable form shall not attend to any client;
  - (5) Massage therapists shall maintain a high degree of personal hygiene and cleanliness;
  - (6) Massage therapists shall wash and clean their hands before and after attending to each client; and

(7) Clean and sanitized linens and instruments shall be used for all clients then sanitized again prior to use on another client.

- **§452-19 Penalties.** (a) Any person who practices massage or maintains a massage therapy establishment, or acts in any capacity wherein a license is required by this chapter, without a license provided for in this chapter, shall be guilty of a [petty] misdemeanor.
- **§452-24 Disciplinary actions.** (b) Any person who violates any of the provisions of this chapter or the rules adopted pursuant thereto shall be fined not less than [\$100] \$250 nor more than \$1,000 for each violation.

EO Doi reminded the Board that if they want to propose any bills for administrative approval, she needs the language by the August board meeting.

Ms. Nagashima reported that the committee is still doing research into additional amendments and is hoping to have something to present to the Board at their next meeting.

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

The Board discussed the revised draft language of Subchapters 1, 2, 3 and 4 but no substantive changes were made.

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

9. Next Meeting: Chair Davis announced the next meeting as:

Wednesday, May 1, 2019  
9:00 a.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813

After some discussion, the Board decided to hold additional meetings on May 29<sup>th</sup> and June 26<sup>th</sup>.

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10. Adjournment: With no further business to discuss, Chair Davis adjourned the meeting at 1:03 p.m.

Taken by:

/s/ Jennifer Fong

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Jennifer Fong  
Secretary

Reviewed by:

/s/ Risé Doi

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Risé Doi  
Executive Officer

3/29/19

[ ] Minutes approved as is.

[✓] Minutes approved with changes; see minutes of May 1, 2019.

## BOARD OF MASSAGE THERAPY

*RATIFICATION LIST*  
*Wednesday, March 13, 2019*

### MASSAGE THERAPIST

MAT 15924	MARISA DURAN	MAT 15936	JENNIFER NERGER
MAT 15925	TANGEE R LAZARUS	MAT 15937	AIKI GANIKO
MAT 15926	OR SAGI-WOODSON	MAT 15938	DRETON K DELARA-LONO
MAT 15927	LAURA L DILLMAN	MAT 15939	SOMMANY HEMSOUVANH
MAT 15928	MARGARET F ZHENG	MAT 15940	LOUISA H FRANCO
MAT 15929	JASMINE S MURRAY	MAT 15941	SARAH A TENA
MAT 15930	TESSA V BOXALL	MAT 15942	MARILIA C SOUZA
MAT 15931	TOMOKO HOMMA	MAT 15943	INGRID G PETERSON
MAT 15932	JANESSA L DALALANA	MAT 15944	PHILIP F DE RICCO
MAT 15933	JAZLYNN K K KAAHANUI- MONTGOMERY	MAT 15945	CHANDRA RADIANCE
MAT 15934	KAMRAN PARVIZI	MAT 15946	RECCIE A KEAWE
MAT 15935	LAURA A PUSKO	MAT 15947	MAGEN C WEISHEIT

### MASSAGE THERAPY ESTABLISHMENT

MAE 3483	DEEP RELIEF MAUI INC	MAE 3488	HEALING JOURNEY, LLC
MAE 3484	JULIA M HERNANDEZ	MAE 3489	FREEDOM SPAS LLC
MAE 3485	THAI-ISSAN THERAPEUTIC MASSAGE LLC	MAE 3490	FREEDOM SPAS LLC
MAE 3486	LAULA'AU LLC	MAE 3491	DIANA K KOBAYASHI
MAE 3487	PHUSASIAM THAI MASSAGE & SPA LLC	MAE 3492	JP LOGISTICS LLC

### MASSAGE THERAPY WORKSHOP

*None.*