

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

MINUTES OF MEETING

- Date: Wednesday, August 7, 2019
- Time: 9:00 a.m.
- Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813
- Present: Olivia Nagashima, Massage Therapist, Chair
Paula Behnken, Public Member, Vice Chair
Stephanie Bath, Massage Therapist
Jodie Hagerman, Public Member
Risé Doi, Executive Officer (“EO”)
Christopher Leong, Deputy Attorney General (“DAG”)
Jennifer Fong, Secretary
- Guests: Lei Fukumura, PVL-SDAG
Elise Inouye, Hawaii Public Policy Advocates (“HPPA”)
Kathryn Julia, Institute of Clinical Acupuncture & Oriental Medicine (“ICAOM”)
Kiyo Noguchi, HPPA
- 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 Nagashima called the meeting to order at 9:00 a.m.
2. Additional Distribution to Agenda: Chair Nagashima announced that the following was distributed to the Board as additional distribution:
- 6. New Business, b. Request from Stephanie Bath: Discussion on change of meeting day – 2019 Meeting Schedule
 - 7. Applications, b. Applications, 6) Hawaii Healing Arts College – Amended documents and information
 - 8. Unfinished Business, b. Rule Revisions – Title 16, Chapter 84, Hawaii Administrative Rules – Updated draft

3. Approval of Minutes of the July 17, 2019 Meeting:

Chair Nagashima asked if there were any comments or concerns regarding the Board minutes of the July 17, 2019 meeting.

There being none, upon a motion by Chair Nagashima, seconded by Ms. Bath, it was voted on and unanimously carried to approve the minutes of the July 17, 2019 meeting as circulated.

4. Chapter 91, HRS – Adjudicatory Matters:

At 9:04 a.m., Chair Nagashima 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 Shuqing W. Camacho (MAS 2019-50-L) – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

b. In the Matter of the Massage Establishment License of Fire Palace, Inc., doing business as Massage Palace (MAS 2019-50-L) – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

At 9:17 a.m., the Board moved out of Chapter 91, HRS, and returned to its regular order of business.

Chair Nagashima welcomed the guests and asked them to introduce themselves.

The guests each provided a brief introduction.

Chair Nagashima thanked the guests for attending the meeting.

5. Executive Officer's Report:

a. New Board Member Orientation – October 11, 2019

EO Doi reported that the Professional & Vocational Licensing Division will be offering a new board member orientation on Friday, October 11, 2019 from 8:30 am – 12:00 pm in the State Capitol Auditorium. More information on the contents of the orientation will be sent via email. Any interested board members should let her know as soon as possible.

6. New Business: a. Email inquiry from Emma Loda: Questions regarding lomilomi, massage establishments, and workshop permits

The Board reviewed and discussed Ms. Loda's email in which she is seeking clarification regarding Hawaiian lomilomi.

After some discussion, upon a motion by Chair Nagashima, seconded by Vice Chair Behnken, it was voted on and unanimously carried to respond to Ms. Loda's questions as follows:

1. When practicing lomilomi in public spaces or outside and practicing what has been passed down to me from a specific Lomi lineage does the location have to have an MAE? Can specifics be clarified? Many practitioners offer their services at a variety of locations and events.

Board's Response: Yes, pursuant to HRS §452-2(a) and §452-3, when practicing lomilomi in public spaces or outside, a massage establishment license is needed. In addition, HRS §452-1 specifically includes "Hawaiian massage" commonly known as lomilomi in the definition of "massage". Therefore, a license is required to practice lomilomi and if massage is performed for compensation, a massage establishment license is required. Also, as lomilomi is included in the scope of massage therapy, there is no exception for practitioners of lomilomi.

2. If I am not giving massage therapy services to a customer does the location have to have an MAE? I have read through the permit application to run workshops for state hours or credit. The brief thoughts I share are not for credit, not for hours, and is a very light information session for fun only.

Board's Response: No, if you are not giving massages therapy services for compensation, a massage establishment license is not needed.

3. Am I ok to continue with speaking on my field that is not for state hours without a workshop permit?

Board's Response: Yes, as long as the people you are talking to understand that they are not getting hours that can be used towards obtaining a massage therapist license.

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.

b. Request from Stephanie Bath: Discussion on change of meeting day

The Board reviewed and discussed Ms. Bath's request to schedule board meetings on a day other than Wednesday.

Chair Nagashima reminded the Board to be mindful that they should try to avoid speaking to other members regarding board business outside of the meeting.

Ms. Bath questioned if her contacting Vice Chair Behnken to discuss this matter would be a violation of the Sunshine Law.

DAG Leong said it may be okay as long as there were no decisions made. He advised the Board to be mindful of HRS Chapter 92, also known as the Sunshine Law, in all interactions which may affect the Board.

Ms. Bath explained that she frequently has county committee commitments on Wednesdays in the late afternoon and/or early evening. She has had to miss some things due to the board meetings. She emphasized that she is not trying to change the remaining 2019 meeting date as she understands that the Board members have already made commitments based on this date, however, she would like them to consider changing the 2020 schedule.

EO Doi reminded the Board that Hawaii Administrative Rules ("HAR") § 16-84-27(d) requires that the deadline for submitting the application for exam be 45 calendar days prior to the exam date. Therefore, four times a year, the Board's meetings are scheduled between the application submission deadline and Prometric's exam registration deadline. In addition, HRS §92-7(b) requires the meeting agenda be posted no less than six calendar days prior to the meeting. She noted that specifically, for these four meetings, it would be extremely difficult to change the day of the week. She noted that other meeting dates, which are generally scheduled on an "as needed" basis, can be determined based on the availability of the Board members.

After some discussion, by consensus, it was determined by the Board that the meetings determined by the examination dates will remain on Wednesdays and that any additional meetings would be determined by the Board based on the members availability.

7. Applications:

a. Ratifications

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

b. Applications

Executive
Session:

At 9:53 a.m., it was moved by Chair Nagashima, seconded by Vice Chair Behnken, 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".

Guests were excused from the meeting room.

At 12:41 p.m., it was moved by Vice Chair Behnken, seconded by Ms. Hagerman, and unanimously carried to move out of Executive Session.

1) Vicky Cunningham

Upon a motion by Chair Nagashima, seconded by Vice Chair Behnken, it was voted on and unanimously carried to defer Ms. Cunningham's application pending receipt of proof of successful completion of the Board's education and training requirements. The Board directed the EO to send a letter to Ms. Cunningham which states: 1) a copy of a state's education and licensing requirements is not acceptable as proof of education in lieu of documentation from the massage school; and 2) suggesting that she contact New Mexico to obtain a copy of the documents submitted for her massage license in that state.

2) Rebekah Goldstein-Hawes

Upon a motion by Ms. Bath, seconded by Vice Chair Behnken, it was voted on and unanimously carried to defer Ms. Goldstein-Hawes' application and directed the EO to inform Ms. Goldstein-Hawes that based on the review of her application and supporting documents received to date, she is short 15 hours of anatomy, physiology, and structural kinesiology; 67 hours of theory and demonstration of massage; and 291 hours of practical massage training.

3) Amaya Gurule

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

4) Susanne Shedletsky

Upon a motion by Vice Chair Behnken, seconded by Ms. Bath, it was voted on and unanimously carried to defer Ms. Shedletsky's application and directed the EO to inform Ms. Shedletsky: 1) based on the review of her application and supporting documents received to date, she is short 33 hours of practical massage training; and 2) if she would like the Board to consider her request for an examination waiver pursuant to HRS §452-16, she will need to provide supporting documentation to show that she possesses current knowledge and skills for the practice of massage therapy.

5) Brandi Wise

Upon a motion by Vice Chair Behnken, seconded by Ms. Hagerman, it was voted on and unanimously carried to approve Ms. Wise's request for an examination waiver pursuant to HRS §452-16.

6) Hawaii Healing Arts College

Upon a motion by Vice Chair Behnken, seconded by Ms. Hagerman, it was voted on and unanimously carried that based on the review of Hawaii Healing Arts College's application and supporting documents, the school's curriculum does meet the Board's minimum education and training hours required for an applicant to obtain a license in massage therapy. The Board directed the EO to issue an approval letter valid through the Department of Education ("DOE") licensure period from September 1, 2019 through August 31, 2021.

7) Institute of Clinical Acupuncture & Oriental Medicine

Upon a motion by Vice Chair Behnken, seconded by Ms. Hagerman, it was voted on and unanimously carried to defer the Institute of Clinical Acupuncture & Oriental Medicine's application pending clarification regarding the breakdown of the curriculum hours, including a specific hour breakdown of the topics in the "Professionalism" course and once the requested information is received, delegate to the EO the authority to approve the application and issue a letter informing the school of: 1) curriculum approval valid through the Department of Education ("DOE") licensure period from September 1, 2019 through August 31, 2021; and 2) inform the school that the following topics from their "Professionalism" course were not accepted: Hawaii State laws and Board of Massage rules and regulations; creating a resume and job interview skills; and preparation for the state licensing exam.

8. Unfinished Business: a. Discussion on Revisions to HRS, Chapter 452 – Proposed Amendments to HRS §452-18, §452-19 and §452-24

EO Doi reported that the justification sheet and the proposed bill have been submitted for consideration as an administrative bill.

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

The Board deferred discussion on this matter. The Board will resume discussion of the current draft at their next scheduled meeting.

9. Next Meeting: Wednesday, October 30, 2019
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 Nagashima adjourned the meeting at 12:52 p.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Risé Doi

Risé Doi
Executive Officer

8/21/19

[] Minutes approved as is.

[✓] Minutes approved with changes; see minutes of October 30, 2019.

BOARD OF MASSAGE THERAPY

RATIFICATION LIST
Wednesday, August 7, 2019

MASSAGE THERAPIST

MAT 16093	ELIZABETH N FLORA	MAT 16108	ANNE A GOSS
MAT 16094	SIRIPORN J JANG	MAT 16109	SARAH H YI
MAT 16095	BRIEN K TAKIGUCHI	MAT 16110	KAI X GUO
MAT 16096	IZABELA SIERADZAN	MAT 16111	RYAN J CARDENAS
MAT 16097	KAREN M KERWITZ	MAT 16112	NICHOLAS P JOHNSON
MAT 16098	MANUEL T GONSALVES	MAT 16113	KITIYA M SHIROMA
MAT 16099	FRANCOIS J GERVAIS	MAT 16114	KAYTI-ANN H BOWMAN
MAT 16100	ANDREA L BUTCHER	MAT 16115	VANITA D GREEN
MAT 16101	JANE HYDE KORDISH	MAT 16116	JOLEI B PARROTT
MAT 16102	IRIS M UYEMA	MAT 16117	ALLEN M ZIELINSKI
MAT 16103	GUOLONG WANG	MAT 16118	OMAR DIAZ
MAT 16104	MAKI N OLVEY	MAT 16119	YI ZHOU
MAT 16105	RAELYNN D ATKINSON	MAT 16120	TAYELOR NOELANI HASHIMOTO
MAT 16106	LEO'N J WILLIAMS	MAT 16121	MOLLY I MCLAUGHLIN
MAT 16107	GABRIEL HUANG		

MASSAGE THERAPY ESTABLISHMENT

MAE 3529	MAGNOLIA MASSAGE & SPA LLC
MAE 3530	"HALE' MAMA SPA LLC
MAE 3531	LANI HAWAII MASSAGE & BEAUTY SPA LLC
MAE 3532	ANXIETY GRACE LLC
MAE 3533	DIANE I SANDS
MAE 3534	FREEDOM SPAS LLC
MAE 3535	JILL I SILVA
MAE 3536	GINGER R PALADIN

MASSAGE THERAPY WORKSHOP

Brian M. Nakatsu, MAE 2549

Instructor: Brian M. Nakatsu, MAT 11600

Initial Course: September 16, 2019 – December 16, 2019

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