

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

MINUTES OF MEETING

Date: Thursday, June 18, 2020

Time: 9:30 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar

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
Candace Ito (Technical Support)
Daniel Jacob (Technical Support)
Sal Nicosia (Technical Support)
Charlene Tamanaha (Technical Support)

Guests: Ahlani K. Quiogue
anonymous2
Ben Trevino
Brian B.
Bryan Yee
carmel andrews
Charlene Tamanaha
Colleen Yuen
Faith Nishimura
GC
Jane Doe
Jon Nakasone
js
jsk
kelly
Kyle Kagihara
lance johnson
Mark Olson
Maurice Torigoe
Nancy
Taylor

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").

A brief video regarding the virtual board meeting, including meeting procedures and helpful information regarding how members of the public can participate using Zoom, was played.

1. Call to Order,
Public Notice,
Quorum: There being a quorum present, Chair Nagashima called the meeting to order at 9:34 a.m. She conducted a roll call of board members and staff.

Vice Chair Behnken, Ms. Bath, Ms. Hagerman, EO Doi, DAG Leong and Ms. Fong confirmed that they were present.

Chair Nagashima reminded attendees that all microphones will be muted. If anyone would like to speak, they should raise their hand and they will have a five-minute time limit. She noted that today, Ms. Ito, Mr. Nicosia and Mr. Jacob will be assisting the Board as panelists with technical support for the virtual meeting.

2. New
Business: a. Distance learning education/training hours during the COVID-19 Pandemic; Cardiopulmonary Resuscitation ("CPR") requirement

The Board will consider: 1) accepting hours obtained through distance learning towards the Board's education requirement for licensure from a student at a licensed massage school and during a Board approved apprenticeship; 2) distance learning for a massage workshop and whether that training needs to be held in a licensed massage therapy establishment; and 3) whether the Board will accept fully or partially online courses in satisfaction of the requirements of Hawaii Administrative Rules ("HAR") §16-84-23(n) or HAR §16-84-23(o) to show proof of a current certificate of completion of both the infant and adult CPR training course for licensure.

The Board received written statements from the following individuals:

- Marisa Watanabe of UH Maui College,
- Bonnie Hokulani Henshaw,
- Carmel Andrews of Maui Academy of Healing Arts, Mark Olson of Pacific Center for Awareness and Bodywork, Janet Graves, Isabelle Fisher and Rod Fisher of Golden Lotus Studio, LLC;
- Michèle Czara;
- Kelcie Yomen; and
- Tatsuko Morimoto of Aloha Academy of Massage, Inc.

Chair Nagashima asked if Ms. Watanabe, Ms. Henshaw or Ms. Andrews were present and asked them to click the "Raise Hand" button to address the

Board. After a brief pause where it was determined that none of them were present.

EO Doi noted that those who submitted written statements may not be present.

Chair Nagashima asked that anyone interested in providing testimony on this issue click the "Raise Hand" button, noting that testimony will be taken in the order that the button is pressed.

Dr. Olson stated he is the director of the Pacific Center for Awareness and Bodywork, an 800-hour massage therapy program on Kauai licensed by the Department of Education ("DOE"). Dr. Olson said he would like to summarize the two letters he wrote which were provided to the Board. During the pandemic, prospective students, current students, graduates, and school directors all want guidance on whether online hours will be accepted towards the licensing requirements. Prospective students want to know if online learning would be accepted. Graduates applying for a license in a state like Alaska are asked if their education includes online hours accepted by the state. Without clarity, they do not know if they should answer yes or no to that question. He is requesting: 1) that the Board accept all online hours for non-hands on training for the duration of the pandemic and indefinitely; and 2) for the duration of the pandemic, that the Board accept some hands-on hours online. He suggested two ways this could be done: 1) accepting a specific number of hands-on hours online; or 2) accepting all online hands-on hours after a minimum number of in-person hands-on hours are completed. He suggested that the minimum number of in-person hands-on hours be between 120-220 hours and said he would personally err on the side of leniency.

Chair Nagashima asked if anyone else would like to provide testimony.

Mr. Jacob confirmed that there were no hands raised.

EO Doi requested that the Board address each of the written inquiries submitted to the Board so that she could provide appropriate responses.

Chair Nagashima agreed, noting that the first written statement is from Marisa Watanabe of UH Maui College. She noted that they have a 600-hour program and are proposing a portion of practical training be accepted for online distance learning. She referred the Board to their proposal. She gave a brief overview of their proposal including up to 38 hours of virtually instructed practical massage training, 45 hours of virtually supervised clinic hours and up to 7 hours of virtual role-playing of inter-personal clinic scenarios. They will be requiring each student to have a webcam available during their online training

and the instructor will be able to provide real-time comments, feedback and instruction. They are also asking to do instructional training at the student's and a virtually supervised clinic at home.

Vice Chair Behnken asked for clarification on whether the Board is talking about students that were already in a program prior to the pandemic or future students.

Chair Nagashima stated that the Board's immediate concern are current students.

Vice Chair Behnken said she believes that Dr. Olson is also asking for a policy for going forward and what the Board will accept in the long term for starting new programs.

Chair Nagashima agreed, stating that any decision the Board makes regarding the current situation will have an impact on the future. She noted that with regards to long term impact, she believes those would need to be addressed in the statutes and rules.

Ms. Bath agreed, noting that the Board's purpose is to protect the public, therefore, any decisions will set a precedent. She feels online anatomy, physiology and kinesiology may be okay. For hands-on hours, she has questions regarding accountability. If the Board makes changes for the pandemic, there will be a class of massage therapists with different training that were held to a different standard.

Chair Nagashima stated that in Hawaii, applicants are required to have 570 hours of education broken down specifically in requirements for apprenticeships and echoed in the requirements for students. 150 hours includes 50 hours of anatomy, physiology, and kinesiology, and 100 hours of theory and demonstration. Then, they are required to do 420 hours of practical training which includes 310 hours of hands-on training. She has looked at other states' requirements and our 310 hours is on the high side considering that the 570 hours is in the median of the education requirement of many states. Many states require only 500 hours and a number that require more including two states that require 1,000 hours. She proposed that the Board consider accepting online hours for all didactic classes.

Vice Chair Behnken said she also did some research into other states and their pandemic response. Most of them address the current class and how to continue their education. She feels the Board needs to determine whether they are making a decision regarding the current students or if they are making permanent standard changes.

Ms. Hagerman stated that her kids have done distance learning. She has no problem with accepting classes where the professor speaks or the student observes. However, she is concerned that hands-on learning cannot be duplicated by watching a video.

Chair Nagashima stated that what Ms. Hagerman is referring to is non-psychomotor classes. She noted that the Board will need to have strict guidelines and she is concerned that the Board will need to be able to tell which students were allowed to obtain training online.

Vice Chair Behnken noted Ms. Watanabe's letter proposes doing some hands-on training on family members under video supervision of the instructor culminating in an in-person test, maybe in PPE (personal protective equipment). She thinks if the Board decides to allow hands-on online training, it should culminate in an in-person test with an instructor.

Ms. Bath said stated when the participants' hands are raised, she would like to hear those participants before the Chair gives her input. With regards to the topic, she feels there needs to be accountability. Teachers and students need to be accountable. She has no problem with didactic classes being taught online. She agrees with Ms. Hagerman that practical training is harder to manage.

Chair Nagashima asked if there were additional comments or questions from the Board.

There were none.

Chair Nagashima stated that the Board will move on to Ms. Henshaw's written inquiry. She noted in Hawaii, a 150 hour workshop can be conducted as part of the training for licensure.

Ms. Hagerman stated that she is not sure what Ms. Henshaw is asking.

Chair Nagashima said she is not sure but generally, workshop applications are approved for the same duration as the licenses. It looks like Ms. Henshaw wanted to start a workshop in April to do the 150 hours before the approval expires on June 30th.

EO Doi stated that Ms. Henshaw is asking if the workshop can be conducted outside of her massage therapy establishment ("MAE") and if some of the 150 hours can be taught online.

Chair Nagashima asked if there were any comments.

Ms. Hagerman said she has no concerns with the didactic hours being taught online.

Vice Chair Behnken and Ms. Bath agreed.

EO Doi asked if the Board was okay with the workshop being conducted outside of the licensed MAE.

Ms. Bath said she is fine without it being in an MAE. She feels the main thing is the content.

Chair Nagashima asked for confirmation that the Board members are in favor of the 50 hours of anatomy being taught online and outside of the MAE.

Vice Chair Behnken, Ms. Bath and Ms. Hagerman confirmed their agreement.

Chair Nagashima said she prefers that the theory and demonstration be taught face-to-face as it is where the student learns the basics and foundation of massage therapy.

Vice Chair Behnken agreed.

Chair Nagashima asked if there were additional comments.

There were none.

Ms. Hagerman asked EO Doi if she had the information needed to respond to Ms. Henshaw.

EO Doi said her understanding is that the Board is okay with the workshop being taught outside of the MAE. She asked if the Board is okay with the didactic anatomy, physiology and structural kinesiology being taught online.

Chair Nagashima stated that she feels it is okay for the 50 hours to be taught online and outside of the MAE but the 100 hours must be done face-to-face in a licensed MAE.

Ms. Bath asked with COVID, would it be appropriate for the instructor to go to a student's home and give them one-on-one instruction? It may also be possible to have two students working on each other under the supervision of the instructor. She asked Ms. Hagerman for her thoughts.

Ms. Hagerman said she is thinking about her CPR training. The manual explains how to do it, but one cannot experience how to perform CPR until

working on the dummy. Practical training cannot be duplicated with training from a textbook.

Vice Chair Behnken agreed, noting anything going forward that the Board approves would need to follow CDC (Centers for Disease Control and Prevention) guidelines and Executive Orders which are not under the Board's purview.

Ms. Bath agreed and asked if the Board should come up with suggestions to give to the DOH (Department of Health) or the Governor. She cited as an example a suggestion that workshops have instructors come and train not more than four people in a home.

Chair Nagashima commented, with regards to Ms. Bath's example, right now for a 150 hour workshop, the only documentation required is a transcript of completion. She asked Ms. Bath to explain how she sees accountability for her suggestion taking place.

Ms. Bath said the accountability will be the same as within a classroom with a teacher. She has faith that most people teaching are doing it with integrity. At the Boulder School of Massage Therapy, each student had a journal but it could be a form. She does not want to micromanage teaching styles. She thinks teachers should be able to teach in whatever way they choose to and be held accountable for it.

Chair Nagashima asked if there were any other comments.

Ms. Bath asked if the Board was going to come up with a consensus.

Chair asked if she was referring to a decision on Ms. Henshaw's email.

Ms. Bath said she is talking in general. She asked if the Board was going to hear all the different ones and then come up with a decision.

Chair Nagashima stated that the Board needs to respond to each person. She said she is hearing that the 50 hours online and outside of the MAE is okay. The 100 hours the Board is leaning towards it being done face-to-face. She asked for a verbal acknowledgement of "yea" or "nay".

Vice Chair Behnken, Ms. Hagerman and Ms. Bath said "yea".

DAG Leong advised that the emails that the Board is going through do not exactly correspond to the items. He said the Board may want to come up with a policy for the duration of the pandemic and then through the EO, they can respond to the inquiries based on the policy.

Chair Nagashima asked if there were comments on any of the other inquiries.

There were none.

Chair Nagashima noted as she previously mentioned, the 50 hours of anatomy, physiology and kinesiology and 100 hours of theory and demonstration is the basic foundation. She proposed that the Board accept the 50 hours online outside of an MAE and that the 100 hours of theory and demonstration must be provided face-to-face in a licensed MAE.

Vice Chair Behnken and Ms. Hagerman voted "aye". Ms. Bath stated she is not ready to vote yet.

DAG Leong reminded the Board that if they are making a decision or establishing a policy, they need a motion and a second for what they are voting on, and then an individual roll call for the vote.

Chair Nagashima motioned to accept the initial 50 hours of anatomy, physiology and kinesiology online and outside of a licensed MAE. The 100 hours of theory must be done face to face in a licensed MAE.

Ms. Bath seconded the motion.

Vice Chair Behnken voted "yea".

Ms. Bath asked for more discussion before voting.

EO Doi asked if this would only be for apprenticeships or also DOE schools.

Chair Nagashima said she believes it would apply to both apprenticeships and DOE schools.

Ms. Bath stated that she would like to withdraw her second. She suggested that the Board make two separate motions – one for the didactic part and a second for the practical.

Vice Chair Behnken asked for clarification if the Board was making a motion regarding this individual inquiry or across the board.

Ms. Bath said what she and DAG Leong are suggesting is that the Board set a general policy and then the decisions can be made based on the general policy. She asked if the Board understands where she is coming from.

Chair Nagashima stated she is trying to breakdown the policy based on the education requirements in the laws, rules and regulations. The 150 hours are

generally together and the 420 hours are treated separately. This applies to both schools and apprenticeships and noted that is why she broke it down that way. She said the 420 hours will be broken down further when discussing those hours. She acknowledged that all applicants must do the 150 hours and said that's why she suggested the Board address the entire basic foundation together.

Ms. Hagerman asked if the 100 hours of theory and demonstration includes recordkeeping and business aspects.

Chair Nagashima said no, those are included in the 420 hours of practical training. She asked if the Board wants to take each segment separately.

Ms. Hagerman said yes.

Chair Nagashima asked the Board how they wanted to break the hours down.

Ms. Bath noted that she has suggested a motion be made on the 50 hours of anatomy, physiology and kinesiology and a separate motion for theory and demonstration. Her understanding is that theory and demonstration does involve hands-on training. She stated that during the lava flow, there was an emergency situation. In an emergency situation, she believes the laws and rules can be waived. She asked DAG Leong for confirmation.

DAG Leong stated that an emergency must be declared by the Governor or the Mayor. What is suspended is specific, the only laws adjusted are the ones in an emergency declaration. The Board cannot make ad hoc alterations just because there is an emergency.

Ms. Bath asked if the Board has suggestions, can they be presented to the Governor or Department of Health, particularly to override the requirement for the training to take place in a licensed MAE? She does not think it would be overstepping their bounds as a Board and feels it would not hurt to try.

DAG Leong said if there's anything that the Board wants to bring to the attention of the Governor's office for inclusion in a declaration for the duration of the emergency period, they can do so. It would be up to the Governor's office whether or not to accept. Absent any change like that, the statutes and rules do not change. Any decision made, including the discussion regarding the online hours, cannot contradict the existing laws and rules.

Chair Nagashima said that as the Governor provides the supplementary orders and has moved that deadline, if the Board comes up with guidelines, is it okay to dovetail the effective date with the new deadline?

DAG Leong said he thinks that would be fine.

Vice Chair Behnken noted that the American Medical Association (“AMA”) is making guidelines for them, the ADA (American Dental Association) is making guidelines for dental hygienists and dentists to go forward. She said massage does not have that kind of group to make those decisions, however, she questioned if it’s the Board’s purview to make recommendations to the Governor.

DAG Leong said the Board could come up with suggestions. The EO would work through DCCA to submit the suggestions to the Governor’s office.

EO Doi noted that is the next item on the agenda. She reminded the Board that they have no enforcement authority, but they can still recommend guidelines to pass on to the Governor’s office. She suggested that the Board address the current motion so they can move on.

Chair Nagashima asked if there were any thoughts on the current motion.

Vice Chair Behnken said she would second the existing motion.

Chair Nagashima noted that Ms. Bath had suggestions. She asked Ms. Bath if she wanted to make a motion.

Ms. Bath asked if the Chair’s motion was withdrawn.

Chair Nagashima said she could withdraw it.

Ms. Bath said she would like to make a motion to discuss the online didactic hours.

Chair Nagashima stated that she does not understand the motion.

Ms. Bath stated that the Chair made a motion. She would like to remove the part about the theory and demonstration from the Chair’s motion and just stay focused on the anatomy, physiology and kinesiology part of it.

Chair Nagashima asked Ms. Bath to state what her motion is.

Ms. Bath said she makes a motion to that the Board adopt the online didactic hours for massage therapy education that are currently in place with students that are in limbo. She stated that she is not good at coming up with motions on the fly.

EO Doi asked Ms. Bath if she wanted to take a break.

Ms. Bath stated that she liked Chair Nagashima's motion, she just wanted to take the theory and demonstration part off.

Chair Nagashima asked Ms. Bath if she disagrees that the 100 hours should not be done face-to-face in a licensed MAE.

Ms. Bath said no, she does not.

Chair Nagashima said that was her motion.

Ms. Bath said the reason that she could not vote "yes" is because of the possibility that there could be an emergency proclamation supplemental order created so people would not be required to do it in an MAE. She wanted to have separate motions so they could discuss it. She asked if the Chair was upset.

Chair Nagashima said no, she is just trying to understand what Ms. Bath is presenting.

Ms. Bath stated that she would like to keep the Chair's motion and take off the theory and demonstration part.

Chair Nagashima stated that she withdrew her motion altogether.

Ms. Bath asked the Chair to re-read her motion.

Chair Nagashima stated initially, her motion was that during this pandemic, to accept the 50 hours of anatomy, physiology and kinesiology online and outside of a licensed MAE with the 100 hours of theory and demonstration face-to-face in a licensed MAE.

Ms. Bath stated that she would like to take off the second part and have the anatomy, physiology and kinesiology part as the motion. Then the Board can just vote on that part. Then the Board can make another motion on the 100 hours and have a discussion on that.

Chair Nagashima asked Ms. Bath to present her motion, reiterating that her previous motion has been withdrawn.

Ms. Bath said for the purposes of clarity, she would like the Chair to read the first part of her motion into the record as her motion because she had good wording.

Chair Nagashima stated that she could not read another member's motion into the record. Ms. Bath has to present her own motion.

Ms. Bath requested a recess so she can do that.

Recess: At 10:47 a.m., Chair Nagashima called for a recess.

It was announced that the video and microphone of all presenters would be muted and a sign would be posted informing the audience that the Board was taking a short break.

Reconvene: At 10:52 a.m., the Board reconvened their meeting.

Chair Nagashima conducted a roll call of board members and staff.

EO Doi, DAG Leong, Vice Chair Behnken, Ms. Hagerman, Ms. Bath, and Ms. Fong confirmed that they were present.

Chair Nagashima turned the floor over to Ms. Bath.

Ms. Bath made a motion that for the remainder of the COVID emergency, the Board accept online anatomy, physiology and kinesiology classes taken by individuals enrolled in massage therapy workshops.

Ms. Hagerman seconded the motion.

Chair Nagashima noted that her motion is only for workshops. She questioned if DOE schools should be added.

Ms. Bath stated that she would like to amend her motion to “for all currently engaged in massage therapy education.”

Chair asked Ms. Hagerman if she is still seconding the motion as amended.

Ms. Hagerman said yes.

Chair Nagashima called for a vote on Ms. Bath’s amended motion.

Vice Chair Behnken, Ms. Bath, Ms. Hagerman and Chair Nagashima all voted “aye”. The motion carried.

Chair Nagashima noted that it was a unanimous vote. She asked Ms. Bath if she had a motion for the 100 hours.

Ms. Bath began to make a motion for the remainder of the COVID emergency and stopped. She then stated that she would defer to someone else to make the motion.

Chair Nagashima stated that she believed Ms. Bath had expressed concerns, so she would like to hear from her.

Ms. Bath said her main concern was that the Board separate the anatomy, physiology, and kinesiology out of the Chair's original motion so she made her motion on that part. She stated that if Chair Nagashima would like to make a motion on the other part, she would encourage her to do that.

Chair Nagashima stated that she would have the same motion, noting that Ms. Bath had something to say about that part so she asked what she wanted to add.

Ms. Bath stated that there is no motion on the floor for discussion.

Chair Nagashima stated that is correct. She withdrew her original motion because Ms. Bath said she had some concerns. She asked Ms. Bath to state her concerns so they can be discussed.

Ms. Bath stated that again, she would defer to the Chair because she made the original motion.

Chair Nagashima asked if anyone wanted to present a motion.

Ms. Hagerman said for clarification purposes, is the 100 hours of theory and demonstration all hands-on?

Chair Nagashima said most of it is hands-on. Basically, this is where the student learns about the profession, things like how to stand, where to stand, and how the strokes are applied. She stated she had originally presented a motion to have that in a licensed MAE so the environment can be controlled. Based on her previous comments, she is guessing Ms. Bath had some thoughts because she mentioned a few things but did not elaborate.

Ms. Bath stated that she would be happy to share her thoughts once a motion is made but she thinks it is important that there is a motion in place so it can be discussed. She reiterated that she would like the Chair to make a motion.

Chair Nagashima said if she makes a motion and Ms. Bath wants to change it, the motion would have to be withdrawn.

Ms. Bath said that she understands that but she already fulfilled what she feels comfortable with. She stated that she does have definite thoughts about the hands-on.

Vice Chair Behnken said that she thinks the disparity is whether the training is in an MAE or not. She asked Ms. Bath to confirm that that is her issue.

Ms. Bath said that is correct.

EO Doi noted that the Board already voted on the 50 hours so all that is needed is a motion on the 100 hours. She asked if someone could articulate a motion due to time constraints.

Chair Nagashima stated that her original motion, which she will throw out again, is that during the pandemic period, the 100 hours of theory and demonstration in the foundation learning be provided in a licensed MAE. She called for a second.

Ms. Hagerman seconded the motion.

Vice Chair Behnken agreed, stating that she feels the Board should not take away the requirement to be in that controlled environment.

EO Doi noted that it is the long-standing practice of the Board to have the training in a licensed MAE but it is not explicitly stated in the rules.

Chair Nagashima agreed, stating that she still feels the foundation portion should be held in a controlled environment which would be a licensed MAE.

Ms. Hagerman agreed.

Ms. Bath said she agreed, stating she thinks if there are students or workshop participants that feel uncomfortable during this time, the instructor would need to arrange for the individuals to come to the MAE to do the training one-on-one.

Chair Nagashima stated that could happen as it is in a controlled environment, however, Ms. Bath had previously mentioned the instructor going to a student's home and she thinks when training is done like that, family can get involved, tv could be on so the education could be compromised. She stands on her position that the training should only be conducted in a licensed MAE. If the instructor decides to do individual training in an MAE, they are allowed to do so.

EO Doi reminded the Board that there is a motion and a second on the floor.

Chair Nagashima called for a vote on the current motion.

Vice Chair Behnken, Ms. Bath, Ms. Hagerman and Chair Nagashima all voted "yea". The motion carried.

In accordance with HAR §16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and therefore is not to be viewed as binding on the Board of Massage Therapy or the Department of Commerce and Consumer Affairs.

Chair Nagashima noted that the vote was unanimous. She asked if there were any other thoughts before the Board moves on.

EO Doi asked about the practical training.

Chair Nagashima noted that the practical training can be broken down into 110 hours which consists of 70 hours of clinical operations and 40 hours of advanced techniques, and 310 hours of hands-on. She asked the Board if they would like to break that down and have separate motions for the 110 hours and the 310 hours of hands on.

Vice Chair Behnken stated that she is not sure that is necessary.

Chair Nagashima said the 20 hours of observation could possibly be done with a webcam but she is not sure how the other hours could be done online.

Vice Chair Behnken said she thinks consultation and client rapport can be done online.

Chair Nagashima asked if any of the 110 hours need to be broken down further.

Ms. Hagerman stated that she thinks at this point, during the COVID situation, if there are things that can be done online, the Board should go ahead and make motions on them.

Chair Nagashima noted that she is circling back to UH Maui College's detailed proposal. The student's webcam would show them practicing on someone and the instructor provides real-time comments, feedback and correction. She asked if there were additional comments.

Ms. Hagerman questioned whether advanced techniques is students watching the instructor.

Chair Nagashima stated that it could be that or the instructor can watch the students. The way she teaches is that she does the protocol and her students watch her.

Vice Chair Behnken stated if that is the case, then that would be okay for students to watch the instructor online as well.

Ms. Hagerman agreed.

Chair Nagashima made a motion that during this pandemic period, the 110 hours of clinical operations and advanced techniques can be done online provided that the instructor has direct real-time conversation with the student during the training.

Vice Chair Behnken seconded the motion.

Chair Nagashima called for a vote.

Ms. Bath, Ms. Hagerman, Vice Chair Behnken, and Chair Nagashima all voted "aye". The motion carried.

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Chair Nagashima stated that the Board would be addressing the 310 hours next. At this juncture, the 310 hours is hands-on supervised training can be done either at a school or in a licensed MAE. She asked how many online hours, if any, the Board would allow during this period.

Vice Chair Behnken asked Chair Nagashima and Ms. Bath what they would be okay with as licensed therapists.

Ms. Hagerman asked when this is taught in a school, how many tables does one instructor watch at a time?

Chair Nagashima stated that in a school setting, there is no limit. In an apprenticeship program, the instructor can only teach a maximum of 10 apprentices. When she was a director of a school, she used that as a guideline and limited it to 10 students per instructor.

Ms. Hagerman asked if all 10 students are doing the same thing at the same time with the instructor walking around observing.

Chair Nagashima said yes.

Vice Chair Behnken asked if the Board made the number less, would that address the safety concerns?

Ms. Bath stated that assuming that there are 10 students and 10 non-students on the table, during COVID they can have students work on each other so the numbers would be brought down automatically.

Ms. Hagerman stated that she likes that idea.

Vice Chair Behnken asked if they would limit the practice to schools.

Ms. Bath stated at the Boulder School of Massage Therapy, all clinical training was done by the students on each other. They also worked on others outside the school.

Chair Nagashima asked if the Board wants to consider limiting the number of hours the students work on each other or the public or will they be addressing the whole 310 hours in totality and limit the number of virtual hours.

Ms. Bath suggested for the pandemic, she thinks the Board should keep it open to all hours.

Ms. Hagerman disagreed. She said she feels students working on each other is basically an educational environment whereas a student working on the public is different. The public may have ailments or specific areas they want to be worked on.

Chair Nagashima said she wants to ensure that before students begin the 310 hours, they have completed the foundation training first.

Vice Chair Behnken agreed.

Chair Nagashima cited as an example the written testimony submitted by UH Maui College. Their program has 600 training hours and their current students have 170 hours left. She asked how much of that can they do virtually to meet the Board's education requirements?

Vice Chair Behnken noted that from the letter, it says they are 70% finished. She thinks if they got that far into the program, all foundational training should be done and only the hands-on hours remain.

Chair Nagashima agreed, stating that she is saying that the students need the foundational training to complete the hands-on supervised massage. She stated that she is not sure what the magic number is.

Vice Chair Behnken suggested half and half.

Chair Nagashima stated as a point of reference, she remembers looking at the NCBTMB (National Certification Board for Therapeutic Massage & Bodywork) and they require 750 hours for certification as a massage therapist which is broken down between anatomy and physiology and hands-on training. Hawaii requires 310 hours of hands-on and theirs is a range of 223 to 300-something hours. Using that as a gauge, with 220 face-to-face hours, that's possibly 90 hours of virtual training that she could live with.

Vice Chair Behnken said she thinks that sounds reasonable.

Chair Nagashima noted that is roughly 30%.

Vice Chair Behnken stated that she is concerned about making sure the requirements will not force contact that puts people in jeopardy.

Chair Nagashima noted there is no way for the Board to police that.

EO Doi noted that Dr. Olson's written testimony included what some other states are doing.

Vice Chair Behnken said she looked into some of those but they were not about going forward, it was just managing current students during the pandemic.

Chair Nagashima agreed, stating that she talked to people in Georgia, Washington, Ohio and California.

VC stated that she researched New Hampshire.

Chair Nagashima stated that she spoke to the AMTA (American Massage Therapy Association) chapter presidents in those states. What she heard was for CE so that those already licensed would have all non-hands-on online classes are accepted, however, the practical portion is still up in the air. Some states accepted 120 to 220 hours of virtual practical training which she thinks is a lot considering the requirement is 310. She asked if there were any additional comments.

There were none.

Chair Nagashima made a motion that during this pandemic period, the Board will accept up to 90 hours of virtual training which includes practical training provided that the student has learned the basic fundamental foundations of massage therapy.

Vice Chair Behnken seconded the motion.

Chair Nagashima called for a vote.

Vice Chair Behnken voted "aye".

Ms. Hagerman stated that she is not sure because it is kind of arbitrary. However, because it is on the lower end of the scale and they have already had their basic training, she can go with it, so she votes "aye".

Chair Nagashima noted that the motion is only for the duration of the pandemic.

Ms. Bath and Chair Nagashima voted "aye". The motion carried.

In accordance with HAR §16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and therefore is not to be viewed as binding on the Board of Massage Therapy or the Department of Commerce and Consumer Affairs.

Vice Chair Behnken asked if the state of emergency is not lifted, would the Board be okay with these amendments applying to a new class of students.

Chair Nagashima stated that she would be okay with it.

Ms. Bath asked if the previous motion included new classes or if another motion is needed.

Vice Chair Behnken noted that the motion covered the entirety of the state of emergency so it depends how long the state of emergency is.

Ms. Bath noted that in her motion for the 50 hours, she stated that it was for students already enrolled in educational programs.

Chair Nagashima asked Ms. Bath if she would like to amend her previous motion.

Ms. Bath said yes, however she is supposed to get rid of the old motion that they voted on, she would like to make a new motion that for the remainder of the COVID emergency, the Board accept the 50 hour portion of the didactic anatomy, physiology and kinesiology taken online for students enrolled in educational programs.

Chair Nagashima asked her to revise it to remove "remainder" because she questioned if the state of emergency goes away and then comes back. She also asked if Ms. Bath means students and apprentices because they must go through the same training.

Ms. Bath made a revised motion that during the COVID emergency, the Board will accept the 50 hour portion of didactic anatomy, physiology and kinesiology taken through online hours for those enrolled in massage therapy educational programs.

Ms. Hagerman seconded the motion.

Chair Nagashima called for a vote.

Ms. Bath, Vice Chair Behnken, Ms. Hagerman, and Chair Nagashima all voted "aye". The motion carried.

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EO Doi reminded the Board that they still need to address the CPR requirement.

Ms. Fong asked for clarification regarding whether Ms. Bath withdrew her original motion for 50 hours of anatomy, physiology and kinesiology.

Ms. Bath said yes.

Chair Nagashima noted that the CPR requirement is not part of the 570 hours of education, but the Board requires current adult and infant CPR certification to become a licensed massage therapist. This requestor is saying that she cannot find an in-person class. She is asking for an exception.

Vice Chair Behnken said she feels a portion of the training needs to be in person.

Ms. Bath agreed.

Chair Nagashima stated as a CPR instructor, her students must read an e-book, and then 3-4 hours of practical training before they are certified. For re-certifications, they must do an online class and do an in-person practical test using a monitor that measures depth and temple. The instructor watches to make sure the chest rises. She stated she is not comfortable getting CPR from someone with no face-to-face training.

Vice Chair Behnken and Ms. Bath agreed.

Chair Nagashima said she does not know if they are teaching classes en masse. However, she knows of one instructor offering one-on-one classes, so there is a possibility for them to learn this.

EO Doi stated that she does not know how many courses are being offered on the neighbor islands.

Chair Nagashima noted that the deadline for the September exam is coming up.

EO Doi noted that applicants can sit for the exam without the CPR certification, but they will need to provide proof of current adult and infant CPR before the license is issued. She is concerned that neighbor island residents might have a hard time finding in-person courses right now. She asked for clarification that a blended course with the didactic part online is okay as long as there is some in-person training.

Chair Nagashima stated that the AHA (American Heart Association) set the standard which most CPR companies follow. AHA requires a face-to-face portion for initial certification. On the follow up, there is an in-person test so there's still a practical portion.

EO Doi asked for confirmation that going forward, the Board will accept a blended CPR course that meets the requirements as long as there is an in-person component to it.

Chair Nagashima stated the CPR instructor will not issue a certificate if there is no face-to-face.

Ms. Hagerman stated that she thinks the requestor is asking if the Board will waive the face-to-face section and I think the Board is saying no.

Vice Chair Behnken said she would say no.

Ms. Bath said she would also say no.

Vice Chair Behnken made a motion that the hands-on component of the CPR training cannot be waived.

Ms. Bath seconded.

Ms. Hagerman, Vice Chair Behnken, Ms. Bath, and Chair Nagashima all voted "aye". The motion carried.

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b. Discussion of COVID-19 reopening guidelines

While the Board does not have the authority to set forth or enforce reopening guidelines, the Board discussed recommended guidelines that are appropriate.

The Board reviewed portions of the May 28, 2020 City and County of Honolulu Emergency Order No. 2020-14 as well as information obtained from the websites of the Associated Bodywork & Massage Professionals (“ABMP”), the American Massage Therapy Association (“AMTA”) and the Federation of State Massage Therapy Boards (“FSMTB”).

Chair Nagashima noted that the Board would be discussing COVID reopening guidelines. On May 29, 2020, they were given the go-ahead to resume practice, however, many practitioners were hesitant to do so without clear guidelines. She believes they may be a member of any one of the nationally recognized organizations which have come up with guidelines and suggested best practices.

Ms. Bath noted that they cannot assume that every massage therapist is a member of a national organization, however, the Board can provide references for people who cannot figure out how to do it themselves.

Chair Nagashima said even if someone is not a member, the insurance company that provides them with liability insurance should have come out with some COVID guidelines. She has seen guidelines from multiple insurance companies that provide liability insurance for massage therapists.

Vice Chair Behnken stated that she thinks the recommendations from the ABMP, AMTA and FSMTB are great as they are in-depth and detailed. She asked if the Board is going to pick and choose and collectively take some best practice guideline recommendations and pass them along.

Chair Nagashima stated that is not the Board’s job. She stated that this information is available to the general public and there are also guidelines on the CDC website so a prudent person can come up with reopening guidelines.

EO Doi noted that this item was placed on the agenda at the request of the Director’s Office. They would like the Board to provide some guidance for reopening that they can give to the Governor’s office.

Chair Nagashima stated that before she reopened her practice, she read the supplemental orders and she compared it with CDC and AMTA guidelines. Things that stood out for her is that there needs to be a sign on the door, having the client text when they arrive to limit exposure, do a temperature check in the MAE, have the client sanitize their hands, go straight to the treatment room, have the client sanitize hands at the end of the treatment and also make sure that the client does not bring additional people that will sit in the waiting room. 24 hours prior to appointment, they recommend calling the client and asking questions such as if they have traveled, if they are under quarantine, if they have symptoms related to COVID, and if they have been tested. She thinks each massage therapist can go through the available resources and come up with their own plan making sure it is in line with the Governor's and Mayor's orders.

Vice Chair Behnken asked the Chair if both she and her client are wearing masks.

Chair Nagashima stated yes, as required in the Mayor's Supplemental Order. She said she uses the Mayor's Orders as her guide and supplements with the other recommendations. She noted that not everyone can afford to do everything. It cost her a lot of money and time to get the equipment, plus there is constant sanitation. After every session, she bags the sheets and put them in a closed hamper, sanitizes all surfaces, and puts out new sheets. She stated that the degrees to which the massage therapist provides a safe environment for their client may be dependent on what they are capable of doing.

Vice Chair Behnken stated that the only thing that she did not see is a well-ventilated area to practice.

Chair Nagashima said she believes the ABMP has it and they also refer to a video. The AMTA suggests additional time for sanitation to air out the room and recommends using an air purifier.

Vice Chair Behnken asked in the context of those that work in hotels, if their space has no windows or it is a small tight place, will the hotels be required to modify the space?

Chair Nagashima stated that is not under the Board's purview. She has heard that some hotels wait 24 - 48 hours before rebooking the room. As guidelines, the supplemental orders are adequate and the rest is aesthetics such as making nice signs.

Ms. Hagerman asked the EO what the Board is supposed to be doing with the handouts provided.

Chair Nagashima reiterated that the DCCA Director requested that the Board discuss this item so licensees know that there are some guidelines out there including the Mayor's Supplemental Order.

Ms. Bath stated regarding the changing of clothing between clients, nurses do this. There is also a recommendation that an apron of some kind is used. She asked the Chair if that is something she is doing.

Chair Nagashima stated if she is not working above the neckline, she will probably use her smock with a second client with a caveat that these are long term clients that have not traveled and do not have any symptoms. She is prepared to change her clothes, if needed.

EO Doi stated that the Director's Office is basically asking what the Board's guidelines and recommendations would be. They understand that the board does not have any enforcement authority.

Ms. Bath noted that there are different mayors and each mayor may have different protocols to consider.

Chair Nagashima asked if any audience members wanted to provide comment on this issue.

Ms. Andrews stated that she is with Maui Academy of the Healing Arts. She stated that she thinks everything that the Chair has put in regarding the FSTMB and the CDC is accurate and most of the documents from the professional organizations do mirror each other. She stated that she believes those documents work well with what the mayors have put out. Her understanding is that those particular documents were actually forwarded on. She cited as an example that Mayor Victorino received copies of the FSMTB documents to consider.

Chair Nagashima asked Ms. Andrews if the Maui supplemental order makes a reference to any particular supporting documents.

Ms. Andrews stated that she would have to look at document again, but she thinks they adopted almost exact same personal services guidelines that the Mayor of Honolulu did.

Chair Nagashima noted that the Honolulu order refers to HAR Title 16 Section 73 which provides information on beauty operators, barbers and so forth.

Ms. Andrews noted that she thinks there are more guidelines in the professional organizations' documents that are not addressed in the orders.

EO Doi asked the Board if there are documents from any other organizations that they would like to consider or if the ones she provided are sufficient.

Chair Nagashima stated that she thinks the documents provided are enough. She believes the ABMP and the AMTA provide a majority of the insurance to practicing massage therapists, so she would refer to these two. The FSMTB covers some of the things also.

[The Board paused their discussion on this agenda item to resolve Ms. Bath's audio issues.]

Chair Nagashima noted that the guidelines cross-reference each other. There are currently 35 states that subscribe to the FSMTB. Most massage therapists have insurance through the ABMP or the AMTA. She believes either way, a prudent person would be looking at their state's guidelines and as well as the CDC guidelines.

Vice Chair Behnken noted that the FSMTB's recommendations are comprehensive and includes sample letters.

Chair Nagashima stated that because the Mayor's Supplemental Order covers some of the things that they normally do, for example, they cannot offer water anymore, she thinks there are enough guidelines that they can follow to keep the public safe. She said she believes there is an informed consent form that therapists can use to ensure that they are following these guidelines. She noted the Mayor's order does say that they need to stay up to date with the guidelines.

Mr. Jacob noted that Dr. Olson has requested to speak.

Dr. Olson stated that he does not have anything to say about this topic but he has two questions about the earlier topic. His first question was regarding the motion for the 50 hours of anatomy, physiology and kinesiology requirement. He noted that the Board said it would have to be in a licensed MAE and asked if they also meant a DOE approved facility.

Chair Nagashima started to answer Dr. Olson, however, before she could finish, Dr. Olson clarified that he meant the 100 hours, not the 50 hours.

Chair Nagashima stated that the Board meant both a licensed MAE and a DOE approved facility.

Dr. Olson stated that for his second question, he needs clarification if the online hours allowed are by topic or by the number of hours.

Chair Nagashima asked if he was talking about foundational classes or the practical training.

Dr. Olson stated as an example that they do almost 50 hours of human sciences and then do additional hours throughout the program.

Chair Nagashima cited as an example, if a program had 100 hours of anatomy, physiology and kinesiology spread out through the program, the state would only take the 50 hours required, not the whole 100. The rest of the hours, if they do not fall into another category, are not accepted. The core of the program must meet the education requirements as it is detailed in the Board's rules.

Dr. Olson asked about how the Board wants things to be noted on the transcripts.

Chair Nagashima stated that is up to the school. Each student will have to provide a transcript and course descriptions.

Vice Chair Behnken clarified that a breakdown of those hours into each specific category should be provided.

EO Doi stated going back to the topic of discussion, she asked DAG Leong if a motion is needed.

DAG Leong stated that would be best.

Chair Nagashima made a motion that as professional massage therapists resume practice, if they are fundamentally following the mayors' supplemental orders and guidelines presented by the major associations and organizations that oversee the profession, she thinks there is enough to use to keep the public safe.

Vice Chair Behnken seconded the motion.

Ms. Bath asked to which mayor the Chair was referring.

Chair Nagashima stated that she said mayors, not one mayor.

Ms. Bath noted that she just wanted to be crystal clear.

Chair Nagashima revised her motion to "...the four mayors' supplemental orders as a foundation including the recommended guidelines from the nationally recognized organizations that we have enough to help us through this to protect the public."

EO Doi asked if the Board could add language including pointing them to the CDC and naming the organizations.

Vice Chair Behnken suggested “the mayors’ guidelines which are based on CDC guidelines”.

Chair Nagashima noted that they are not based on CDC guidelines but in addition to CDC guidelines and the national organizations. She asked the secretary if she needed to repeat her motion.

Ms. Fong said yes.

Chair Nagashima made a motion that along with the mayors’ supplemental orders and the guidelines from CDC and the national organizations that oversee our profession, there are enough guiding principles for the massage therapy profession to keep the public safe. She asked if she could get a second.

Vice Chair Behnken seconded the motion.

Chair Nagashima called for a vote, asking the members to state their name and say “aye” or “nay”.

EO Doi said the public may not know which organizations they are referring to and asked if the Board can be more specific.

Chair Nagashima said they can add the American Massage Therapy Association or AMTA, Associated Bodywork and Massage Professionals or ABMP, the Federation of State Massage Therapy Boards or FSMTB. She asked if that was good.

EO Doi said yes.

Chair Nagashima asked if Vice Chair was still willing to second the motion.

Vice Chair Behnken said yes.

Ms. Hagerman, Ms. Bath, Vice Chair Behnken and Chair Nagashima voted “aye”. The motion carried.

3. Next Meeting:

Chair Nagashima noted that this was the first meeting that was open to the public and she thinks it went well. She stated that the meeting schedule is posted on the Board’s website. The calendar on website will be updated accordingly or they can contact the Board staff.

EO Doi stated that due to the pandemic, the next meeting date is still to be determined.

Chair Nagashima asked for any additional comments from the audience. If there are none, she will call for a motion to adjourn the meeting.

Vice Chair Behnken motioned to adjourn the meeting.

Ms. Hagerman seconded the motion.

Ms. Bath asked the Vice Chair if this was her last meeting.

Vice Chair Behnken said yes.

EO Doi thanked her for her service on the Board.

Chair Nagashima noted for any meetings moving forward, all three members will need to be present so they will have to choose dates where they can all attend.

EO Doi noted that the discussion on potential dates can be done outside of the meeting.

4. Adjournment: With no further business to discuss, the meeting was adjourned at 12:41 p.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Risé Doi

Risé Doi
Executive Officer

7/10/2020

[] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____.