

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

AGENDA FOR PUBLIC HEARING

Date: November 13, 2024

Time: 9:00 a.m.

In-person Meeting Location: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Virtual: Virtual Videoconference Meeting - Zoom Meeting
(use link below)
[https://dcca-hawaii-
gov.zoom.us/j/82415665135?pwd=rV15CXUEvqXqfXJUTZvgJ
NZQhTaXKn.1](https://dcca-hawaii.gov.zoom.us/j/82415665135?pwd=rV15CXUEvqXqfXJUTZvgJNZQhTaXKn.1)

Zoom Phone Number: (669) 900 6833

Meeting ID: 824 1566 5135

Passcode: 635071

Agenda: Posted on the State electronic calendar as required by Hawaii Revised Statutes section 92-7(b).

If you wish to submit written testimony on any agenda item, please submit your testimony to massage@dcca.hawaii.gov or by hard-copy mail to Attn: Board of Massage Therapy, P.O. Box 3469, Honolulu, HI 96801. We request submission of testimony at least 24 hours prior to the meeting to ensure that it can be distributed to the Board members.

INTERNET ACCESS:

To view the meeting and provide live oral testimony, please use the link at the top of the agenda. You will be asked to enter your name. The Board requests that you enter your full name, but you may use a pseudonym or other identifier if you wish to remain anonymous. You will also be asked for an email address. You may fill in this field with any entry in an email format, e.g., *****@***mail.com.

Your microphone will be automatically muted. When the Chairperson asks for public testimony, you may click the Raise Hand button found on your Zoom screen to indicate that you wish to testify about that agenda item. The Chairperson will individually enable each testifier to unmute their microphone.

When recognized by the Chairperson, please unmute your microphone before speaking and mute your microphone after you finish speaking.

Upon request, your Zoom video or similar on-camera option will be enabled to allow you to be visible to the Board members and other meeting participants while presenting oral testimony. Please turn off your camera after you conclude your testimony. It is the individual testifier's responsibility to ensure they have the video and internet capabilities to successfully stream or remotely testify. The Board maintains the authority to remove and block individuals who willfully disrupt or compromise the conduct of the meeting.

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When the Chairperson asks for public testimony, you may indicate you want to testify by entering "*" and then "9" on your phone's keypad. After entering "*" and then "9", a voice prompt will let you know that the host of the meeting has been notified. When recognized by the Chairperson, you may unmute yourself by pressing "*" and then "6" on your phone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter "*" and then "6" again to mute yourself.

For both internet and phone access, when testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to five minutes of testimony per agenda item.

If connection to the meeting is lost for more than 30 minutes, the meeting will be continued on a specified date and time. This information will be provided on the Board's website at <https://cca.hawaii.gov/pvl/boards/massage/board-meeting-schedule/>.

Instructions to attend State of Hawaii virtual board meetings may be found online at <https://cca.hawaii.gov/pvl/files/2020/08/State-of-Hawaii-Virtual-Board-Attendee-Instructions.pdf>.

1. Call to Order of the Public Hearing
2. Introduction of Board Members

3. Purpose: Amendments to Chapter 16-84, Hawaii Administrative Rules (“HAR”) – Massage Therapy
4. Notice of Public Hearing
5. Testimony

The Board Chairperson may place time limit on each testimony, pursuant to HAR 16-84-39(a)(5)
6. Procedures after Hearing:
 - A. Board will consider adoption of these rules at Board meeting to follow.
 - B. Rules, if adopted, will be sent to the Attorney General’s Office and the Governor’s Office for approval.
 - C. Rules will remain at the Lieutenant Governor’s Office for a period of 10 days after approval by the Governor before becoming final.
7. Conclusion of Public Hearing

11/7//2024

If you need an auxiliary aid/service or other accommodation due to a disability, contact Randy Ho at (808) 586-2696, Monday through Friday from 7:45 a.m. to 4:30 p.m., or email message@dcca.hawaii.gov as soon as possible, preferably by November 8, 2024. Requests made as early as possible have a greater likelihood of being fulfilled.

Upon request, this notice is available in alternate/accessible formats.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment and Compilation of Chapter 16-84
Hawaii Administrative Rules

MM DD, YYYY

1. Chapter 16-84, Hawaii Administrative Rules,
entitled, Massage Therapy, is amended and compiled to
read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 84

MASSAGE THERAPY

Subchapter 1 General Provisions

§16-84-1 Objective
§16-84-2 Definitions
§16-84-3 Renewal, restoration, reactivation of
massage therapist license; continuing
education; audit; forfeiture

Subchapter 2 Applications

- §16-84-6 License application for massage establishment
- §16-84-7 Application for examination or license, or both
- §16-84-8 Apprenticeship application

Subchapter 3 Principal Massage Therapist

- §16-84-11 Requirements for principal massage therapist

Subchapter 4 Establishment Conditions

- §16-84-15 Massage establishment requirements

Subchapter 4.1 Sanitation

- §16-84-16 Sanitary practices
- §16-84-17 Infectious and contagious diseases

Subchapter 5 Revocation

- §16-84-19 Suspension and revocation of licenses

Subchapter 6 Apprentices

- §16-84-23 Requirements for apprentices

Subchapter 7 Examination

- §16-84-27 Examination requirements

Subchapter 8 Repealed

- §16-84-31 Repealed

Subchapter 9 Practice and Procedure

§16-84-35 Administrative practice and procedure

Subchapter 10 Oral Testimony

§16-84-39 Oral testimony

Subchapter 11 Advertising

§16-84-43 Advertising

Subchapter 12 Massage Students

§16-84-48 Requirements for massage students

Subchapter 13 Continuing Education

§16-84-49 Continuing education courses; providers

§16-84-50 Completion certificates

SUBCHAPTER 1

GENERAL PROVISIONS

§16-84-1 Objective. This chapter is intended to clarify and implement chapter 452, Hawaii Revised Statutes, to the end that the provisions thereunder may be best effectuated and the public interest most effectively served. [Eff 3/28/66; am 4/4/70; am and ren §16-84-1, 6/22/81; am and comp 4/9/82; comp

7/19/87; comp 3/26/90; comp] (Auth:
HRS §452-6) (Imp: HRS §452-6)

§16-84-2 Definitions. As used in this chapter:

"Apprentice" means a person who has been issued a permit by the board to learn the practice of massage under the direct supervision of a sponsoring massage therapist[+].

"Board" means the state board of massage;

"Continuing education" means a course or courses that expand knowledge and education in the practice of massage therapy[+].

"Direct supervision" means the control, direction, and instruction of an apprentice by the sponsoring massage therapist who shall be on the premises of the establishment when the apprentice is in training and available to the apprentice during the apprentice training period[+].

"Establishment" means a massage establishment[+].

"Massage therapist" means a person licensed to practice massage[;

~~"Out-call massage service" means any business, which is to engage in or carry on the practice of massage, not at a fixed location but at a location designated by the customer, client, or service;].~~

"Person" means an individual, partnership, [or] corporation[+] , limited liability company, or business entity.

"Principal massage therapist" means a massage therapist designated by an establishment [~~and an out-call massage service~~] as the person in charge[+].

"Sponsoring massage therapist" means a massage therapist licensed in this state for at least three years, employed by or registered with a licensed massage establishment, and registered with the board as being the person responsible for the direct supervision of an apprentice. [Eff 3/28/66; am and ren §16-84-2, 6/22/81; am and comp 4/9/82; am and comp 7/19/87; am and comp 3/26/90; am and

comp] (Auth: HRS §452-6) (Imp: HRS §452-1)

§16-84-3 Renewal, restoration, reactivation of massage therapist license; continuing education; audit; forfeiture.

(a) A massage therapist license shall expire on June 30 of every even-numbered year and shall be renewed biennially. The massage therapist shall be responsible for the timely renewal of the license by submitting a complete application and application fee prior to the expiration date of the license.

(b) Beginning with the renewal for the licensing biennium commencing on July 1, 2024, and every biennial renewal thereafter, each massage therapist shall be required to complete twelve hours of continuing education within the two-year period preceding the renewal date, of which two hours shall include first aid, cardiopulmonary resuscitation, or other emergency-related course.

(c) Upon application for license renewal, restoration, reactivation or reinstatement, each licensee shall have complied with and attest to completion of the continuing education requirement recognized by the board pursuant to subsection (a), during the two years preceding the application for license renewal, restoration, reactivation or reinstatement and shall be prepared to submit evidence of completion if requested by the board.

(d) The board may conduct a random audit to determine compliance with the continuing education requirement. The board shall provide written notice of an audit to all licensees selected for audit. Within sixty days of notification, the licensee shall provide the board with documentation verifying compliance with continuing education requirement.

(e) A massage therapist who renews on inactive status is not required to complete the continuing education requirement until the massage therapist licensee applies for reactivation and provides proof

that the individual has met the requirements of subsection (b).

(f) A massage therapist license that is not renewed on-time shall be forfeited. A massage therapist license may be restored within one year from the expiration date of the license by submitting a complete restoration application, fees, including a late fee and proof of completion of the continuing education requirement. A completed renewal application sent by United States mail shall be considered timely filed if the envelope bears a postmark on or before the required renewal date. If the massage therapist license is not restored within one year from the expiration date, the massage therapist shall apply as a new applicant and shall meet all current license requirements, including but not limited to take and pass the licensure examination and satisfy all requirements for the examination, including training, if the board is not satisfied that the person possesses current knowledge and skills for the practice of massage therapy. If requesting an exam waiver after forfeiture of the license, the applicant shall provide proof of licensure in another jurisdiction or continuing education courses completed since the expiration of the license. [Eff and comp] (Auth: HRS §452-6) (Imp: HRS §452-16)

SUBCHAPTER 2

APPLICATIONS

§16-84-6 License application for massage establishment [~~and out-call massage service~~]. [~~(a)~~]
 Any person seeking a license for a massage establishment [~~or out-call massage service~~] shall

submit an application on a form or forms prescribed by the board and shall submit names and addresses for:

- (1) The establishment [~~or out-call massage service~~];
- (2) The principal massage therapist; and
- (3) All persons connected with the establishment [~~or out-call massage service~~] in the capacity of proprietor, partner, or in the case of a corporation, officers and directors.

~~[(b) Applicant shall obtain sanitation clearance from the department of health and submit evidence of clearance to the board.] [Eff 3/28/66; am and ren §16-84-6, 6/22/81; am and comp 4/9/82; am and comp 7/19/87; am and comp 3/26/90; am and comp~~
] (Auth: HRS §452-6) (Imp: HRS §452-13)

§16-84-7 Application for examination or license, or both. (a) Any person applying for examination or license to practice massage shall apply on forms prescribed by the board.

(b) The proper fee shall accompany the application.

(c) An applicant shall complete either the apprenticeship program as outlined in section 16-84-23 or the course of study as a massage student outlined in section 16-84-48 before the application for examination is filed. [Eff 7/19/87; am and comp 3/26/90; comp] (Auth: HRS §452-6) (Imp: HRS §§452-12, 452-13, 452-14, 452-15)

§16-84-8 Apprenticeship application. Any person seeking registration to practice as a massage apprentice must apply on a form or forms prescribed by the board, and shall submit a letter of agreement from the sponsoring massage therapist indicating the starting date of the practical phase of the

apprenticeship program and the number of hours per week the applicant will be directly supervised by the sponsoring massage therapist and training program to be subject to board's approval. [Eff and comp 4/9/82; am and comp 7/19/87; comp 3/26/90; comp] (Auth: HRS §452-6) (Imp: HRS §§452-6, 452-13)

SUBCHAPTER 3

PRINCIPAL MESSAGE THERAPIST

§16-84-11 Requirements for principal massage therapist. (a) The principal massage therapist shall be responsible for maintaining a file at the office of the board, containing the name and address of the massage establishment, [~~any out-call massage service,~~] the names, nicknames, license numbers, and current residence addresses of all massage therapists employed by the massage establishment [~~and out-call massage service~~]. The principal massage therapist shall notify the board in writing of all changes in addresses and in personnel (massage therapists and apprentices) within forty-eight hours of the change. Upon acceptance of an apprentice, the principal massage therapist shall fill in the space allotted for the action on the back of the apprentice's permit. The principal massage therapist shall notify the board of any action within the required time.

(b) The principal massage therapist shall be responsible for the conduct of all massage therapists, apprentices, and any other persons affiliated or connected with the massage establishment while those persons are within the premises of the massage establishment.

(c) To qualify as a principal massage therapist, a person must be licensed.

(d) The principal massage therapist shall be responsible for all lascivious conduct, lewdness, or any sexual act conducted by any person in the massage establishment.

(e) The principal massage therapist shall ensure that every apprentice wears a conspicuously placed name tag stating the name, and the word "apprentice." The word "apprentice" shall have letters at least one-third inch high.

(f) The principal massage therapist, at the end of the apprentice's training program or termination of sponsor's letter of agreement, shall ensure that the sponsoring massage therapist completes a written report for the apprentice. The report shall contain the number of hours of training and indicate specifically what type of practical massage techniques were taught to the apprentice under the supervision of the sponsoring massage therapist.

(g) The principal massage therapist shall notify all customers when they are to be massaged by an apprentice. [Eff 3/28/66; am and ren §16-84-11, 6/22/81; am and comp 4/9/82; am and comp 7/19/87; comp 3/26/90; am and comp] (Auth: HRS §452-6) (Imp: HRS §452-6)

SUBCHAPTER 4

ESTABLISHMENT [~~AND OUT-CALL MASSAGE SERVICE~~]
CONDITIONS

§16-84-15 Massage establishment [~~and out-call message service~~] requirements. (a) No massage establishment [~~or out-call message service~~] shall be licensed or allowed to operate unless the massage business thereof is under the direct management of a massage therapist designated as the principal massage

therapist and the name of the person has been recorded with the board's office.

(b) An establishment [~~or out-call massage service~~] shall notify the board within five days after the disassociation of its principal massage therapist. The establishment [~~and out-call massage service~~] shall have ten days from the date of disassociation of the principal massage therapist in which to designate another massage therapist as principal massage therapist. If after fifteen days from the date of the disassociation of its principal massage therapist the establishment [~~or out-call massage service~~] has not designated another principal massage therapist, the license of the establishment [~~or out-call massage service~~] shall be automatically suspended. Suspension shall remain in effect until such time as a massage therapist is designated principal massage therapist and the person's name is recorded at the board's office.

(c) Every establishment shall display, in a conspicuous place, its license, together with the licenses and permits of all persons employed by the establishment with the current validation of the certificates of the massage therapists and apprentices.

(d) No establishment shall operate without a licensed massage therapist in attendance on the premises of the establishment at all times. During the absence of the principal massage therapist, a massage therapist must be designated to act in that capacity. That designated person, with the principal massage therapist, shall be responsible for the operation and activities of the establishment during the absence of the principal massage therapist.

(e) An establishment [~~or out-call massage service~~] may be charged either separately or with its principal massage therapist with any violation of the law or rules of the board.

(f) No establishment [~~or out-call massage service~~] shall employ, allow, or permit any unlicensed person to practice massage or assist in the practice

of massage on its premises, except if the person has an apprentice permit.

(g) Every massage establishment [~~or out-call massage service~~] shall be responsible for all lascivious conduct, lewdness, or any sexual act on its premises.

(h) The maximum ratio of apprentices to each massage therapist in any establishment shall be ten to one.

(i) Every establishment shall assure proper supervision and training of the apprentice. The establishment shall notify all customers when they are to be massaged by an apprentice. If upon notice the customer does not want a massage by an apprentice, the establishment shall furnish a massage therapist or refund any money paid in advance by the customer for the massage. Apprentices shall not be sent on hotel or house calls.

(j) All establishments may be inspected at any time during business hours by any member of the department of health or the board or their authorized agents. Appropriate identification shall be presented by the investigators on request.

(k) Rest quarters provided for employees shall not be used for massage purposes and shall be properly identified by a sign over the doorway.

(l) No establishment shall install or permit the use of any locks on the doors of massage rooms. Any device used to secure a door against easy entry or exit shall be considered a lock.

(m) An establishment [~~or an out-call massage service~~] license is nontransferable. Application for a new license must be made within ten days after the death of the owner or upon sale or transfer of the establishment [~~and the out-call massage service~~].

(n) When relocating an establishment, all requirements shall be fulfilled except for the license fee.

~~[(o) When relocating an out-call massage service, all requirements shall be fulfilled except for the license fee and sanitation clearance form.] [Eff 3/28/66; am 4/4/70; am and ren §16-84-15, 6/22/81; am~~

and comp 4/9/82; am and comp 7/19/87; am and comp 3/26/90; am and comp] (Auth: HRS §452-6) (Imp: HRS §§452-3, 452-6, 452-13, 452-15, 452-19)

SUBCHAPTER 4.1

SANITATION

§16-84-16 Sanitary practices. (a) All massage establishments may be inspected at any time during business hours by any member of the board or their authorized agents and are subject to the following requirements:

- (1) Toilet facilities shall be provided within two hundred feet of any massage therapy establishment;
- (2) Cleaned and sanitized linens and instruments shall be used for all clients then sanitized again prior to use on another client; and
- (3) The massage therapy establishment shall be kept clean and in good repair, properly lighted, and ventilated.

(b) A permanent fixed location shall be subject to the following requirements:

- (1) If the massage therapy establishment is located within a residence, any massage services must be provided in a space designated for massage only and must be separated from any other portion of the residence by solid permanent partitions and a solid door and shall have a handwashing station facility with running water conveniently located; and
- (2) In all newly constructed or existing non-residential locations that have been structurally renovated or requiring a

building permit, hand washing facilities with running water, hand cleansing soap, and single use towels or other hand drying devices shall be located in the operation area.

(c) An off-site location shall be subject to the following requirements:

(1) The therapeutic area and any equipment must be clean, in good repair, sanitized, and properly stored in a covered and enclosed vessel; and

(2) A hand basin with running water or sanitary hand cleanser and single use towels must be provided in the operating area.

(d) All massage establishments shall have and maintain a current written policy, guideline, or procedure that is made available to all employees and staff for complying with the sanitary practices required by this section. Moreover, upon demand, any massage establishment must disclose a copy of the current written policy, guideline, or procedure for inspection by the board or their authorized agents.

[Eff and comp] (Auth: HRS §452-6)
(Imp: HRS §452-18)

§16-84-17 Infectious and contagious diseases.

Massage therapists shall be subject to the following requirements:

(1) Massage therapists with a contagious disease in a communicable form shall not attend to any client;

(2) Massage therapists shall maintain a high degree of personal hygiene and cleanliness; and

(3) Massage therapists shall wash and clean their hands before and after attending to each client. [Eff and comp]

(Auth: HRS §452-6) (Imp: HRS §452-18)

SUBCHAPTER 5

REVOCATION

§16-84-19 Suspension and revocation of licenses.

Any establishment [~~or an out-call massage service~~] license, a principal massage therapist registration, a massage therapist license, or an apprentice permit may be suspended or revoked upon any one of the following grounds:

- (1) Falsification or misrepresentation in the application for a license, registration, or permit;
- (2) Practicing massage under a false name or name other than that on the license or apprentice permit;
- (3) Use of untrue, fraudulent, misleading, or deceptive advertising, or of any form or manner of advertising which may directly or indirectly suggest sexual or immoral acts;
- (4) Abandoning an establishment [~~or an out-call massage service~~] without prior notice to the board;
- (5) Violation of any law or rule concerning or affecting the practice of massage, including any provision of chapter 452, HRS, or this chapter;
- (6) Prescribing, administering, or making recommendations as to medication or injection therapy;
- (7) Stating or implying through any newspaper, magazine, directory, pamphlet, poster, card, circular, or other writing or publication or by any advertisement, that the registrant, has cured, can cure, or guarantees to cure, or has successfully treated any disease, defect, or deformity;

- (8) Participating in or using the establishment for any lascivious conduct, lewdness, or any sexual act;
- (9) Teaching the practical application of body massage without the proper qualification as outlined in this chapter; [~~and~~]
- (10) Causing bodily injury by carelessness or negligence as a result of practicing massage [~~+~~]; or
- (11) Submitting to or filing with the board any notice, statement, or other document required under this chapter that is false or untrue or contains any material misstatement of fact, including a false attestation of compliance with continuing education requirement. [Eff 3/28/66; am 4/4/70; am and ren §16-84-19, 6/22/81; am and comp 4/9/82; am and comp 7/19/87; comp 3/26/90; am and comp] (Auth: HRS §452-6) (Imp: HRS §§452-6)

SUBCHAPTER 6

APPRENTICES

§16-84-23 Requirements for apprentices. (a)

The apprenticeship program shall consist of not less than five hundred seventy hours and the applicant shall successfully complete a cardiopulmonary resuscitation training program. The first one hundred fifty hours shall be academic and shall not have a time period and shall be completed before the practical training. The course of study shall be as listed in subsection (i)(1) and (2).

(b) The applicant shall submit an application for apprenticeship training to the board with the

certificates of completion of all required courses as listed in subsection (i)(1) and (2).

(c) A letter of agreement from the sponsoring massage therapist as outlined in section 16-84-8 shall be attached to the application.

(d) The remaining four hundred twenty hours shall constitute the beginning of the practical phase of the apprenticeship program. A permit shall be issued upon verification of the application for apprenticeship training.

(e) The apprenticeship training shall begin upon the approval of the apprentice application by the board.

(f) The apprenticeship program shall be of not less than six nor more than twelve months duration from the date of issuance of the permit. Extension may be granted by the board for unusual or special circumstances.

(g) No person may undergo an apprenticeship training program without a permit.

(h) Upon completion of the apprenticeship training, the applicant is not required to undergo another apprenticeship training.

(i) The academic course of study shall be as follows:

- (1) Not less than fifty hours of anatomy, physiology, and structural kinesiology;
- (2) Not less than one hundred hours of theory and demonstration of massage which shall include:
 - (A) The proper procedure in massaging (concerning the protection of both client and massage therapist);
 - (B) Record keeping;
 - (C) Hygiene;
 - (D) Theory;
 - (E) Technique for specific conditions;
 - (F) Contraindications of massage for specific techniques according to conditions;
 - (G) Draping; and

- (H) Assessment of the client's condition and the general technique to be applied.

The requirements of subsection (i)(1) and (2) shall be taught by a school which is licensed by the state department of education, the University of Hawaii or other institutions approved by the board. The courses outlined in subsection (i)(1) and (2) may be obtained through workshops given by a massage therapist who has been licensed for at least three years and who has received approval from the board. The request for such an approval shall include: the subject to be taught~~[?]~~, when~~[?]~~, where~~[?]~~, by whom~~[?]~~, and the duration of the workshop. The request for a workshop shall be submitted to the board for approval not less than sixty days before the commencement of each workshop. All courses that are completed as outlined in subsection (i)(1) and (2) shall be properly certified and a certificate of successful completion shall be issued by the school or an approved massage workshop.

(j) The course of study for the six months of apprenticeship training program with a minimum of four hundred twenty hours is as follows:

- (1) Clinical operations - seventy hours
 - (A) Sanitation - (i.e., application of department of health regulations, linen, towels) - thirty hours
 - (B) Office procedures - (i.e., answering phone, taking appointments, client rapport) - thirty hours; and
 - (C) Record keeping - (client records) - ten hours.
- (2) Advanced techniques - forty hours
 - (A) Observation of classroom instructors - (twenty hours); and
 - (B) Consulting - (twenty hours).
- (3) Hands on supervised massage with record keeping - three hundred ten hours.

(k) This apprenticeship does not apply to all persons who are now licensed in this State.

(l) The apprentice may request a change in sponsor provided that a written request is submitted to the board for approval. The request shall include the reason or reasons why a change is being made, the date, and the letter of agreement with the new sponsoring massage therapist.

(m) The apprentice shall be required to know and understand the laws and rules regulating massage.

(n) The applicant shall show proof of having a current certificate of completion of both the infant and adult cardiopulmonary resuscitation [~~CPR~~] training course issued by the American Red Cross or American Heart Association. The course cannot be completely online and must have a hands-on training component.

(o) Cardiopulmonary resuscitation classes sponsored by other providers will need to show curriculum content consistent with American Heart Association or American Red Cross guidelines. Applicants[~~r~~] who have a [~~CPR~~] cardiopulmonary resuscitation certification other than from the American Red Cross or American Heart Association may request for a waiver provided:

- (1) That the applicant [~~show~~] shows proof of a current certificate of completion;
- (2) That the applicant [~~provide~~] provides the board with a curriculum of the [~~CPR~~] cardiopulmonary resuscitation certification training course;
- (3) That the applicant [~~provide~~] provides the name and the address of the course sponsor; and
- (4) That the applicant [~~provide~~] provides to the board all information pertaining to the course sponsor's credentials and accreditation.

(p) The apprenticeship program training report shall be properly completed by the sponsoring massage therapist. A copy of the training report shall be given to the apprentice to be attached to the application for examination. [Eff 3/28/66; am 4/4/70; am and ren §16-84-23, 6/22/81; am and comp 4/9/82; am

and comp 7/19/87; am and comp 3/26/90; am and comp
] (Auth: HRS §452-6) (Imp: HRS
 §452-6)

SUBCHAPTER 7

EXAMINATION

§16-84-27 Examination requirements. (a) An applicant for a license to practice massage shall complete an apprenticeship program as outlined in section 16-84-23 or the course of study as a massage student outlined in section 16-84-48 and pass a written clinical competency examination in the English language. The board may contract with professional testing services to prepare, administer, and grade the examination. The examination shall be designed to test an applicant as follows:

- (1) Applicant's knowledge of anatomy, physiology, and structural kinesiology; and
- (2) Applicant's knowledge of the theory of massage.

A passing grade shall be seventy-five points [~~(75.00)~~]. An applicant must have a passing grade in order to be licensed.

~~{(b) The examination shall be conducted within the State four times a year as determined by the board. }~~

~~{(e)}~~ (b) Blind persons shall not be exempt from taking the examination to qualify, provided that the written clinical competency examination may be administered orally.

~~{(d) The deadline for submitting the application for examination shall be forty-five days prior to the date of the examination. }~~

~~{(e)}~~ (c) An applicant who has taken the massage examination prior to June 4, 1986 and failed

one or more parts of the examination shall be given credit for the part or parts passed and be permitted to be reexamined in the parts failed for three consecutive times; provided that reexamination of parts failed will be allowed only through March 1987. Thereafter the applicant forfeits all previous credits and must retake the examination and meet the requirements set forth in this section. [Eff 3/28/66; am 4/4/70; am and ren §16-84-27, 6/22/81; am and comp 4/9/82; am and comp 7/19/87; am and comp 3/26/90; am and comp] (Auth: HRS §452-6) (Imp: HRS §§452-13(3), 452-14)

SUBCHAPTER 8

FEES-REPEALED

§16-84-31 Repealed. [R 4/9/82]

SUBCHAPTER 9

PRACTICE AND PROCEDURE

§16-84-35 Administrative practice and procedure. The rules of practice and procedure for massage therapists[~~7~~] and massage establishments[~~7~~, ~~and out-call massage services~~] shall be as provided in chapter 16-201, the rules of practice and procedure of the department of commerce and consumer affairs which are incorporated by reference and made a part of this chapter. [Eff and comp 7/19/87; comp 3/26/90; am and comp] (Auth: HRS §§91-2, 452-6) (Imp: HRS §§91-2, 452-6)

SUBCHAPTER 10

ORAL TESTIMONY

§16-84-39 Oral testimony. (a) The board shall accept oral testimony on any item which is on the agenda, provided that the testimony shall be subject to the following conditions:

- (1) Each person seeking to present oral testimony shall so notify the board not later than forty-eight hours prior to the meeting, and at that time shall state the item on which testimony is to be presented;
- (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;
- (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;
- (4) Persons presenting oral testimony shall, at the beginning of the testimony, identify themselves and the organization, if any, that they represent;
- (5) The board may limit oral testimony to a specified time period but in no case shall the period be less than five minutes, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
- (6) The board may refuse to hear any testimony which is irrelevant, immaterial, or unduly repetitious to the agenda item on which it is presented.

(b) Nothing in this section shall require the board to hear or receive any oral or documentary evidence from a person on any matter which is the subject of another proceeding pending subject to the [~~hearings~~] hearing relief, declaratory relief or rule relief provisions of chapter 16-201.

(c) Nothing in this section shall prevent the board from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the board on any particular matter on the board's agenda. [Eff and comp 7/19/87; comp 3/26/90; am and comp] (Auth: HRS §452-6) (Imp: HRS §92-3)

SUBCHAPTER 11

ADVERTISING

§16-84-43 Advertising. (a) Any person advertising as being able to perform massage in any form shall have received training in the massage technique that is being advertised.

(b) A licensee may advertise as being able to perform the type of massage known as Rolfing if the licensee has received basic Rolfing training in classes sponsored by the Rolf Institute and been certified as a Rolfer and given membership in the institute. [Eff and comp 3/26/90; comp] (Auth: HRS §§452-6, 452-23) (Imp: HRS §452-23)

SUBCHAPTER 12

MESSAGE STUDENTS

§16-84-48 Requirements for massage students.

(a) The student program shall consist of not less [~~then~~] than five hundred seventy hours. In addition, the student shall successfully complete a cardiopulmonary resuscitation training program[~~-~~] consistent with the requirements in section 16-84-23(n) and (o).

(b) The curriculum of the massage school shall contain the following:

- (1) Not less than fifty hours of anatomy, physiology, and structural kinesiology[~~+~~];
- (2) Not less than one hundred hours of theory and demonstration of massage which shall include:
 - (A) The proper procedure in massaging (concerning the protection of both client and massage therapist);
 - (B) Record keeping;
 - (C) Hygiene;
 - (D) Theory;
 - (E) Technique for specific conditions;
 - (F) Contraindications of massage for specific techniques according to conditions;
 - (G) Draping; and
 - (H) Assessment of the client's condition and the general technique to the applied;
- (3) Not less than four hundred [~~and~~] twenty hours of practical massage training under the supervision of a teacher in a school setting.

(c) Students who complete a course consisting of at least five [~~hundred and seventy hours~~] hundred seventy hours course from a curriculum approved school by the American Massage Therapy Association [~~(AMTA)~~] or the Rolf Institute shall be eligible to sit for the written clinical competency examination.

(d) Students who complete a course of study in a school approved by the state department of education

shall be eligible to sit for the written clinical competency examination if the curriculum of the school meets the requirements of subsection (b).

(e) An applicant shall provide the board with written proof that the applicant has successfully completed the required course of study in a massage school approved by the department of education, American Massage Therapy Association [~~(AMTA)~~], or the Rolf Institute. [Eff and comp 3/26/90; am and comp] (Auth: HRS §452-6) (Imp: HRS §452-6)

SUBCHAPTER 13

CONTINUING EDUCATION

§16-84-49. Continuing education courses; providers. (a) All eligible continuing education categories shall be learning experiences that enhance and expand the skills, knowledge, professionalism, or ethics of massage therapists that enable them to render competent professional service to clients, the profession, and the public.

(b) Two of the continuing education hours shall include first aid, cardiopulmonary resuscitation, or other emergency-related training courses. The courses shall require the following:

- (1) Be completed and include a hands-on training component;
- (2) Be sponsored by the American Red Cross or American Heart Association. Cardiopulmonary resuscitation classes sponsored by other providers will need to show curriculum content consistent with American Red Cross or American Heart Association guidelines; and
- (3) Be limited to a maximum of two continuing education hours per biennium.

(c) The remaining ten continuing education hours shall be in any category that enhances the skills and knowledge of the massage therapist, including but not limited to professional ethics, theory and practice of massage therapy, modalities, and professional development.

(d) Practice-building business courses will not be approved.

(e) Distance learning courses will be approved. Distance learning includes courses taken by home study, whether delivered synchronously or asynchronously online by computer means, by live or recorded video or audio media, or by printed materials.

(f) One continuing education hour must consist of at least fifty minutes of any one clock hour during which the student participates in a learning activity in the presence of an instructor, or in a distance learning activity designed and delivered by a provider.

(g) Providers of the continuing education courses shall include:

- (1) Massage schools approved by a state board of massage;
- (2) Nationally accredited massage certifying organizations; and
- (3) Local or national professional associations.
[Eff and comp] (Auth: HRS
\$452-6) (Imp: HRS \$452-16)

§16-84-50 Completion certificates. (a) Upon completion of the continuing education course, the continuing education provider shall issue written evidence of attendance to each attendee. This certificate of attendance shall include the following information:

- (1) Name of attendee;
- (2) Name of provider;
- (3) Course or program title, date, and location;
and

(4) Number of continuing education hours.

(b) Each licensee shall be responsible for maintaining their own completion certificates in the case that they are audited." [Eff and comp] (Auth: HRS §452-6) (Imp: HRS §452-16)

2. Material, except source notes and other notes, to be repealed is bracketed and stricken. New material is underscored.

3. Additions to update source notes and other notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 16-84, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on MM DD, YYYY, and filed with the Office of the Lieutenant Governor.

NADINE Y. ANDO
Director of Commerce and
Consumer Affairs

APPROVED AS TO FORM:

Christopher J.I. Leong
Deputy Attorney General

NOTICE OF PUBLIC HEARING

Pursuant to Hawaii Revised Statutes (“HRS”) section 452-6 and Chapter 91, notice is hereby given that the Board of Massage Therapy (“Board”) will hold a public hearing on Wednesday, November 13, 2024 at 9:00 a.m. in the Queen Liliuokalani Conference Room, 1st Floor, King Kalakaua Building, Department of Commerce and Consumer Affairs, 335 Merchant Street, Honolulu, Hawaii, 96813, and virtually via Zoom to hear all persons interested in the proposed amendments to Hawaii Administrative Rules (“HAR”) Chapter 16-84, pertaining to Massage Therapy. Please visit our Board of Massage Therapy meeting schedule website – <https://cca.hawaii.gov/pvl/boards/massage/board-meeting-schedule/> — where you will find the necessary information to access the public hearing virtually.

The purpose of the proposed amendments is to: (1) require massage therapists to complete 12 hours of continuing education upon renewal of their license; (2) establish standards of sanitary practices for massage therapy establishments; (3) establish requirements and standards that continuing education courses shall meet to obtain recognition and approval from the board; (4) expand the definition of “person” to include a limited liability company and business entity; (5) clarify that adult and infant cardiopulmonary resuscitation courses cannot be completed completely online; and (6) align cardiopulmonary resuscitation training requirements for massage students with massage apprentices.

All interested persons shall be afforded the opportunity to submit data, views, or arguments, orally or in writing, at the time of hearing. All persons wishing to submit written testimony are requested to submit 10 copies of their written testimony by November 6, 2024 to: DCCA-PVL, Attn: Board of Massage Therapy, P.O. Box 3469, Honolulu, HI 96801 or email to massage@dcca.hawaii.gov.

A copy of the proposed rules will be mailed to any person who requests a copy upon receipt of \$5.57 for the copy and postage. Please submit your request to the Professional and Vocational Licensing Division at the address noted above or contact the Board’s office by email.

Copies may be picked up at the following address between 7:45 a.m. and 4:30 p.m., Monday through Friday, excluding holidays: Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, 335 Merchant Street, Room 329, Honolulu, Hawaii 96813. The cost of a copy, \$2.70, is due and payable at the time of pick up.

Further, the proposed rules may be reviewed in person free of charge at the Professional and Vocational Licensing Division at the address and hours of operation printed above. In addition, the full text of the proposed rules is available and can be downloaded free of charge from the web site of the Department of Commerce and Consumer Affairs:

<https://cca.hawaii.gov/pvl/har/proposed/>

Individuals who require special needs accommodations are invited to call Risé Doi at (808) 586-2696 at least four (4) working days prior to the hearing.

Olivia Nagashima, Chair
Hawaii State Board of
Massage Therapy