

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

MINUTES OF PUBLIC HEARING

Date: November 13, 2024

Time: 9:00 a.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, HI 96813

Virtual: Virtual Videoconference Meeting – Zoom Meeting

Members Present: Olivia Nagashima, Massage Therapist, Chair
Shanon Skoog, Public Member
Sean St. Louis, Massage Therapist

Excused: Jayce Arakaki, Public Member, Vice Chair
Darci Frankel, Massage Therapist

Zoom Recording: https://youtu.be/mXeq4v_N2KE?si=oi0pq1de7nY13xcC

Staff Present: Randy Ho, Executive Officer (“EO Ho”)
Christopher Leong, Deputy Attorney General (“DAG Leong”)
Chelsea Fukunaga, Executive Officer (“EO Fukunaga”)
Candace Ito, Supervising Executive Officer
Rochelle Araki, Executive Officer - Observing
Lei Ana Green, Executive Officer - Observing
Marc Yoshimura, Secretary
Johnny Li, Tech Support

Guest(s): Rick Rosen
Anon
Gwen DeLuze-Coria, LMT/AMTA HI
Mai Lin Petrine – Federation of State Massage Therapy Boards
Jeremy
Matthew Mathis

Testifier(s): Matthew Mathis
Rick Rosen

Agenda: The agenda for this public hearing was posted on the State electronic calendar as required by Hawaii Revised Statutes (HRS), section 92-7(b).

A short video regarding virtual meetings was played to explain procedures for the virtual meeting and how members of the public can participate and interact with the Board during the meeting.

Call to Order:

In accordance with Act 220, SLH 2021, all Board members attending virtually confirmed that they were alone in their nonpublic location. After taking roll, a quorum was established, and Chair Nagashima called the public hearing to order at 9:09 a.m. with Vice Chair Arakaki and Darci Frankel excused.

Introduction of
Board Members:

Chair Nagashima introduced the Board members, stating the following Board members were present for this public hearing: Shanon Skoog, Sean St. Louis, and herself.

Purpose:

Amendments to Chapter 16-84, Hawaii Administrative Rules (“HAR”) – Massage Therapy

EO Ho stated the purpose of today’s public hearing is to afford all interested persons an opportunity to submit data, views, or recommendations, orally or in writing, on the proposed administrative rules revisions for the Board of Massage Therapy.

Notice of Public
Hearing:

EO Ho stated that the notice of public hearing published in the Garden Island, Maui News, West Hawaii Today, Hawaii Tribune-Herald, and Star Advertiser newspapers, both in-print and online, on Thursday, October 10, 2024. The notice reads, as follows:

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

Testimony:

EO Ho stated that testimony will be received in the order indicated on the sign-up sheet, if attending in-person, or at the top of the list as indicated virtually on Zoom which is the order that hands are raised. Written testimony was also received prior to the public hearing.

There will be no discussion regarding any testimony between the testifiers and Board members or staff. A time limit of five (5) minutes is in place to ensure all testifiers have the same amount of time to provide oral testimony.

After the public hearing, all testimony will be considered, and a determination will be provided during the Board meeting immediately following the adjournment of the public hearing.

EO Ho indicated there are no public attendees present in-person wishing to provide oral testimony. The Board proceeded to accept oral testimony from public attendees attending virtually through Zoom.

Matthew Mathis raised his hand on Zoom and was promoted to panelist.

Mr. Mathis stated he is the owner of Oahu Sports Massage, located on Oahu, and is the governance chair for the American Massage Therapy Association (“AMTA”) – Hawaii Chapter.

He stated that the national standard for education and training hours for massage therapist licensure is increasing to 600 hours and requested the Board comment on this increase. Hawaii currently requires 570 hours of education and training for massage therapist (“MAT”) licensure.

He agrees with the proposed new rules establishing the requirements for continuing education (“CE”), including the requirement that CPR courses must be completed in-person. AMTA agrees that massage establishments must continue to be held accountable for sanitation and proper practices, especially after COVID. AMTA supports the State in its decisions.

Mr. Mathis was returned to attendee on Zoom.

Chair Nagashima stated that the Board also received written testimony from Rick Rosen.

Mr. Rosen raised his hand on Zoom and was promoted to panelist.

Mr. Rosen stated he is a massage therapist on the Big Island, who has held a massage therapist license for 45 years beginning in Florida and has been licensed in Hawaii since 2015. His testimony was as follows:

- **§16-84-43 Advertising:** Subsection (b) states, “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 has been certified as a Rolfer and given membership in the institute.” Mr. Rosen stated there are hundreds of named modalities in their profession today and it is not within the purview of the Board to regulate the use of proprietary trade names; it is a private business matter not enforceable by the Board.

In terms of this specific trade name, there are currently 12 certified Rolfers in the state, so he recommends that the Board remove subsection (b), as subsection (a) is broadly encompassing and renders mention of a specific modality as unnecessary.

- **§16-84-48 Requirements for massage students:** Mr. Rosen stated that he believes the part of this rule which mentions the school approval process is factually incorrect. This section states that that American Massage Therapy Association (“AMTA”) or the Rolf Institute

are the two massage school approval bodies. Mr. Rosen stated that neither the AMTA nor the Rolf Institute are approval/accreditation bodies. Years ago, the AMTA had a very small national school approval program which was sunset 30 years ago. There are seven different accrediting agencies that accredit massage schools and programs, but less than half the programs in the country are accredited. Furthermore, only COMTA has specific curriculum standards for the small number of schools under its accreditation process. The Rolf Institute is a one-modality school based in Boulder, Colorado which is also not a school approval entity.

Mr. Rosen submitted the following proposed language to update outdated language in subsection (c). He stated that this amendment would provide the Board the flexibility to evaluate training provided within the state and outside the state:

HAR 16-84-48 (c) Students who have graduated from a massage therapy school that: (i) offers a curriculum that meets or is substantially equivalent to the standards set forth in paragraph (b), above; and (ii) is licensed or approved by the regulatory authority for schools of massage therapy in the state, province, territory, or country in which it operates or is exempt by law.

HAR 16-84-48(e) (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 state department of education, or an institution outside the State that is licensed or approved by the regulatory authority for schools of massage therapy in the state, province, territory, or country in which it operates or is exempt by law.

- **§16-84-49 Continuing education requirements:** Mr. Rosen recommends the Board remove the requirement that the biennial First Aid/CPR training be hands-on or live in-person. These are non-essential skills and unrelated to the practice of massage therapy. Massage therapists are not front-line healthcare providers, nor emergency responders. To receive a license, an individual is required to have received in-person training, and this should be sufficient. Biennial renewal with the CPR requirement completed via online courses should be sufficient, especially for those on the neighbor islands where it may be difficult to complete such courses locally.

Chair Nagashima asked if there was anyone else wishing to provide testimony.

There were none.

Procedures after Hearing:

EO Ho stated the Board's procedures following the adjournment of this public hearing will be as follows:

- The Board will consider adoption of the amended rules at the Board

- meeting immediately following the adjournment of this public hearing;
- If adopted, the rules will be sent to the Deputy Attorney General's office and Governor's office for approval; and
- The rules will remain in the Lieutenant Governor's office for a period of ten (10) days after approval by the Governor before becoming final.

Conclusion of
Public Hearing:

EO Ho stated the public hearing is adjourned as there is no further oral testimony to be provided.

Adjournment:

Chair Nagashima adjourned the public hearing at 9:23 a.m.

Taken by:

Reviewed by:

/s/ Marc Yoshimura

/s/ Sheena Choy

Marc Yoshimura
Secretary

Sheena Choy
Executive Officer

2/21/25

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of: