

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

MINUTES OF MEETING

Date: March 4, 2025

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
<https://dcca-hawaii-gov.zoom.us/j/88565535129?pwd=Nvqk9oejZVEgK7NNhNQ73uz3ESPIAK.1>

Recording Link: <https://youtu.be/pzr7GesoxCU>

Members Present: Olivia Nagashima, Massage Therapist, Chair
Darci Frankel, Massage Therapist
Sean St. Louis, Massage Therapist

Members Excused: Jayce Arakaki, Public Member, Vice Chair
Shanon Skoog, Public Member

Staff Present: Sheena Choy, Executive Officer (“EO Choy”)
Jordan Ching, Esq., Deputy Attorney General (“DAG Ching”)
Andrew Kim, Esq., Deputy Attorney General (“DAG Kim”)
Dawn Lee, Secretary

Virtual Guest(s): Seth Binkel (GR Relations FSMTB)
Thomas Smith
Paul
Daniel Martin
Perrell
Nathaniel B.
John Thomas

Virtual Meeting Instructions: 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.

The Chair provided information on internet and phone access for today’s virtual meeting and announced that the meeting was being recorded and that the recording will be posted on the Board’s web page.

Agenda: The agenda for this meeting was posted on the State electronic calendar and filed with the Office of the Lieutenant Governor as required by §92-7(b), Hawaii Revised Statutes ("HRS").

Call to Order: Chair Nagashima took roll call of the Board members. Those members attending virtually confirmed that they were present and alone.

Chair Nagashima excused Vice Chair Arakaki and Ms. Skoog.

There being a quorum, Chair Nagashima called the meeting to order at 9:04 a.m.

Approval of Minutes: **Approval of the Minutes of the January 14, 2025 Board Meeting and November 13, 2025 Public Hearing**

Chair Nagashima asked if there was any public testimony or Board discussion. There was none.

Upon a motion by Chair Nagashima, seconded by Mr. St. Louis, it was voted upon and unanimously carried to approve the Open Session and Executive Session minutes of the January 14, 2025 Board meeting and the minutes of the November 13, 2024 Public Hearing.

Applications: Upon a motion by Chair Nagashima, seconded by Mr. St. Louis, it was voted upon and unanimously carried to enter Executive Session at 9:10 a.m., in accordance with HRS §92-5(a)(1), "To consider and evaluate personal information relating to individuals applying for professional licenses cited in section 26-9 or both" and, pursuant to HRS §92-5(a)(4), "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities." Board will vote in Open Session.

At 9:58 a.m., upon a motion by Chair Nagashima, seconded by Ms. Frankel, it was voted upon and unanimously carried to move out of Executive Session.

In Executive Session, the Board consulted with its attorney and discussed confidential information regarding the applications for Agnes Barber and Nestor Ruiz.

Ratifications

Chair Nagashima asked if there was any public testimony. There was none.

Upon a motion by Chair Nagashima, seconded by Ms. Frankel, it was voted upon and unanimously carried to approve the attached ratifications list.

Massage Therapist Applications

Agnes Barber

Upon a motion by Chair Nagashima, seconded by Ms. Frankel, it was voted upon and unanimously carried to approve Agnes Barber's application to sit for the exam.

Nestor Ruiz

Upon a motion by Chair Nagashima, seconded by Mr. St. Louis, it was voted upon and unanimously carried to defer Nestor Ruiz's application to sit for the exam.

Executive Officer's Report:

Hawaii Massage Therapy – State Examination Statistics

Executive Officer Choy shared the massage therapy examination statistics for November and December 2024.

Massage Exam (administered January 2025)

Exams Administered: 49

Successful: 16

Unsuccessful: 33

2025 Legislative Session – Bill Discussion & Updates

EO Choy stated that February 28, 2025 was an important deadline to determine which bills have the potential to "crossover" into the opposite chamber for hearings. There were two companion bills, S.B. 1373 and H.B. 1054, that related to the Board. Only S.B. 1373 has the potential to crossover on March 6, 2025.

S.B. 1373 & H.B. 1054, Relating to Administrative Licensure Actions Against Sex Offenders.

Purpose: Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

As it relates to the Board, the bills propose amendments to HRS §452. EO Choy stated that both bills have been scheduled for several hearings in between the Board's last meeting on January 13, 2025 to today's meeting. She reminded the Board that at its November 13, 2024 meeting, the Board voted to appoint Chair Nagashima and Mr. St. Louis to serve as the 2025 Legislative Liaisons to provide Board positions, research,

and/or testimony if needed between Board meetings. The Legislative Liaisons provided positions in support of both S.B. 1373 and H.B. 1054.

EO Choy stated that based on the Legislative Liaisons' positions, she submitted testimony on the Board's behalf. The testimony submitted for the latest hearing on S.B. 1373, S.D. 1 was included in the Board packets and is available on the bill's webpage:

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1373&year=2025.

Ms. Frankel stated that there may be different categories for sex offenders and questioned whether the bill considers individuals required to register as sex offenders for offenses which do not involve any kind of physical, sexual, or otherwise harmful contact with another person. She recognized and affirmed that sexual offenses are very harmful, and the Board must protect the public against malicious individuals. However, there is a very small percentage of individuals who are required to register where their offense was not one that harmed another individual, for example an individual who may be reported after relieving themselves on their own private property.

EO Choy stated that the purpose of this bill is to expedite the Board's ability to take disciplinary action against an individual who meets the requirements stipulated by S.B. 1373. The Board already has the authority to take action against a license in HRS §436B after a formal investigation is conducted by the Regulated Industries Complaints Office ("RICO"). While S.B. 1373 would allow the Board to more expeditiously revoke a license, the appeal process is still maintained. Therefore, a licensee can still appeal the revocation or disciplinary action.

Upon a motion by Chair Nagashima, seconded by Mr. St. Louis, it was voted upon and unanimously carried to support S.B. 1373.

New Business:

Discussion of acceptable options for Massage Apprentice ("MAP") and Massage Therapist ("MAT") applicants to remedy education and training deficiencies for shortage of total hours required in Anatomy, Physiology, and Structural Kinesiology ("APK"), theory and demonstration of massage, and supervised practical experience.

EO Choy stated that pursuant to HRS §452-13(a)(3) and HAR §16-84-23 and §16-84-48, all applicants for MAT licensure must verify completion of a minimum of 50 hours of APK, 100 hours of Theory and Demonstration of Massage, and 420 hours of Supervised Practical Massage Training to qualify for the State Exam and MAT licensure. Completion of 50 APK and 100 Theory hours are also a pre-requisite to MAP permitting.

EO Choy stated that she is requesting the Board clarify their policy on acceptable options for MAP and MAT applicants to remedy education and

training deficiencies for shortage of total hours required in APK, theory, and practical experience.

Upon a motion by Chair Nagashima, seconded by Mr. St. Louis it was voted upon and unanimously carried to enter Executive Session at 10:13 a.m., in accordance with HRS §92-5(a)(4), "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities."

Upon a motion by Chair Nagashima, seconded by Mr. St. Louis, it was voted upon and unanimously carried to return to Open Session at 10:27 a.m.

EO Choy summarized that in Executive Session, the Board consulted with its attorney regarding the board's powers, duties, privileges, immunities and liabilities as it relates to options for applicants to remediate education and training shortages.

EO stated that the Board clarifies the following:

For MAP and MAT applicants, APK and theory hours can be completed by the following options:

1. Enroll in an in-state Hawaii massage therapy school licensed by the Hawaii Department of Education ("HIDOE") or the University of Hawaii, or other institutions approved by the Board
2. Enroll in an out-of-state massage therapy school that is licensed by a state department of education or other institutions approved by the Board
3. Enroll in a Hawaii Board approved workshop, pursuant to HAR §16-84-23(i)

For MAP and MAT applicants, practical supervised hours can be completed by the following options:

1. Complete a Hawaii massage apprenticeship program
2. Enroll in a Hawaii massage therapy school licensed by HIDOE, the University of Hawaii, or other institutions approved by the Board
3. Enroll in an out-of-state massage therapy school licensed by the state department of education or other institutions approved by the Board

Ongoing Business:

Discussion of proposals for future new administrative rules revisions – Title 16, Chapter 84, Hawaii Administrative Rules ("HAR")

Chair Nagashima reminded the Board that they are continuing to research and discuss future rules revisions, with the HAR divided into assignments as follows:

- Subchapter 1 – Chair Nagashima
- Subchapter 2 – Vice Chair Arakaki
- Subchapter 3 – Ms. Frankel
- Subchapter 4 – Ms. Frankel
- Subchapter 5 – Not assigned
- Subchapter 6 – Chair Nagashima
- Subchapter 7 – Ms. Skoog
- Subchapter 8 – None
- Subchapter 9 – None
- Subchapter 10 – None
- Subchapter 11 – Mr. St. Louis
- Subchapter 12 – Chair Nagashima
- Subchapter 13 – Ms. Skoog

Ms. Frankel reported her suggested changes for Subchapter 3: Principal Massage Therapist.

For Subchapter 3, Ms. Frankel opined that the principal massage therapist (“PMT”) currently bears inordinate responsibility for activities conducted in and by the massage establishment (“MAE”) that are often beyond their control. She proposed several amendments to Subchapter 3 which would place more liability on the MAE rather than the PMT, including, but not limited to:

- The MAE be responsible for maintaining a file at the office of the board with required information
- The MAE shall notify the board of changes in addresses and in personnel, and increased notification window (15 days or annual reports)
- The MAE shall notify the board of any action
- The MAE be responsible for the conduct of all individuals affiliated or connected with the MAE
- The MAE and/or management is primarily responsible for enforcing policies related to inappropriate conduct
- The sponsoring massage therapist and the MAE be responsible for the conduct and oversight of massage apprentices

To summarize, Ms. Frankel suggested general recommendations for Subchapter 3 which would reduce administrative burden on PMTs by redistributing administrative and operational tasks to the licensed MAE owner, sponsoring therapist, and front desk staff, as appropriate. She

also suggested clarifying liability between MAEs and PMTs and encouraging multi-PMT models.

Ms. Frankel proposed the PMT's role be focused on:

- Training and acting as a liaison with the establishment in determining the appropriateness of massage techniques and boundaries
- Supervising massage therapy practices and procedures
- Ensuring professional standards
- Overseeing apprentices' technical skill development if directly involved

Chair Nagashima asked which specific individual(s) would be responsible if liability or responsibility is shifted to the MAE. She stated that many MAEs are owned by the PMT.

Mr. St. Louis stated that many MAEs, especially new MAEs which belong to corporations or MAEs which are spas, are not owned by the PMT. He agreed that for MAEs not owned by the PMT, the PMT often bears responsibility for activities that should be borne by the MAE.

EO Choy stated that if identifying the MAE, it would likely be the owner of the MAE who would be held responsible. The owner of an MAE is identified upon application for an MAE license and with supporting documentation from the Business Registration Division.

EO Choy stated that if additional responsibilities are proposed for MAEs, she suggests they be added or amended in Subchapter 4, which specifically addresses MAEs. For any amendments addressing law and rule violations, EO Choy will note that the amendments should align with Subchapter 5, which addresses suspension and revocation of licenses.

EO Choy requested clarification as to the role of the PMT. She stated that she understands the proposed amendments but would like to understand the original intent of the PMTs current responsibilities and liabilities. If the PMT acts as the on-site supervisor, she can understand why the PMT would sometimes bear responsibility for activities in the MAE. The MAE owner might not always be on premise, but the PMT is required to always be on premise. She wants to know if these are outdated requirements, or if there is a health, safety, welfare competent that needs to be integrated in any future amendments.

Chair Nagashima stated that the rules were promulgated in the 1960s and 1970s so it would be hard to identify what was the original intent. However, her understanding is that the PMTs were made responsible since the Board had to identify an entity who could be held responsible, and the PMTs must always be on premise.

Mr. St. Louis stated that when his understanding is similar to Chair Nagashima's. When the rules were first promulgated, they were meant to protect the public, and the PMT was identified as the "front lines" entity who was aware of the activities within the MAE. However, he also agrees with Ms. Frankel that the current rules are antiquated and that many of the current PMT responsibilities and liabilities should fall on the MAE owner/management.

Chair Nagashima shared her suggested amendments for Subchapter 6: Apprentices. She stated that most of her amendments propose an increase to the required apprenticeship training from 575 hours to 625 hours.

This proposed increase is based on averaged requirements of similar massage therapist licensure jurisdictions, as well as research done in previous years with the Coalition of National Massage Therapy Organizations' Entry-Level Analysis Project ("ELAP").

The proposed changes included, but were not limited to:

- 625 total hours for apprenticeship programs (200 academic/APK; 425 practical)
- 200 APK academic hours:
 - 100 hours must cover the functions and structure of systems and repair and injury of tissues, and 100 hours of structural kinesiology
- 165 hours of theory and demonstration of massage, including:
 - Overview of massage modalities
 - Benefits of soft tissue manipulation for specific client populations
 - Psychological aspects and benefits of touch
 - Soft tissue techniques
 - Benefits and physiological effects of soft tissue manipulation
 - Hygiene and contraindications of massage for specific techniques according to conditions
 - Draping
 - Assessment of the client's condition and the general technique to be applied

There was discussion regarding the number of hours required for each category of the apprenticeship program course of study under the current HAR §16-84-23(j).

Chair Nagashima stated that while she understands the Board generally wants to increase the required hours to be more on par with the national standards, she is also trying to balance the needs of the various massage

schools and programs in Hawaii. Drastically increasing the requirements would place a large burden on such small businesses.

EO Choy reminded the Board that once they begin a new round of rules revisions, they will have to justify changes that impact small businesses to the Small Business Regulatory Review Board ("SBRRB"). She suggests that the Board involve the appropriate stakeholders in the community at that time for further input.

There was no further discussion.

Next Meeting: Date: May 6, 2025
 Time: 9:00 a.m.
 Location: Virtual Videoconference Meeting – Zoom Meeting
 & In-Person – Queen Liliuokalani Conference Room HRH
 King Kalakaua Building
 335 Merchant Street, First Floor
 Honolulu, Hawaii 96813

Adjournment: There being no further business, Chair Nagashima adjourned the meeting at 11:36 a.m.

Taken & reviewed by:

/s/ Sheena Choy

Sheena Choy
Executive Officer

4/23/25

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of: May 6, 2025