

## **PUBLIC PACKET**

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

### **AGENDA FOR MEETING**

**Date:** May 6, 2025

**Time:** 9:00 a.m. HST

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

**Virtual:** Virtual Videoconference Meeting - Zoom Meeting  
(use link below)  
<https://dcca-hawaii.gov.zoom.us/j/89365752199?pwd=faxuUKpO77plce7bzO7qjZOTVVq8z7.1>

**Zoom Phone Number:** (669) 900 6833  
**Meeting ID:** 893 6575 2199  
**Passcode:** 510095

**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](mailto: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.

#### **PHONE ACCESS:**

If you cannot get internet access, you may get audio-only access by calling the phone number listed at the top on the agenda.

Upon dialing the number, you will be prompted to enter the Meeting ID which is also listed at the top of the agenda. After entering the Meeting ID, you will be asked to either enter your panelist number or wait to be admitted into the meeting. You will not have a panelist number. So, please wait until you are admitted into the meeting.

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. Roll Call, Quorum, Call to Order, Public Notice – Hawaii Revised Statutes ("HRS") §92-3 Open Meetings and Hawaii Administrative Rules ("HAR") §16-84-39 Oral Testimony
2. Chair's Announcements

- a. Appreciation for outgoing public member, Jayce Arakaki

3. Approval of the Minutes of the March 4, 2025 Board Meeting

*The Board may move into Executive Session in accordance with HRS §92-4 and §92-5(a)(1) and (4) "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and "To consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities."*

4. Applications

*The Board may move into Executive Session in accordance with HRS §92-4 and §92-5(a)(1) and (4) "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and "To consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities."*

- a. Ratifications (see attached Addendum)

- b. Massage Therapist Applications

- 1) Nestor Ruiz
- 2) Liqin Yuan

- c. Massage School Curriculum Letter for Hawaii State Department of Education

- 1) Central Oahu Massage Institute
- 2) Hawaii Healing Arts College
- 3) Maluhia School of Massage Therapy

5. Executive Officer's Report

- a. Hawaii Massage Therapy – State Examination Statistics

- b. 2025 Legislative Session – Bill Discussion & Updates

- 1) S.B. 1373, SD2, HD2, CD1 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 or certification of registered sex offenders. (CD1)

c. Board of Massage Therapy: Frequently Asked Questions – Updated

6. New Business

- a. Discussion of acceptance of online coursework for the academic course of study requirements for Massage Therapist licensure

*The Board will discuss accepting online coursework for the 50 hours of Anatomy, Physiology, and Structural Kinesiology (“APK”) and 100 hours of Theory & Demonstration of Massage Therapy requirements for Massage Apprenticeship permit and Massage Therapist exam and licensure approval.*

- b. Board consideration of joining the Federation of State Massage Therapy Boards (“FSMTB”)

- c. Clarification of requirements for principal massage therapist (“PMT”) to be on premise at the associated Massage Therapy Establishments (“MAEs”)

*Pursuant to HRS §452-1, "Principal massage therapist" means a massage therapist designated by an establishment or an out-call massage service as the person in charge. Pursuant to HRS §452-23.5(a)(2) and HAR §16-84-15(d), the PMT must be present on the MAE premises at all times, unless a licensed massage therapist designee is appointed in the absence of the PMT.*

7. Ongoing Business

- a. Discussion of proposals for future new administrative rules revisions – Title 16, Chapter 84, Hawaii Administrative Rules (“HAR”)

*The Board will continue ongoing discussion of possible new HAR amendments. Any rules revisions would be introduced through a new rules package separate from the one currently in motion that was presented for public hearing on November 13, 2024.*

8. Next Meeting:
- |            |  |
|------------|--|
| Date:      | July 1, 2025   |
| Time:      | 9:00 a.m.  |
| In-Person: | Queen Liliuokalani Conference Room<br>King Kalakaua Building, 1st Floor<br>335 Merchant Street<br>Honolulu, Hawaii 96813 |
| Virtual:   | Zoom Meeting   |

9. Adjournment

4/30/2025

If you need an auxiliary aid/service or other accommodation due to a disability, contact Sheena Choy at (808) 586-2702, Monday through Friday from 7:45 a.m. to 4:30 p.m., or email [message@dcca.hawaii.gov](mailto:message@dcca.hawaii.gov) as soon as possible, preferably by May 2, 2025. Requests made as early as possible have a greater likelihood of being fulfilled.

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

**BOARD OF MASSAGE THERAPY – RATIFICATION LISTS**

**ADDENDUM TO AGENDA**

*May 6, 2025*

**MASSAGE THERAPIST**

MAT-18139-0	ASHLEY STEPHENS
MAT-18136-0	JORDAN CLARA IHILANI CHO
MAT-18135-0	Janice M Ferraz
MAT-18134-0	Irene L Yoakum
MAT-18133-0	CAITLIN RYANNE THUESEN
MAT-18132-0	Erin Malia East
MAT-18131-0	CHELSEA LEE CRAPSER
MAT-18130-0	Chika W Ueda
MAT-18129-0	DENA BAHAR
MAT-18125-0	ALICIA K SHAW
MAT-18126-0	Ryen E Friedhof
MAT-18128-0	ESTHER TEMANAHA LAVINIA PASI
MAT-18127-0	CHARLES P REDOUBLE
MAT-18123-0	LEILAH M BURDETTE
MAT-18119-0	Melissa K Torcato
MAT-18120-0	PRASIT YODSIRI
MAT-18121-0	MARIE TOMONOH ACOSTA
MAT-3740-0	Mark Rich
MAT-18122-0	Rina Tsukii
MAT-18118-0	Risa Tanaka
MAT-18117-0	Akane Matsumoto
MAT-18116-0	Ritsuko Hamana
MAT-18115-0	DONNA C CORLEY
MAT-18114-0	Remy Elan Olson
MAT-18106-0	FALON C WILL-STAUDENRAUS
MAT-18107-0	ANTONIO J PROVENCIO
MAT-18110-0	Bridgitte W McInerny
MAT-18111-0	Emi White
MAT-18112-0	Javin I Peck
MAT-18113-0	Amanda Tavarez
MAT-17965-0	Jiaying Test Feng
MAT-18109-0	RATTIKORN IMADA
MAT-18108-0	ROBERT D STANCIU
MAT-18103-0	ESTHER C LOW

**BOARD OF MASSAGE THERAPY – RATIFICATION LISTS**

**ADDENDUM TO AGENDA**

*May 6, 2025*

**MASSAGE ESTABLISHMENT**

MAE-18138-0	A Little Touch of Heaven LLC
MAE-18137-0	LLL LLC
MAE-18124-0	JOMAMAKEN LLC
MAE-18079-0	ELEVATE WELLNESS KAUAI LLC
MAE-18105-0	TEAM PHYSICAL THERAPY LLC
MAE-18104-0	WELLNESS & MASSAGE HALEMANA LLC
MAE-18102-0	ROBIN S N YOKOTA

**MASSAGE APPRENTICE**

R-25402001	Camille Nae'ole
R-24515006	ZANDER M SYLVESTER
R-24515002	Jenn Bianchini
R-23718001	Nephi N Olson
R-25308002	LAUREN MALIA NAONE
R-25308001	LAN HONG WU
R-25307001	ALIESA R N KANESHIRO-DUDOIT
R-241113001	JONATHAN K LUNA
R-241011003	Artemisa V Castro-Trasporto
R-241211001	Baby Boy Carpenter
R-241211002	Laura Rene Gisi
R-241120001	CHANITNAI BICKEL
R-241202001	HUNTER H KALAHIKI-ARNBRISTER
R-241203001	HUI ZHAO
R-241203002	SUN LI
R-25307001	ALIESA R N KANESHIRO-DUDOIT
R-25117002	XUE HONG LIN
R-25117001	XINGMEI GAO
R-25117003	PING WANG
R-25103001	DUSTIN M K LOUIE
R-25103004	KATHRINE F SANCHEZ
R-25103003	KYLE C FULTS
R-25129001	KLAUS THOMAS KURT WACHTER
R-25103002	SABRINA ELLIS
R-25103010	LOUIE M OLORVIDA

**BOARD OF MASSAGE THERAPY – RATIFICATION LISTS**

**ADDENDUM TO AGENDA**

*May 6, 2025*

R-25103008	ZACHARY KAAPANA
R-25103009	SHAYNE M NOZAKI
R-25103007	GRACIE L RODNEY
R-25103006	BRIANNA F MCNEEL
R-25103005	KAIKALA S LEALAO
R-25103011	RENE M RAMOS
R-25103012	IRENE D MONTES
R-25106001	MELODY S PLAN
R-25106004	KRISTINA NARANJO
R-25106005	JODENELLA M K ALAMEDA
R-25106003	Mele Gali Kawehi Tokuda
R-25106002	LILY BRIONES FLYNN
R-25103013	WAILANA K MAKEPA
R-25106008	DAMAN SINGH
R-25106007	KAHTINA LORENZO
R-25106009	KAITLYN C LOBB
R-25106006	DEVANI NOELANI G AGBAYANI
R-25113001	CESAR A IGLESIAS SEGOVIANO
R-25122001	Brynn Marie Falloon
R-25203002	SHUHUA TIAN



**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): FSMTB  
Seth Binkel

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](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 PMT's 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.  
[ ] Minutes approved with changes; see minutes

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# A BILL FOR AN ACT

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RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX  
OFFENDERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that a recent Civil Beat  
2 article highlighted the inability of state licensing boards and  
3 agencies to promptly revoke the professional licenses of  
4 registered sex offenders. The legislature believes that timely  
5 action in cases where certain professional license holders are  
6 registered sex offenders is a vital aspect of consumer  
7 protection. Delayed action in revoking a license and preventing  
8 further practice by a registered sex offender places consumers  
9 at unnecessary risk.

10       Accordingly, the purpose of this Act is to:

- 11       (1) Authorize the department of commerce and consumer  
12       affairs and certain licensing boards to automatically  
13       revoke and deny the renewal, restoration, or  
14       reinstatement of a license to a licensee who is a  
15       registered sex offender;
- 16       (2) Establish conditions for the disciplinary action; and



(3) Ensure consumer protection by requiring any final order of discipline taken to be public record.

SECTION 2. Chapter 436E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§436E- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a)**

Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.



1        (b) The board shall notify the licensee of the license  
2 revocation or denial of application to renew, restore, or  
3 reinstate the license and of the right to elect to have a  
4 hearing as provided in subsection (c).

5        (c) Upon revocation of the license or denial of an  
6 application to renew, restore, or reinstate, the licensee may  
7 file a written request for a hearing with the board within ten  
8 days of the notice. The hearing shall be held within thirty  
9 days of the revocation or denial. The proceeding shall be  
10 conducted in accordance with chapter 91.

11       (d) For the purposes of enforcement of this section, a  
12 plea or verdict of guilty, or a conviction after a plea of nolo  
13 contendere, shall be deemed a conviction. The record of  
14 conviction shall be conclusive evidence of the fact that the  
15 conviction occurred.

16       (e) If the related conviction of the license holder is  
17 overturned upon appeal, the revocation or denial ordered  
18 pursuant to this section shall automatically cease. Nothing in  
19 this subsection shall prohibit the board from pursuing  
20 disciplinary action based on any cause other than the overturned  
21 conviction.



1        (f) Any final order of discipline taken pursuant to this  
2 section shall be a matter of public record.

3        (g) The board shall not restore, renew, or otherwise  
4 reinstate the license of a person under any of the following  
5 circumstances:

6        (1) The person has been required to register as a sex  
7 offender pursuant to chapter 846E, regardless of  
8 whether the conviction has been appealed; and

9        (2) The person engaged in the offense with a patient or  
10 client, or with a former patient or client if the  
11 relationship was terminated primarily for the purpose  
12 of committing the offense."

13        SECTION 3. Chapter 436H, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16        **"§436H-    Revocation of license or denial of application**  
17 **to renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.    (a)**  
19 Notwithstanding any law to the contrary, the director shall  
20 automatically revoke a license or deny an application to renew,



1 restore, or reinstate a license under either of the following  
2 circumstances:

3 (1) The licensee has been convicted in any court in or  
4 outside of this State of any offense that, if  
5 committed or attempted in this State, based on the  
6 elements of the convicted offense, would have been  
7 punishable as one or more of the offenses described in  
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been appealed.

12 (b) The director shall notify the licensee of the license  
13 revocation or denial of application to renew, restore, or  
14 reinstate the license and of the right to elect to have a  
15 hearing as provided in subsection (c).

16 (c) Upon revocation of the license or denial of an  
17 application to renew, restore, or reinstate, the licensee may  
18 file a written request for a hearing with the director within  
19 ten days of the notice. The hearing shall be held within thirty  
20 days of the revocation or denial. The proceeding shall be  
21 conducted in accordance with chapter 91.



1        (d) For the purposes of enforcement of this section, a  
2 plea or verdict of guilty, or a conviction after a plea of nolo  
3 contendere, shall be deemed a conviction. The record of  
4 conviction shall be conclusive evidence of the fact that the  
5 conviction occurred.

6        (e) If the related conviction of the license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the director from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

12        (f) Any final order of discipline taken pursuant to this  
13 section shall be a matter of public record.

14        (g) The director shall not restore, renew, or otherwise  
15 reinstate the license of a person under any of the following  
16 circumstances:

17        (1) The person has been required to register as a sex  
18 offender pursuant to chapter 846E, regardless of  
19 whether the conviction has been appealed; and

20        (2) The person engaged in the offense with a patient or  
21 client, or with a former patient or client if the



1 relationship was terminated primarily for the purpose  
2 of committing the offense."

3 SECTION 4. Chapter 439A, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 **"§439A- Revocation of license or denial of application**  
7 **to renew, restore, or reinstate a license based on conviction**  
8 **requiring registration as a sex offender; conditions.** (a)

9 Notwithstanding any law to the contrary, the board shall  
10 automatically revoke a license or deny an application to renew,  
11 restore, or reinstate a license under either of the following  
12 circumstances:

13 (1) The licensee has been convicted in any court in or  
14 outside of this State of any offense that, if  
15 committed or attempted in this State, based on the  
16 elements of the convicted offense, would have been  
17 punishable as one or more of the offenses described in  
18 chapter 846E; or

19 (2) The licensee has been required to register as a sex  
20 offender pursuant to chapter 846E, regardless of  
21 whether the related conviction has been appealed.





1        (b) The board shall notify the licensee of the license  
2 revocation or denial of application to renew, restore, or  
3 reinstate the license and of the right to elect to have a  
4 hearing as provided in subsection (c).

5        (c) Upon revocation of the license or denial of an  
6 application to renew, restore, or reinstate, the licensee may  
7 file a written request for a hearing with the board within ten  
8 days of the notice. The hearing shall be held within thirty  
9 days of the revocation or denial. The proceeding shall be  
10 conducted in accordance with chapter 91.

11       (d) For the purposes of enforcement of this section, a  
12 plea or verdict of guilty, or a conviction after a plea of nolo  
13 contendere, shall be deemed a conviction. The record of  
14 conviction shall be conclusive evidence of the fact that the  
15 conviction occurred.

16       (e) If the related conviction of the license holder is  
17 overturned upon appeal, the revocation or denial ordered  
18 pursuant to this section shall automatically cease. Nothing in  
19 this subsection shall prohibit the board from pursuing  
20 disciplinary action based on any cause other than the overturned  
21 conviction.



1       (f) Any final order of discipline taken pursuant to this  
2 section shall be a matter of public record.

3       (g) The board shall not restore, renew, or otherwise  
4 reinstate the license of a person under any of the following  
5 circumstances:

6       (1) The person has been required to register as a sex  
7 offender pursuant to chapter 846E, regardless of  
8 whether the conviction has been appealed; and

9       (2) The person engaged in the offense with a patient or  
10 client, or with a former patient or client if the  
11 relationship was terminated primarily for the purpose  
12 of committing the offense."

13       SECTION 5. Chapter 442, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16       "§442-    Revocation of license or denial of application to  
17 renew, restore, or reinstate a license based on conviction  
18 requiring registration as a sex offender; conditions.   (a)

19 Notwithstanding any law to the contrary, the board shall  
20 automatically revoke a license or deny an application to renew,



1 restore, or reinstate a license under either of the following  
2 circumstances:

3 (1) The licensee has been convicted in any court in or  
4 outside of this State of any offense that, if  
5 committed or attempted in this State, based on the  
6 elements of the convicted offense, would have been  
7 punishable as one or more of the offenses described in  
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been appealed.

12 (b) The board shall notify the licensee of the license  
13 revocation or denial of application to renew, restore, or  
14 reinstate the license and of the right to elect to have a  
15 hearing as provided in subsection (c).

16 (c) Upon revocation of the license or denial of an  
17 application to renew, restore, or reinstate, the licensee may  
18 file a written request for a hearing with the board within ten  
19 days of the notice. The hearing shall be held within thirty  
20 days of the revocation or denial. The proceeding shall be  
21 conducted in accordance with chapter 91.



1        (d) For the purposes of enforcement of this section, a  
2 plea or verdict of guilty, or a conviction after a plea of nolo  
3 contendere, shall be deemed a conviction. The record of  
4 conviction shall be conclusive evidence of the fact that the  
5 conviction occurred.

6        (e) If the related conviction of the license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the board from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

12        (f) Any final order of discipline taken pursuant to this  
13 section shall be a matter of public record.

14        (g) The board shall not restore, renew, or otherwise  
15 reinstate the license of a person under any of the following  
16 circumstances:

17        (1) The person has been required to register as a sex  
18 offender pursuant to chapter 846E, regardless of  
19 whether the conviction has been appealed; and

20        (2) The person engaged in the offense with a patient or  
21 client, or with a former patient or client if the



1           relationship was terminated primarily for the purpose  
2           of committing the offense."

3           SECTION 6. Chapter 447, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6           "§447-     Revocation of license or denial of application to  
7 renew, restore, or reinstate a license based on conviction  
8 requiring registration as a sex offender; conditions.   (a)

9           Notwithstanding any law to the contrary, the board of dentistry  
10          shall automatically revoke a license or deny an application to  
11          renew, restore, or reinstate a license under either of the  
12          following circumstances:

13          (1)   The licensee has been convicted in any court in or  
14                outside of this State of any offense that, if  
15                committed or attempted in this State, based on the  
16                elements of the convicted offense, would have been  
17                punishable as one or more of the offenses described in  
18                chapter 846E; or

19          (2)   The licensee has been required to register as a sex  
20                offender pursuant to chapter 846E, regardless of  
21                whether the related conviction has been appealed.



1       (b) The board of dentistry shall notify the licensee of  
2       the license revocation or denial of application to renew,  
3       restore, or reinstate the license and of the right to elect to  
4       have a hearing as provided in subsection (c).

5       (c) Upon revocation of the license or denial of an  
6       application to renew, restore, or reinstate, the licensee may  
7       file a written request for a hearing with the board of dentistry  
8       within ten days of the notice. The hearing shall be held within  
9       thirty days of the revocation or denial. The proceeding shall  
10      be conducted in accordance with chapter 91.

11      (d) For the purposes of enforcement of this section, a  
12      plea or verdict of guilty, or a conviction after a plea of nolo  
13      contendere, shall be deemed a conviction. The record of  
14      conviction shall be conclusive evidence of the fact that the  
15      conviction occurred.

16      (e) If the related conviction of the license holder is  
17      overturned upon appeal, the revocation or denial ordered  
18      pursuant to this section shall automatically cease. Nothing in  
19      this subsection shall prohibit the board of dentistry from  
20      pursuing disciplinary action based on any cause other than the  
21      overturned conviction.



1        (f) Any final order of discipline taken pursuant to this  
2 section shall be a matter of public record.

3        (g) The board of dentistry shall not restore, renew, or  
4 otherwise reinstate the license of a person under any of the  
5 following circumstances:

6        (1) The person has been required to register as a sex  
7 offender pursuant to chapter 846E, regardless of  
8 whether the conviction has been appealed; and

9        (2) The person engaged in the offense with a patient or  
10 client, or with a former patient or client if the  
11 relationship was terminated primarily for the purpose  
12 of committing the offense."

13        SECTION 7. Chapter 448, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16        **"§448-        Revocation of license or denial of application to**  
17 **renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.    (a)**

19 Notwithstanding any law to the contrary, the board shall  
20 automatically revoke a license or deny an application to renew,



1 restore, or reinstate a license under either of the following  
2 circumstances:

3 (1) The licensee has been convicted in any court in or  
4 outside of this State of any offense that, if  
5 committed or attempted in this State, based on the  
6 elements of the convicted offense, would have been  
7 punishable as one or more of the offenses described in  
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been appealed.

12 (b) The board shall notify the licensee of the license  
13 revocation or denial of application to renew, restore, or  
14 reinstate the license and of the right to elect to have a  
15 hearing as provided in subsection (c).

16 (c) Upon revocation of the license or denial of an  
17 application to renew, restore, or reinstate, the licensee may  
18 file a written request for a hearing with the board within ten  
19 days of the notice. The hearing shall be held within thirty  
20 days of the revocation or denial. The proceeding shall be  
21 conducted in accordance with chapter 91.





1        (d) For the purposes of enforcement of this section, a  
2        plea or verdict of guilty, or a conviction after a plea of nolo  
3        contendere, shall be deemed a conviction. The record of  
4        conviction shall be conclusive evidence of the fact that the  
5        conviction occurred.

6        (e) If the related conviction of the license holder is  
7        overturned upon appeal, the revocation or denial ordered  
8        pursuant to this section shall automatically cease. Nothing in  
9        this subsection shall prohibit the board from pursuing  
10       disciplinary action based on any cause other than the overturned  
11       conviction.

12       (f) Any final order of discipline taken pursuant to this  
13       section shall be a matter of public record.

14       (g) The board shall not restore, renew, or otherwise  
15       reinstate the license of a person under any of the following  
16       circumstances:

17       (1) The person has been required to register as a sex  
18       offender pursuant to chapter 846E, regardless of  
19       whether the conviction has been appealed; and

20       (2) The person engaged in the offense with a patient or  
21       client, or with a former patient or client if the



1 relationship was terminated primarily for the purpose  
2 of committing the offense."

3 SECTION 8. Chapter 448F, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 **"§448F- Revocation of license or denial of application**  
7 **to renew, restore, or reinstate a license based on conviction**  
8 **requiring registration as a sex offender; conditions.** (a)

9 Notwithstanding any law to the contrary, the director shall  
10 automatically revoke a license or deny an application to renew,  
11 restore, or reinstate a license under either of the following  
12 circumstances:

13 (1) The licensee has been convicted in any court in or  
14 outside of this State of any offense that, if  
15 committed or attempted in this State, based on the  
16 elements of the convicted offense, would have been  
17 punishable as one or more of the offenses described in  
18 chapter 846E; or

19 (2) The licensee has been required to register as a sex  
20 offender pursuant to chapter 846E, regardless of  
21 whether the related conviction has been appealed.



1        (b) The director shall notify the licensee of the license  
2 revocation or denial of application to renew, restore, or  
3 reinstate the license and of the right to elect to have a  
4 hearing as provided in subsection (c).

5        (c) Upon revocation of the license or denial of an  
6 application to renew, restore, or reinstate, the licensee may  
7 file a written request for a hearing with the director within  
8 ten days of the notice. The hearing shall be held within thirty  
9 days of the revocation or denial. The proceeding shall be  
10 conducted in accordance with chapter 91.

11       (d) For the purposes of enforcement of this section, a  
12 plea or verdict of guilty, or a conviction after a plea of nolo  
13 contendere, shall be deemed a conviction. The record of  
14 conviction shall be conclusive evidence of the fact that the  
15 conviction occurred.

16       (e) If the related conviction of the license holder is  
17 overturned upon appeal, the revocation or denial ordered  
18 pursuant to this section shall automatically cease. Nothing in  
19 this subsection shall prohibit the director from pursuing  
20 disciplinary action based on any cause other than the overturned  
21 conviction.



1        (f) Any final order of discipline taken pursuant to this  
2 section shall be a matter of public record.

3        (g) The director shall not restore, renew, or otherwise  
4 reinstate the license of a person under any of the following  
5 circumstances:

6        (1) The person has been required to register as a sex  
7 offender pursuant to chapter 846E, regardless of  
8 whether the conviction has been appealed; and

9        (2) The person engaged in the offense with a patient or  
10 client, or with a former patient or client if the  
11 relationship was terminated primarily for the purpose  
12 of committing the offense."

13        SECTION 9. Chapter 451A, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16        **"§451A-        Revocation of license or denial of application**  
17 **to renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.    (a)**  
19 Notwithstanding any law to the contrary, the director shall  
20 automatically revoke a license or deny an application to renew,



1 restore, or reinstate a license under either of the following  
2 circumstances:

3 (1) The licensee has been convicted in any court in or  
4 outside of this State of any offense that, if  
5 committed or attempted in this State, based on the  
6 elements of the convicted offense, would have been  
7 punishable as one or more of the offenses described in  
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been appealed.

12 (b) The director shall notify the licensee of the license  
13 revocation or denial of application to renew, restore, or  
14 reinstate the license and of the right to elect to have a  
15 hearing as provided in subsection (c).

16 (c) Upon revocation of the license or denial of an  
17 application to renew, restore, or reinstate, the licensee may  
18 file a written request for a hearing with the director within  
19 ten days of the notice. The hearing shall be held within thirty  
20 days of the revocation or denial. The proceeding shall be  
21 conducted in accordance with chapter 91.



1        (d) For the purposes of enforcement of this section, a  
2        plea or verdict of guilty, or a conviction after a plea of nolo  
3        contendere, shall be deemed a conviction. The record of  
4        conviction shall be conclusive evidence of the fact that the  
5        conviction occurred.

6        (e) If the related conviction of the license holder is  
7        overturned upon appeal, the revocation or denial ordered  
8        pursuant to this section shall automatically cease. Nothing in  
9        this subsection shall prohibit the director from pursuing  
10       disciplinary action based on any cause other than the overturned  
11       conviction.

12       (f) Any final order of discipline taken pursuant to this  
13       section shall be a matter of public record.

14       (g) The director shall not restore, renew, or otherwise  
15       reinstate the license of a person under any of the following  
16       circumstances:

17       (1) The person has been required to register as a sex  
18       offender pursuant to chapter 846E, regardless of  
19       whether the conviction has been appealed; and

20       (2) The person engaged in the offense with a patient or  
21       client, or with a former patient or client if the



1 relationship was terminated primarily for the purpose  
2 of committing the offense."

3 SECTION 10. Chapter 451J, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 **"§451J- Revocation of license or denial of application**  
7 **to renew, restore, or reinstate a license based on conviction**  
8 **requiring registration as a sex offender; conditions.** (a)

9 Notwithstanding any law to the contrary, the director shall  
10 automatically revoke a license or deny an application to renew,  
11 restore, or reinstate a license under either of the following  
12 circumstances:

13 (1) The licensee has been convicted in any court in or  
14 outside of this State of any offense that, if  
15 committed or attempted in this State, based on the  
16 elements of the convicted offense, would have been  
17 punishable as one or more of the offenses described in  
18 chapter 846E; or

19 (2) The licensee has been required to register as a sex  
20 offender pursuant to chapter 846E, regardless of  
21 whether the related conviction has been appealed.



1        (b) The director shall notify the licensee of the license  
2 revocation or denial of application to renew, restore, or  
3 reinstate the license and of the right to elect to have a  
4 hearing as provided in subsection (c).

5        (c) Upon revocation of the license or denial of an  
6 application to renew, restore, or reinstate, the licensee may  
7 file a written request for a hearing with the director within  
8 ten days of the notice. The hearing shall be held within thirty  
9 days of the revocation or denial. The proceeding shall be  
10 conducted in accordance with chapter 91.

11       (d) For the purposes of enforcement of this section, a  
12 plea or verdict of guilty, or a conviction after a plea of nolo  
13 contendere, shall be deemed a conviction. The record of  
14 conviction shall be conclusive evidence of the fact that the  
15 conviction occurred.

16       (e) If the related conviction of the license holder is  
17 overturned upon appeal, the revocation or denial ordered  
18 pursuant to this section shall automatically cease. Nothing in  
19 this subsection shall prohibit the director from pursuing  
20 disciplinary action based on any cause other than the overturned  
21 conviction.





1        (f) Any final order of discipline taken pursuant to this  
2 section shall be a matter of public record.

3        (g) The director shall not restore, renew, or otherwise  
4 reinstate the license of a person under any of the following  
5 circumstances:

6        (1) The person has been required to register as a sex  
7 offender pursuant to chapter 846E, regardless of  
8 whether the conviction has been appealed; and

9        (2) The person engaged in the offense with a patient or  
10 client, or with a former patient or client if the  
11 relationship was terminated primarily for the purpose  
12 of committing the offense."

13        SECTION 11. Chapter 452, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16        **"§452-        Revocation of license or denial of application to**  
17 **renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.    (a)**

19 Notwithstanding any law to the contrary, the board shall  
20 automatically revoke a license or deny an application to renew,



1 restore, or reinstate a license under either of the following  
2 circumstances:

3 (1) The licensee has been convicted in any court in or  
4 outside of this State of any offense that, if  
5 committed or attempted in this State, based on the  
6 elements of the convicted offense, would have been  
7 punishable as one or more of the offenses described in  
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been appealed.

12 (b) The board shall notify the licensee of the license  
13 revocation or denial of application to renew, restore, or  
14 reinstate the license and of the right to elect to have a  
15 hearing as provided in subsection (c).

16 (c) Upon revocation of the license or denial of an  
17 application to renew, restore, or reinstate, the licensee may  
18 file a written request for a hearing with the board within ten  
19 days of the notice. The hearing shall be held within thirty  
20 days of the revocation or denial. The proceeding shall be  
21 conducted in accordance with chapter 91.



1        (d) For the purposes of enforcement of this section, a  
2        plea or verdict of guilty, or a conviction after a plea of nolo  
3        contendere, shall be deemed a conviction. The record of  
4        conviction shall be conclusive evidence of the fact that the  
5        conviction occurred.

6        (e) If the related conviction of the license holder is  
7        overturned upon appeal, the revocation or denial ordered  
8        pursuant to this section shall automatically cease. Nothing in  
9        this subsection shall prohibit the board from pursuing  
10       disciplinary action based on any cause other than the overturned  
11       conviction.

12       (f) Any final order of discipline taken pursuant to this  
13       section shall be a matter of public record.

14       (g) The board shall not restore, renew, or otherwise  
15       reinstate the license of a person under any of the following  
16       circumstances:

17       (1) The person has been required to register as a sex  
18       offender pursuant to chapter 846E, regardless of  
19       whether the conviction has been appealed; and

20       (2) The person engaged in the offense with a patient or  
21       client, or with a former patient or client if the



1 relationship was terminated primarily for the purpose  
2 of committing the offense."

3 SECTION 12. Chapter 453, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§453- Revocation of license or denial of application to  
7 renew, restore, or reinstate a license based on conviction  
8 requiring registration as a sex offender; conditions. (a)

9 Notwithstanding any law to the contrary, the board shall  
10 automatically revoke a license or deny an application to renew,  
11 restore, or reinstate a license under either of the following  
12 circumstances:

13 (1) The licensee has been convicted in any court in or  
14 outside of this State of any offense that, if  
15 committed or attempted in this State, based on the  
16 elements of the convicted offense, would have been  
17 punishable as one or more of the offenses described in  
18 chapter 846E; or

19 (2) The licensee has been required to register as a sex  
20 offender pursuant to chapter 846E, regardless of  
21 whether the related conviction has been appealed.



1        (b) The board shall notify the licensee of the license  
2 revocation or denial of application to renew, restore, or  
3 reinstate the license and of the right to elect to have a  
4 hearing as provided in subsection (c).

5        (c) Upon revocation of the license or denial of an  
6 application to renew, restore, or reinstate, the licensee may  
7 file a written request for a hearing with the board within ten  
8 days of the notice. The hearing shall be held within thirty  
9 days of the revocation or denial. The proceeding shall be  
10 conducted in accordance with chapter 91.

11       (d) For the purposes of enforcement of this section, a  
12 plea or verdict of guilty, or a conviction after a plea of nolo  
13 contendere, shall be deemed a conviction. The record of  
14 conviction shall be conclusive evidence of the fact that the  
15 conviction occurred.

16       (e) If the related conviction of the license holder is  
17 overturned upon appeal, the revocation or denial ordered  
18 pursuant to this section shall automatically cease. Nothing in  
19 this subsection shall prohibit the board from pursuing  
20 disciplinary action based on any cause other than the overturned  
21 conviction.



1        (f) Any final order of discipline taken pursuant to this  
2 section shall be a matter of public record.

3        (g) The board shall not restore, renew, or otherwise  
4 reinstate the license of a person under any of the following  
5 circumstances:

6        (1) The person has been required to register as a sex  
7 offender pursuant to chapter 846E, regardless of  
8 whether the conviction has been appealed; and

9        (2) The person engaged in the offense with a patient or  
10 client, or with a former patient or client if the  
11 relationship was terminated primarily for the purpose  
12 of committing the offense."

13        SECTION 13. Chapter 453D, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16        **"§453D-    Revocation of license or denial of application**  
17 **to renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.    (a)**

19 Notwithstanding any law to the contrary, the director shall  
20 automatically revoke a license or deny an application to renew,



1 restore, or reinstate a license under either of the following  
2 circumstances:

3 (1) The licensee has been convicted in any court in or  
4 outside of this State of any offense that, if  
5 committed or attempted in this State, based on the  
6 elements of the convicted offense, would have been  
7 punishable as one or more of the offenses described in  
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been appealed.

12 (b) The director shall notify the licensee of the license  
13 revocation or denial of application to renew, restore, or  
14 reinstate the license and of the right to elect to have a  
15 hearing as provided in subsection (c).

16 (c) Upon revocation of the license or denial of an  
17 application to renew, restore, or reinstate, the licensee may  
18 file a written request for a hearing with the director within  
19 ten days of the notice. The hearing shall be held within thirty  
20 days of the revocation or denial. The proceeding shall be  
21 conducted in accordance with chapter 91.



1        (d) For the purposes of enforcement of this section, a  
2 plea or verdict of guilty, or a conviction after a plea of nolo  
3 contendere, shall be deemed a conviction. The record of  
4 conviction shall be conclusive evidence of the fact that the  
5 conviction occurred.

6        (e) If the related conviction of the license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the director from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

12        (f) Any final order of discipline taken pursuant to this  
13 section shall be a matter of public record.

14        (g) The director shall not restore, renew, or otherwise  
15 reinstate the license of a person under any of the following  
16 circumstances:

17        (1) The person has been required to register as a sex  
18 offender pursuant to chapter 846E, regardless of  
19 whether the conviction has been appealed; and

20        (2) The person engaged in the offense with a patient or  
21 client, or with a former patient or client if the





1           relationship was terminated primarily for the purpose  
2           of committing the offense."

3           SECTION 14. Chapter 455, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6           "§455-    Revocation of license or denial of application to  
7 renew, restore, or reinstate a license based on conviction  
8 requiring registration as a sex offender; conditions.   (a)

9   Notwithstanding any law to the contrary, the board shall  
10 automatically revoke a license or deny an application to renew,  
11 restore, or reinstate a license under either of the following  
12 circumstances:

13       (1)   The licensee has been convicted in any court in or  
14           outside of this State of any offense that, if  
15           committed or attempted in this State, based on the  
16           elements of the convicted offense, would have been  
17           punishable as one or more of the offenses described in  
18           chapter 846E; or

19       (2)   The licensee has been required to register as a sex  
20           offender pursuant to chapter 846E, regardless of  
21           whether the related conviction has been appealed.



1        (b) The board shall notify the licensee of the license  
2 revocation or denial of application to renew, restore, or  
3 reinstate the license and of the right to elect to have a  
4 hearing as provided in subsection (c).

5        (c) Upon revocation of the license or denial of an  
6 application to renew, restore, or reinstate, the licensee may  
7 file a written request for a hearing with the board within ten  
8 days of the notice. The hearing shall be held within thirty  
9 days of the revocation or denial. The proceeding shall be  
10 conducted in accordance with chapter 91.

11       (d) For the purposes of enforcement of this section, a  
12 plea or verdict of guilty, or a conviction after a plea of nolo  
13 contendere, shall be deemed a conviction. The record of  
14 conviction shall be conclusive evidence of the fact that the  
15 conviction occurred.

16       (e) If the related conviction of the license holder is  
17 overturned upon appeal, the revocation or denial ordered  
18 pursuant to this section shall automatically cease. Nothing in  
19 this subsection shall prohibit the board from pursuing  
20 disciplinary action based on any cause other than the overturned  
21 conviction.



1        (f) Any final order of discipline taken pursuant to this  
2 section shall be a matter of public record.

3        (g) The board shall not restore, renew, or otherwise  
4 reinstate the license of a person under any of the following  
5 circumstances:

6        (1) The person has been required to register as a sex  
7 offender pursuant to chapter 846E, regardless of  
8 whether the conviction has been appealed; and

9        (2) The person engaged in the offense with a patient or  
10 client, or with a former patient or client if the  
11 relationship was terminated primarily for the purpose  
12 of committing the offense."

13        SECTION 15. Chapter 457, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16        **"§457-        Revocation of license or denial of application to**  
17 **renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.    (a)**

19 Notwithstanding any law to the contrary, the board shall  
20 automatically revoke a license or deny an application to renew,



1 restore, or reinstate a license under either of the following  
2 circumstances:

3 (1) The licensee has been convicted in any court in or  
4 outside of this State of any offense that, if  
5 committed or attempted in this State, based on the  
6 elements of the convicted offense, would have been  
7 punishable as one or more of the offenses described in  
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been appealed.

12 (b) The board shall notify the licensee of the license  
13 revocation or denial of application to renew, restore, or  
14 reinstate the license and of the right to elect to have a  
15 hearing as provided in subsection (c).

16 (c) Upon revocation of the license or denial of an  
17 application to renew, restore, or reinstate, the licensee may  
18 file a written request for a hearing with the board within ten  
19 days of the notice. The hearing shall be held within thirty  
20 days of the revocation or denial. The proceeding shall be  
21 conducted in accordance with chapter 91.



1        (d) For the purposes of enforcement of this section, a  
2 plea or verdict of guilty, or a conviction after a plea of nolo  
3 contendere, shall be deemed a conviction. The record of  
4 conviction shall be conclusive evidence of the fact that the  
5 conviction occurred.

6        (e) If the related conviction of the license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the board from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

12        (f) Any final order of discipline taken pursuant to this  
13 section shall be a matter of public record.

14        (g) The board shall not restore, renew, or otherwise  
15 reinstate the license of a person under any of the following  
16 circumstances:

17        (1) The person has been required to register as a sex  
18 offender pursuant to chapter 846E, regardless of  
19 whether the conviction has been appealed; and

20        (2) The person engaged in the offense with a patient or  
21 client, or with a former patient or client if the



1 relationship was terminated primarily for the purpose  
2 of committing the offense."

3 SECTION 16. Chapter 457A, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 **"§457A- Revocation of certification or denial of**  
7 **application to renew, restore, or reinstate a certification**  
8 **based on conviction requiring registration as a sex offender;**  
9 **conditions.** (a) Notwithstanding any law to the contrary, the  
10 director shall automatically revoke a certification or deny an  
11 application to renew, restore, or reinstate a certification  
12 under either of the following circumstances:

13 (1) The person has been convicted in any court in or  
14 outside of this State of any offense that, if  
15 committed or attempted in this State, based on the  
16 elements of the convicted offense, would have been  
17 punishable as one or more of the offenses described in  
18 chapter 846E; or

19 (2) The person has been required to register as a sex  
20 offender pursuant to chapter 846E, regardless of  
21 whether the related conviction has been appealed.



1        (b) The director shall notify the person of the  
2        certification revocation or denial of application to renew,  
3        restore, or reinstate the certification and of the right to  
4        elect to have a hearing as provided in subsection (c).

5        (c) Upon revocation of the certification or denial of an  
6        application to renew, restore, or reinstate, the person may file  
7        a written request for a hearing with the director within ten  
8        days of the notice. The hearing shall be held within thirty  
9        days of the revocation or denial. The proceeding shall be  
10       conducted in accordance with chapter 91.

11       (d) For the purposes of enforcement of this section, a  
12       plea or verdict of guilty, or a conviction after a plea of nolo  
13       contendere, shall be deemed a conviction. The record of  
14       conviction shall be conclusive evidence of the fact that the  
15       conviction occurred.

16       (e) If the related conviction of the person is overturned  
17       upon appeal, the revocation or denial ordered pursuant to this  
18       section shall automatically cease. Nothing in this subsection  
19       shall prohibit the director from pursuing disciplinary action  
20       based on any cause other than the overturned conviction.



1        (f) Any final order of discipline taken pursuant to this  
2 section shall be a matter of public record.

3        (g) The director shall not restore, renew, or otherwise  
4 reinstate the certification of a person under any of the  
5 following circumstances:

6        (1) The person has been required to register as a sex  
7 offender pursuant to chapter 846E, regardless of  
8 whether the conviction has been appealed; and

9        (2) The person engaged in the offense with a patient or  
10 client, or with a former patient or client if the  
11 relationship was terminated primarily for the purpose  
12 of committing the offense."

13        SECTION 17. Chapter 457B, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16        **"§457B-        Revocation of license or denial of application**  
17 **to renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.    (a)**

19 Notwithstanding any law to the contrary, the director shall  
20 automatically revoke a license or deny an application to renew,





1 restore, or reinstate a license under either of the following  
2 circumstances:

3 (1) The licensee has been convicted in any court in or  
4 outside of this State of any offense that, if  
5 committed or attempted in this State, based on the  
6 elements of the convicted offense, would have been  
7 punishable as one or more of the offenses described in  
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been appealed.

12 (b) The director shall notify the licensee of the license  
13 revocation or denial of application to renew, restore, or  
14 reinstate the license and of the right to elect to have a  
15 hearing as provided in subsection (c).

16 (c) Upon revocation of the license or denial of an  
17 application to renew, restore, or reinstate, the licensee may  
18 file a written request for a hearing with the director within  
19 ten days of the notice. The hearing shall be held within thirty  
20 days of the revocation or denial. The proceeding shall be  
21 conducted in accordance with chapter 91.



1        (d) For the purposes of enforcement of this section, a  
2 plea or verdict of guilty, or a conviction after a plea of nolo  
3 contendere, shall be deemed a conviction. The record of  
4 conviction shall be conclusive evidence of the fact that the  
5 conviction occurred.

6        (e) If the related conviction of the license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the director from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

12        (f) Any final order of discipline taken pursuant to this  
13 section shall be a matter of public record.

14        (g) The director shall not restore, renew, or otherwise  
15 reinstate the license of a person under any of the following  
16 circumstances:

17        (1) The person has been required to register as a sex  
18 offender pursuant to chapter 846E, regardless of  
19 whether the conviction has been appealed; and

20        (2) The person engaged in the offense with a patient or  
21 client, or with a former patient or client if the



1 relationship was terminated primarily for the purpose  
2 of committing the offense."

3 SECTION 18. Chapter 457G, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§457G- Revocation of license or denial of application  
7 to renew, restore, or reinstate a license based on conviction  
8 requiring registration as a sex offender; conditions. (a)

9 Notwithstanding any law to the contrary, the director shall  
10 automatically revoke a license or deny an application to renew,  
11 restore, or reinstate a license under either of the following  
12 circumstances:

13 (1) The licensee has been convicted in any court in or  
14 outside of this State of any offense that, if  
15 committed or attempted in this State, based on the  
16 elements of the convicted offense, would have been  
17 punishable as one or more of the offenses described in  
18 chapter 846E; or

19 (2) The licensee has been required to register as a sex  
20 offender pursuant to chapter 846E, regardless of  
21 whether the related conviction has been appealed.



1        (b) The director shall notify the licensee of the license  
2 revocation or denial of application to renew, restore, or  
3 reinstate the license and of the right to elect to have a  
4 hearing as provided in subsection (c).

5        (c) Upon revocation of the license or denial of an  
6 application to renew, restore, or reinstate, the licensee may  
7 file a written request for a hearing with the director within  
8 ten days of the notice. The hearing shall be held within thirty  
9 days of the revocation or denial. The proceeding shall be  
10 conducted in accordance with chapter 91.

11       (d) For the purposes of enforcement of this section, a  
12 plea or verdict of guilty, or a conviction after a plea of nolo  
13 contendere, shall be deemed a conviction. The record of  
14 conviction shall be conclusive evidence of the fact that the  
15 conviction occurred.

16       (e) If the related conviction of the license holder is  
17 overturned upon appeal, the revocation or denial ordered  
18 pursuant to this section shall automatically cease. Nothing in  
19 this subsection shall prohibit the director from pursuing  
20 disciplinary action based on any cause other than the overturned  
21 conviction.



1       (f) Any final order of discipline taken pursuant to this  
2 section shall be a matter of public record.

3       (g) The director shall not restore, renew, or otherwise  
4 reinstate the license of a person under any of the following  
5 circumstances:

6       (1) The person has been required to register as a sex  
7 offender pursuant to chapter 846E, regardless of  
8 whether the conviction has been appealed; and

9       (2) The person engaged in the offense with a patient or  
10 client, or with a former patient or client if the  
11 relationship was terminated primarily for the purpose  
12 of committing the offense."

13       SECTION 19. Chapter 457J, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16       "§457J-    Revocation of license or denial of application  
17 to renew, restore, or reinstate a license based on conviction  
18 requiring registration as a sex offender; conditions.   (a)

19       Notwithstanding any law to the contrary, the director shall  
20 automatically revoke a license or deny an application to renew,



1 restore, or reinstate a license under either of the following  
2 circumstances:

3 (1) The licensee has been convicted in any court in or  
4 outside of this State of any offense that, if  
5 committed or attempted in this State, based on the  
6 elements of the convicted offense, would have been  
7 punishable as one or more of the offenses described in  
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been appealed.

12 (b) The director shall notify the licensee of the license  
13 revocation or denial of application to renew, restore, or  
14 reinstate the license and of the right to elect to have a  
15 hearing as provided in subsection (c).

16 (c) Upon revocation of the license or denial of an  
17 application to renew, restore, or reinstate, the licensee may  
18 file a written request for a hearing with the director within  
19 ten days of the notice. The hearing shall be held within thirty  
20 days of the revocation or denial. The proceeding shall be  
21 conducted in accordance with chapter 91.



1        (d) For the purposes of enforcement of this section, a  
2        plea or verdict of guilty, or a conviction after a plea of nolo  
3        contendere, shall be deemed a conviction. The record of  
4        conviction shall be conclusive evidence of the fact that the  
5        conviction occurred.

6        (e) If the related conviction of the license holder is  
7        overturned upon appeal, the revocation or denial ordered  
8        pursuant to this section shall automatically cease. Nothing in  
9        this subsection shall prohibit the director from pursuing  
10       disciplinary action based on any cause other than the overturned  
11       conviction.

12       (f) Any final order of discipline taken pursuant to this  
13       section shall be a matter of public record.

14       (g) The director shall not restore, renew, or otherwise  
15       reinstate the license of a person under any of the following  
16       circumstances:

17       (1) The person has been required to register as a sex  
18       offender pursuant to chapter 846E, regardless of  
19       whether the conviction has been appealed; and

20       (2) The person engaged in the offense with a patient or  
21       client, or with a former patient or client if the



1 relationship was terminated primarily for the purpose  
2 of committing the offense."

3 SECTION 20. Chapter 458, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 **"§458- Revocation of license or denial of application to**  
7 **renew, restore, or reinstate a license based on conviction**  
8 **requiring registration as a sex offender; conditions.** (a)

9 Notwithstanding any law to the contrary, the director of  
10 commerce and consumer affairs shall automatically revoke a  
11 license or deny an application to renew, restore, or reinstate a  
12 license under either of the following circumstances:

13 (1) The licensee has been convicted in any court in or  
14 outside of this State of any offense that, if  
15 committed or attempted in this State, based on the  
16 elements of the convicted offense, would have been  
17 punishable as one or more of the offenses described in  
18 chapter 846E; or

19 (2) The licensee has been required to register as a sex  
20 offender pursuant to chapter 846E, regardless of  
21 whether the related conviction has been appealed.





1        (b) The director of commerce and consumer affairs shall  
2 notify the licensee of the license revocation or denial of  
3 application to renew, restore, or reinstate the license and of  
4 the right to elect to have a hearing as provided in subsection  
5 (c).

6        (c) Upon revocation of the license or denial of an  
7 application to renew, restore, or reinstate, the licensee may  
8 file a written request for a hearing with the director of  
9 commerce and consumer affairs within ten days of the notice.  
10 The hearing shall be held within thirty days of the revocation  
11 or denial. The proceeding shall be conducted in accordance with  
12 chapter 91.

13        (d) For the purposes of enforcement of this section, a  
14 plea or verdict of guilty, or a conviction after a plea of nolo  
15 contendere, shall be deemed a conviction. The record of  
16 conviction shall be conclusive evidence of the fact that the  
17 conviction occurred.

18        (e) If the related conviction of the license holder is  
19 overturned upon appeal, the revocation or denial ordered  
20 pursuant to this section shall automatically cease. Nothing in  
21 this subsection shall prohibit the director of commerce and



1 consumer affairs from pursuing disciplinary action based on any  
2 cause other than the overturned conviction.

3 (f) Any final order of discipline taken pursuant to this  
4 section shall be a matter of public record.

5 (g) The director of commerce and consumer affairs shall  
6 not restore, renew, or otherwise reinstate the license of a  
7 person under any of the following circumstances:

8 (1) The person has been required to register as a sex  
9 offender pursuant to chapter 846E, regardless of  
10 whether the conviction has been appealed; and

11 (2) The person engaged in the offense with a patient or  
12 client, or with a former patient or client if the  
13 relationship was terminated primarily for the purpose  
14 of committing the offense."

15 SECTION 21. Chapter 459, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:

18 **"§459- Revocation of license or denial of application to**  
19 **renew, restore, or reinstate a license based on conviction**  
20 **requiring registration as a sex offender; conditions. (a)**

21 Notwithstanding any law to the contrary, the board shall



1 automatically revoke a license or deny an application to renew,  
2 restore, or reinstate a license under either of the following  
3 circumstances:

4     (1) The licensee has been convicted in any court in or  
5     outside of this State of any offense that, if  
6     committed or attempted in this State, based on the  
7     elements of the convicted offense, would have been  
8     punishable as one or more of the offenses described in  
9     chapter 846E; or

10    (2) The licensee has been required to register as a sex  
11    offender pursuant to chapter 846E, regardless of  
12    whether the related conviction has been appealed.

13    (b) The board shall notify the licensee of the license  
14    revocation or denial of application to renew, restore, or  
15    reinstate the license and of the right to elect to have a  
16    hearing as provided in subsection (c).

17    (c) Upon revocation of the license or denial of an  
18    application to renew, restore, or reinstate, the licensee may  
19    file a written request for a hearing with the board within ten  
20    days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be  
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a  
4 plea or verdict of guilty, or a conviction after a plea of nolo  
5 contendere, shall be deemed a conviction. The record of  
6 conviction shall be conclusive evidence of the fact that the  
7 conviction occurred.

8 (e) If the related conviction of the license holder is  
9 overturned upon appeal, the revocation or denial ordered  
10 pursuant to this section shall automatically cease. Nothing in  
11 this subsection shall prohibit the board from pursuing  
12 disciplinary action based on any cause other than the overturned  
13 conviction.

14 (f) Any final order of discipline taken pursuant to this  
15 section shall be a matter of public record.

16 (g) The board shall not restore, renew, or otherwise  
17 reinstate the license of a person under any of the following  
18 circumstances:

19 (1) The person has been required to register as a sex  
20 offender pursuant to chapter 846E, regardless of  
21 whether the conviction has been appealed; and



1       (2) The person engaged in the offense with a patient or  
2       client, or with a former patient or client if the  
3       relationship was terminated primarily for the purpose  
4       of committing the offense."

5       SECTION 22. Chapter 461, Hawaii Revised Statutes, is  
6       amended by adding a new section to be appropriately designated  
7       and to read as follows:

8       "§461-     Revocation of license or denial of application to  
9       renew, restore, or reinstate a license based on conviction  
10      requiring registration as a sex offender; conditions. (a)

11      Notwithstanding any law to the contrary, the board shall  
12      automatically revoke a license or deny an application to renew,  
13      restore, or reinstate a license under either of the following  
14      circumstances:

15      (1) The licensee has been convicted in any court in or  
16      outside of this State of any offense that, if  
17      committed or attempted in this State, based on the  
18      elements of the convicted offense, would have been  
19      punishable as one or more of the offenses described in  
20      chapter 846E; or



1       (2) The licensee has been required to register as a sex  
2           offender pursuant to chapter 846E, regardless of  
3           whether the related conviction has been appealed.

4       (b) The board shall notify the licensee of the license  
5       revocation or denial of application to renew, restore, or  
6       reinstate the license and of the right to elect to have a  
7       hearing as provided in subsection (c).

8       (c) Upon revocation of the license or denial of an  
9       application to renew, restore, or reinstate, the licensee may  
10       file a written request for a hearing with the board within ten  
11       days of the notice. The hearing shall be held within thirty  
12       days of the revocation or denial. The proceeding shall be  
13       conducted in accordance with chapter 91.

14       (d) For the purposes of enforcement of this section, a  
15       plea or verdict of guilty, or a conviction after a plea of nolo  
16       contendere, shall be deemed a conviction. The record of  
17       conviction shall be conclusive evidence of the fact that the  
18       conviction occurred.

19       (e) If the related conviction of the license holder is  
20       overturned upon appeal, the revocation or denial ordered  
21       pursuant to this section shall automatically cease. Nothing in



1 this subsection shall prohibit the board from pursuing  
2 disciplinary action based on any cause other than the overturned  
3 conviction.

4 (f) Any final order of discipline taken pursuant to this  
5 section shall be a matter of public record.

6 (g) The board shall not restore, renew, or otherwise  
7 reinstate the license of a person under any of the following  
8 circumstances:

9 (1) The person has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the conviction has been appealed; and

12 (2) The person engaged in the offense with a patient or  
13 client, or with a former patient or client if the  
14 relationship was terminated primarily for the purpose  
15 of committing the offense."

16 SECTION 23. Chapter 461J, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 "§461J- Revocation of license or denial of application  
20 to renew, restore, or reinstate a license based on conviction  
21 requiring registration as a sex offender; conditions. (a)



1 Notwithstanding any law to the contrary, the board shall  
2 automatically revoke a license or deny an application to renew,  
3 restore, or reinstate a license under either of the following  
4 circumstances:

5     (1) The licensee has been convicted in any court in or  
6     outside of this State of any offense that, if  
7     committed or attempted in this State, based on the  
8     elements of the convicted offense, would have been  
9     punishable as one or more of the offenses described in  
10    chapter 846E; or

11    (2) The licensee has been required to register as a sex  
12    offender pursuant to chapter 846E, regardless of  
13    whether the related conviction has been appealed.

14    (b) The board shall notify the licensee of the license  
15    revocation or denial of application to renew, restore, or  
16    reinstate the license and of the right to elect to have a  
17    hearing as provided in subsection (c).

18    (c) Upon revocation of the license or denial of an  
19    application to renew, restore, or reinstate, the licensee may  
20    file a written request for a hearing with the board within ten  
21    days of the notice. The hearing shall be held within thirty





1 days of the revocation or denial. The proceeding shall be  
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a  
4 plea or verdict of guilty, or a conviction after a plea of nolo  
5 contendere, shall be deemed a conviction. The record of  
6 conviction shall be conclusive evidence of the fact that the  
7 conviction occurred.

8 (e) If the related conviction of the license holder is  
9 overturned upon appeal, the revocation or denial ordered  
10 pursuant to this section shall automatically cease. Nothing in  
11 this subsection shall prohibit the board from pursuing  
12 disciplinary action based on any cause other than the overturned  
13 conviction.

14 (f) Any final order of discipline taken pursuant to this  
15 section shall be a matter of public record.

16 (g) The board shall not restore, renew, or otherwise  
17 reinstate the license of a person under any of the following  
18 circumstances:

19 (1) The person has been required to register as a sex  
20 offender pursuant to chapter 846E, regardless of  
21 whether the conviction has been appealed; and



(2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 24. Chapter 463E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§463E- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a)**

Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or



1       (2) The licensee has been required to register as a sex  
2           offender pursuant to chapter 846E, regardless of  
3           whether the related conviction has been appealed.

4       (b) The board shall notify the licensee of the license  
5       revocation or denial of application to renew, restore, or  
6       reinstate the license and of the right to elect to have a  
7       hearing as provided in subsection (c).

8       (c) Upon revocation of the license or denial of an  
9       application to renew, restore, or reinstate, the licensee may  
10       file a written request for a hearing with the board within ten  
11       days of the notice. The hearing shall be held within thirty  
12       days of the revocation or denial. The proceeding shall be  
13       conducted in accordance with chapter 91.

14       (d) For the purposes of enforcement of this section, a  
15       plea or verdict of guilty, or a conviction after a plea of nolo  
16       contendere, shall be deemed a conviction. The record of  
17       conviction shall be conclusive evidence of the fact that the  
18       conviction occurred.

19       (e) If the related conviction of the license holder is  
20       overturned upon appeal, the revocation or denial ordered  
21       pursuant to this section shall automatically cease. Nothing in



1 this subsection shall prohibit the board from pursuing  
2 disciplinary action based on any cause other than the overturned  
3 conviction.

4 (f) Any final order of discipline taken pursuant to this  
5 section shall be a matter of public record.

6 (g) The board shall not restore, renew, or otherwise  
7 reinstate the license of a person under any of the following  
8 circumstances:

9 (1) The person has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the conviction has been appealed; and

12 (2) The person engaged in the offense with a patient or  
13 client, or with a former patient or client if the  
14 relationship was terminated primarily for the purpose  
15 of committing the offense."

16 SECTION 25. Chapter 465, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 **"§465- Revocation of license or denial of application to**  
20 **renew, restore, or reinstate a license based on conviction**  
21 **requiring registration as a sex offender; conditions. (a)**



1 Notwithstanding any law to the contrary, the board shall  
2 automatically revoke a license or deny an application to renew,  
3 restore, or reinstate a license under either of the following  
4 circumstances:

5       (1) The licensee has been convicted in any court in or  
6       outside of this State of any offense that, if  
7       committed or attempted in this State, based on the  
8       elements of the convicted offense, would have been  
9       punishable as one or more of the offenses described in  
10       chapter 846E; or

11       (2) The licensee has been required to register as a sex  
12       offender pursuant to chapter 846E, regardless of  
13       whether the related conviction has been appealed.

14       (b) The board shall notify the licensee of the license  
15 revocation or denial of application to renew, restore, or  
16 reinstate the license and of the right to elect to have a  
17 hearing as provided in subsection (c).

18       (c) Upon revocation of the license or denial of an  
19 application to renew, restore, or reinstate, the licensee may  
20 file a written request for a hearing with the board within ten  
21 days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be  
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a  
4 plea or verdict of guilty or a conviction after a plea of nolo  
5 contendere, shall be deemed a conviction. The record of  
6 conviction shall be conclusive evidence of the fact that the  
7 conviction occurred.

8 (e) If the related conviction of the license holder is  
9 overturned upon appeal, the revocation or denial ordered  
10 pursuant to this section shall automatically cease. Nothing in  
11 this subsection shall prohibit the board from pursuing  
12 disciplinary action based on any cause other than the overturned  
13 conviction.

14 (f) Any final order of discipline taken pursuant to this  
15 section shall be a matter of public record.

16 (g) The board shall not restore, renew, or otherwise  
17 reinstate the license of a person under any of the following  
18 circumstances:

19 (1) The person has been required to register as a sex  
20 offender pursuant to chapter 846E, regardless of  
21 whether the conviction has been appealed; and



(2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 26. Chapter 465D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§465D- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a)**

Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or



1       (2) The licensee has been required to register as a sex  
2       offender pursuant to chapter 846E, regardless of  
3       whether the related conviction has been appealed.

4       (b) The director shall notify the licensee of the license  
5       revocation or denial of application to renew, restore, or  
6       reinstate the license and of the right to elect to have a  
7       hearing as provided in subsection (c).

8       (c) Upon revocation of the license or denial of an  
9       application to renew, restore, or reinstate, the licensee may  
10      file a written request for a hearing with the director within  
11      ten days of the notice. The hearing shall be held within thirty  
12      days of the revocation or denial. The proceeding shall be  
13      conducted in accordance with chapter 91.

14      (d) For the purposes of enforcement of this section, a  
15      plea or verdict of guilty, or a conviction after a plea of nolo  
16      contendere, shall be deemed a conviction. The record of  
17      conviction shall be conclusive evidence of the fact that the  
18      conviction occurred.

19      (e) If the related conviction of the license holder is  
20      overturned upon appeal, the revocation or denial ordered  
21      pursuant to this section shall automatically cease. Nothing in





1 this subsection shall prohibit the director from pursuing  
2 disciplinary action based on any cause other than the overturned  
3 conviction.

4 (f) Any final order of discipline taken pursuant to this  
5 section shall be a matter of public record.

6 (g) The director shall not restore, renew, or otherwise  
7 reinstate the license of a person under any of the following  
8 circumstances:

9 (1) The person has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the conviction has been appealed; and

12 (2) The person engaged in the offense with a patient or  
13 client, or with a former patient or client if the  
14 relationship was terminated primarily for the purpose  
15 of committing the offense."

16 SECTION 27. Chapter 466D, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 **"§466D- Revocation of license or denial of application**  
20 **to renew, restore, or reinstate a license based on conviction**  
21 **requiring registration as a sex offender; conditions.** (a)



1 Notwithstanding any law to the contrary, the director shall  
2 automatically revoke a license or deny an application to renew,  
3 restore, or reinstate a license under either of the following  
4 circumstances:

5     (1) The licensee has been convicted in any court in or  
6     outside of this State of any offense that, if  
7     committed or attempted in this State, based on the  
8     elements of the convicted offense, would have been  
9     punishable as one or more of the offenses described in  
10    chapter 846E; or

11    (2) The licensee has been required to register as a sex  
12    offender pursuant to chapter 846E, regardless of  
13    whether the related conviction has been appealed.

14    (b) The director shall notify the licensee of the license  
15 revocation or denial of application to renew, restore, or  
16 reinstate the license and of the right to elect to have a  
17 hearing as provided in subsection (c).

18    (c) Upon revocation of the license or denial of an  
19 application to renew, restore, or reinstate, the licensee may  
20 file a written request for a hearing with the director within  
21 ten days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be  
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a  
4 plea or verdict of guilty, or a conviction after a plea of nolo  
5 contendere, shall be deemed a conviction. The record of  
6 conviction shall be conclusive evidence of the fact that the  
7 conviction occurred.

8 (e) If the related conviction of the license holder is  
9 overturned upon appeal, the revocation or denial ordered  
10 pursuant to this section shall automatically cease. Nothing in  
11 this subsection shall prohibit the director from pursuing  
12 disciplinary action based on any cause other than the overturned  
13 conviction.

14 (f) Any final order of discipline taken pursuant to this  
15 section shall be a matter of public record.

16 (g) The director shall not restore, renew, or otherwise  
17 reinstate the license of a person under any of the following  
18 circumstances:

19 (1) The person has been required to register as a sex  
20 offender pursuant to chapter 846E, regardless of  
21 whether the conviction has been appealed; and



(2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 28. Chapter 467E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§467E- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a)**

Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or



1       (2) The licensee has been required to register as a sex  
2       offender pursuant to chapter 846E, regardless of  
3       whether the related conviction has been appealed.

4       (b) The director shall notify the licensee of the license  
5       revocation or denial of application to renew, restore, or  
6       reinstate the license and of the right to elect to have a  
7       hearing as provided in subsection (c).

8       (c) Upon revocation of the license or denial of an  
9       application to renew, restore, or reinstate, the licensee may  
10      file a written request for a hearing with the director within  
11      ten days of the notice. The hearing shall be held within thirty  
12      days of the revocation or denial. The proceeding shall be  
13      conducted in accordance with chapter 91.

14      (d) For the purposes of enforcement of this section, a  
15      plea or verdict of guilty, or a conviction after a plea of nolo  
16      contendere, shall be deemed a conviction. The record of  
17      conviction shall be conclusive evidence of the fact that the  
18      conviction occurred.

19      (e) If the related conviction of the license holder is  
20      overturned upon appeal, the revocation or denial ordered  
21      pursuant to this section shall automatically cease. Nothing in



1 this subsection shall prohibit the director from pursuing  
2 disciplinary action based on any cause other than the overturned  
3 conviction.

4 (f) Any final order of discipline taken pursuant to this  
5 section shall be a matter of public record.

6 (g) The director shall not restore, renew, or otherwise  
7 reinstate the license of a person under any of the following  
8 circumstances:

9 (1) The person has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the conviction has been appealed; and

12 (2) The person engaged in the offense with a patient or  
13 client, or with a former patient or client if the  
14 relationship was terminated primarily for the purpose  
15 of committing the offense."

16 SECTION 29. Chapter 468E, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 **"§468E- Revocation of license or denial of application**  
20 **to renew, restore, or reinstate a license based on conviction**  
21 **requiring registration as a sex offender; conditions. (a)**



1 Notwithstanding any law to the contrary, the board shall  
2 automatically revoke a license or deny an application to renew,  
3 restore, or reinstate a license under either of the following  
4 circumstances:

5     (1) The licensee has been convicted in any court in or  
6     outside of this State of any offense that, if  
7     committed or attempted in this State, based on the  
8     elements of the convicted offense, would have been  
9     punishable as one or more of the offenses described in  
10    chapter 846E; or

11    (2) The licensee has been required to register as a sex  
12    offender pursuant to chapter 846E, regardless of  
13    whether the related conviction has been appealed.

14    (b) The board shall notify the licensee of the license  
15 revocation or denial of application to renew, restore, or  
16 reinstate the license and of the right to elect to have a  
17 hearing as provided in subsection (c).

18    (c) Upon revocation of the license or denial of an  
19 application to renew, restore, or reinstate, the licensee may  
20 file a written request for a hearing with the board within ten  
21 days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be  
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a  
4 plea or verdict of guilty, or a conviction after a plea of nolo  
5 contendere, shall be deemed a conviction. The record of  
6 conviction shall be conclusive evidence of the fact that the  
7 conviction occurred.

8 (e) If the related conviction of the license holder is  
9 overturned upon appeal, the revocation or denial ordered  
10 pursuant to this section shall automatically cease. Nothing in  
11 this subsection shall prohibit the board from pursuing  
12 disciplinary action based on any cause other than the overturned  
13 conviction.

14 (f) Any final order of discipline taken pursuant to this  
15 section shall be a matter of public record.

16 (g) The board shall not restore, renew, or otherwise  
17 reinstate the license of a person under any of the following  
18 circumstances:

19 (1) The person has been required to register as a sex  
20 offender pursuant to chapter 846E, regardless of  
21 whether the conviction has been appealed; and





1        (2) The person engaged in the offense with a patient or  
2        client, or with a former patient or client if the  
3        relationship was terminated primarily for the purpose  
4        of committing the offense."

5        SECTION 30. This Act does not affect rights and duties  
6        that matured, penalties that were incurred, and proceedings that  
7        were begun before its effective date.

8        SECTION 31. New statutory material is underscored.

9        SECTION 32. This Act shall take effect on July 1, 2025.



**Report Title:**

DCCA; Registered Sex Offenders; Professional Licenses;  
Certification; Automatic Revocation and Denial of Application to  
Renew, Restore, or Reinstate

**Description:**

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 or  
certification of registered sex offenders. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*



## Hawaii Board of Massage Therapy Frequently Asked Questions & Guidance

**Note:** The answers to general questions (e.g. change of address, name change, duplicate pocket ID/wall certificate, license verification request, etc.) can be found in the Professional and Vocational Licensing ("PVL") division's FAQs: <https://cca.hawaii.gov/pvl/faqs/>

**Please note the following definitions, pursuant to Hawaii Revised Statutes ("HRS") §452-1:**

"Massage", "massage therapy", and "Hawaiian massage" commonly known as lomilomi, means any method of treatment of the superficial soft parts of the body, consisting of rubbing, stroking, tapotement, pressing, shaking, or kneading with the hands, feet, elbow, or arms, and whether or not aided by any mechanical or electrical apparatus, appliances, or supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. Any mechanical or electrical apparatus used as described in this chapter shall be approved by the United States Food and Drug Administration.

"Massage therapist" means any person who engages in the occupation or practice of massage for compensation.

"Massage therapist apprentice" means any person who engages in the occupation or practice of massage under the direct supervision of a sponsoring massage therapist who is employed by or registered with an approved massage establishment.

"Massage therapist student" means any person who engages in the study or practice of massage therapy who is under the direct supervision of the teacher in a school setting.

"Massage therapy establishment" means premises occupied and used for the purpose of practicing massage therapy or massage therapy training; provided that when any massage therapy establishment is situated in any building used for residential purposes, the massage therapy establishment premises shall be set apart and shall not be used for any other purpose.

"Principal massage therapist" means a massage therapist designated by an establishment or an out-call massage service as the person in charge.

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### GENERAL QUESTIONS – APPLICATION PROCESS

#### 1. How long is the application processing timeline?

Applications currently take a minimum of 45 to 60 business days to process. If an application is deficient (e.g. documents missing, Board requests additional clarification, etc.), this may delay the processing timeline. We cannot continue processing applications until all deficiencies are remedied.

#### 2. Can I expedite my application?

There is no option to expedite an application. All applications are reviewed in the order in which they are received.

### 3. Can I submit online?

Yes, you may submit online by creating a “MyPVL” account: <https://mypvl.dcca.hawaii.gov/>. If you submit your application online, there is also an option for online payment.

You may alternatively submit hard-copies of the application, supplementary materials, and check payment to our office by mailing:

DCCA-PVL  
Attn: Massage  
P.O. Box 3469  
Honolulu, HI 96801

Check payable to: “Commerce & Consumer Affairs”

### 4. Where can I access the application form?

Application form and supplemental verification forms can be downloaded as PDFs on our website: [https://cca.hawaii.gov/pvl/boards/massage/application\\_publications/](https://cca.hawaii.gov/pvl/boards/massage/application_publications/)

### 5. How long do I have to complete the application process?

Pursuant to HRS section 436B-9, your application shall be considered abandoned and shall be destroyed if you fail to complete the licensure process **within one (1) year after filing an application** or fail to take and pass the examination after becoming eligible to take the examination.

If an application is deemed abandoned, you are required to re-apply for licensure and meet the licensing requirements at the time of re-application.

### 6. I’m already licensed in another state. How do I transfer my license to Hawaii or apply by reciprocity?

Your out-of-state license **CANNOT** be transferred to Hawaii. Hawaii does **not** license by reciprocity. Even if you hold a license in another jurisdiction, all applicants must still submit a Hawaii application form, fees, and related documents and meet the Hawaii requirements for hours, exam, etc.

Please be reminded that all states have their own licensing authority and governing laws/rules over the profession. Requirements may vary state by state, sometimes significantly.

### 7. What license types does the Board offer?

You may apply with the Board for the following license types:

- MAT – Massage Therapist

- MAE – Massage Establishment (including sole proprietorship)
- MAP – Massage Apprentice Permit

## 8. Will the Board credit my foreign education/training?

All documents must be in English only. Documents that are in a foreign language must be translated into English. The translator must be someone other than the applicant. The translator must also submit an affidavit, which must be signed before a notary public.

An example of the translator's affidavit is as follows: "I swear that I am competent in both the English language and the (language of the document) language and that this is a true and complete translation of the foreign language original."

Additionally, the applicant must submit documentation in English verifying that the foreign school was accrediting by the appropriate accrediting body for the foreign jurisdiction.

Note that submission of translated documents does not guarantee that the Board will accept the foreign education/training for licensure, apprenticeship, and/or exam approval.

## 9. How much are the fees\*?

### Application fees (non-refundable):

- \$50 (MAT)
- \$50 (MAP)
- \$25 (MAE)
- \$50 (Massage Workshop)
- \$50 (HIDOE Curriculum Approval Letter)

### Licensure fees (assessed only if your application is approved):

- Massage Therapist (MAT):
  - If your license is issued between July 1 of an even-numbered year and June 30 of an odd-numbered year, licensure fee is **\$164**
  - If your license is issued between July 1 of an odd-numbered year and June 30 of an even-numbered year, licensure fee is **\$82**
- Massage Establishment (MAE):
  - If your license is issued between July 1 of an even-numbered year and June 30 of an odd-numbered year, licensure fee is **\$189**
  - If your license is issued between July 1 of an odd-numbered year and June 30 of an even-numbered year, licensure fee is **\$107**
- Massage Apprentice (MAP) – no licensure fee

### Exam fees:

- Exam fee of \$90 must be paid directly to the exam proctor (PSI) upon registration (additional \$90 for each subsequent re-examination)

*\*All fees are subject to change.*

**10. Where can I find the licensing law (HRS) and administrative rules (HAR)?**

Licensing laws and administrative rules for the EASLA Board can be found on our website:  
[https://cca.hawaii.gov/pvl/boards/massage/statute\\_rules/](https://cca.hawaii.gov/pvl/boards/massage/statute_rules/)

**11. The information in your application form/website/laws and rules differs from the information on available on a different website.**

Please be reminded that the Board's laws (Hawaii Revised Statutes) and rules (Hawaii Administrative Rules) are the governing authority over licensure and the profession in Hawaii. You should always contact the Board directly to verify licensing requirements.

While the Board is a member of certain national organizations, these organizations do not have the authority to determine licensing requirements in the State. While we do our best to collaborate and provide the most up-to-date information on their websites, licensing laws/rules and other policies may change before those websites can be appropriately updated. Again, you should always contact the Board directly to verify licensing requirements for the state in which you are applying.

**12. How do I check on the status of my application?**

If you submit an online application, you can track your application through the application process through your MyPVL account.

You may also contact the Licensing Branch by calling (808) 586-3000 or by emailing the Board at [massage@dcca.hawaii.gov](mailto:massage@dcca.hawaii.gov). Our normal business hours are Monday through Friday, 7:45a.m. to 4:30p.m. Hawaii Standard Time.

Please provide your full, legal first and last name, and confirm the last 4 digits of your SSN for privacy and security purposes.

Note that will not disclose any information about your application to any other individual unless they are listed as an authorized third party.

**13. Someone will be helping me with my application. How do I authorize them?**

Please be sure to fill out and sign the last page of the application form if you would like to designate "authorized third parties." We will not disclose any information about your application to any other individual unless they are listed as an authorized third party.

If you would like to add an authorized third-party mid-way through the application process, please complete and sign the last page of the application form and email it to [massage@dcca.hawaii.gov](mailto:massage@dcca.hawaii.gov).

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## GENERAL QUESTIONS – AFTER LICENSURE

### 1. After licensure, how often do I have to renew?

Massage Therapist (MAT) and Massage Establishment (MAE) license must be renewed by June 30 of every even-numbered year, regardless of date of initial licensure.

A notice of renewal will be sent to your mailing address on file approximately two months prior to the renewal deadline as a courtesy reminder. **However, it is every licensee's sole responsibility to timely renew their license.** The Board is not responsible for late or no renewal and it is impossible for our office to track whether the renewal postcards are received once they leave our office.

### 2. Are there Continuing Education ("CE") requirements for renewal?

MAT licensees are required to complete at least 12 total CE hours per each licensing biennium, of which two (2) shall be first aid, CPR, or other emergency-related courses. The remaining 10 CEs must be in subjects directly related to the practice of massage therapy.

Practice-building courses (e.g. marketing strategies, increasing clients, website design, etc.) will not be credited.

The Board is authorized to conduct a random audit of licensees after each renewal deadline to determine compliance with the CE requirements for the previous licensure biennium. Licensees selected for audit will be notified in writing of how to verify compliance.

Please see the Board's website for additional information on CE requirements:  
[https://cca.hawaii.gov/pvl/news-releases/massage\\_important\\_announcement/](https://cca.hawaii.gov/pvl/news-releases/massage_important_announcement/).

### 3. I did not renew my license. How do I restore it?

Licenses that are not renewed by June 30 of every even-numbered year become forfeited. A forfeited license may be restored within one (1) year of the forfeiture. You may **not** practice in Hawaii with a forfeited Hawaii license.

To restore a license, you may call the Licensing Branch at (808) 586-3000 Monday through Friday between 7:45a.m. and 4:30p.m., Hawaii Standard Time or email the Board at [massage@dcca.hawaii.gov](mailto:massage@dcca.hawaii.gov) and request for a restoration application form to be sent to you. The restoration application must be mailed to our office with payment.

**Note:** You will also be required to submit certificates of completion to verify 12 CE's (2 in CPR/first aid + 10 in massage therapy courses), regardless of the date of initial Hawaii licensure.

#### 4. Can I place my license on "inactive" status?

To place your MAT or MAE license on "inactive" status, you must submit the "Inactivation" application available on the Board's website. You may not practice on inactive status. Inactive licenses must still be renewed by the renewal deadline; however, CE's are not required while on inactive status.

If you would like to reactivate your application in the future, you must submit the "Reactivation" application available on the Board's website.

Please contact our office by emailing [massage@dcca.hawaii.gov](mailto:massage@dcca.hawaii.gov) if you would like to voluntarily surrender your license.

Otherwise, if you do not renew by the renewal deadline and do not subsequently restore within the restoration deadline, your license will be considered "forfeit" in our system.

#### 5. I had a license that expired, and I did not renew or restore it. How do I get licensed again?

Your license is considered "forfeit" in our system. You will need to re-apply as a "new" applicant by re-submitting the application form, fees, and related documents. You must meet the requirements at the time of re-application, including re-taking the state exam for MAT licensure.

If your re-application is approved, you will be given your original license number.

#### 6. Where do I get my wall certificate and pocket ID after licensure?

Our office does not mail or email out wall certificates or pocket IDs. All licensees may self-print both documents online via their MyPVL account: <https://mypvl.dcca.hawaii.gov/>

#### 7. How do I verify my Hawaii license?

Until you receive an actual license number, you may **NOT** practice in the State of Hawaii.

Verification of licenses can be done on-line at no cost using our license search site at: <https://pvl.ehawaii.gov/pvlsearch>. You or the requesting agency will be able to obtain information such as original license date, license expiration date, license status, disciplinary action, etc. The information downloaded from this site is official license information which state boards or other individuals can download for themselves.

If the above is not acceptable, please submit a written request that includes the complete address or email address of the location that the verification is to be mailed to along with a \$15 fee (check payable to *Commerce and Consumer Affairs*)



Mailing Address:           Licensing Branch – License Verification  
                                  P.O. Box 3469  
                                  Honolulu, HI 96801

Please allow 20 business days from the receipt of your request for PVL standard verification reports to be mailed out.

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## MESSAGE THERAPIST (MAT) EXAM APPROVAL & LICENSE

### 1. What are the requirements for MAT licensure in Hawaii?

All applicants are required to:

- a) Submit documentation verifying they have met the minimum education and training hours requirement of a total of 570 hours; including at least:
  - a. 50 hours of anatomy, physiology, and structural kinesiology;
  - b. 100 hours of theory and demonstration; and
  - c. 420 hours of supervised practical massage training; and
- b) Pass the State of Hawaii licensure examination; and
- c) Submit current infant and adult cardiopulmonary resuscitation (“CPR”) certification from the American Red Cross or the American Heart Association

More specific information can be found on the instructions attached to the application form available online: [https://cca.hawaii.gov/pvl/boards/massage/application\\_publications/](https://cca.hawaii.gov/pvl/boards/massage/application_publications/)

### 2. Do I have to attend massage therapist school in Hawaii?

All applicants are required to meet a minimum of 570 hours of education and training to qualify for MAT exam and licensure. You may meet these requirements by:

- a) Attending and successfully completing an **in-state Hawaii massage therapy program** licensed by the Hawaii Department of Education (“HIDOE”); or
- b) Attending and successfully completing a **massage therapy program out-of-state** in a school that was licensed/registered/certified by the state department of education in the respective jurisdiction or by an agency authorized by the appropriate government agency of the respective jurisdiction in which you studied; or
- c) Successfully completing a Board-approved Hawaii apprenticeship program for 420 practical hours **AND** completing the academic course of study for 50 hours APK and 100 hours theory through an approved massage school or Board-approved workshop(s).

**Note:** Apprenticeship training obtained in other out-of-state jurisdictions are NOT accepted towards Hawaii licensure requirements.

**3. My education and training is “short” the required hours for Hawaii licensure. What are my options for remediating those hours?**

To remediate hours “short” in APK (50) or Theory (100), you have the following options:

- Board-approved massage workshop (list of approved workshops available on the Board’s website: <https://cca.hawaii.gov/pvl/boards/massage/>)
- Enroll in a Hawaii HIDOE-licensed massage school
- Enroll in an out-of-state accredited massage school

To remediate hours “short” in Practical (420) you have the following options:

- Enroll in a Hawaii HIDOE-licensed massage school
- Enroll in an out-of-state accredited massage school
- Apply with the Hawaii Board for a board-approved massage apprenticeship

**Note:** Continuing education (CEs) are not accepted to remediate APK, Theory, or Practical hours.

**4. Can I count work experience towards required education and training hours?**

No. Work experience cannot be counted towards required education and training hours for the exam, apprenticeship permit, or MAT licensure.

**5. I took and passed the licensing exam for my other state license or the MBLEx exam. Will Hawaii accept my passing score as a substitute for the Hawaii exam?**

No. Passing MBLEx scores or scores from other states’ licensing exams are not accepted in lieu of the Hawaii State Exam.

All applicants for a Hawaii massage therapist license are required to take and successfully pass the Hawaii State Massage License Exam.

**6. I am nationally certified. Will Hawaii accept my national certificate for licensure?**

No. Your national certificate will not be accepted to meet Hawaii’s licensing requirements. All applicants are required to meet Hawaii’s licensing requirements at the time of application.

**7. I am nationally certified. Do I have to take the Hawaii exam?**

All applicants are required to take and successfully pass the Hawaii State Massage License Exam, regardless of other exams passed or national certification.

**8. I don’t know if my education and training meet Hawaii’s requirements. Who may I talk with to find out if I meet Hawaii’s requirements?**

If you would like to have your education and training reviewed, you must submit a completed massage therapist application form, application fee, and all required documentation.

A review will be conducted of your documents, and you will be notified in writing of the Board's evaluation of your education and training upon review.

#### **9. When can I sit for the Hawaii massage exam?**

All individuals who wish to sit for the Hawaii massage exam must be pre-approved by the Board before they can register to test. Passage of the Hawaii massage exam is a requirement for all applicants, regardless of licensure in another jurisdiction or national certification.

You must submit an application form, fees, and supporting documentation to the Board. Upon review of your materials, if approved, an exam approval will be mailed or emailed to the address/email address of record. You will need to register and pay the exam fee directly with the exam provider. As of January 2023, the exam provider is PSI, Inc.

For more information regarding the exam, including registration, see the Candidate Information Bulletin ("CIB") at: <https://test-takers.psiexams.com/hitrade/test/FMB9694A> (CIB available for download on the right hand-side of the webpage, above the box detailing exam fees).

You may NOT register for the exam until you receive exam approval from the Board's office.

#### **10. How do I prepare for the State exam? What study materials are available?**

The only exam information materials provided to candidates is the Candidate Information Bulletin ("CIB") available for download on the PSI website: <https://test-takers.psiexams.com/hitrade/test/FMB9694A>.

#### **11. Can I take the exam out-of-state?**

Exam availability is typically available year-round at testing centers throughout the US. However, exam availability is at the sole discretion of PSI. Please contact PSI directly for exam availability and testing locations.

#### **12. Can I get my exam score over the phone/via email?**

The Board does not send out exam scores, nor does the Board give exam results over the phone or via email. PSI, the exam provider, sends the exam results directly to the applicants.

For questions regarding your exam results, please contact PSI directly.

#### **13. I passed the Hawaii State exam. What are my next steps for MAT licensure?**

Once you receive a “pass” result from PSI, you will also be sent a “fee form” from PSI with instructions on payment to the Board’s office of final licensure fees.

Note that these final licensure fees are separate from the non-refundable application fees that you paid upfront upon submittal of your initial application. Once licensure fees are received, your license can be issued.

Please contact the Board if you have not received your fee form from PSI within 10 business days of receiving your official “pass” results.

**14. I was previously licensed as a Hawaii MAT, but my MAT license is currently forfeit. I would like to reapply. Do I need to re-take the Hawaii State exam?**

If your license is “forfeit” and you have passed the restoration deadline, you will need to reapply for MAT licensure, resubmitting the application form, fees, and supplemental documentation. You will also need to retake the MAT exam.

The Board will only consider a request for exam waiver for those individuals who were previously licensed as an MAT in Hawaii, and who have held continuous massage therapist license in another jurisdiction continuously from the time their Hawaii MAT license expired. Proof of continuous licensure must be submitted for the Board to consider the request.

Note that submittal of an exam waiver request does not guarantee that the exam waiver request will be approved. If not approved for exam waiver, you are required to pass the Hawaii State massage exam again.

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**MESSAGE THERAPIST APPRENTICE (MAP) PERMIT**

**1. Where can I find a list of Board-approved apprenticeship programs?**

There are no “Board approved” apprenticeship programs. The Board does not have the authority to approve apprenticeship programs. The Board only approves permits for individuals to practice massage therapist as an apprentice under the supervision of a sponsoring Hawaii licensed massage therapist.

**2. If there are no approved apprenticeship programs, how do I complete a Hawaii apprenticeship?**

Even though there are no approved apprenticeship programs, the Board’s administrative rules set forth the course of study that an apprentice shall complete (HAR §16-84-23(j)).

The apprentice trains under the direct supervision of a sponsoring massage therapist. The sponsoring therapist shall have a current Hawaii massage therapist license. The apprenticeship shall be conducted in a Hawaii licensed massage therapy establishment.

### 3. How long is the apprenticeship permit valid for?

Apprenticeship permit is valid for 1 year from the date of issuance. Apprenticeship training shall be completed no sooner than six (6) months and shall not go longer than 1 year from the date of issuance.

Apprenticeship training shall only be conducted within the State of Hawaii. Apprenticeship programs or training completed out-of-state do not qualify.

### 4. When can I start the apprenticeship?

You must first complete the academic course of study of 50 hours in APK, and 100 hours of Theory and Demonstration of massage therapy.

After obtaining certificates of completion and/or official transcripts from a licensed/accredited massage school and/or Board-approved massage workshop, you can submit an application for apprentice permit (MAP).

You may only begin your apprenticeship once your application has been approve and your sponsor receives the apprentice permit.

### 5. How do I obtain the 50 hours in anatomy, physiology, and structural kinesiology (APK) and 100 hours of Theory and Demonstration of massage?

To obtain the required hours for the academic course of study required for MAP permit and MAT licensure, you may consider:

- a) Attending and successfully completing an **in-state Hawaii massage therapy program** licensed by the Hawaii Department of Education ("HIDOE"); or
- b) Attending and successfully completing a **massage therapy program out-of-state** in a school that was licensed/registered/certified by the state department of education in the respective jurisdiction or by an agency authorized by the appropriate government agency of the respective jurisdiction in which you studied; or
- c) Attending and successfully completing Board-approved massage workshop(s)

### 6. Is there a list of Board-approved massage therapist that hold apprenticeship training programs or who sponsor apprentices?

No. There is no list of approved massage therapists or program.

### 7. Will the Board assign me to a sponsoring therapist for my apprenticeship?

No. It is the sole responsibility of the applicant to locate a massage therapist who meets the sponsor requirements and is willing to allow you to apprentice under them.

**8. If there is no list and the Board will not assign me to a sponsoring therapist, how do I know whether the massage therapist is authorized to train me?**

The sponsoring massage therapist must possess at least three (3) years of massage therapist licensure in Hawaii; employed by or registered with a licensed massage therapy establishment; and must maintain an active license throughout the sponsorship period. In addition, all training must be conducted at a Hawaii licensed massage therapy establishment and the principal massage therapist of that establishment must authorize the apprentice training.

Ask the prospective sponsoring massage therapist for their MAT license number. Ask to see the licenses of the massage therapy establishment (MAE) and the principal massage therapist (MAT license). You may also visit our website to verify that the licenses of the individuals and massage therapy establishment are current and in good standing: <https://mypvl.dcca.hawaii.gov/public-license-search/>.

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## **MESSAGE ESTABLISHMENT (MAE) LICENSURE**

**1. Do I need an MAE license for my business?**

A “Massage Therapy Establishment” or “MAE” is defined as premises occupied and used for the purpose of practicing massage or massage therapy training

No massage therapy establishment shall be licensed or allowed to operate unless the massage business is under the direct managed of a Hawaii license massage therapist who is designated as the principal massage therapist and whose name has been recorded with the Board’s office.

**2. I already have an MAE license, but I’m moving to another location. Will my current license cover this new location?**

No. MAE licenses are not transferable to a new location. You must file a “Relocation” application available on our website and obtain approval before opening at this new location and engaging in massage therapy services.

**3. Do I need an MAE license if I want to work out of my home?**

Yes. An MAE application must be filed and all requirements met. If an MAE is situated in any building used for residential therapy purposes, the massage therapy establishment premises shall be set apart and shall not be used for any other purpose.

**4. I already have an MAE license and will be selling my business. Can the new owner operate at the current location under my license?**

No. An MAE license is not transferable to a new owner. The new owner must apply for a new MAE license.

**5. I will not be an employee of the MAE, but I would like to perform massage therapy services. Do I need an MAE license?**

Yes. As an independent contractor and if the client is coming to you for massage therapy services in a fixed location, you need to obtain an MAE license, in addition to your MAT license. You do not need an MAE license if you are only doing outcalls (i.e. going to the location of the client).

**6. Do I need an MAE license if performing massage therapy services every week at a farmer's market?**

Yes. An AME license is required if massage therapy services are performed on a regular basis (e.g. open-air markets, farmer's markets, swap meets, flea, markets, etc.)

**7. When do I need to notify the Board of any changes to the Principal Massage Therapist ("PMT") or other massage therapist personnel associated with the MAE?**

Please complete and submit the "Change of Personnel" form available on the Board's website to report all changes, additions, or terminations of your PMT and any changes, additions, or terminations of any MAT employed or terminated by, or associated with, the MAE.

All changes in personnel must be reported to the Board in writing within 48 hours of the change on the "Change of Personnel for Massage Therapy Establishments" form (MA-12).

The form can be submitted via email to [message@dcca.hawaii.gov](mailto:message@dcca.hawaii.gov) or hard-copy via mail to our office.

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## **MESSAGE THERAPY WORKSHOP**

**1. Where can I find a list of Board-approved workshops?**

The list of approved workshops can be found on the Board's website:  
<https://cca.hawaii.gov/pvl/boards/massage/>.

Click on the "Massage Therapy Workshops" link. For more information on the workshops, please contact the MAEs directly.

**2. How do I apply to conduct a Board-approved workshop?**

You must submit a completed application and receive approval from the Board. The application can be found on the Board's website.

**3. What are the requirements to teach a Board-approved workshop?**

Pursuant to HAR 16-84-23(i), Board-approved workshops shall be taught by:

- A massage therapist who has been licensed for at least three (3) years and who has received approval from the Board;
- MAT must maintain continuous licensure throughout the duration of the workshop; and
- Must be employed by or affiliated with the MAE where the workshop will take place

#### **4. What are the requirements for content of a Board-approved workshop?**

No practical training may be included in the workshop curriculum.

The course content of the workshop shall be as follows:

- Anatomy, physiology, and structural kinesiology (maximum 50 hours)
- Theory and demonstration of massage (maximum 100 hours)

**Note:** Workshop training is a pathway toward partial qualification for licensure and is limited only to the academic course of study and not the practical/supervised clinical training.



**§452-13 Requisites for admission to examination and licensing of massage therapists and massage therapy establishments.** (a) The executive secretary of the board shall determine the sufficiency of the preliminary qualifications of applicants for admission to examination and licensing. The executive secretary shall require that:

(1) A nonrefundable application fee shall be paid to the board at the time of the application.

(2) The examination fee shall be refunded only if the applicant is found not qualified to take the license examination.

(3) An applicant for examination shall have completed academic training in anatomy, physiology, structural kinesiology, and the theory and demonstration of massage, which is not confined to any specific system or method of massage therapy, spent at least six months as a massage therapist apprentice or massage therapist student in a school approved by the board, and met all other requirements set for apprentices or students by the board pursuant to section 452-6(c).

(b) An applicant desiring to license a massage therapy establishment shall file with the board a written application on a form prescribed and supplied by the board, and setting forth that the applicant has complied with all of the requirements in a manner and detail as may be required by the rules established by the board. A license fee shall be paid to the board together with the application fee.

**§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).

(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: 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.

**§16-84-48 Requirements for massage students.** (a) The student program shall consist of not less than five hundred seventy hours. In addition, the student shall successfully complete a cardiopulmonary resuscitation training program.

(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 be applied;

(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.

# About FSMTB

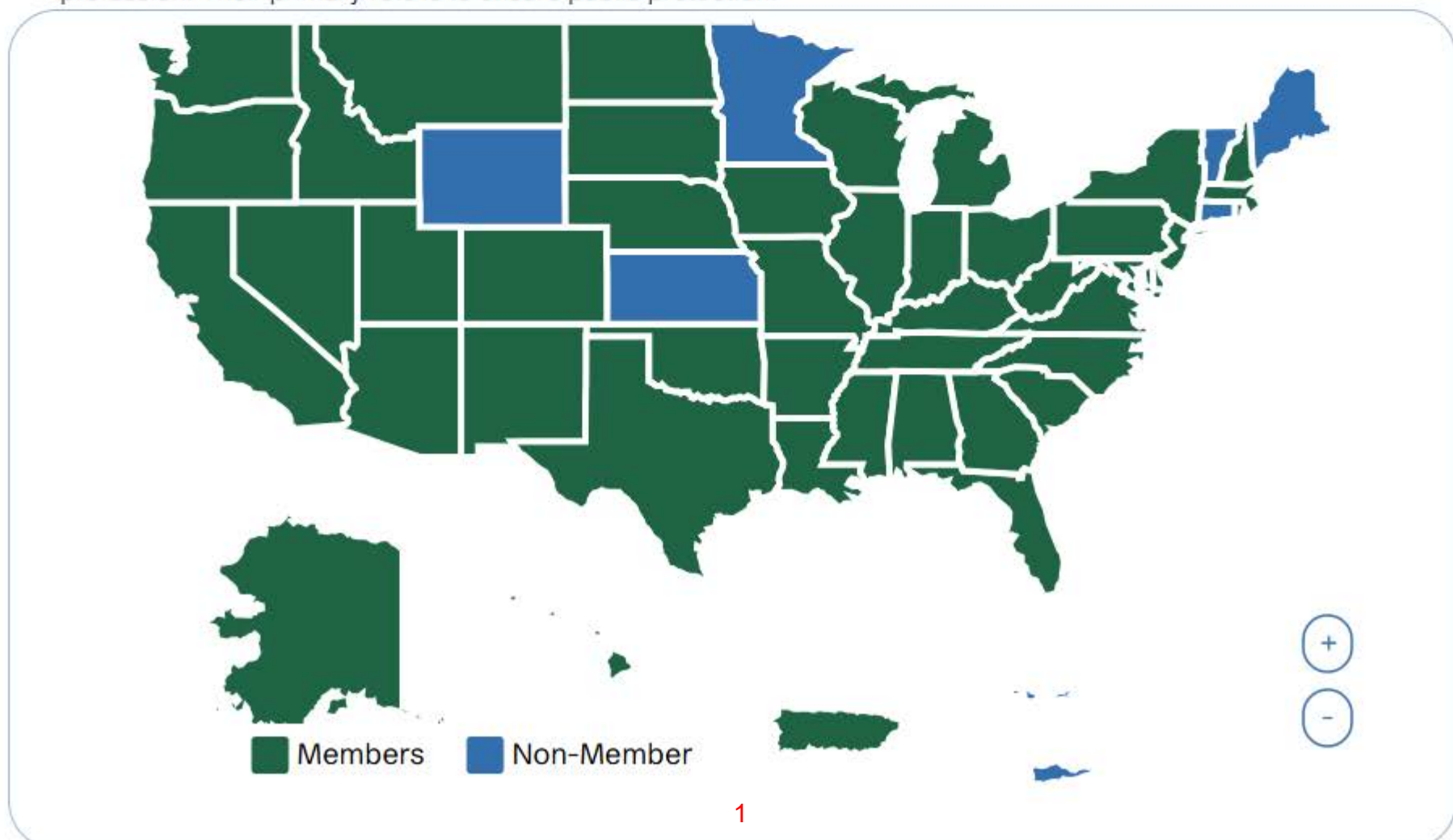
The Federation of State Massage Therapy Boards (FSMTB) is an autonomous, non-profit organization comprised of state boards and agencies that regulate the massage therapy profession. The FSMTB was established in 2005 and operates under Section 501(c)(3) of the Internal Revenue Code. All revenue collected by the organization is used to enhance FSMTB programs, maintain and enhance the quality of the Massage & Bodywork Licensing Examination (MBLEx), and to support FSMTB Member Boards in fulfilling their responsibility of protecting the public.

FSMTB is governed by a board of directors comprised of seven voting directors and two non-voting members (immediate past president and executive director). The seven voting positions are elected into office by the delegate assembly at the FSMTB Annual Meeting. When making nominations, the Nominating Committee considers diversity of ethnicity, gender, geographic distribution, and professional experience. Ultimately, the mission of the board of directors and FSMTB is to support our member boards in their work to ensure that the practice of massage therapy is provided to the public safely and competently.

**FSMTB Bylaws** 

## Member Boards

The FSMTB membership consists of state boards and agencies responsible for regulating the massage therapy profession. Their primary role is to ensure public protection.





## Regulatory Affiliations



### Federation of Associations of Regulatory Boards (FARB)

FARB's mission is to advance excellence in regulating the professions in the interest of public protection. It fulfills these goals predominately in...



### Council on Licensure, Enforcement and Regulation (CLEAR)

CLEAR is an association of individuals, agencies, and organizations comprising the international professional and occupational regulation community.

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7300 College Boulevard, Suite 650  
Overland Park, KS 66210

913.681.0380

[info@fsmtb.org](mailto:info@fsmtb.org)

[mblex@fsmtb.org](mailto:mblex@fsmtb.org)

# **Federation of State Massage Therapy Boards**

## **Bylaws**

*(Amended October 5, 2024)*

### **Article I. Name.**

### **Article II. Mission and Functions.**

### **Article III. Membership.**

- Section 1. Membership Categories.
- Section 2. Qualification and Admission.
- Section 3. Rights of Members.
- Section 4. Termination.

### **Article IV. Delegate Assembly.**

- Section 1. Authority.
- Section 2. Composition.
- Section 3. Selection, Credentialing and Seating of Delegates.

### **Article V. Meetings.**

- Section 1. Annual Meeting.
- Section 2. Special Meetings.
- Section 3. Quorum.
- Section 4. Voting.
- Section 5. Parliamentary Authority.

### **Article VI. Board of Directors and Officers.**

- Section 1. Composition.
- Section 2. Authority.
- Section 3. Conduct of Business.
- Section 4. Duties.
- Section 5. Qualifications for Officers and Directors.
- Section 6. Term of Office.
- Section 7. Vacancies in Office.
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### **Article VII. Executive Director.**

- Section 1. Appointment.
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**Article VIII. Committees.**

- Section 1. Standing Committees.
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- Section 4. Committee Membership and Term.
- Section 5. Committee Duties.

**Article IX. Finance.**

- Section 1. Financial Year.
- Section 2. Dues.
- Section 3. Finances.

**Article X. Indemnification.**

- Section 1. Indemnification.
- Section 2. Qualification.

**Article XI. Amendment of Bylaws.**

- Section 1. Requirements.
- Section 2. Amendment proposals.
- Section 3. Effective date.

**Article XII. Dissolution.**

**Terms and Definitions**

# **Federation of State Massage Therapy Boards**

## **Bylaws**

*(Amended October 5, 2024)*

### **Article I. Name.**

The name of this organization shall be the Federation of State Massage Therapy Boards, hereinafter referred to as the Federation.

### **Article II. Mission and Functions.**

The mission of the Federation is to support its Member Boards in their work to ensure that the practice of massage therapy is provided to the public safely and competently.

In carrying out this mission, the Federation shall:

- A. Facilitate communication among Member Boards and provide a forum for the exchange of information and experience.
- B. Provide education, services and guidance to Member Boards that help them fulfill their statutory, professional, public, and ethical obligations.
- C. Support efforts among Member Boards to establish compatible requirements and cooperative procedures for the legal regulation of massage therapists, in order to facilitate professional mobility and to simplify and standardize the licensing process.
- D. Provide a valid, reliable licensing examination to determine entry-level competence.
- E. Improve the standards of massage therapy education, licensure, and practice through cooperation with entities that share this objective, including other massage therapy organizations, accrediting agencies, governmental bodies, and groups whose areas of interest may coincide with those of Member Boards.
- F. Represent the interests of its Member Boards in matters consistent with the scope of the Bylaws.

## **Article III. Membership.**

### **Section 1. Membership Categories.**

#### **A. Member Board**

Is a jurisdictional agency authorized by statute to regulate the practice of massage therapy, or, as determined by the jurisdictional agency, acts in an advisory capacity to such jurisdictional agency, whether by licensure, certification or registration, in any of the States of the United States of America, or the District of Columbia, or its insular territories, and that has been granted membership in the Federation.

#### **B. Associate Members**

Include all of the following:

1. Current and legally serving members of a Member Board and individuals who have served on a Member Board within the last 12 months.
2. Chief administrative officer of a Member Board.
3. Current serving members of the FSMTB Board of Directors.

#### **C. Emeritus Members**

### **Section 2. Qualification and Admission.**

All candidates for membership shall submit an application with the required dues, and shall agree to comply with the Bylaws of the Federation. A two-thirds vote of the Board of Directors shall be required to grant membership in all categories.

### **Section 3. Rights of Members.**

#### **A. Member Board**

1. May attend meetings of the Federation.
2. May participate in discussions, introduce motions, make nominations, and vote at meetings, through Delegate representation.

#### **B. Associate Members**

1. May attend meetings of the Federation.
2. Are eligible for elected offices and participation on all committees.
3. May participate in discussions at meetings.

#### **C. Emeritus Members**

1. May attend meetings of the Federation.
2. May participate in discussions at meetings.

### **Section 4. Termination.**

Membership may be terminated by a two-thirds vote of the Board of Directors for failure to pay dues in a timely manner, or failure to comply with the Bylaws or policies of the Federation.

## **Article IV. Delegate Assembly.**

### **Section 1. Authority.**

The Delegate Assembly shall provide direction and policy for the Federation through the resolution process and through election of the Board of Directors, and shall take no action inconsistent with the Federation Articles of Incorporation, these Bylaws, the Mission Statement, or applicable local or federal law.



**Section 2. Composition.**

The Delegate Assembly shall be comprised of one Delegate from each Member Board, who shall serve as its representative. An Alternate Delegate may be designated by a Member Board to attend meetings, and to replace a Delegate and assume their responsibilities as Delegate Pro Tempore if the Delegate is unable to participate.

**Section 3. Selection, Credentialing and Seating of Delegates.**

A. Delegates and Alternate Delegates must be an Associate Member of the Federation.

B. Delegates and Alternate Delegates may be chosen by the Member Board in such manner and for such term of office as the Member Board designates.

C. Credentials for Delegates and Alternate Delegates shall be submitted by the Member Board to the Federation office under policies determined by the Board of Directors. Delegates and Alternates shall be seated at the Delegate Assembly upon the receipt of appropriate credentials.

**Article V. Meetings****Section 1. Annual Meeting.**

The Delegate Assembly shall have an Annual Meeting at a time and place as determined by the Board of Directors. Notice of meeting shall be conveyed in writing to each Member Board at least 60 days prior to the meeting date. In the event of an emergency, the Board of Directors by a two thirds vote may postpone the Annual Meeting and shall schedule a meeting of the Delegate Assembly as soon as possible thereafter to conduct the business of the Federation.

**Section 2. Special Meetings.**

Special meetings of the Delegate Assembly may be called by the President at any time with the approval of a majority of the Board of Directors, and must be called by the President as soon as practicable upon written request from a majority of the Member Boards. Notice of meeting, including the general nature of business to be transacted, shall be conveyed in writing to each Member Board at least 15 days prior to the meeting date.

**Section 3. Quorum.**

In order to conduct business at any meeting of the Delegate Assembly, at least a majority of Member Boards must be in attendance. Provided that there is a majority of Member Boards as described above, the total number of Member Boards in attendance shall constitute the quorum. Unless otherwise provided in the Bylaws or under applicable law, all actions to be taken by the membership shall require an affirmative vote of a majority of the established quorum. In the absence of a majority of Member Boards, those Member Boards in attendance may adjourn the meeting by a majority vote.

**Section 4. Voting and Elections.**

A. A Member Board is entitled to be represented by a single vote on each issue put to a vote before the Delegate Assembly. Member Boards shall vest the right to vote in their Delegate or Delegate Pro Tempore.

B. There shall be no proxy or absentee voting at the Annual Meeting or any special meeting of the Delegate Assembly.

C. Elections shall be conducted by ballot at the Annual Meeting:

1. Directors and Nominating Committee members shall be elected by a majority vote of the Delegate Assembly.
2. If a candidate does not receive a majority vote on the first ballot, reballoting shall be limited to the two candidates receiving the highest number of votes for that position.
3. Election winners shall be announced to all delegates upon completion of the election.
4. Officers shall be elected by the Board of Directors immediately after the Annual Meeting.

### **Section 5. Parliamentary Authority.**

The rules contained in the current edition of *Robert's Rules of Order Newly Revised*, may govern the proceedings of the Federation in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any meeting procedures or special rules of order the Federation may adopt.

## **Article VI. Board of Directors and Officers.**

### **Section 1. Composition.**

- A. The Board of Directors shall be comprised of seven voting members:
  1. Three Officers, who shall be the President, Vice President, and Treasurer; and
  2. Four Directors-At-Large, one who may be a Public Member.
- B. There shall be two ex-officio members of the Board of Directors who shall have a voice at meetings but no vote, and who shall consist of the following:
  1. Executive Director; and
  2. Immediate Past President, who shall serve in this capacity for one year following the expiration of their term as President.

### **Section 2. Authority.**

- A. The Board of Directors shall manage the affairs of the Federation, including the transaction of all business for and on behalf of the Federation as authorized under these Bylaws. The Board of Directors shall carry out the resolutions, actions, or policies as authorized by the Delegate Assembly, subject to the provisions of the Articles of Incorporation and Bylaws.
- B. Consistent with this authority, the Board of Directors shall:
  1. Approve the appointment of committee members and chairs made by the President as provided in these Bylaws.
  2. Employ and determine the duties of an Executive Director.
  3. Develop and maintain a policies and procedures manual.
  4. Create strategic plans to carry out the mission and functions of the Federation.
  5. Adopt and provide oversight to an annual budget.

6. Select an independent certified public accountant to prepare the annual financial audit of the Federation.
7. Present an annual report to the Delegate Assembly.

### **Section 3. Conduct of Business.**

A. A majority of the Board of Directors shall constitute a quorum for official business.

B. Requirements:

1. The Board of Directors shall meet at least two times per year; one of these meetings shall be in conjunction with the Annual Meeting of the Delegate Assembly.
2. Notice of face-to-face meetings of the Board of Directors shall be conveyed in writing to each Board of Directors member at least 60 days prior to the meeting date.
3. Notice of virtual meetings of the Board of Directors shall be conveyed in writing at least 10 days prior to the meeting date.
4. The meeting notice requirements of this Section may be waived by the unanimous consent of the Board of Directors members.

C. Executive Session

The Board of Directors may meet in executive session only for discussion and resolution of personnel matters, legal matters, transactions involving real property, matters related to the membership status in the Federation of a Member Board or Associate Member, and matters related directly to the security of the Federation's examination programs.

### **Section 4. Duties.**

Members of the Board of Directors shall perform the duties prescribed by these Bylaws, and the policies and procedures established by the Board of Directors. Specific responsibilities for Officers of the Federation are set forth as follows:

A. **President:** Shall preside at all meetings of the Delegate Assembly and the Board of Directors, serve as a spokesperson for the Federation, appoint members and chairs of Standing Committees and Special Committees, and assume all powers and duties customarily incident to the office of President.

B. **Vice President:** Shall assist the President, perform the duties of the President in the President's absence, and fill any vacancy in the office of President until the next Annual Meeting.

C. **Treasurer:** Shall serve as the chair of the Finance Committee, shall oversee the financial affairs of the Federation, and shall assure that quarterly financial reports are presented to the Board of Directors and that annual financial reports are provided to the Delegate Assembly.

### **Section 5. Qualifications for Directors.**

- A. At the time of their nomination and election, Directors shall be either:
1. An Associate Member of the Federation who has served on an FSMTB committee or attended a prior FSMTB Annual Meeting; or

2. A Public Member who provides experiences or skills beneficial to the Board of Directors and has either served two years as a volunteer for the FSMTB or has attended one annual meeting in the past five years, which may include the year in which they are eligible for election.

B. The President shall have served the Federation as a Director or an Officer before being elected to the office of President.

C. The Vice President shall have served the Federation as either a Delegate, a committee member, a Director, or an Officer before being elected to the office of Vice President.

D. A Public Member shall not be a current or previously credentialed member of the massage therapy profession, nor be an employer or employee of individuals in the massage therapy profession.

E. No member of the Board of Directors shall concurrently hold an elected or appointed office in a state or national association that, in the opinion of the Board of Directors, would result in potential or actual conflict of interest with the Federation.

## **Section 6. Term of Office.**

A. All Directors shall:

1. Be elected for a term of three years, beginning 2012, or until their successors are elected.
2. Not serve more than nine consecutive years on the Board of Directors.

B. Directors shall assume office at the close of the Annual Meeting at which they are elected.

C. In 2011, two board members will be elected for two years, and two will be elected for three years.

## **Section 7. Vacancies in Office.**

A. A vacancy in the office of President shall be filled by the Vice President for the remainder of the unexpired term.

B. A vacancy occurring in the offices of Vice President, Treasurer, Directors-At-Large, or Public Member shall be filled by appointment by the President, subject to approval by the Board of Directors. The appointee shall serve until the next Annual Meeting, at which time an election shall be held to fill the unexpired term.

## **Section 8. Removal from Office.**

A. An Officer or Director may be removed from office by a two-thirds vote of the Delegates present and voting at any duly authorized Annual or Special Meeting of the Delegate Assembly.

B. The Board of Directors may remove any Officer, Director, or committee member from office with cause by a majority vote of the Board of Directors. Cause for removal is the occurrence of any of the following acts:

1. Breach of fiduciary obligation to the Federation and its members resulting in a loss of funds or standing in any jurisdiction.
2. Failure to carry out the duties and responsibilities of the position.

3. Failure to meet the qualification criteria of the position.
4. Any act resulting in conviction for violation of federal or state law that impacts the member's duties to the Federation.
5. Any act resulting in public disciplinary action against said member's professional credential to practice if the person is a massage therapist.
6. A conflict of interest that impacts the member's duties to the Federation.
7. Any conduct determined by the Board of Directors to be detrimental to the Federation.

#### **Section 9. Executive Committee.**

- A. The Board of Directors may establish an Executive Committee, which shall be comprised of the three Officers of the Federation, who shall have a vote, and the Executive Director, who shall have a voice but not a vote. The President shall serve as the chair.
- B. The Executive Committee shall be charged with specific purpose and decision-making authority by the Board of Directors and shall operate solely within that charge.
- C. The quorum and meeting notice requirements of Section 3, herein, shall apply to the Executive Committee.

### **Article VII. Executive Director**

#### **Section 1. Appointment.**

The Executive Director shall be appointed by the Board of Directors. The selection or termination of the Executive Director shall be by a majority vote of the Board of Directors.

#### **Section 2. Authority.**

The Executive Director shall serve as the agent and chief administrative officer of the Federation and shall possess the authority and shall perform all duties incident to the office of Executive Director, including the management and supervision of the office, programs and services of Federation, the disbursement of funds and execution of contracts (subject to such limitations as may be established by the Board of Directors). The Executive Director shall serve as corporate secretary and oversee maintenance of all documents and records of the Federation and shall perform such additional duties as may be defined and directed by the Board of Directors.

#### **Section 3. Evaluation.**

The Board of Directors shall conduct an annual written performance appraisal of the Executive Director and shall set the Executive Director's annual salary.

## **Article VIII. Committees**

### **Section 1. Standing Committees.**

The Federation shall maintain the following Standing Committees:

#### **A. Finance Committee**

This committee shall be comprised of at least three members and the Treasurer, who shall serve as chair. The committee shall review the annual budget, the Federation's investments and the audit. The committee shall, working in conjunction with the President, recommend a budget to the Board of Directors and advise the Board of Directors on fiscal policy to assure prudence and integrity of fiscal management and responsiveness to Member Board needs.

#### **B. Examination Committee**

This committee shall be comprised of at least five members, and shall provide general oversight of the licensing examination process. This includes job survey analyses, examination item development, security, administration and quality assurance to ensure consistency with the Member Boards' need for examinations. The committee shall also approve item development panels and recommend test plans to the Board of Directors. Subcommittees may be appointed to assist the Examination Committee in the fulfillment of its responsibilities.

#### **C. Policy Committee**

This committee shall research and develop proposed amendments to the Bylaws and Standing Rules as directed by the Board of Directors or the Delegate Assembly. The Committee shall, in accordance with policies established by the Board of Directors, review, evaluate and report to the Delegate Assembly on all resolutions and motions submitted by Member Boards.

#### **D. Nominating Committee**

The Nominating Committee shall seek nominations from Member Boards and associate members and shall present a slate of eligible candidates for each open seat for election at the Annual Meeting. Persons seeking nomination or wishing to suggest nominees must contact the Nominating Committee at least 45 days prior to the Annual Meeting to submit a volunteer application and other information the Committee may request. Nominations will not be accepted from the floor during the Annual Meeting. No name shall be placed into nomination without the consent of the nominee.

### **Section 2. Nominating Committee.**

A. There shall be three (3) members on the Nominating Committee. All members shall be elected at the Annual Meeting of the Federation by a majority of votes from nominations submitted by the Nominating Committee. A candidate for the Nominating Committee must be a Delegate or Alternate Delegate, a previous member of the Board of Directors, a previous member of the Nominating Committee, a current member of a Member Board or the chief administrative officer of a Member Board. The elected members of the Nominating Committee shall have attended at least one (1) Delegate Assembly meeting prior to nomination. All members shall serve a one year term.

B. The most Immediate Past President not currently serving as a voting member on the Board of Directors shall serve *ex officio* on the Nominating Committee. In the event that the most Immediate Past President not currently serving as a voting member on the Board of Directors is unable or unwilling to serve *ex officio* on the Nominating Committee, then the next most Immediate Past President not currently serving on the Board of Directors shall serve.

C. In the event of a vacancy on the Nominating Committee, the most Immediate Past President not currently serving *ex officio* shall fill said vacancy.

### **Section 3. Special Committees.**

The Board of Directors may establish special (or ad hoc) committees as needed to accomplish the mission of the Federation, and to assist any standing committee in the fulfillment of its responsibilities. Special committees may include subcommittees, task forces, advisory panels, focus groups, or other groups designated by the Board of Directors.

### **Section 4. Committee Membership and Term.**

A. Members and chairs of committees shall be appointed by the President, with the approval of the Board of Directors. The term of committee appointments shall be determined by the Board of Directors. Committee vacancies may be filled by appointment for the remainder of an unexpired term.

B. Those eligible for membership on standing committees shall be members of the Board of Directors, Associate Members, and other individuals with expertise needed to carry out the mission and functions of the Federation.

### **Section 5. Committee Duties.**

A. Each committee shall be provided with a charge and shall establish policies to guide and expedite its work, subject to review and modification by the Board of Directors.

B. All committees shall:

1. Keep accurate minutes of meetings.
2. Operate within its assigned budget.
3. Submit quarterly progress reports to the Board of Directors.
4. Submit an annual report to the Board of Directors for presentation to the Delegate Assembly.

C. The quorum and meeting notice requirements of Article VI, Section 3 shall apply to all standing and special committees.

## **Article IX. Finance**

### **Section 1. Financial Year.**

A. The Financial Year of the Federation shall be July 1 through June 30.

B. The financial affairs of the Federation shall be maintained in conformance with accepted accounting principles.

### **Section 2. Dues.**

The Delegate Assembly shall establish the annual dues for each membership category.

### **Section 3. Finances.**

A. The Board of Directors shall adopt an annual budget, which shall be made available to Member Boards prior to the beginning of the financial year.

B. No officer, director, committee, or employee of the Federation shall have the right or authority to expend any money of the Federation, to incur any liability in its behalf or to make any commitment which binds the Federation to any expense or financial liability, unless such expenditure, liability or commitment has been incorporated in the budget or the Board of Directors has made an appropriation to pay same.

C. The financial records of the Federation shall be audited annually by an independent certified public accountant appointed by the Board of Directors. The annual audit report shall be provided to the Delegate Assembly at its Annual Meeting. If the annual gross revenues of the Federation are less than one million dollars (\$1,000,000), the Board of Directors may choose to have an independent review performed by a certified public accountant in place of the audit.

## **Article X. Indemnification**

### **Section 1. Indemnification.**

Subject to the limitations of this Article, the Federation shall indemnify any person who was or is a party of or is threatened to be made a party to any threatened, pending or contemplated action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Federation) by reason of the fact that such person is or was a committee member, including the Board of Directors, or Officer of the Federation, against expenses, including attorneys' fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred in connection with such action, suit or proceeding only if such person acted in good faith and in a manner reasonably believed to be in or not opposed to the best interest of the Federation and, with respect to any criminal action or proceeding, had no reasonable cause to believe such conduct was unlawful. The termination of any action, suit or proceeding by judgment or settlement, condition or upon a plea of Nolo Contendere or its equivalent shall not, in and of itself, create a presumption that such person did not act in good faith and in a manner reasonably believed to be in or not opposed to the best interests of the Federation and, with respect to any criminal action or proceeding, had reasonable cause to believe that such conduct was unlawful.

### **Section 2. Qualification.**

Any indemnification under this Article shall be made by the Federation only as authorized in the specific case upon a determination that indemnification is proper in the circumstances because such person has met the applicable standard of conduct set forth in this Article. Such determination shall be made by the Board of Directors consisting of members who are not parties to such action, suit or proceeding or, if such quorum is not attainable, a quorum of disinterested members.



## **Article XI. Amendment of Bylaws**

### **Section 1. Requirements.**

These Bylaws may be amended at any meeting of the Delegate Assembly at which a quorum is present by a two-thirds majority of the Delegates present and voting; provided that the amendment has been submitted in writing to the Member Boards at least 45 days prior to the meeting.

### **Section 2. Amendment proposals.**

Amendments may be proposed by the Policy Committee, Member Boards, or the Board of Directors. Such proposals shall be submitted in writing to the Federation office at least 90 days before a meeting of the Delegate Assembly where this amendment is to be considered.

### **Section 3. Effective date.**

These Bylaws, and any other subsequent amendments thereto, shall become effective upon adjournment of the Annual Meeting at which they are adopted.

## **Article XII. Dissolution**

In the event of dissolution of the Federation, the Board of Directors shall prepare a plan for the orderly distribution of all the assets of the Federation. After payment of all bona fide obligations, assets shall be distributed to a succeeding non-profit corporation or to other non-profit corporations as provided in the Federation's Articles of Incorporation. In no case shall any of the assets be distributed to any private individual.

## **TERMS AND DEFINITIONS**

### **Chief Administrative Officer**

An individual who shall have the role and responsibility for directing and managing the day-to-day performance and supervision of the administrative duties and functions for which the board or agency is responsible.

### **Emeritus Member**

Former state board member or chief administrative officer of a state board or agency.

**Clarification of Requirements for PMTs to Remain on MAE Premises**

**§452-1 Definitions.** "Principal massage therapist" means a massage therapist designated by an establishment or an out-call massage service as the person in charge.

**§452-23.5 Citation for licensee violations; fines.** (a) In addition to any other remedy available under this chapter, the department of commerce and consumer affairs may issue a citation to any person who holds a massage therapist or massage therapy establishment license issued by the board, or is designated the principal massage therapist by the massage therapy establishment, for any of the following violations of this chapter or the rules adopted pursuant to this chapter and chapter 91:

**(3) Operation of a massage therapy establishment without the presence of a principal massage therapist or a licensed designee during all hours of operation**

§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 insure 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.

**§16-84-15 Massage establishment and out-call massage service requirements.** **(a) No massage establishment or out-call massage 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.

## Subchapter 7\* (SHANON)

**Examination (\*Note that revisions below assume the current proposed rules package changes will be adopted)**

**§16-84-27 Examination requirements and conduct.** (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. An applicant must have a passing grade in order to be licensed.

(b) In accordance with the Americans with Disabilities Act (ADA), requests for exam accommodations must be made in advance and accompanied by appropriate documentation directly with the exam registrar. Blind persons shall not be exempt from taking the examination to qualify, provided that the written clinical competency examination may be administered orally.

(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.

(d) All examination candidates must adhere to security procedures, ethical and respectful behavior during the examination for both onsite and remote testing.

(e) Engaging in dishonest conduct, cheating, using unauthorized materials or devices (e.g., cellphones, notes and any other prohibited items) will result in automatic test invalidation and potential further actions against the candidate.