

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 84

MASSAGE THERAPY

Subchapter 1 General Provisions

- §16-84-1 Objective
- §16-84-2 Definitions

Subchapter 2 Applications

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

Subchapter 3 Principal Massage Therapist

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

Subchapter 4 Establishment and Out-Call Massage Service Conditions

- §16-84-15 Massage establishment and out-call massage service requirements

Subchapter 5 Revocation

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

Subchapter 6 Apprentices

- §16-84-23 Requirements for apprentices

Subchapter 7 Examination

§16-84-27 Examination requirements

Subchapter 8 Repealed

§16-84-31 Repealed

Subchapter 9 Practice and Procedure

§16-84-35 Administrative practice and procedure

Subchapter 10 Oral Testimony

§16-84-39 Oral testimony

Subchapter 11 Advertising

§16-84-43 Advertising

Subchapter 12 Massage Students

§16-84-48 Requirements for massage students

SUBCHAPTER 1

GENERAL PROVISIONS

§16-84-1 Objective. This chapter is intended to clarify and implement chapter 452, Hawaii Revised Statutes, to the end that the provisions thereunder may be best effectuated and the public interest most effectively served. [Eff 3/28/66; am 4/4/70; am and ren §16-84-1, 6/22/81; am and comp 4/9/82; comp 7/19/87; comp 3/26/90] (Auth: HRS §452-6) (Imp: HRS §452-6)

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

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

"Board" means the state board of massage;

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

"Establishment" means a massage establishment;

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

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

"Person" means an individual, partnership, or corporation;

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

"Sponsoring massage therapist" means a massage therapist licensed in this state for at least three years, employed by or registered with a licensed massage establishment, and registered with the board as being the person responsible for the direct supervision of an apprentice. [Eff 3/28/66; am and ren §16-84-2, 6/22/81; am and comp 4/9/82; am and comp 7/19/87; am and comp 3/26/90] (Auth: HRS §452-6) (Imp: HRS §452-1)

## SUBCHAPTER 2

### APPLICATIONS

§16-84-6 License application for massage establishment and out-call massage service. (a) Any person seeking a license for a massage establishment or out-call massage service shall submit an application on a form or forms prescribed by the board and shall submit names and addresses for:

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

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

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

(b) The proper fee shall accompany the application.

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

§16-84-8 Apprenticeship application. Any person seeking registration to practice as a massage apprentice must apply on a form or forms prescribed by the board, and shall submit a letter of agreement from the sponsoring massage therapist indicating the starting date of the practical phase of the apprenticeship program and the number of hours per week the applicant will be directly supervised by the sponsoring massage therapist and training program to be subject to board's approval. [Eff and comp 4/9/82; am and comp 7/19/87; comp 3/26/90] (Auth: HRS §452-6) (Imp: HRS §§452-6, 452-13)

### SUBCHAPTER 3

#### PRINCIPAL MASSAGE THERAPIST

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

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

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

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

(e) The principal massage therapist shall 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. [Eff 3/28/66; am and ren §16-84-11, 6/22/81; am and comp 4/9/82; am and comp 7/19/87; comp 3/26/90] (Auth: HRS §452-6) (Imp: HRS §452-6)

#### SUBCHAPTER 4

##### ESTABLISHMENT AND OUT-CALL MASSAGE SERVICE CONDITIONS

§16-84-15 Massage establishment and out-call 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. [Eff 3/28/66; am 4/4/70; am and ren §16-84-15, 6/22/81; am and comp 4/9/82; am and comp 7/19/87; am and comp 3/26/90] (Auth: HRS §452-6) (Imp: HRS §§452-3, 452-6, 452-13, 452-15, 452-19)

## SUBCHAPTER 5

### REVOCAATION

§16-84-19 Suspension and revocation of licenses. Any establishment or an out-call massage service license, a principal massage therapist registration, a massage therapist license, or an apprentice permit may be suspended or revoked upon any one of the following grounds:

- (1) Falsification or misrepresentation in the application for a license, registration, or permit;
- (2) Practicing massage under a false name or name other than that on the license or apprentice permit;
- (3) Use of untrue, fraudulent, misleading, or deceptive advertising, or of any form or manner of advertising which may directly or indirectly suggest sexual or immoral acts;
- (4) Abandoning an establishment or an out-call massage service without prior notice to the board;
- (5) Violation of any law or rule concerning or affecting the practice of massage, including any provision of chapter 452, HRS, or this chapter;
- (6) Prescribing, administering, or making recommendations as to medication or injection therapy;
- (7) Stating or implying through any newspaper, magazine, directory, pamphlet, poster, card, circular, or other writing or publication or by any advertisement, that the registrant, has cured, can cure, or guarantees to cure, or has successfully treated any disease, defect, or deformity;
- (8) Participating in or using the establishment for any lascivious conduct, lewdness, or any sexual act;
- (9) Teaching the practical application of body massage without the proper qualification as outlined in this chapter; and
- (10) Causing bodily injury by carelessness or negligence as a result of practicing massage. [Eff 3/28/66; am 4/4/70; am and ren

§16-84-19, 6/22/81; am and comp 4/9/82; am and comp 7/19/87; comp 3/26/90] (Auth: HRS §452-6) (Imp: HRS §§452-6)

## SUBCHAPTER 6

### APPRENTICES

§16-84-23 Requirements for apprentices. (a) The apprenticeship program shall consist of not less than five hundred seventy hours and the applicant shall successfully complete a cardiopulmonary resuscitation training program. The first one hundred fifty hours shall be academic and shall not have a time period and shall be completed before the practical training. The course of study shall be as listed in subsection (i)(1) and (2).

(b) The applicant shall submit an application for apprenticeship training to the board with the certificates of completion of all required courses as listed in subsection (i)(1) and (2).

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

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

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

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

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

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

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

(1) Not less than fifty hours of anatomy, physiology, and structural kinesiology;

(2) Not less than one hundred hours of theory and demonstration of massage which shall include:

(A) The proper procedure in massaging (concerning the protection of both client and massage therapist);

(B) Record keeping;

(C) Hygiene;

(D) Theory;



- (E) Technique for specific conditions;
- (F) Contraindications of massage for specific techniques according to conditions;
- (G) Draping; and
- (H) Assessment of the client's condition and the general technique to be applied.

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

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

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

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

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

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

(n) The applicant shall show proof of having a current certificate of completion of both the infant and adult cardiopulmonary resuscitation (CPR)

training course issued by the American Red Cross or American Heart Association.

(o) Applicants, who have a CPR certification other than from the American Red Cross or American Heart Association may request for a waiver provided:

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

(p) The apprenticeship program training report shall be properly completed by the sponsoring massage therapist. A copy of the training report shall be given to the apprentice to be attached to the application for examination. [Eff 3/28/66; am 4/4/70; am and ren §16-84-23, 6/22/81; am and comp 4/9/82; am and comp 7/19/87; am and comp 3/26/90] (Auth: HRS §452-6) (Imp: HRS §452-6)

## SUBCHAPTER 7

### EXAMINATION

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

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

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

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

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

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

(e) An applicant who has taken the massage examination prior to June 4, 1986 and failed one or more parts of the examination shall be given credit for the part or parts passed and be permitted to be reexamined in the parts failed for three consecutive times; provided that reexamination of parts failed will be allowed only through March 1987. Thereafter the applicant forfeits all previous credits and must retake the examination and meet the requirements set forth in this section. [Eff 3/28/66; am 4/4/70; am and ren §16-84-27, 6/22/81; am and comp 4/9/82; am and comp 7/19/87; am and comp 3/26/90] (Auth: HRS §452-6) (Imp: HRS §§452-13(3), 452-14)

§16-84-31 Repealed. [R 4/9/82]

## SUBCHAPTER 9

### PRACTICE AND PROCEDURE

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

## SUBCHAPTER 10

### ORAL TESTIMONY

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

- (1) Each person seeking to present oral testimony shall so notify the board not later than forty-eight hours prior to the meeting, and at

that time shall state the item on which testimony is to be presented;

- (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;
- (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;
- (4) Persons presenting oral testimony shall, at the beginning of the testimony, identify themselves and the organization, if any, that they represent;
- (5) The board may limit oral testimony to a specified time period but in no case shall the period be less than five minutes, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
- (6) The board may refuse to hear any testimony which is irrelevant, immaterial, or unduly repetitious to the agenda item on which it is presented.

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

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

## SUBCHAPTER 11

### ADVERTISING

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

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

## SUBCHAPTER 12

### MASSAGE STUDENTS

§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;

(3) Not less than four hundred and twenty hours of practical massage training under the supervision of a teacher in a school setting.

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

(d) Students who complete a course of study in a school approved by the state department of education shall be eligible to sit for the written clinical competency examination if the curriculum of the school meets the requirements of subsection (b).

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

Amendments to and compilation of chapter 16-84, Hawaii Administrative Rules, on the Summary Page dated January 31, 1990, were adopted on January 31, 1990, following a public hearing held on January 31, 1990, after public notices were given in the Honolulu Star-Bulletin and Honolulu Advertiser, The Garden Island, West Hawaii Today, Maui News, and Hawaii Tribune-Herald on December 24, 1989.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Edson Hoo

EDSON HOO, Chairman  
Board of Massage Therapy

APPROVED AS TO FORM:      Date 2/23/90

/s/ Deborah Day Emerson

Deputy Attorney General

APPROVED:      Date 3/6/90

/s/ Robert A. Alm

ROBERT A. ALM  
Director of Commerce and Consumer Affairs

/s/ John Waihee

Governor of Hawaii

March 15, 1990

Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment and Compilation of Chapter 16-84  
Hawaii Administrative Rules

January 31, 1990

SUMMARY

1. Title is amended.
2. §16-84-2 is amended.
3. §16-84-6 is amended.
4. §16-84-7 is amended.
5. §16-84-15 is amended.
6. §16-84-23 is amended.
7. §16-84-27 is amended.
8. A new subchapter 11 (§16-84-43) is added.
9. A new subchapter 12 (§16-84-48) is added.
10. Chapter 84 is compiled.