

**BOARD OF CHIROPRACTIC EXAMINERS**  
Professional & Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

**MINUTES OF MEETING**

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by §92-7(b), Hawaii Revised Statutes (HRS).

Date: Thursday, May 7, 2015

Time: 9:00 a.m.

Place: Examination Room #330  
King Kalakaua Building, 3<sup>rd</sup> Floor  
335 Merchant Street  
Honolulu, Hawaii 96813

Present: Robert E. Klein, D.C., F.A.C.O., Chair  
James A. Pleiss, D.C., D.A.B.C.O., Vice-Chair  
Kathleen T. Kang-Kaulupali, Pharm. D., Member  
Lina M. Kikuta, Member  
Lynn Bhanot, Executive Officer ("EO")  
Daniel Jacob, Deputy Attorney General ("DAG")  
Wilma Balon, Secretary

Excused: Lawrence A. Redmond, D.C.

Guests: Joseph Morelli, D.C.  
Kara Bernal  
Kristy Kobayashi  
Gary Saito, D.C

Call to Order: There being a quorum present, the meeting was called to order by Dr. Klein at 9:23 a.m.

Additions/  
Revisions:

It was moved by Ms. Kang-Kaulupali, seconded by Ms. Kikuta and unanimously carried to revise the agenda by adding the following:

6. **Old Business and Correspondence**

**B. May 6, 2015 email from Dr. Klein Re: Durable Medical Equipment "DME" & Chiropractic**

Approval of  
Meeting Minutes: Minutes of the March 5, 2015 Board Meeting

It was moved by Dr. Pleiss, seconded by Ms. Kikuta, and unanimously carried to approve the minutes of the March 5, 2015 meeting as circulated.

Adjudicatory  
Matter:

Dr. Klein called for a recess from the meeting at 9:26 a.m. to discuss and deliberate on the following adjudicatory matter pursuant to HRS Chapter 91.

- A. In the Matter of the Chiropractor License of Obteen Nassiri, D.C., CHI 2012-8-L, Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order and Board's Final Order.

After discussion, it was moved by Dr. Pleiss, seconded by Ms. Kikuta, and unanimously carried to accept the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order and Board's Final Order.

Following the Board's review, deliberation and decision in this matter pursuant to HRS Chapter 91, Dr. Klein announced that the Board reconvene to its regular HRS Chapter 92, meeting at 9:33 a.m.

Executive Session:

At 9:33 a.m., it was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to enter into Executive Session pursuant to HRS §92-4 and 92-5(a)(1) and (4), to consider and evaluate personal information relating to individuals applying for licensure and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

EXECUTIVE SESSION

At 9:38 a.m., it was moved by Dr. Pleiss, seconded by Ms. Kikuta, and unanimously carried to return to open session. The room was reopened to the public.

Licensing:

- A. Ratifications of Issued License
1. ARLT, Kristen L.
  2. ATCHLEY, Derek S.
  3. CRAFT, Dustin R.
  4. CLUKEY, Caroline A.
  5. CROW, Jolie D.
  6. KASPRICK, Christopher K.
  7. RIVES, Danny L.
  8. VERITAS, Catherine A.
  9. WILL, Jeffrey A.

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to ratify the above staff approval of licensee(s).

B. Applications

1. ADEY, Mary S.

After due consideration of the information received, it was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to approve the application of Mary S. Adey, D.C.

Old Business and Correspondence:

A. January 15, 2015 email from Kristy Kobayashi Re: Clarification of Scope of Practice for Chiropractors.

At its March 5, 2015 meeting, the Board deferred this matter for further review and discussion.

Discussion followed. The Board proceeded to discuss item B below to clarify the inquiry of Ms. Kobayashi.

B. May 6, 2015 email from Dr. Klein Re: Durable Medical Equipment "DME" & chiropractic.

Representatives appeared before the Board to discuss the above matter with regards to Ms. Kobayashi's letter inquiry, requesting clarification on whether chiropractors can prescribe and/or dispense "OTC" medications that are only available through physician/chiropractic offices. Specifically, prescribing lidocaine patches.

Gary Saito, D.C., Hawaii State Chiropractic Association, informed the Board of the definition of DME as it relates to: in office, out of office, or at home usage. Dr. Saito explained that once something is prescribed and leaves the Doctor's office, the Doctor has no assurance that the patient will use the prescribed treatment. Dr. Saito also stated that DME is characterized as reusable. He went on to say that patches eventually lose their adhesive quality and would need to be replaced in addition to it not being reusable.

Discussion turned to chiropractors prescribing DME. Joseph Morelli, D.C., Hawaii State Chiropractic Association, briefed the Board on the history of the chiropractic law and the interpretation of "materia medica". Dr. Morelli stated that originally "material medica" meant "prescriptive drug". He went on to say that now materia medica could refer to anything.

Kristy Kobayashi, Branch Manager, CorVel Corporation, inquired whether ointments/patches are prescriptions or DME.

DAG Jacob referred to the Hawaii Revised Statutes ("HRS") §442-1, which set forth the scope of practice for Chiropractic licensees. In addition, DAG Jacob further referred to HRS §442-8 which states License form, authority under. One form of license shall be issued which shall be designated "License to Practice Chiropractic".

Dr. Morelli indicated that one of the issues regarding prescription drug versus OTC is the percentage. Public are able to buy OTC medication less than 4% without a prescription.

Dr. Saito indicated that prescription drug versus OTC is a matter of dosage.

Discussion followed. Dr. Klein thanked the guests for appearing and informed them that the Board will continue further discussion in executive session.

It was moved by Dr. Pleiss, seconded by Ms. Kikuta, and unanimously carried to enter into executive session at 10:16 a.m. 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.

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to return to the open meeting at 10:57 a.m.

Old Business and Correspondence:

The Board returned to its discussion regarding the January 15, 2015 email from Kristy Kobayashi.

The guests were called back in the meeting room.

It was moved by Dr. Pleiss, seconded by Ms. Kikuta, and unanimously carried to have the Executive Officer Bhanot provide an informal, non-binding opinion to Ms. Kobayashi referring to the HRS §442-1 and §442-8, which set forth the scope of practice for Chiropractic licensees.

Additionally, the Board suggested that Ms. Kobayashi seek private legal counsel for any further guidance or assistance in interpreting these statutes.

Executive Officer's Report:

A. April 2015 Online CE Newsletter

For the Board's information, the April 2015 Online CE Newsletter was distributed to members.

B. National Board of Chiropractic Examiners (“NBCE”)  
Practice Analysis of Chiropractic 2015

For the Board’s information and review, Executive Officer Bhanot provided the project report, survey analysis, and summary received from the NBCE.

Dr. Klein indicated that it gives an official summary of the practice of chiropractic within the United States.

Continuing  
Education (“CE”):

A. Ratification of CE Courses – New Applications and Re-registrations:

See attached list(s).

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to ratify the approval of the following CE courses:

Index No. HI 15-058 – HI 15-060  
Index No. HI 15-062 – HI 15-065  
Index No. HI 15-067  
Index No. HI 15-069  
Index No. HI 15-071  
Index No. HI 15-073 – HI 15-077  
Index No. HI 15-080

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to approve the following CE courses with adjusted hours due to recalculation of hours, in that HAR §16-76-39, provides that continuing education shall be given for whole hours only, with a minimum of fifty minutes constituting one class hour:

Index No. HI 15-066, 6 hours out of 8 hours requested  
Index No. HI 15-068, 36 hours offered and 26 hours maximum  
out of 40.5 hours requested  
Index No. HI 15-078, 18 hours out of 20 hours requested  
Index No. HI 15-079, 17 hours out of 17.5 hours requested

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to approve the following CE courses with adjusted hours in that the non-approved hours do not comply with the provisions of Chapter 76, subchapter 6, HAR:

Index No. HI 15-061, 21 hours out of 28 hours requested  
Index No. HI 15-068, 36 hours offered and 26 hours maximum  
out of 40.5 hours requested

Index No. HI 15-070, 77 hours offered/18 hours may be earned  
out of 81 hours requested

Index No. HI 15-081, 101 hours offered/30 hours maximum out of  
107 hours offered/30 hours maximum  
requested

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and  
unanimously carried to ratify the following CE Re-registrations Pre-  
approved by the Executive Officer:

Index No. HI 14-106 R15

Index No. HI 12-199 R15

Index No. HI 12-200 R15

Index No. HI 12-201 R15

Index No. HI 12-202 R15

Index No. HI 12-203 R15

Index No. HI 12-204 R15

Index No. HI 12-205 R15

Index No. HI 10-052 R15

Index No. HI 10-053 R15

Index No. HI 10-054 R15

B. Other CE Courses

1. Request from James Pleiss, D.C. for approval of  
“National Board of Chiropractic Examiners’ Part IV  
Test Committee, June 6 & 7, 2014” for 13 hours of  
continuing education.
2. Request from James Pleiss, D.C. for approval of  
“National Board of Chiropractic Examiners’ Part IV  
Examination, November 14, 15, & 16, 2014” for 12  
hours of continuing education.

It was moved by Ms. Kang-Kaulupali, seconded by Ms. Kikuta,  
and carried by majority, with Dr. Pleiss recusing himself to ratify  
the approval of the above referenced CE courses.

Next Meeting: Thursday, July 2, 2015  
9:00 a.m.  
King Kalakaua Conference Room  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, HI 96813

Adjournment: There being no further business to discuss, the meeting adjourned  
at 11:11 a.m.

Taken and recorded by:

/s/Wilma Balon

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Wilma Balon, Secretary

Reviewed and approved by:

/s/Lynn R. Bhanot

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Lynn R. Bhanot, Executive Officer

LRB:wb

5/15

( ) Minutes approved as is.

( X ) Minutes approved with changes; see minutes of July 2, 2015.

**CHIROPRACTIC CONTINUING EDUCATION  
2014-2015  
ALL COURSES EXPIRE ON DECEMBER 31, 2015 UNLESS OTHERWISE NOTED**

Index No.	Program Title	Dates - Locations	Sponsor	Hours	Approved
HI 15-058	Advanced Rehabilitation: Exercises & Treatments	12/10/15, Honolulu, HI	Fetterman Events	12	5/7/2015
HI 15-059	NUHS Homecoming 2015	6/25-27/15, NUHS Campus, Lombard, IL & Oak Brook, IL	National University of Health Sciences	20	5/7/2015
HI 15-060	ICA Annual Convention: FOCUS	5/1-2/15, Marietta, GA	Life University	12	5/7/2015
HI 15-061	Logan College of Chiropractic Alumni Association 50th Homecoming and Midwest Conference	6/11/15, St. Louis, MO	University of Bridgeport	28	5/7/2015
HI 15-062	Health Source Super Camp 2015	5/1-3/15, Dallas, TX	Parker University	11	5/7/2015
HI 15-063	Sacro Occipital Research Society, International Mid-Year 2015	4/24-26/15, Kansas City, MO	Palmer College of Chiropractic	26 hours offered/15 hours may be earned	5/7/2015
HI 15-064	Kinesiology Taping Strategies	5/16-17/15, Honolulu, HI	Medical Minds in Motion	13	5/7/2015
HI 15-065	IFM's Annual International Conference	5/28-30/15, Austin, TX	Northwestern Health Sciences University	19	5/7/2015
HI 15-066	Achieve Optimal Wellness with Detoxification	5/16/2015, Portland, OR	University of Western States	6	5/7/2015
HI 15-067	Advanced Principles of TMJ, Rib and Shoulder Girdle Adjusting	1/20-21/2015, Hayward CA	Life Chiropractic College West	15	5/7/2015
HI 15-068	2015 CCA Annual Convention & Marketplace	5/25-31/2015, San Diego, CA	California Chiropractic Association	26	5/7/2015
HI 15-069	Texas Chiropractic College 2015 Annual Convention	7/16-18/2015, Galveston, TX	Texas Chiropractic College	24	5/7/2015

**NOTE: For specific course content information and dates/locations of course offerings, contact sponsors directly.**

**CHIROPRACTIC CONTINUING EDUCATION  
2014-2015  
ALL COURSES EXPIRE ON DECEMBER 31, 2015 UNLESS OTHERWISE NOTED**

Index No.	Program Title	Dates - Locations	Sponsor	Hours	Approved
HI 15-070	FCA Summer Convention and Expo 2015	6/18-21/2015, Boca Raton, FL	Florida Chiropractic Association	77 hours offered/18 hours may be earned	5/7/2015
HI 15-071	Proper Documentation & Procedures for Reimbursement	8/8/2015, Honolulu, HI	Texas Chiropractic College	8	5/7/2015
HI 15-073	Risk Management Considerations of Treating Patients With Altered or Painful Breast Structures	Online	Online CE Pro/CE4You	7	5/7/2015
HI 15-074	Chiropractic Care for Patients with Advanced Arthritis	Online	Online CE Pro/CE4You	13	5/7/2015
HI 15-075	Beyond the Synapse Part One: 825B From Receptors to the Spinal Cord	5/30-31/2015, Los Angeles, CA	Carrick Institute	15	5/7/2015
HI 15-076	Preventative Biochemical Interventions & Novel Therapeutic Overtures in Those with Cancer	8/20-22/2015, Minneapolis, MN	Texas Chiropractic College	15	5/7/2015
HI 15-077	Natural Strategies and Strategic Protocols to Optimize Athletic Performance	8/15/2015, Minneapolis, MN	Texas Chiropractic College	4	5/7/2015
HI 15-078	Detox Advanced Practice Module	7/11-13/2015, Chicago, IL	Northwestern Health Sciences University	17	5/7/2015
HI 15-079	Hormone Advanced Practice Module	7/19-11/2015, Chicago, IL	Northwestern Health Sciences University	17	5/7/2015
HI 15-080	Supporting Your Body From Toes to Nose	6/20-21/2015, Hartford, CT	Cleveland Chiropractic College	12	5/7/2015
HI 15-081	FCPA Summer 2015	7/31-8/2/2015, Orlando, FL	University of Bridgeport	101 hours offered/30 hours may be earned	5/7/2015
↓	<b><u>2014-2015 RE-REGISTRATIONS</u></b> ↓				

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Index No.	Program Title	Dates - Locations	Sponsor	Hours	Approved
HI 14-106R15	Functional Diagnostic Medicine Training Program 2015	Distance Learning	Southern California University of Health Sciences	200	5/7/2015
HI 12-199R15	Pettibon Online: Functional Nutrition	5/15/2015-12/31/2015, Internet	Palmer College Chiropractic	14	5/7/2015
HI 12-200R15	Pettibon Online: Functional Neurology	5/15/2015-12/31/2015, Internet	Palmer College Chiropractic	14	5/7/2015
HI 12-201R15	Pettibon Online: Case Management and Billing	5/15/2015-12/31/2015, Internet	Palmer College Chiropractic	3	5/7/2015
HI 12-202R15	Pettibon Online: Post-Treatment Rehab	5/15/2015-12/31/2015, Internet	Palmer College Chiropractic	3	5/7/2015
HI 12-203R15	Pettibon Online: Analysis & Treatment	5/15/2015-12/31/2015, Internet	Palmer College Chiropractic	3	5/7/2015
HI 12-204R15	Pettibon Online: Pre-Treatment Rehab	5/15/2015-12/31/2015, Internet	Palmer College Chiropractic	3	5/7/2015
HI 12-205R15	Pettibon Online: Patient Analysis	5/15/2015-12/31/2015, Internet	Palmer College Chiropractic	3	5/7/2015
HI 10-052R15	Pettibon Online: Fundamentals	5/15/2015-12/31/2015, Internet	Palmer College Chiropractic	12	5/7/2015
HI 10-053R15	Pettibon Online: X-Ray Procedures	5/15/2015-12/31/2015, Internet	Palmer College Chiropractic	12	5/7/2015
HI 10-054R15	Pettibon Online: Clinic Protocols & Home Care	5/15/2015-12/31/2015, Internet	Palmer College Chiropractic	18	5/7/2015

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