

BOARD OF ACUPUNCTURE
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 Lt. Governor, as required by §92-7(b), Hawaii Revised Statutes (“HRS”)

Date: Thursday, December 5, 2013

Time: 1:00 p.m.

Place: Princess Likelike Conference Room
King Kalakaua Building, 3rd Floor
335 Merchant Street
Honolulu, Hawaii 96813

Members Present: Michael Howden, L.Ac., Chairperson
Jayne Tsuchiyama, L.Ac., Member, Vice-Chairperson
Dr. James Corcoran, Member
Mike Hashimoto, D.Ac., Member

Staff Present: Christine Rutkowski, Executive Officer
Jay Paige, Deputy Attorney General
Alice Worthy, Secretary

Guests: Christina Kapothanasis, HOMAA

Call to Order: There being a quorum established, Chair Howden called the meeting to order at 1:01 p.m.

Agenda Additions or Revisions: None. Additional distribution of an email from Mina Larson of NCCAOM re item 8.a.

Minutes of Previous Meeting: Minutes of the October 3, 2013 Meeting

It was moved by Ms. Tsuchiyama, seconded by Dr. Hashimoto (Dr. Corcoran abstained), and unanimously carried to approve the minutes of the October 3, 2013 meeting as amended.

Page 2, New Business: RICO 2014 Motor Vehicle Repair Advisory Committee should read “RICO Acupuncture Advisory Committee”.

Chair’s Report: The Chair reported that he had participated in a webinar from HMSA and found it to be unproductive. He stated that the status of healthcare is uncertain in Hawaii. As members of the Board and profession, education and better requirements for licensure to be placed in the healthcare system is tenuous.

Executive Officer's
Report:

None.

Chapter 91, HRS
Adjudicatory
Matters:

The Chairperson called for a recess from the meeting at 1:05 p.m. to deliberate on the following adjudicatory matter, pursuant to Hawaii Revised Statutes ("HRS") Chapter 91.

In the Matter of the Application for an Acupuncture License of SUSAN T. SLUYS, Petitioner; ACU-LIC-2013-001 – Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order; Petitioner Susan T. Sluys Exceptions to Hearing Officer's Findings of Fact, Conclusions of Law and Recommended Order; Respondent's Statement in Support of the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order; Board's Final Order

The Executive Officer gave a brief summary of the above matter and a brief discussion followed.

Applicant requested an administrative hearing to contest the denial of her application for a acupuncture license. As background information, Applicant did not provide sufficient proof that she had met the requirements for licensure, nor did she have the required number of hours.

Board members agreed with the Hearings Officer's recommended order and reiterated that the denial of her application was appropriate. Dr. Corcoran stated that he was impressed with the professionalism and depth of the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order, and further stated that it was well written.

Deputy Attorney General Paige pointed out a typographical error in the Final Order and suggested that the Order be corrected prior to the members signing the Order.

It was moved by Ms. Tsuchiyama, seconded by Dr. Corcoran, and unanimously carried to accept the Hearings Officer's Recommended Order as corrected.

Deputy Attorney General Paige left the meeting to work on correcting the Final Order.

At 1:16 p.m., the Chairperson announced that the Board would return to its regular order of business.

Applications: Exam and License – None.

Ratifications

Board members reviewed the list of licenses and intern permits. It was moved by Dr. Corcoran, seconded by Dr. Hashimoto, and unanimously carried to ratify the applications of the individuals as listed for respective approvals sought (attached).

Unfinished Business: Report of the Rules Investigative Committee Regarding §§16-72-135, HAR, to Require Applicants for Licensure to Take and Pass TOFEL Examination

Dr. Hashimoto provided copies of a proposed rule revision to Sec. 16-72-35, which the members reviewed and discussed.

The Executive Officer reported that based on the discussions at the last meeting, she contacted Mina Larson at NCCAOM inquiring as to NCCAOM's position on the TOFEL examination requirements. Copies of Ms. Larson's response were provided to members for their information.

As previously stated by Dr. Hashimoto, the Hawaii Board of Physical Therapy and the Hawaii Board of Pharmacy require their foreign applicants to take the TOFEL exam. He said that acupuncture license applicants should be required to pass TOFEL.

The Executive Officer stated that the Pharmacy licensing law does not require TOFEL, but the pharmacy exam organization requires TOFEL. Requiring acupuncture applicants to pass TOFEL may require a possible rule revision.

Dr Hashimoto stated that the NCCAOM exams in the foreign language is different from TOFEL.

The Executive Officer stated that NCCAOM is doing away with the foreign language exams in 2014. She further stated that NCCAOM is proposing to require documentation of English language proficiency as a requirement to achieve certification.

Dr. Hashimoto withdrew his proposal based on NCCAOM doing away with the foreign language exam in 2014.

Open Forum: Dr. Corcoran asked whether the board meetings could be held in the Princess Likelike conference room instead of in the King Kalakaua conference room on the basis that it appears that the acoustics in the Princess Likelike conference room are much more conducive than the King Kalakaua conference room. The other members agreed. The Executive Officer stated that staff would look into the availability of the Princess Likelike conference room.

Christina Kapothanosis reported that HOMAA held its annual meeting at the beginning of last year. She mentioned that there was a discussion on a proposed statutory change regarding continuing education units to be covered by requiring NCCAOM recertification. HOMAA is going to wait to see what the Board decides to do before going forward. She also mentioned that the older participants are grandfathered so they won't be affected by any changes.

The Executive Officer stated that there could not be any further discussion on this issue as it is not on today's agenda. It was agreed that this matter be placed on the agenda for the Board's next meeting.

Next Meeting:

Thursday, February 6, 2014
1:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
Honolulu, Hawaii 96813

At 1:33 p.m., the Chair called for a recess.

Deputy Attorney General Paige presented the members with a corrected version of the Final Order for review and signature.

Adjournment:

Chairperson Howden adjourned the meeting at 1:37 p.m.

Taken and recorded by:

/s/ Alice Worthy

Alice Worthy, Secretary

Reviewed and approved by:

/s/ Christine Rutkowski

Christine Rutkowski, Executive Officer

CR:aw
01/03/14

- [X] Minutes approved as is.
[] Minutes approved with changes. See Minutes of _____.

BOARD OF ACUPUNCTURE
DECEMBER 5, 2013

RATIFICATION LIST

ACU	1079	TULASI M <MCCARTHY<
ACU	1080	RAMONA L <BOLOSAN<
ACU	1081	MAI <WANG<
ACU	1082	KAYO A <MALIK<
ACU	1083	DAWN L <CRABBE<

ACUPUNCTURE INTERNS

WILLIAM T <WILLIAMSON<
JENNIFER M <GRIECO<
PAUL M <HELLER<
MEGAN E <SABINS<
JOSEPH T N <LO<