

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, March 6, 2014

Time: 9:00 a.m.

Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Robert E. Klein, D.C., F.A.C.O., Chair
Kathleen T. Kang-Kaulupali, Pharm. D., Member
Lawrence A. Redmond, D.C.
Lynn Bhanot, Executive Officer (“EO”)
Daniel Jacob, Deputy Attorney General (“DAG”)
Wilma Balon, Secretary

Excused: James A. Pleiss, D.C., D.A.B.C.O., Vice-Chair
Lina M. Kikuta, Member

Call to Order: There being a quorum present, the meeting was called to order by Dr. Klein at 9:26 a.m.

Additions/
Revisions: None.

Approval of
Meeting Minutes: Minutes of the January 23, 2014 Board Meeting

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, and unanimously carried to approve the minutes of the January 23, 2014 meeting with the following corrections:

On page 4, under Legislation, the sixth paragraph, first sentence should read as follows:

“Dr. Morelli informed the Board that the association reviewed the scope of practice from all the states and the District of Columbia **to create the Bill that was introduced in 2011 and then amended by the legislation.**”

On page 5, under Old Business: A. September 17, 2013 email from American Chiropractic Association Re: New Informed Consent Resources for DCs, the first and second paragraph, the acronyms "**HCA**" should read "**HSCA**" and to include "**State**" as follows:

"At its meeting on November 7, 2013, the Board requested that Executive Officer Bhanot disseminate the information regarding New Informed Consent Resources for DCs to the Hawaii **State** Chiropractic Association ("**HSCA**")."

"Ms. Bhanot reported that she contacted **HSCA** and spoke with Dr. Morelli on November 12, 2013."

On page 7, under Correspondence: B. January 17, 2014 email from Suzanne Schiller, D.C. Re: Scope of Practice, the second paragraph, should read as follows:

"Discussion followed. It was moved by Dr. Klein, seconded by Dr. Redmond, and unanimously carried that the regulation pertaining to the chiropractic scope of practice does not specifically prohibit "**HPC**™" as an adjunct therapy."

Executive Officer's Report:

A. Council on Chiropractic Education (CCE)

1. February 11, 2014 CCE Accreditation Actions Announcement.

For the Board's information, the announcement was distributed to members informing them of the accreditation actions taken by the Council at its January 2014 Annual Council Meeting.

Licensing:

A. Ratifications of Issued License

1. BOYLE, Kenneth L.
2. BURKHARDT, Sean M.
3. CAPPO, Ciara K
4. EDER, Brian C.
5. ZUKERAN, Ammon M. M.

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

Legislation:

A. H.B. No. 1831, H.D. 1, Relating to Health

Executive Officer Bhanot informed the Board that H.B. 1831, H.D. 1, was deferred indefinitely because the companion bill S.B. 2478 was heard by the Senate Committee on Commerce and Consumer Protection on February 12, 2014 and passed out unamended.

B. S.B. No. 2478, Relating to Health

Senate Bill No. 2478 was heard by the Senate Committee on Commerce and Consumer Protection on February 12, 2014 and passed out unamended and crossed over to the House.

Ms. Bhanot informed the Board that members of the Hawaii Medical Association and Physical Therapy Association were present at the hearing to testify in opposition of the bill. Dr. Saito from the HSCA testified in support of the measure. Testimony by others raised concerns with the term "chemical" and the interpretation of the term.

Ms. Bhanot advised the Board that S.B. No. 2478 will be heard by the House Committee on Health on March 7, 2014.

Dr. Klein informed members that the question of "chemical" turned out to be an issue because of Doctors who testified that opposed it. Dr. Klein clarified that the intent of the law was to introduce prescriptive rights, although the law specifically prohibits legend drugs.

Ms. Kang-Kaupali asked Executive Officer Bhanot if there are any changes to the Bill before the next Board meeting, how will they be notified as to which direction the Board should take in this matter.

DAG Jacob advised the Board to take a position today and anticipate the changes.

Ms. Bhanot indicated that in general, there must be a justified need to schedule another Board meeting.

Discussion followed. DAG Jacob will look into the matter to confirm the Board is complying with the sunshine law.

Correspondence:

A. January 24, 2014 email from the National Board of Chiropractic Examiners Re: NBCE Mails Practice Analysis Survey.

For the Boards information, Dr. Klein informed members that NBCE randomly selected 10,000 chiropractic practitioners throughout the United States to receive surveys in the mail. The results from the survey will be used to produce the **Practice Analysis of Chiropractic 2015**.

B. January 26, 2014 email from Dr. Bruce Abelson Re: Chiropractic Teleradiology.

The Board reviewed the email dated January 26, 2014 from Dr. Abelson, Chairman and CEO of Radiology Professionals, Inc. ("RPI") which asks: 1. "Is RPI allowed to receive chiropractic teleradiographic (digital) images without a license in your state?"; and 2. "Are there any special rules or regulations that RPI would need to know about before acquiring images from referring doctors?".

Discussion followed. After due consideration of the information received, the Board determined it would discuss this matter further at its next Board meeting.

C. February 13, 2014 email from American Chiropractic Association Re: Week in Review (Feb. 13, 2014): CMS Extends 2013 Medicare EHR Attestation Deadline.

Dr. Klein informed members that the Centers for Medicare and Medicaid Services (CMS) has extended the deadline for eligible professionals to attest to meaningful use for the Medicare Electronic Health Record (EHR) Incentive Program 2013 reporting to March 31, 2014. The extension will allow more time for providers to submit their meaningful use data and receive an incentive payment for the 2013 program year, as well as to avoid the 2015 payment adjustment.

Continuing Education ("CE"):

A. February 10, 2014 letter from P. Diane Lalla Re: HI 14-032

Executive Officer Bhanot informed the Board Index No. HI 14-032 was approved for 47 hours out of 51 hours at the January 23, 2014 Board meeting.

The Board received a letter dated February 10, 2014 from P. Diane Lalla requesting to reconsider the denial of two continuing education courses for two hours each. The courses pertained to Acupuncture, specifically the courses titled "Acupuncture/Meridian Therapy – Acupuncture and Chronic Conditions" and "Chiropractic Practice and the Use of Acupuncture/Meridian Therapy".

The Board does not regulate the practice of acupuncture and the contents of these courses are not in compliance with the qualifications for continuing education credit found in Hawaii Administrative Rules ("HAR") § 16-76-39.

The regulation of acupuncture is governed by the Board of Acupuncture, Hawaii Revised Statutes ("HRS") 436E. Pursuant to HRS § 436E-2, the practice of acupuncture is defined as follows:

"Practice of acupuncture" means stimulation of a certain acupuncture point or points on the human body for the purpose of controlling and regulating the flow and balance of energy in the body. The practice includes the techniques of piercing the skin by inserting needles and point stimulation by the use of acupressure, electrical, mechanical, thermal, or traditional therapeutic means.

The Board informed Dr. Lalla of the qualifications for chiropractic continuing education credit as defined in the HAR § 16-76-39, which states:

Qualifications for continuing education credit. (a) The primary consideration in determining whether or not a specific program qualifies as acceptable continuing education is that it be a formal program of learning which will contribute directly to the professional competence of a licensee in public practice. It is, therefore, left to the individual licensee to determine the course of study to be pursued within the guidelines established by this chapter. However practice-building seminars shall NOT be approved.

(b) Each seminar approved by the board must present subject material directly related to the concepts of chiropractic principles and practice, including diagnostic procedures, patient care, and patient management. The board recommends special attention be given to the following:

(1) Principles of practice of chiropractic including, but not limited to:

- (A) Chiropractic treatment and adjustment technique, including physiotherapy, nutrition, and dietetics; and
- (B) Physical, laboratory, orthopedic, neurological, and differential examination and diagnosis or analysis; and

(2) Radiographic technique and interpretation involving all phases of roentgenology as permitted by law.

(c) The board shall consider for approval the application of any continuing education program which conforms to the above criteria.

Based on the above definition of the practice of acupuncture, and the criteria set forth in HAR § 16-76-39, the Board's approval for 47 of 51 hours remains unchanged. Although, Dr. Lalla mentioned, the courses were approved for 2013 under a slightly different title, it is the Board's opinion moving forward that these courses do not meet the qualifications required by law.

Continuing
Education ("CE"):

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

See attached list(s).

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

Index No. HI 14-077
Index No. HI 14-081 – HI 14-087
Index No. HI 14-089 – HI 14-093
Index No. HI 14-095
Index No. HI 14-097 – HI 14-098
Index No. HI 14-101
Index No. HI 14-103 – HI 14-108
Index No. HI 14-110 – HI 14-113
Index No. HI 14-115

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, 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 14-079, 19 hours out of 21.50 hours requested
Index No. HI 14-094, 19 hours out of 22.00 hours requested
Index No. HI 14-096, 11 hours out of 12.00 hours requested
Index No. HI 14-114, 18 hours out of 18.50 hours requested
Index No. HI 14-116, 19 hours out of 20 hours requested

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, 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, HAR:

Index No. HI 14-078, 44 hours offered/17 hours may be earned
out of 49 hours offered/20 hours may be earned
Index No. HI 14-080, 7 hours out of 24 hours requested
Index No. HI 14-099, 95 hours offered/27 hours may be earned
out of 99 hours requested

Index No. HI 14-100, 33 hours offered/25 hours may be earned
out of 35 hours requested
Index No. HI 14-102, 11 hours out of 12 hours requested
Index No. HI 14-109, 64 hours offered/22 hours may be earned
out of 66 hours offered/22 hours requested

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, and
unanimously carried to deny the following CE course in that it does
not comply with the provisions of Chapter 76, Subchapter 6, Hawaii
Administrative Rules.

Index No. HI 14-088, "AcuPractice 201-220"

Ratification of CE Re-registrations Pre-approved by the Executive
Officer

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

Index No. HI 13-079 R14
Index No. HI 13-080 R14

C. Other CE Courses - None

Next Meeting: Thursday, May 1, 2014
9:00 a.m.
King Kalakaua Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Adjournment: There being no further business to discuss, the meeting adjourned
at 10:40 a.m.

Taken and recorded by:

/s/Wilma Balon

Wilma Balon, Secretary

Reviewed and approved by:

/s/Lynn R. Bhanot

Lynn R. Bhanot, Executive Officer

LRB:wb
3/14

() Minutes approved as is.

(X) Minutes approved with changes; see minutes of May 1, 2014.

**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 14-077 | Posture Practice 2014 | 5/3-4/14, Bozeman, MT | Logan University | 12 | 3/6/2014 |
| HI 14-078 | Palmer College Homecoming FL - 2014 | 2/28-3/2/14, Port Orange, FL | Palmer College of Chiropractic | 44 hours offered/17 hours may be earned | 3/6/2014 |
| HI 14-079 | Cardiometabolic Advanced Practice Module | 3/28-30/14, Bloomington, MN | Northwestern Health Sciences University | 19 | 3/6/2014 |
| HI 14-080 | Coding, Compliance & Documentation in the Chiropractic Practice | 3/08/14, Los Angeles, CA; 3/15/14, San Francisco, CA; 04/12/14, Los Angeles, CA | National University of Health Sciences | 7 | 3/6/2014 |
| HI 14-081 | Neuroendocrine Immunology of Environmental Triggers | 3/22/14, San Francisco CA | University of Bridgeport | 8 | 3/6/2014 |
| HI 14-082 | Putting it all together: Evaluation, Taping, MFR, and TherEx for Common Lower Extremity Injuries | Start: 3/9/14, Online | National University of Health Sciences | 24 | 3/6/2014 |
| HI 14-083 | NUCCA Spring Conference | 4/24-26/14, Minneapolis, MN | Life Chiropractic College West | 40 hours available/18 hours may be earned | 3/6/2014 |
| HI 14-084 | Biomechanics 201-220 | Online | University of Bridgeport | 25 | 3/6/2014 |
| HI 14-085 | Coding and Documentation 201-204 | Online | University of Bridgeport | 12 | 3/6/2014 |
| HI 14-086 | Nutrition 220-223 | Online | University of Bridgeport | 12 | 3/6/2014 |
| HI 14-087 | Research Reviews 101-117 | Online | University of Bridgeport | 17 | 3/6/2014 |
| HI 14-088 | AcuPractice 201-220 DENIED | Online | University of Bridgeport | DENIED | 3/6/2014 |
| HI 14-089 | Grand Rounds 201-208 | Online | University of Bridgeport | 24 | 3/6/2014 |
| HI 14-090 | Chiropractic & Pregnancy 201-209 | Online | University of Bridgeport | 12 | 3/6/2014 |

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

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|-----------|---|--|---|---|----------|
| HI 14-091 | Neurology 201-205 | Online | University of Bridgeport | 108 | 3/6/2014 |
| HI 14-092 | Posture Practice 2014 | 4/10-13/14, Chesterfield, MO | Logan University | 24 | 3/6/2014 |
| HI 14-093 | The Gluten, Leaky Gut, and Autoimmune Connection | 6/21/14, San Francisco, CA | University of Bridgeport | 8 | 3/6/2014 |
| HI 14-094 | ACCO Annual Convention - Orthopedic Essentials 2014 | 4/24-26/14, Orlando, FL | Southern California University of Health Sciences | 19 | 3/6/2014 |
| HI 14-095 | Better Together | 5/16-18/14, Denver, CO | Texas College Of Chiropractic | 16 | 3/6/2014 |
| HI 14-096 | Light Up Your Practice | 4/12-13/14, Orange, CA | Northwestern Health Sciences University | 11 | 3/6/2014 |
| HI 14-097 | Mastering the Thyroid | 7/18-20/14, Portland, OR; 8/1-3/14, Irvine, CA; 9/12-14/14, Dallas, CA | University of Bridgeport | 20 | 3/6/2014 |
| HI 14-098 | Fundamentals of Functional Blood Chemistry | 5/17-18/14, Raleigh, NC; 5/17-18/14, LA CA; 6/7-8/14, Irvine CA, 6/14-15/14, NY, NY; 6/28-30/14, Atlanta, GA; 9/20-21/14, Portland, OR | University of Bridgeport | 16 | 3/6/2014 |
| HI 14-099 | FCA Spring Convention and Exposition 2014 | 4/10-13/14, Jacksonville, FL | Texas College Of Chiropractic | 95 hours offered/27 hours may be earned | 3/6/2014 |
| HI 14-100 | Florida Chiropractic Society Seminar | 3/21-23/14, Ft. Lauderdale FL | Sherman College of Chiropractic | 33 hours offered/25 hours may be earned | 3/6/2014 |
| HI 14-101 | Gonstead Technique | 3/28-29/14, Atlanta, GA; 5/10-11/14, Palm Springs | Palmer College of Chiropractic | 15 | 3/6/2014 |
| HI 14-102 | Coding, Compliance & Documentation in the Chiropractic Practice | 4/12-13/14, Los Angeles, CA | National University of Health Sciences | 11 | 3/6/2014 |
| HI 14-103 | Mastering Brain Chemistry | 4/25-27/14, Fort Lauderdale, FL; 5/2-4/14, Tampa, FL; 7/25-27/14, Houston, TX; 9/19-21/14, Los Angeles, CA | University of Bridgeport | 22 | 3/6/2014 |
| HI 14-104 | MAC Spring 2014 Convention | 5/2-4/14, Acme, MI | Michigan Association of Chiropractors | 67 hours offered/16 hours maximum | 3/6/2014 |

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**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 14-105 | Whiplash Injury Biomechanics and Traumatology 2014 | Various in 2014 | Southern California University of Health Sciences | 60 hours offered/12 hours per module | 3/6/2014 |
| HI 14-106 | Functional Diagnostic Medicine Training Program 2014 | 1/1-12/31/14, Distance Learning | Southern California University of Health Sciences | 200 | 3/6/2014 |
| HI 14-107 | 2014 ChiropracticSports Sciences Symposium | 4/24-27/14, Orlando FL. | Palmer College of Chiropractic | 25 | 3/6/2014 |
| HI 14-108 | Gonstead Technique | 4/25-26/14, Chicago, IL; 7/18-19/14, Davenport, IA; 9/19-20/14, Mt. Horeb, WI; 11/7-8/14, Chicago, IL | Palmer College of Chiropractic | 18 | 3/6/2014 |
| HI 14-109 | Lyceum 2014 - Fuel the Vision: Adjusting the World for a Better Future | 5/1-3/14, Spartanburg, SC | Sherman College of Chiropractic | 64 hours offered/22 hours may be earned | 3/6/2014 |
| HI 14-110 | Online: X-Ray Quality & Safety | Internet Based Activity; available 14/7 online | Parker University | 8 | 3/6/2014 |
| HI 14-111 | Online: Topics In Nutrition | Internet Based Activity; available 14/7 online | Parker University | 8 | 3/6/2014 |
| HI 14-112 | Online: Introduction to MRI | Internet Based Activity; available 14/7 online | Parker University | 3 | 3/6/2014 |
| HI 14-113 | Online: Digital Radiography Decision Making | Internet Based Activity; available 14/7 online | Parker University | 1 | 3/6/2014 |
| HI 14-114 | Online: Radiology Search & Rescue | Internet Based Activity; available 14/7 online | Parker University | 18 | 3/6/2014 |
| HI 14-115 | Health Source Super Camp 2014 | 5/2-4/14, Dallas, TX | Parker University & HealthSource | 10 | 3/6/2014 |
| HI 14-116 | Institute for Functional Medicine's Annual Conference | 5/29-31/14, San Francisco, CA | Northwestern Health Sciences University | 19 | 3/6/2014 |
| ↓ | <u>2014-2015 RE-REGISTRATIONS</u> ↓ | | | | |

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**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 13-079R14 | ICAC 2014-15 The Science, Art and Philosophy of Practice, with Adjustive Technique and X-Ray Certification | 3/14-16/14, Irvine, CA | International Chiropractors Association of California | 22 | 3/6/2014 |
| HI 13-080R14 | ICAC Diverse Seminar, 2014 - 2015 | 1/9/14, Irvine, CA; 1/18/14, Burbank, CA; 1/25/14, Milpitas, CA; 2/1/14, Sacramento CA; 2/1/14, Irvine, CA; 2/8/14, Milpitas, CA; 2/15/14, Burbank, CA; 2/22/14, Riverside, CA; 3/1/14, Milpitas, CA; 3/8/14, Thousand Oaks, CA; 3/14-16/14, Irvine, CA; 3/22/14, San Diego, CA; 3/29/14, Santa Ana, CA; 4/5/14, Woodland Hills, CA; 4/12/14, Milpitas, CA; 4/24/14, Sacramento, CA; 4/26/14, Irvine, CA; 5/3/14, Fresno CA; 5/10/14, Burbank, CA; 5/17/14, Milpitas, CA; 5/24/14, Santa Ana, CA; 5/31/14, Sunnyvale, CA; 6/7/14, Thousand Oakst, CA; 6/14/14, Irvine, CA; 6/21/14, Milpitas, CA; 6/28/14, Burbank, CA; 7/12/14, Burbank, CA; 7/19/14, Irvine, CA; 7/19/14, Sacramento, CA; 7/26/14, Milpitas, | International Chiropractors Association of California | 10 | 3/6/2014 |
| HI 13-080R14 | ICAC Diverse Seminar, 2014 - 2015 | Continuation.... CA; 8/2/14, Burbank, CA; 8/9/14, Santa Ana, CA; 8/16/14, Milpitas, CA; 8/23/14, Thousand Oaks, CA; 8/30/14, Irvine, CA; 9/6/14, Fresno, CA; 9/13/14, Milpitas, CA; 9/20/14, Sacramento, CA; 9/27/14, Burbank, CA; 10/4/14, Burbank, CA; 10/11/14, San Diego, CA; 10/18/14, Milpitas, CA; 10/25/14, Santa Ana, CA; 11/1/14, Burbank, CA; 11/8/14, Irvine, CA; 11/15/14, Milpitas, CA; 11/22/14, Thousand Oaks, CA; 12/6/14, South SF, CA; 12/13/14, Irvine, CA; 12/20/14, Burbank, CA | International Chiropractors Association of California | 10 | 3/6/2014 |