

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 February 2, 2017
- Time: 1:00 p.m.
- Place: Princess Likelike Conference Room
King Kalakaua Building, 3rd Floor
335 Merchant Street
Honolulu, Hawaii 96813
- Members Present: Jayne Tsuchiyama, D.A.O.M, D.Ac., Chairperson
Joni Kroll, Member, D.Ac., Vice-Chairperson
Mike Hashimoto, D.Ac., Member
Ellen Roos-Marr, Member
- Staff Present: Carol Kramer, Executive Officer
Ronni-Ann Bumgarner, Secretary
Rodney J. Tam, Esq., Deputy Attorney General (“DAG”)
- Absent: James Corcoran, Ph.D., Member
- Guest: Dr. Wai Low – Institute of Clinical Acupuncture and Oriental
Medicine, President
- Call to Order: There being a quorum established, Dr. Kroll called the meeting to order at 1:06 p.m. as Dr. Tsuchiyama was running late.
- Approval of the Minutes: It was moved by Ms. Roos-Marr, seconded by Dr. Hashimoto, and unanimously carried to approve the Board meeting minutes of December 1, 2016.
- Chair’s Report: Dr. Kroll announced that the agenda will be taken out of order and the Chair’s Report will be heard when Dr. Tsuchiyama arrives.
- New Business: Executive Officer Kramer reported on the following:
- 2017 Legislative Session:
- a. H.B. No. 77 – Relating to an Office of Administrative Hearings, Establishes a centralized office of administrative hearings to hear cases.

- b. H.B. No. 235/S.B. No. 399 – Relating to Health, Increases the authorized benefit for acupuncture treatments provided through motor vehicle insurance.

Dr. Kroll testified as an individual and reported that there was a lot of support for S.B. No. 399 and will be moving on to the next committee.

- c. H.B. No. 325/S.B. No. 478 – Relating to Government Records, Allows a member of a board to provide other members of the board any government record provided that no commitment relating to a vote on the matter is made or sought and no additional discussion other than a statement describing the record and the issue related to the government record is included in the transmittal.
- d. H.B. No. 350 – Relating to General Excise Tax Exemptions, Provides a general excise tax exemption for medical services.
- e. H.B. No. 952 – Relating to Public Meetings, Allows two or more members of the board to discuss selection of board officers.
- f. H.B. No. 1383/S.B. No.1209 – Relating to the Sunshine Law, Removes the limit on the number of board members allowed to have private discussions regarding the selection of the board's officers.
- g. S.B. No. 177 – Relating to Taxation, Exempts gross proceeds from the sale of certain medical services from the general excise tax.
- h. S.B. No. 860 – Relating to Public Agency Meetings, Allows two or more members of a board to discuss the selection of the board's officers.
- i. S.B. No. 1046 – Relating to Acupuncture, Increases the authorized benefit for acupuncture treatments provided through motor vehicle insurance.
- j. S.B. No. 726 – Relating to Health Care Practitioners, Requires health care providers to post and communicate their specific type of licensure.

Board members noted that the requirement to conspicuously communicate their specific licensure on a photo identification name tag was excessive for a private practice office. But understandable in a hospital or clinic setting.

- k. S.B. No. 738 – Relating to Health Care Practitioners, Requires specified health care practitioners to disclose their name, license, degree, and board certification.

Board agreed with the education disclosure requirements.

Applications: a. Ratifications

It was moved by Ms. Roos-Marr, seconded by Dr. Hashimoto, and unanimously carried to ratify the following list of licensee and intern permits that have been issued:

Acupuncturists

ACU 1187 CARTER, JAMES T
ACU 1188 MILLER, HEATHER S
ACU 1189 UEJO MARCHAND, KERI C
ACU 1190 BUTLER, FOLLY S
ACU 1191 KLAFT, ANN M
ACU 1192 HSU, EDWARD C
ACU 1193 MOTLIK, LUCIA
ACU 1194 STANFORD, RHIANNON M

Interns

391 KATER, GABRIELLE T
392 HO-LASTIMOSA, HEIDI I

Chapter 91, HRS,
Adjudicatory
Matters:

At 1:20 p.m., Dr. Kroll recessed the meeting to discuss the following adjudicatory matter, pursuant to Chapter 9, HRS:

At 1:20 p.m. Dr. Tsuchiyama arrived at the meeting.

In the Matter of the Application for an Acupuncture License of
IRVING MARCUS, Petitioner, ACU-LIC-2016-001 - Board's Final
Order

The Board reviewed the above Board's Final Order. After some discussion, it was moved by Dr. Tsuchiyama, seconded by Dr. Kroll, and unanimously carried to approve the Board's Final Order.

At 1:27 p.m., following the Board's review, deliberation, and decision on this matter pursuant to Chapter 91, HRS, Dr. Kroll announced that the Board was reconvening to its regular order of business.

Chair's Report:

None.

Old Business:

a. Proposed Rule Revisions, HAR Title 16, Chap. 72 Subchapters 9-11

At 2:50 p.m. DAG Tam was excused from the meeting.

Subchapter 9

§16-72-57 (c) Should read: "In order to continue to use the doctoral title, the licensee shall apply for the use of a professional degree title and shall provide proof to the board of meeting the academic standards of section 16-72-17."

Add these new sections pending further discussion:

- (d) A licensee who has been awarded a "Ph.D." in acupuncture or traditional Oriental medicine, or other research subjects shall be considered a non-practitioner academic title and shall be permitted to use the designation of "Ph.D." without append prefix "Dr." for engaging in acupuncture practice, attach with emphasis of the doctoral studies be disclosed that approved by the Board and shall append "L.Ac." in accordance with subsection 436E-13(b), HRS. [Eff and comp 10/26/00] (Auth: HRS §436E-7) (Imp: HRS §436E-13)
- (e) A licensee who has a non-practitioners doctorate includes honorary degree or titles in a field shall not use the title "Dr." or "doctor" in advertisements or other materials visible to the public pertaining to the acupuncture practice.
- (f) A licensee who holds a current and valid certification by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) may use designations provided with the title "L.Ac.", authorized and approved by the Board.

Subchapters 10, 11: no revisions

By consensus of the Board, they will review and revisit Subchapter 2 and the final draft of HAR Title 16, Chapter 72, Subchapters 1 – 11 at the next meeting.

Next Meeting:

Thursday, April 6, 2017
1:00 p.m.
Princess Likelike Conference Room
King Kalakaua Building, 3rd Floor
Honolulu, Hawaii 96813

Adjournment:

Dr. Kroll adjourned the meeting at 3:06 p.m.

Taken and recorded by:

/s/ Ronni-Ann Bumgarner

Ronni-Ann Bumgarner, Secretary

Reviewed and approved by:

/s/ Carol Kramer

Carol Kramer, Executive Officer

CK:rb
02/23/17

- Minutes approved as is.
- Minutes approved with changes. See Minutes of _____.