

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 5, 2016
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
James A. Pleiss, D.C., D.A.B.C.O., Vice-Chair
Kathleen T. Kang-Kaulupali, Pharm. D., Member
Lina M. Kikuta, Member
Lawrence A. Redmond, D.C.
Lynn Bhanot, Executive Officer (“EO”)
Daniel Jacob, Deputy Attorney General (“DAG”)
Wilma Balon, Secretary

Call to Order: There being a quorum present, the meeting was called to order by Dr. Klein at 9:20 a.m.

Additions/
Revisions: None.

Approval of
Meeting Minutes: Minutes of the March 3, 2016 Board Meeting

It was moved by Dr. Redmond, seconded by Dr. Pleiss, and unanimously carried to approve the minutes of the March 3, 2016 meeting as circulated.

Licensing: A. Ratifications of Issued License

1. FURUNO, Neil G.
2. ISHIYAMA, Daiki
3. MANION, Kaci T.
4. MARTINEZ, Matthew W.

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

Executive Session: At 9:22 a.m., it was moved by Dr. Pleiss, seconded by Dr. Redmond, 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.

MISENHEIMER, Kevin A.

At 10:30 a.m., it was moved by Dr. Pleiss, seconded by Dr. Redmond, and unanimously carried to return to open session. The room was reopened to the public.

B. Applications

1. MISENHEIMER, Kevin A.

The Board reviewed and considered all of the records and files of Dr. Misenheimer's application and information received from him as well as from other organizations.

After due consideration of the information received, it was moved by Dr. Redmond, seconded by Ms. Kang-Kaulupali, and unanimously carried to deny the application of Kevin A. Misenheimer, D.C. Accordingly, the Board considered Dr. Misenheimer's conduct constitutes violations of the following provisions of Hawaii law:

1. HRS section 442-9(a)(6) (false, fraudulent, or deceptive advertising);
2. HRS section 442-9(a) (12) (professional misconduct or gross carelessness or manifest incapability in the practice of chiropractic);
3. HRS section 436B-19(2) (engaging in false, fraudulent, or deceptive advertising, or making untruthful or improbable statements);
4. HRS section 436B-19(6) (aiding and abetting an unlicensed person to directly or indirectly perform activities requiring a license);
5. HRS section 436B-19(7) (professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of the licensed profession or vocation);

6. HRS section 436B-19(9) (conduct or practice contrary to recognized standards of ethics for the licensed profession or vocation);
7. HRS section 436B-19(13) (revocation suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws or this section);
8. HRS section 436B-19(16) (employing, utilizing, or attempting to employ or utilize at any time any person not licensed under the licensing laws where licensure is required);
9. HRS section 436B-19(17) (violating this chapter, the applicable licensing laws, or any rule or order of the licensing authority);
10. Hawaii Administrative Rules (“HAR”) section 16-76-56(b)(1) (gross negligence in the practice of chiropractic);
11. HAR section 16-75-56(b)(2) (repeated negligent acts in the practice of chiropractic);
12. HAR section 16-76-56(b)(17) (offering, delivering, receiving, or accepting of any rebate, refund, commission, preference, patronage, dividend, discount, or other consideration as compensation or inducement for referring patients to any person); and
13. HAR section 16-76-56(b)(22) (aiding or abetting an unlicensed person to practice chiropractic as defined in chapter 442-1, HRS).

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 Dr. Redmond, and unanimously carried to ratify the approval of the following CE courses:

Index No. HI 16-154 – HI 16-164

Index No. HI 16-169 – HI 16-171

Index No. HI 16-175 – HI 16-177

It was moved by Dr. Pleiss, 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 16-153, 2 hour out of 2.5 hours requested
Index No. HI 16-165, 25 hours offered/14 hours may be earned
out of 25.5 hours offered/14 hours requested
Index No. HI 16-166, 34 hours out of 34.25 hours requested
Index No. HI 16-172, 17 hours out of 17.25 hours requested
Index No. HI 16-173, 17 hours out of 17.75 hours requested
Index No. HI 16-174, 25 hours out of 30.5 hours requested
Index No. HI 16-178, 74 hours offered/27 hours may be earned
out of 78 hours requested

It was moved by Dr. Pleiss, 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 6, HAR:

Index No. HI 16-167, 34 hours offered/22 hours may be earned
out of 36 hours offered/24 hours requested
Index No. HI 16-168, 10 hours offered/12 hours requested
Index No. HI 16-178, 74 hours offered/27 hours may be earned
out of 78 hours requested

Next Meeting:

Thursday, July 7, 2016
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 10:41 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

05/16

- Minutes approved as is.
- Minutes approved with changes; see minutes of _____.