

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, November 3, 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

Guest: Lei Fukumura, Special Deputy Attorney General (“SDAG”)

Call to Order: There being a quorum present, the meeting was called to order by Dr. Klein at 9:09 a.m.

Additions/
Revisions: None.

Approval of
Meeting Minutes: Minutes of the September 1, 2016 Board Meeting

It was moved by Dr. Redmond, seconded by Dr. Pleiss, and unanimously carried to approve the minutes of the September 1, 2016 meeting as circulated.

Adjudicatory
Matters: Dr. Klein called for a recess from the meeting at 9:13 p.m. to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, HRS.

- a. In the Matter of the License to Practice Chiropractic of Matthew P. Tuttle, D. C.; CHI 2015-8-L

Ms. Kang-Kaulupali entered the meeting room at 9:25 a.m.

After a lengthy discussion, it was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to reject the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Following the Board's review, deliberation and decision in this matter pursuant to Chapter 91, HRS, Dr. Klein announced that the Board reconvene to its regular Chapter 92, HRS, meeting at 9:45 p.m.

Licensing:

A. Ratifications of Issued License

1. BELL, Madison A.
2. CURTIS, Jonathan R.
3. DABALOS, Norman
4. HARTWELL, Ross
5. JOHNSON, Kory J.
6. LUNCEFORD, Glenn W.
7. POPPAS, Carastona K.

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 9:48 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.

ANGOVE, Bryan D.

At 10:08 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. ANGOVE, Bryan D.

After due consideration of the information received, it was moved by Dr. Pleiss, seconded by Dr. Redmond, and carried by majority, with Ms. Kang-Kaulupali opposing to approve the application of Bryan D. Angove, D.C.

New Business: A. 2017 Board Meeting Schedule

The 2017 Board meeting schedule was included in the Board packet for this meeting. The Board is scheduled to hold meetings on:

Thursday, January 26, 2017
Thursday, March 2, 2017
Thursday, May 4, 2017
Thursday, July 6, 2017
Thursday, September 7, 2017
Thursday, November 2, 2017

Executive Officer Bhanot informed the Board that the January 2017 Board meeting is scheduled later than usual because the Legislation Session is scheduled to start early January. Additionally, Ms. Bhanot informed members that the September 7, 2017 Board meeting will be held in the Princess Likelike Conference Room.

Correspondence: A. October 17, 2016 email from Shelly Kasprick, D.C.
Re: Sports Physicals

The Board reviewed and discussed the email dated October 17, 2016 from Shelly Kasprick, D.C.

Dr. Kasprick's email asks "Can chiropractors in Hawaii performs school sports physicals?"

After due consideration, the Board reference the Hawaii Revised Statutes (HRS) Chapter 442 and Hawaii Administrative Rules (HAR) Chapter 76 do not specifically address performing school sports physicals.

Additionally, the Board referred to HRS §442-1 and HAR §16-76-25 and §16-76-26(2) for the scope of practice of chiropractic and minimal acceptable clinical competencies necessary to the practice of chiropractic.

Dr. Kasprick's email also asked "Does the license encompass the definition of "physician"?" The Board references the following citation to the HRS which set forth the title for Chiropractor licensees.

§442-19 Violations, penalty. Any person who practices or attempts to practice chiropractic, or any person who buys, sells, or fraudulently obtains a license to practice chiropractic, whether recorded or not, or who uses the title "chiropractor" or "D.C.", or any word or title to induce, or tending to induce belief that the person is engaged in the practice of chiropractic, without first complying with this chapter; or any licensee under this chapter

who uses the word "doctor" or the prefix "Dr." without the word "chiropractor" or "D.C." immediately following the licensee's name, or uses the letters "M.D." or the words "doctor of medicine", or the term "surgeon", or the term "physician", or the word "osteopath", or the letters "D.O.", or any other letters, prefixes, or suffixes, the use of which would indicate that the licensee is practicing a profession for which the licensee holds no license from the State, or any person who violates any of the provisions of this chapter, shall be fined not more than \$1,000, or imprisoned not more than ninety days, or both.

Lastly, in accordance with Hawaii Administrative Rules section 16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and thus, is not to be viewed as binding on the Board.

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 16-210
Index No. HI 16-212 – HI 16-213
Index No. HI 16-215
Index No. HI 16-217 – HI 16-221
Index No. HI 17-001 – HI 17-003

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 16-211, 90 hours offered/22 hours may be earned out of 90 hours offered/22.50 hours requested

Index No. HI 16-214, 30 hours offered/17 hours may be earned out of 35 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 16-214, 30 hours offered/17 hours may be earned
out of 35 hours requested

Index No. HI 16-216, 84 hours offered/28 hours may be earned
out of 88 hours requested

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

Index No. HI 16-021 R17

B. Other CE Courses

Next Meeting: Thursday, January 26, 2017
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 10:36 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

11/16

(X) Minutes approved as is.

() Minutes approved with changes; see minutes of _____.

**CHIROPRACTIC CONTINUING EDUCATION
2016-2017
ALL COURSES EXPIRE ON DECEMBER 31, 2017 UNLESS OTHERWISE NOTED**

Index No.	Program Title	Dates - Locations	Sponsor	Hours	Approved
HI 16-210	ChiroPlan Hawaii, Inc. 2016 Annual Conference	10/22-23/16, Honolulu, HI	ChiroPlan Hawaii, Inc.	10	11/3/2016
HI 16-211	Sacro Occipital Research Society, International Homecoming 2016	10/20-22/16, Denver, CO	Palmer College of Chiropractic	90 hours offered/22 hours may be earned	11/3/2016
HI 16-212	2016 ICA Annual Conference on Chiropractic & Pediatrics	12/9-11/16, Maui, HI	Palmer College of Chiropractic	21 hours offered/18 hours may be earned	11/3/2016
HI 16-213	Frequency Specific Microcurrent	11/10-12/16, Bloomington, MN	Northwestern Health Sciences University	24	11/3/2016
HI 16-214	SCU Integrative Health Conference	9/23-25/16, Whittier, CA	Southern California University of Health Sciences	30 hours offered/17 hours may be earned	11/3/2016
HI 16-215	Morphogenic Field Technique - An Herbal Approach	12/3/16, Redmond, WA	Texas Chiropractic College	8	11/3/2016
HI 16-216	FCA SW Regional Convention & Exposition 2016	11/17-20/16, Naples, FL	Florida Chiropractic Association	84 hours offered/28 hours may be earned	11/3/2016
HI 16-217	Primary Spine Care Symposium	11/5-6/16, Webinar	Texas Chiropractic College	12	11/3/2016
HI 16-218	Pediatric Health Care	Online at www.TheWiseDC.com	The Wise DC, Inc.	10	11/3/2016
HI 16-219	Current Trends in Chiropractic Practice and Treatment	Online at www.TheWiseDC.com	The Wise DC, Inc.	10	11/3/2016
HI 16-220	Nutrition to Support Foundation, Digestion, GI Disorders and Musculoskeletal Health	12/3/16, Honolulu, HI	Standard Process NW	8	11/3/2016
HI 16-221	Active Release Technique Upper Extremity Level II	9/30/16-10/3/16, Kona, HI	New York Chiropractic College	24	11/3/2016
HI 17-001	2017 Nutri-West Symposium	1/27-29/17, Phoenix, AZ	Logan University	23	11/3/2016
HI 17-002	Neurofunctional Development & Chronic Health Disorders: Evaluation & Management for Chiropractic Minds	3/4-5/2017, LCCW, Hayward, CA	Life Chiropractic College West	12	11/3/2016

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

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Index No.	Program Title	Dates - Locations	Sponsor	Hours	Approved
HI 17-003	Whiplash and Spinal Trauma	1/21-22/17, 7/29-30/17, 11/11-12/17, Hayward, San Diego, Roseville, CA	Life Chiropractic College West	12	11/3/2016
	<u>2016-2017 RE-REGISTRATIONS</u> ↓				
HI 16-021R17	Case Management	1/28-29/17, Parkview, IA	Logan College of Chiropractic	12	11/3/2016