

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, April 12, 2018
- 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
Krishna Jayaram, Esq., Deputy Attorney General (“DAG”)
Kellie Teraoka, Secretary Supervisor
Jessica Mullin, Secretary
- Excused: James Corcoran, Ph.D., Member
- Guest: Dr. Wai Low, President of the Institute for Clinical Acupuncture and Oriental Medicine
- Call to Order: There being a quorum established, Dr. Tsuchiyama called the meeting to order at 12:59 p.m.
- Approval of the Minutes: Dr. Hashimoto requested that the rules portion of the minutes be in Ramseyer format. It was moved by Dr. Kroll, seconded by Dr. Hashimoto, and unanimously carried to approve the Board meeting minutes of February 15, 2018.
- Executive Officers Report:
- a. Upon the Chair’s request from last meeting, Ms. Kramer compiled the Board’s proposed revisions to date. Dr. Tsuchiyama moved to proceed where it was left off from the last meeting.
 - b. Executive Officer Kramer introduced guest, Dr. Wai Low.
- Applications:
- a. Ratifications

It was moved by Dr. Kroll, seconded by Dr. Tsuchiyama, and unanimously carried to ratify the following list of licensees that have been issued:

Acupuncturists

ACU 1231 ANTONIO J PROVENCIO
ACU 1232 NOHEA P MARLOW
ACU 1233 YAN PENG
ACU 1234 ELLEN M HAUSCHILD

Interns

419 APRIL E JOHNSTON

b. Eri Kimura

Board members reviewed the application and supporting documents submitted by applicant.

At 1:12 p.m., it was moved by Dr. Kroll, seconded by Dr. Tsuchiyama, and unanimously carried to enter into Executive Session to consider and evaluate personal information relating to the individual applying for licensure in accordance with Chapter 92-5(a) (1), and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with Chapter 92-5(a) (4), Hawaii Revised Statutes.

At 1:21 p.m., it was moved by Dr. Kroll, seconded by Dr. Tsuchiyama, and unanimously carried to return to the Board's order of business.

After discussion, it was moved by Dr. Tsuchiyama, seconded by Ms. Roos-Marr and unanimously carried to deny the examination and license application of Eri Kimura on the basis of §436E-5(d), HRS, in that the applicant did not furnish satisfactory proof to the board that the applicant had completed a formal acupuncture program at least equivalent to that of a U.S. accredited acupuncture program.

Old Business:

a. Cupping

The Board revisited the definition of cupping and whether it should be done by acupuncturists only. The Massage Therapy Board also reviewed this modality. Per the Massage Therapy Board, the scope of massage therapy is treatment of the soft parts of the body. Thus, this Board determined that dry cupping would be within the scope of a licensed massage therapist, if the skin is not broken. The Board of Acupuncture concurs.

Dr. Kroll suggested writing a letter to the other Boards advising them to further define in their scope of practice and on the specifics of cupping

training in their fields.

Further discussion continued on how to properly disinfect the cups. The Board decided to revisit that definition of its scope and clarify that the cups must be disinfected and that the practitioners will be formerly trained in this.

b. Proposed Rule Revisions, HAR Title 16, Chap. 72 Subchapters 5 & 6

The Board discussed and revised Subchapters below (crossed-out material is to be deleted; underlined material is to be added):

Subchapter 5 Application for License

§16-72-20 Applications. (a) Every person seeking a license to practice acupuncture and/or Oriental Medicine or wishing to use any acupuncture title in ~~the~~ this State shall file an application on a form provided by the Board. All applications shall be completed in English and shall be accompanied by the following:

- (1) The application fee as provided in rules adopted by the director in accordance with chapter 91, HRS; ~~and payable in the form of a~~ personal check, ~~a~~ cashier's check, or ~~a~~ postal money order;

§16-72-20.1 Application for an acupuncture intern permit. (a) An application for a permit to work for a period of four years as an acupuncture intern under the direct supervision of a Hawaii licensed acupuncture practitioner may be filed with the board at any time and shall be accompanied by the required fee. The board may delegate to the board's executive officer the authority to issue an acupuncture intern permit to qualified applicants.

(b) An applicant shall provide verification of the following to the board:

(3) The name and license number of the supervising acupuncture practitioner; ~~provided that effective September 1, 2000, the applicant shall also provide the name of the approved school through which the clinical training is being obtained.]~~

(c) An acupuncture intern permit may be reissued only once for a period not to exceed one year, upon written request to the board no less than forty five days prior to expiry and payment of the required fee. [Eff and comp 10/26/00] (Auth: HRS §436E-7) (Imp: HRS §436E-3.6)

§16-72-23 Verification of education and training. ~~[(a) For an applicant applying before September 1, 2000, the following documents shall be submitted as proof of the education and training of the applicant, provided the requirements of subsection 16-72-14(a) or (b) are met, as applicable:~~

- (1) ~~Verification of academic or educational study and training at an approved school consisting of:~~
 - (A) ~~A certified transcript received by the board directly from an approved school and a photostatic copy of the diploma, certificate, or other certified documents from an approved school bearing an official school seal~~

~~evidencing completion of a program in acupuncture or traditional Oriental medicine which includes acupuncture, and also a copy of the curriculum demonstrating the areas of study taken at an approved school; or~~

- ~~(B) If the school no longer exists or if the school's records have been destroyed for some plausible reason, applicant may submit a sworn affidavit so stating and shall name the school, its address, dates of enrollment and curriculum completed, and the board, in its discretion, may request the applicant also to provide verification from the appropriate governmental authority or an agency recognized by a governmental authority regarding the school's closing or of the unavailability of the school's records, and such other information and documents as the board may deem necessary; and~~
- ~~(C) A statement from the accrediting agency or appropriate governmental authority that the school is accredited or is a candidate for accreditation by an acupuncture accrediting agency recognized by the United States Department of Education, or that the school is licensed, approved, or accredited by the appropriate governmental authority or an agency recognized by a governmental authority in that jurisdiction, state, or country.~~

~~(2) Verification of clinical training consisting of:~~

- ~~(A) The name(s) of the licensed acupuncture practitioner(s) under whom the applicant served for the clinical training, the practitioner's license number, a verification of practitioner's dates of licensure, street address of business, the number of hours, dates, and length of training completed by the applicant, and a description of training received by the applicant; and~~
- ~~(B) A certification signed by the acupuncture practitioner under oath that applicant completed a course of clinical training under the practitioner's direction as required in paragraph 16-72-14(a)(3) or in paragraph 16-72-14(b)(2), as applicable; or~~
- ~~(C) If the practitioner is deceased or whereabouts not known, the applicant _____ shall so state and shall submit a sworn affidavit certifying to the applicant's completion of clinical training and other documents as the board may deem necessary.~~

~~(b) For applicants applying on or after September 1, 2000, t] The following documents shall be submitted as proof of the education and clinical training of the applicant at an approved school provided they meet the requirements of paragraph 1672-14(c):~~

- ~~(1) A certified transcript received directly from an approved school and a [photostatic] copy of diploma, certificate, or other certified documents from an approved school bearing an official school seal evidencing completion of a program in acupuncture or traditional Oriental medicine, which includes acupuncture, and also a copy of the curriculum demonstrating the areas of study taken at an approved school; or~~
- ~~(2) If the school no longer exists or if the school's records have been destroyed for some plausible reason, the applicant may submit a sworn affidavit so stating and shall name the school, its address, dates of enrollment and curriculum completed and shall also provide verification, from the acupuncture accrediting agency~~

recognized by the United States Department of Education*, or in the case of a foreign school, verification from the appropriate governmental authority or an agency recognized by a governmental authority, of the school's closing or of the unavailability of the school's records, and such other information and documents as the board may deem necessary; and

- (3) A statement from the accrediting agency or appropriate educational governmental authority that the school is accredited or is a candidate for accreditation by an acupuncture accrediting agency recognized by the United States Department of Education*, or in the case of a foreign school, that the school is licensed, approved, or accredited by the appropriate educational governmental authority or an agency recognized by a governmental authority in that country. [Eff 9/12/76; am and ren §16-72-23, 6/22/81; am and comp 12/30/82; am and comp 11/20/86; am and comp 11/25/88; am and comp 10/26/00] (Auth: HRS §§436E-5, 436E-7) (Imp: HRS §436E-5)

*Carol will research the Hawaii Post-Secondary Education Agency equivalent for all states.

§16-72-25 Documents in foreign language. All documents submitted in a foreign language shall be accompanied by an accurate translation in English. Each translated document shall bear the affidavit of the translator certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original, and sworn to before a notary public. Translation of any document and any other expenses relative to a person's application shall be at the expense of the applicant. [Eff 3/12/76; am and ren §16-72-25, 6/22/81; am and comp 12/30/82; comp 11/20/86; comp 11/25/88; comp 10/26/00] (Auth: HRS §§436E-5, 436E-7) (Imp: HRS §436E-5)

§16-72-26 Sufficiency of documents. In all cases the board's decision as to the sufficiency of documentation shall be final. The board may request further proof of qualification and may also require a personal interview with the applicant to establish the applicant's qualification. [Eff 3/12/76; am and ren §16-72-26, 6/22/81; am and comp 12/30/82; comp 11/20/86; comp 11/25/88; comp 10/26/00] (Auth: HRS §436E-7) (Imp: HRS §436E-5)

§16-72-27 ~~Deadline for filing application for a license. The application for a license together with the accompanying documents shall be filed at least seventy-five days before the date of the examination.~~ [Eff 3/12/76; am and ren §16-72-27, 6/22/81; am and comp 12/30/82; am and comp 11/20/86; am and comp 11/25/88; am and comp 10/26/00] (Auth: HRS §§436E-5, 436E-7) (Imp: HRS §§436E-5, 436E-7)]

§16-72-28 Demand for hearing. Any person aggrieved by the denial or refusal of the board to issue, renew, restore, or reinstate a license, or by the denial or refusal of the board to permit the use of an academic designation shall submit a request for a contested case hearing pursuant to chapter 91, HRS, and Hawaii Administrative Rules ("HAR"), chapter 16-201, the rules of practice and procedure, within sixty days of the date of the refusal or denial. Appeal to the circuit court under section 91-14, HRS, or any other applicable statute, may only be taken from the board's final order. [Eff 3/12/76; am and ren §16-72-28, 6/22/81; am and comp 12/30/82; am and comp 11/20/86; comp 11/25/88; am and comp 10/26/00] (Auth: HRS §§436B-24, 436E-7) (Imp: HRS §§436B-24, 436B-25, 436E-7)

Subchapter 6 Examinations

§16-72-33 Examination. (a) ~~[Effective ———]~~ Any applicant graduating before 2020 shall pass three modules – Point Location, Foundations of Oriental Medicine and Biomedicine of the National Certification Commission for Acupuncture and Oriental Medicine’s (NCCAOM) or its successor testing agency. Every applicant applying for a license to practice as an acupuncturist after 2020 shall pass all four modules – Point Location, Foundations of Oriental Medicine, Biomedicine and Chinese Herbology of the NCCAOM or its successor testing agency and obtain a Clean Needle Technique certification from the Council of Colleges of Acupuncture and Oriental Medicine (CCAOM). ~~[written comprehensive examination or such other written examination as the board may determine.]~~

(b) The examination shall be consistent with the practical and theoretical requirements of acupuncture practice as provided by chapter 436E, HRS, and this chapter. The examination shall stand on its own merits. An applicant shall pass the examination before the applicant can be licensed to practice acupuncture.

(c) The board may contract with an independent testing agency ~~[contractor]~~ to administer ~~[provide]~~ an examination for the board.

(d) Applicants with disabilities may be afforded special testing arrangements and accommodations provided proper application is made on a form supplied by the board and provided further that they qualify for such arrangements as determined by the board or its designee. [Eff 3/12/76; am and ren §16-72-33, 6/22/81; am and comp 12/30/82; am and comp 11/20/86; comp 11/25/88; am and comp 10/26/00] (Auth: HRS §§436E-5, 436E-7) (Imp: HRS §§436E-5, 436E-7)

§16-72-34 Frequency. Examinations shall be administered ~~[conducted]~~ at least once a year. [Eff 3/12/76; am and ren §16-72-34, 6/22/81; comp 12/30/82; am and comp 11/20/86; comp 11/25/88; comp 10/26/00] (Auth: HRS §436E-7) (Imp: HRS §436E-7)

Next Meeting: Thursday, June 7, 2018
1:00 p.m.
Princess Likelike Conference Room
King Kalakaua Building, 3rd Floor
Honolulu, Hawaii 96813

Adjournment: Dr. Tsuchiyama adjourned the meeting at 3:04 p.m.

Taken and recorded by:

/s/Jessica Mullin

Jessica Mullin, Secretary

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Reviewed and approved by:

/s/Carol Kramer

Carol Kramer, Executive Officer

CK:jm
04/13/18

- Minutes approved as is.
- Minutes approved with changes. See Minutes of June 7, 2018.