

HAWAII BOARD OF CHIROPRACTIC
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 1, 2018

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
Lawrence A. Redmond, D.C., Member
Kathleen T. Kang-Kaulupali, Pharm. D., Member
Alan Taniguchi, Executive Officer ("EO")
Risé Doi, Executive Officer ("EO")
Daniel Jacob, Deputy Attorney General ("DAG")
Susan Reyes, Secretary

Excused: None.

Guest: Ahlani Quiogue, Acting Supervising Executive Officer ("ASEO")

Call to Order: There being a quorum present, the meeting was called to order by Dr. Klein at 9:35 a.m.

Approval of Minutes of the September 6, 2018 Board Meeting

Meeting Minutes:

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to approve the minutes of the September 6, 2018 meeting with the following amendments:

Under New Business, first paragraph, first sentence should read as:

Chair Klein briefed the Board that if a doctor is licensed in another state and practicing in that state, when receiving data from Hawaii and rendering their opinion, they are **not** practicing here in Hawaii.

Under New Business, second paragraph should read as:

DAG Jacob said the way that this question should be interpreted is whether it is unlicensed practice for someone to come in and

send/receive teleradiology in Hawaii and they are not licensed in Hawaii.

Chapter 91, HRS,
Adjudicatory
Matters:

Chair Klein called for a recess from the meeting at 9:40 a.m. to discuss and deliberate on the following adjudicatory matter 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

After discussion, it was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to adopt the Hearings Officer's Findings of Fact, Conclusions of Law and Final Order.

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

Executive Session:

At 9:46 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.

At 9:50 a.m., it was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to return to open session. The room was reopened to the public.

Licensing:

A. Application(s):

(i) Scott Deane

The Board reviewed and considered the records of Dr. Deane.

After due consideration of the information received, it was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to approve the application of Dr. Deane.

B. Ratification of Issued License(s)

- (i) Jordan Mackner
- (ii) Cassandra Fabiano
- (iii) Michael Keller

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

Continuing
Education ("CE"):

A. Ratification of CE Courses – New Applications and:
Re-Registrations:

See attached list(s).

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

Index No. HI 18-233
Index No. HI 18-247
Index No. HI 18-249 – HI 18-251
Index No. HI 18-254 – HI 18-256

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Pleiss, 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 18-253, 85 hours offered/22 hours may be
earned out of 85.5 hours offered/22.5
hours may be earned

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Pleiss, 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 18-218, 13 hours out of 14 hours requested
Index No. HI 18-248, 59 hours out of 61 hours requested
Index No. HI 18-252, 18 hours offered/16 hours may be
earned out of 18 hours requested
Index No. HI 18-257, 90 hours offered/32 hours may be
earned out of 90 hours requested

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Pleiss, and unanimously carried to ratify the following CE Re-registration pre-approved by the Executive Officer.

Index No. HI 13-079 R18

Index No. HI 13-080 R18

B. Other CE Courses:

1. Request from Robert Klein, D.C. for approval of National Board of Chiropractic Examiners' Part IV Test Committee, May 18-20, 2018 for 20 hours of continuing education

This matter directly involved Chair Klein and as a result he would have to recuse himself which would reduce the number of members and ultimately affecting the quorum. For this reason, this matter is deferred until the next meeting.

2. Western States Chiropractic College is requesting approval of UWS Summer in December 2018, December 14-16, 2018 for 20 hours of continuing education – Index Number HI 18-221

It was noted that the Board approved this workshop for 19 hours at the September 6, 2018 meeting.

Western States Chiropractic College sent new documentation to show 20 hours for continuing education.

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and carried by majority, to ratify the approval of the above referenced CE course for 20 hours.

Old Business:

- A. TeamCME Nationwide Network of DOT Medical Examiners – Requesting Board Action on Federal Aviation Administration's (FAA) New BasicMed Legislation

The Board considered whether Hawaii-licensed doctors of chiropractic are eligible to perform the FAA BasicMed medical exam for general aviation pilots.

Chair Klein and Dr. Pleiss agreed that chiropractors are physicians who are able to perform physical exams. After a brief discussion, it was moved by Chair Klein, seconded by Ms. Kang-Kaulupali, and unanimously carried to have EO Doi send a response letter stating that the Board informally opined that a Hawaii-licensed doctor of chiropractic may perform the BasicMed medical exam for aviation pilots.

Chair's
Announcement:

A. 2018 Federation of Chiropractic Licensing Boards (FCLB)
District Meeting

Chair Klein briefed the Board on the FCLB meeting he attended. He stated that it is a non-profit association of government agencies that license and regulate doctors of chiropractic. It was established in 1926 and works to protect the public and serve member boards by promoting excellence in chiropractic regulation.

He further stated that FCLB is the only organization that brings board members and officers from various states together to consult with one another on different issues. There are five different districts around the country that consist of thirteen states.

FCLB has an annual meeting in May that is held in California. He stated that he usually attends these meetings to learn more. Chair Klein feels that Board members would benefit from attending these meetings. He suggested that travel expenses be allocated to fund attendance for future meetings.

Chair Klein also wanted the Board to be aware of the Providers of Approved Continuing Education ("PACE"). There are about 30 states that participate in this program. Essentially, it is a service provided by the FCLB at no cost for a member.

PACE will look at the continuing education applications and pre-approve the continuing education to save the Boards the extra work in reviewing and approving.

If the Board is interested in participating in this type of program, the Board would still retain the authority to approve or deny any particular program.

The providers would complete details of the materials, such as, Hawaii denies hours for acupuncture. PACE would work closely with the Board to specifically know exactly what the Board will accept and deny, and would give suggested approvals based on the information that the Board provides them.

Chair Klein noted that PACE might be something that the Board may want to research further and consider using their services, as there is no cost to the Board.

Board Member
Disaster/Emergency
Preparedness:

- A. The Board will view the **AVOID/DENY/DEFEND** training video developed by Advance Law Enforcement Rapid Response Training (ALERRT™): The intuitive, easy-to-remember three-step plan for survival in the event of an active shooter event or other public acts of violence. The training video may be viewed at: <https://youtu.be/j0lt68YxLQQ>.

The Board viewed the training video.

There was no questions or comments from the Board.

- B. DCCA Board Member Emergency Procedures

Handouts were distributed to the Board members to add to their binders, as a reference to go to and familiarize themselves with the process and phone numbers listed in an event of an emergency.

Executive Officer's
Report:

- A. 2019 Meeting Schedule

EO Doi proposed a new meeting schedule starting with the first meeting in January 2019. Review of applications will start at 9:00 a.m. and Board meetings will start at 10:00 a.m.

- B. 2019 Continuing Education Review Schedule

EO Doi stated that according to the Hawaii Revised Statutes Section 92-2.5, no more than two members of a board can meet to discuss board business unless an agenda is filed. She proposed a schedule of no more than two board members meeting from 9:00 a.m. – 10:00 a.m. prior to the Board meeting to review continuing education applications.

EO Doi noted this new CE review schedule will help in an effort to start the Board meeting closer to the time listed on the agenda.

Open Forum: Public comment on issues not on the agenda may be considered by the Board at a subsequent meeting.

No comments from the public were made.

Next Meeting: Thursday, January 3, 2019
10:00 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.

Reviewed and approved by:

Taken and recorded by:

/s/ Risé Doi
Risé Doi, Executive Officer

/s/ Susan A. Reyes
Susan A. Reyes, Secretary

RD:sar
11/18

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