

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, October 18, 2018

Time: 1:00 p.m.

Place: King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Members Present: Jayne Tsuchiyama, D.A.O.M, D.Ac., Chairperson
Joni Kroll, D.Ac., Vice-Chairperson
Mike Hashimoto, D.Ac., Member
James Corcoran, Ph.D., Member
Ellen Roos-Marr, Member

Staff Present: James Kobashigawa, Executive Officer
Krishna Jayaram, Esq., Deputy Attorney General (“DAG”)
Jessica Mullin, Secretary

Guests: Janet H. Boyd, L.Ac.
Herb Yee, Hawaii Chapter American Physical Therapy Association (HAPTA)
Joy Gold, Consultant to HAPTA
Gregg Pacilio, HAPTA President
Dr. Wai Low, President of the Institute for Clinical Acupuncture and Oriental Medicine (ICAOM)
Koji Kajiwara, President of Hawaii Acupuncture Association (HAA)
Deborah McMenemy, HAA Board
Clara Wong, L.Ac.
Tammy Leung
Antonio Provencio, L.Ac.
Katherine Fisher, L.Ac.
Joel Handery, Student ICAOM
Tim Nguyen, Public
Kathy K. Sato, L.Ac.
Shaclyn Lin, ICAOM
Sakiko Kobayashi, L.Ac.
Jeffrey Bailey, Patient
Linda Manning, ICAOM
Lyna Morimoto, ICAOM

Call to Order: There being a quorum established, Dr. Tsuchiyama called the meeting to order at 1:00 p.m.

Approval of the Minutes: It was moved by Dr. Kroll, seconded by Dr. Corcoran, and unanimously carried to approve the Board meeting minutes of June 7, 2018 with changes.

Dr. Kroll asked that the following change be made under §16-72-57 (d):

A licensee who has been awarded earned 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 the 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) doctoral degree from an approved acupuncture school may use the post nominal title awarded in addition to "Doctor", "Dr.", "D.Ac." and "Doctor of Acupuncture." The post nominal title "D.Ac." shall precede the earned professional degree title.

Executive Officer's Report: Officer Kobashigawa explained to the Board that he will be the stand-in Executive Officer while a more permanent person is found to replace former Executive Officer to the Acupuncture Board, Carol Kramer.

Election of Officers: Chairperson Tsuchiyama announced she was taking the agenda out of order to discuss the following agenda item:

New Business: a. Legislative Proposal on Dry Needling

Hawaii being one of the few states that does not allow physical therapists to perform dry needling, HAPTA is in the process of drafting a bill that could potentially change the law to include dry needling in their scope of practice in Hawaii.

Although the agenda item for the legislative proposal on dry needling stated that members of HAPTA would have a presentation, Mr. Pascilio stated he and his HAPTA colleagues, Mr. Yee and Ms. Gold, attended the Board meeting as a meet-and-greet. In his introduction, Mr. Pascilio spoke about the medical industry moving away from its historically siloed nature to a more collaborative direction now and into the future. He expressed the need for medical experts to find common ground in their respective fields, specifically when it comes to treating pain and addressing the opioid epidemic. It is his hope, and that of HAPTA's, that acupuncturists and physical therapists can work together to find the safest, best methods to treat people who are having pain and dysfunction and to steer them away from opioids. Mr. Pascilio stated that what HAPTA is seeking to do is to practice dry needling, not acupuncture.

After some discussion about dry needling vs. acupuncture and whether using an acupuncture needle to perform dry needling qualifies the act as acupuncture, Dr. Hashimoto motioned to ask the Attorney General to issue an opinion about it. Dr. Tsuchiyama seconded the motion and then rescinded it, saying she misunderstood the motion initially. The Board expressed concern about public safety and the training that physical therapists would need to safely perform dry needling. The Board discussed how inexperienced physical therapists performing that service inconsistently could injure their patients and give the public the impression that acupuncture is ineffective and even unsafe.

Executive Session: At 1:48 p.m., it was moved by Dr. Tsuchiyama, seconded by Dr. Hashimoto and unanimously carried for the Board to enter Executive Session in accordance with HRS, § 92-5(a)(1) and (4), “To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in 26-9 or both;” and “To consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities” to discuss the following agenda item: The Legislative Proposal on Dry Needling.

At 2:03 p.m., it was moved by Dr. Tsuchiyama, seconded by Dr. Kroll and unanimously carried to move out of Executive Session and the Board reconvened its scheduled meeting.

It was moved by Dr. Hashimoto, seconded by Dr. Kroll, and unanimously carried to request an Attorney General’s opinion as to whether dry needling is within the scope of practice of acupuncture.

b. Clarification to Perform Acu-Point Injection

The Board received a letter from an acupuncture student asking about whether or not injection acupuncture is legal in Hawaii. The Board responded by saying there is precedence on injecting prescription medication, but the board is reviewing what materials are considered safe. This topic, therefore, is under review.

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 1237 Patricia P. Hu
ACU 1238 Tianna M. Hendrickson
ACU 1239 Nanci L. Poage
ACU 1240 Derek E. Asato
ACU 1241 Yuko Nozaki
ACU 1242 Kathy K. Sato

ACU 1243 Lij Liu
ACU 1244 Thu Yen Mac
ACU 1245 Nathalie Guillaume
ACU 1246 Drew A. Peduto
ACU 1247 Heather D. McKay
ACU 1248 Marcy B. Newman
ACU 1249 Jae Park
ACU 1250 Kristine N. Nakasato
ACU 1251 Jasmine Oberste
ACU 1252 Susan E. Bowlus
ACU 1253 Michelle Kelso Binzak

Interns

422 David Langfelder
423 Julia B. Horie
424 Candi O. Kinney
425 Claire F. Watts
426 Shannyn Matsumoto
427 Tina T. Nguyen
428 Joshua R. Hromas
429 Erica Schwartz

Executive Session: At 2:19 p.m., it was moved by Dr. Tsuchiyama, seconded by Dr. Kroll and unanimously carried for the Board to enter Executive Session in accordance with HRS, § 92-5(a)(1) and (4), "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in 26-9 or both;" and "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities" to discuss the following agenda item:

a. Ji Hyun Park

At 2:24 p.m., it was moved by Dr. Kroll, seconded by Dr. Tsuchiyama and unanimously carried to move out of Executive Session and the Board reconvened its scheduled meeting.

It was moved by Dr. Kroll, seconded by Dr. Tsuchiyama and unanimously carried to approve the application of Ji Hyun Park.

Old Business: a. Proposed Rule Revisions, HAR Title 16, Chap. 72 Subchapters 1-11

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

Subchapter 2 Definitions

§16-72-3 Definitions.

"Cupping" is a vasopneumatic therapy in which cups are applied to the body either with heat or manual vacuum suction as a way of improving circulation, releasing subcutaneous fascial and muscular adhesions and relieving muscle pain. ~~Wet Cupping may~~ involves the intentional bleeding of the skin prior to cup application, and can only be performed by a licensed acupuncturist.

"Ashi needling", also known as "Dry needling", "motor point needling," and "myofascial trigger point needling" is synonymous with the definition of Acupuncture and is a treatment modality that involves the insertion of thin, non-medicated solid needles into muscles or connective tissues.

"Aqua-puncture" or "AcuPoint Injection Therapy" is an advanced technique in which a sterile liquid agent is injected into acupuncture points (including ashi or trigger points) to prolong acupuncture effects, release subcutaneous fascial adhesion and improve energy flow of the Meridian. It typically includes the use of sterile water, saline, glucose or ringer's. Licensee's may perform this procedure provided that appropriate education and training is obtained.

Subchapter 3 Scope of Practice

§16-72-4 Authorized practice of acupuncture. An acupuncture practitioner is authorized to examine, evaluate, ~~conduct~~ diagnose and treatment of the human body by means of stimulation of a piercing and/or stimulating certain acupuncture point or points to regulate for the purpose of controlling and regulating the flow and balance of energy, neurovascular, immunological, endocrine and pain pathways in the body. The practice includes cutaneous or invasive stimulation of specific points on the skin with needles. Techniques included are the techniques of piercing the skin by inserting needles and point stimulation by the use of acupressure, electrical, mechanical, thermal therapy, moxibustion, cupping, laser acupuncture, auricular acupuncture, ashi needling (also known as dry-needling), acupoint injection therapy, lifestyle and dietary consultation and or traditional therapeutic means-, including prescribing and dispensing herbal medicine. [Eff 3/12/76; am and ren §16-72-4, 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-7) (Imp: HRS§436E-2)

Election of Officers: The Board did not hold an election.

Next Meeting: Thursday, December 6, 2018
1:00 p.m.
Princess Likelike Conference Room
King Kalakaua Building, 3rd Floor
Honolulu, Hawaii 96813

Adjournment: Dr. Tsuchiyama adjourned the meeting at 3:13 p.m.

Taken and recorded by:

/s/Jessica T. Mullin

Jessica T. Mullin, Secretary

Reviewed and approved by:

/s/James Kobashigawa

James Kobashigawa, Executive Officer

JK:jtm
11/13/18

- Minutes approved as is.
- Minutes approved with changes: see meeting minutes for December 6, 2018.