

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, December 6, 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, D.Ac., Vice-Chairperson  
James Corcoran, Ph.D., Member

Excused: Ellen Roos-Marr, Member

Staff Present: James Kobashigawa, Executive Officer  
Christopher Leong, Esq., Deputy Attorney General ("DAG")  
Jessica Mullin, Secretary

Guests: Deborah McMenemy, D.Ac., HAA Board  
Thu Yen Mac, West Oahu Acupuncture & Integrative Medicine

Call to Order: There being a quorum established, Dr. Tsuchiyama called the meeting to order at 1:02 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 October 18, 2018 with changes.

Dr. Kroll asked that the following change be made:

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~~

injection of prescription medication, sterile water, saline, procaine, morphine or vitamins (Sunset Evaluation Report No. 84-6, pg. 8), but the board is reviewing what materials are considered safe. This topic, therefore, is under review.

Dr. Tsuchiyama asked that the following change be made:

“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 the body, muscles or connective tissues.

Officer Kobashigawa spoke to an email he received from Gregg Pascilio, President of the Hawaii Chapter American Physical Therapy Association (HAPTA), who asked that the following change be made:

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. Mr. Pascilio invited the acupuncture community to continue discussions with HAPTA and stated that he is available through the Board Secretary, Jessica Mullin, should anyone wish to contact him.

Dr. Kroll asked that the following change be made:

After some discussion about dry needling ~~vs.~~ as being within the scope of the practice of 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 asked that the following change be made:

The Board expressed concern about public safety and the training that physical therapists would need to safely perform dry needling. When asked if dry needling is covered by physical therapy malpractice insurance, Mr. Pascilio did not have that information. The Board also queried about the incident rate and/or complications as performed by physical therapists utilizing dry-needling, and Mr. Pascilio did not have that information.

Executive Officer's Report: Officer Kobashigawa reported on the DCCA's monthly news release regarding sanctions. There were no acupuncture-related sanctions. Officer Kobashigawa also reported on historical stats for acupuncture: for the fiscal year '17-'18, there have been 45 applications for acupuncture licenses, 24 interns, issued 36 new licenses for acupuncturists and 18 for interns. For the fiscal year '16-'17, there have been 40 applications for acupuncture licenses, 29 intern applications and the DCCA issued 22 acupuncture licenses and none for interns. In the fiscal year '17-'18, there were 742 Hawaii State Acupuncture licenses and in '16-'17, there were 764.

Old Business: a. Request for Attorney General Opinion Regarding Dry-Needling

Officer Kobashigawa reported from the Attorney General's Office, that there doesn't seem to be a reason to issue a statement on dry-needling, since it is not refuted in terms of dry-needling as being the practice of acupuncture. Physical Therapists have agreed to that.

The Board discussed how the law does not use the term "dry-needling;" it states that Physical Therapists cannot pierce the skin, which is the part of the law that they are trying to change to include "dry-needling" in their scope of practice.

New Business: a. Use of 3b and Class IV Lasers in the Practice of Acupuncture

The Board discussed the differences between the different laser classification. Class III lasers are safe for acupuncture practice, but Class IV lasers are not safe for acupuncture practice.

b. Washroom and Toilet Facilities in Residential and Commercial Buildings Pursuant to Section §16-72-52 and §16-72-53

Officer Kobashigawa received an inquiry from Dr. Thu Yen Mac about using a portable sink in a commercial building to meet the sanitation practices requirements, instead of installing a permanent one, which is extremely costly. The Board discussed sterilizing the hands in between patients.

Executive Session: At 1:41 p.m., it was moved by Dr. Kroll, seconded by Dr. Tsuchiyama 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:

Washroom and Toilet Facilities in Residential and Commercial Buildings

At 1:52 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 Executive Session Board meeting minutes of October 18, 2018 without changes.

The Board also conveyed to Dr. Mac that the use of a portable sink with soap and hot water is an acceptable means to disinfect the hands and acupuncture treatment tools.

Applications:

a. Ratifications

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

Acupuncturists

ACU 1254 Woo Jeong Lee  
ACU 1255 Carol Lee Callen  
ACU 1256 Gina M. Snowden  
ACU 1257 Jon R. Wilson  
ACU 1259 Jack D. Fonderwhite  
ACU 1260 Linda D. Manning  
ACU 1261 Shu-Kai Tsao  
ACU 1262 Conrad Lommen  
ACU 1263 Amber-Anne Garrison

Interns

430 Camille B. Zapanta

Election of Officers: It was moved by Dr. Kroll, seconded by Dr. Corcoran, and unanimously carried to re-elect Dr. Tsuchiyama as Chairperson. It was moved by Dr. Tsuchiyama, seconded by Dr. Corcoran, and unanimously carried to re-elect Dr. Kroll as Vice-chairperson.

Deborah McMenemy asked to speak to the Board regarding Route 8, which is a program through the National Certification Commission for Acupuncture (NCCAOM) that allows acupuncturists who are licensed through the state of California to apply during an 18-month period, that extends through 2020, to be grandfathered into national licensure. Hawaii requires the national test scores before they will issue an acupuncture license to practice in the state. Those people who are grandfathered into a national license through Route 8 do not qualify for a Hawaii license because they do not have a national test score. The Board agreed to put this topic on the agenda to discuss at the next meeting.

Next  
Meeting:

Thursday, February 7, 2019  
1:00 p.m.  
Princess Likelike Conference Room  
King Kalakaua Building, 3<sup>rd</sup> Floor  
Honolulu, Hawaii 96813

Adjournment:

Dr. Tsuchiyama adjourned the meeting at 2:05 p.m.

Taken and recorded by:

/s/ Jessica T. Mullin

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Jessica T. Mullin, Secretary

Reviewed and approved by:

/s/ Relley Araceley

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Relley Araceley, Executive Officer

RA:jtm  
01/04/19

- [ ] Minutes approved as is.  
[ x ] Minutes approved with changes. See minutes of February 7, 2019 meeting.