

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, February 7, 2019

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
Deborah McMenemy, L.Ac., D.A.O.M

Excused: Ellen Roos-Marr, Member
James Corcoran, Ph.D., Member

Staff Present: Relley Araceley, Executive Officer
W. Max Levins, Esq., Deputy Attorney General (“DAG”)
Jessica Mullin, Secretary

Guests: Dr. Wai Low, Institute of Clinical Acupuncture and Oriental
Medicine (ICAOM)
Kathryn Pierce, Student 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. Tsuchiyama, and unanimously carried to approve the Board meeting minutes of December 6, 2018 with changes.

After some discussion, the following changes to the minutes were requested (underlined material added, while bracketed material is to be deleted):

New Business

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

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] cleanse the hands and acupuncture treatment tools.

Executive Officer's Report: New member, Dr. McMenemy, was introduced to the Acupuncture Board.

New Business: a. Reciprocal Certification for California Licensed Acupuncturists

As per the December 6, 2018 Acupuncture Board meeting, the Board discussed Route 8, which is a reciprocal certification for California licensed acupuncturists. It is a program offered through the National Certification Commission for Acupuncture and Oriental Medicine (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 acupuncture applicants to provide 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 numerical score; they have a "passing" grade. The Board has not made a decision; this topic is still under discussion.

b. SB547 (Relating to the Physical Therapy Practice Act)

The Board discussed SB547, which amends the Physical Therapy Act to allow physical therapists to practice dry needling. It was moved by Dr. Kroll, seconded by Dr. Tsuchiyama and unanimously carried to oppose the bill because dry needling is a technique of acupuncture and it is within the scope of the defined Acupuncture Practice. The Board believes that the lack of education, clinical training and malpractice insurance coverage physical therapists receive for dry needling makes allowing them to practice it a danger to the public.

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 1264 Ji Hyun Park

Interns

431 Christine M. Hosaka
432 Elina Fishman
433 Pamela Ballinson
434 Khalil K. Midani

Executive Session: At 1:51 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:

Kathryn Pierce

At 1:53 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 Ms. Pierce's application.

Old Business: a. Finalizing Hawaii Administrative Rules (HAR) Chapter 16-72 Revisions

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

Subchapter 2

§16-72-3 Definitions. "Acupuncture needle" means ~~a straight, slender rod~~ an FDA approved Class II medical device; a sterile, solid filiform needle of various lengths and gauges diameter, tapered to a sharp point at one end for piercing or non-invasive stimulation of the skin, with one end for manipulation or maintaining the needle in place, ~~and inserted by an acupuncture practitioner into acupuncture points on the human body. A staple is not an acupuncture needle.~~

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

Subchapter 3

§16-72-4 Authorized practice of acupuncture. An acupuncture practitioner is authorized to ~~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 or without retention needles. Techniques included are the techniques of piercing the skin by inserting needles and point stimulation by the use of ashi needling, aquapuncture, acupressure, electrical, mechanical, thermal therapy, moxibustion, cupping, laser acupuncture, auricular acupuncture, lifestyle and dietary consultation and ~~or~~ traditional therapeutic means, including prescribing and dispensing herbal medicine.

Subchapter 5

§16-72-20 Applications. (a) Every person seeking a license to practice acupuncture and/or [Oriental] herbal medicine or wishing to use any acupuncture title in the this State shall file an application on a form provided by the board.

§16-72-20(b)(a). The applicant shall be responsible for having the testing contractor verify, directly to the board, the passing ~~score~~ of the examination as required in section 16-72-36.

Next Meeting:

Thursday, April 4, 2019
1:00 p.m.
Princess Likelike Conference Room
King Kalakaua Building, 3rd Floor
Honolulu, Hawaii 96813

Adjournment:

Dr. Tsuchiyama adjourned the meeting at 3:09 p.m.

Taken and recorded by:

/s/Jessica T. Mullin

Jessica T. Mullin, Secretary

Reviewed and approved by:

/s/Relley Araceley

Relley Araceley, Executive Officer

RA:jtm
03/11/19

- Minutes approved as is.
- Minutes approved with changes.