

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 4, 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
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)
- 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
February 7, 2019 with changes.
- After some discussion, the following changes to the minutes were
requested (underlined material added, while bracketed material is
to be deleted):
- Subchapter 3 §16-72-4

The practice includes cutaneous or invasive stimulation of specific points on the skin with or without retention of needles. Techniques include[d are] ashi needling, aquapuncture, acupressure, electrical, mechanical, thermal therapy, moxibustion, cupping, laser acupuncture, auricular acupuncture, lifestyle and dietary consultation and traditional therapeutic means, including prescribing and dispensing herbal medicine.

Adjudicatory: a. Chapter 92, HRS, Adjudicatory Matters

In the Matter of Acupuncturist's License of Mike Masayuki Hashimoto: ACU 2016-1-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Upon a motion by Dr. Kroll, seconded by Mr. Corcoran, with the exception of Chair Tsuchiyama who opposed the approval of the settlement agreement, it was voted on and carried by the majority to approve the Board's Final Order.

Executive Officer's Report: a. Civil Beat article directly addressing the Board of Acupuncture

The Board reviewed the recent Civil Beat article entitled, "Longtime Acupuncturist Agrees to Stop Practicing to Settle Patient Complaint."

b. Status of Legislative Bills Previously Discussed by the Board of Acupuncture

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

Executive Officer Araceley informed the Board that this bill did not pass during the 2019 legislative session.

2. SB202 (Relating to Professional and Vocational Regulatory Programs)

Executive Officer Araceley informed the Board that this bill did not pass during the 2019 legislative session.

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

DAG Levins left the room at 2:04 p.m.

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

Subchapter 2 Definitions

§16-72-3 "Acupuncture needle" means [a straight, slender rod] an FDA approved Class II medical device; a sterile 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, and the opposite [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.]

"Auricular acupuncture" is a diagnostic and treatment system that stimulates specific acupuncture points with needle insertion, magnets or pellets on the external ear surface. It stimulates autonomic nervous system to maintain homeostasis, control pain and support detoxification.

"Ashi needling", also known as "Dry needling," "motor point needling," and "myofascial trigger point needling" is an acupuncture technique that involves the insertion and retention or non-retention of thin, non-medicated solid filiform needles into muscles or connective tissues.

"Acupuncture Injection Therapy" (AIT), also known as point injection therapy, biopuncture, or aquapuncture, is a modern adjunctive Oriental Medicine technique in which a sterile liquid agent is injected into acupuncture points (including ashi or trigger points) to promote, maintain or restore health and to prevent disease. It uses hypodermic needle techniques at specific acupuncture point locations to produce successful clinical outcomes in accordance with Oriental Medicine. Licensees must complete training from an accredited acupuncture school or a Board-recognized state association, submit an application to the Board and provide proof of malpractice coverage of this technique before practicing AIT.

DAG Levins entered the room at 2:09 p.m.

Subchapter 3 Authorized Practice; Scope of Practice; License

§16-72-4 An acupuncture practitioner is authorized to [conduct] examine and diagnose for the purpose of 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, acupuncture injection therapy, auricular acupuncture, lifestyle and dietary consultation and [or] traditional therapeutic means[.], including prescribing and dispensing herbal medicine.

§16-72-6 Records. A licensee shall keep accurate and secure records of each patient the licensee treats. Hard copy records shall be stored in a locked cabinet. Electronic records shall be digitally secure.

Subchapter 4 Education and Training Requirements

Dr. Kroll noted that suggested changes to §16-72-14 did not coincide with Hawaii Revised Statutes (HRS) 436E-5(d). DAG Levins clarified that the standards set in HRS supersede the rules set forth in Hawaii Administrative Rules (HAR). No changes were accepted.

Subchapter 5 Application for License

§16-72-20 Applications. (b) An application for a license may be filed at any time by an applicant who has taken and passed the examination identified in section §16-72-33 and shall be accompanied by the items required in subsection (a). The applicant shall be responsible for having the testing contractor verify, directly to the board, the passing [score] of the examination.

Subchapter 6 Examinations

§16-72-33 Examination. (a) Effective Jan 2020, all licensed acupuncture practitioners must provide proof of active diplomat status with NCCAOM or its successor testing agency.

Subchapter 8 Public Health and Sanitation

§16-72-53 Sanitation practices. Required practices shall include:

- (1) A fresh, disposable paper or a fresh sheet shall be used on the examining table for each patient; or a fresh disposable paper in the head area if treated in a chair.

It was moved by Dr. Kroll, seconded by Dr. Corcoran, and unanimously carried to approve the abovementioned changes.

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 1265 Lorraine E. Warner
ACU 1266 Heather Block
ACU 1267 Ayako Mizuno
ACU 1268 John R. Wo
ACU 1269 Paul M. Storm
ACU 1270 Pamela K. Guard
ACU 1271 Amy C. Norton

Interns

433 Pamela Ballinson
434 Khalil K. Midani
435 Marina Sano
436 Kathryn Anne Pierce
437 Jennica Berreras

Executive Session: At 3:00 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:

a. Use of Doctor of Acupuncture Title

1. Amber Garrison
2. Ayako Mizuno

At 3:21 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. Kroll, seconded by Dr. Corcoran and unanimously carried to defer the following applications:

a. Use of Doctor of Acupuncture Title

1. Amber Garrison
2. Ayako Mizuno

Old Business: Reciprocal Certification for California Licensed Acupuncturists

The Board discussed applicants that complete the Route 8 process and determined that until the revised rules go into effect, Route 8 applicants must still submit a numerical, passing exam score.

Next Meeting: Thursday, June 13, 2019
1:00 p.m.
Princess Likelike Conference Room
King Kalakaua Building, 3rd Floor
Honolulu, Hawaii 96813

Adjournment: Dr. Tsuchiyama adjourned the meeting at 3:30 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
05/07/19

[] Minutes approved as is.

[x] Minutes approved with changes. See meeting minutes from June 13, 2019.