

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 3, 2019

Time: 1:00 p.m.

Place: Princess Likelike Conference Room  
King Kalakaua Building, 3rd Floor  
335 Merchant Street  
Honolulu, Hawaii 96813

Members Present: Joni Kroll, D.Ac., Vice-Chairperson  
Deborah McMenemy, L.Ac., D.A.O.M  
James Corcoran, Ph.D., Member

Excused: Ellen Roos-Marr, 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. Kroll called the meeting to order at 1:00 p.m.

Approval of the Minutes: It was moved by Dr. Kroll, seconded by Dr. McMenemy, and unanimously carried to approve the Board meeting minutes of June 13, 2019 with amendments.

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

Executive Officer’s Report:

b. Inquiry into “battlefield acupuncture” by the Veteran Affairs Department

In Hawaii, an individual must have a license in acupuncture to practice [“battlefield acupuncture” and/or] “battlefield acupuncture.”

Ongoing Business:

a. Finalizing Hawaii Administrative Rules (HAR) Chapter §16-72 Revisions

Subchapter 7 License Renewal

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

Executive Officer's Report:

a. Clarification on Insurance Coverage

Executive Officer Araceley informed the Board that he had received an inquiry about insurance options to cover acupuncture treatments. The Board explained that acupuncture in Hawaii is not a mandated coverage, except for worker's compensation and auto insurance. Most medical insurance plans offer optional coverage. Since there is not yet blanket coverage for acupuncture in Hawaii, the public needs to consult with their medical insurance providers. For further information about that, the Board defers to the Hawaii Acupuncture Association and/or AcuPlan Hawaii.

b. Inquiry into “battlefield acupuncture” by the Veteran Affairs Department

Executive Officer Araceley informed the Board that he had received an inquiry about “battlefield acupuncture,” and whether nurses can perform it. The Board defers to the Hawaii Board of Nursing to determine if “battlefield acupuncture” falls under its scope of practice.

c. Correspondence

Executive Officer Araceley received an inquiry from a licensed acupuncturist in another state regarding possible consideration from the Board to use her work experience there to compensate for being short 45 training hours.

The Board explained that according to Hawaii Revised Statutes (“HRS”) 436E-5(d) there is no way to supplement the minimum hour requirements through licensed experience.

d. Mrs. Meisel

Executive Officer Araceley noted that Mrs. Meisel has taken separate programs that would equal 2190 hours but only 2034 were accepted as transfer credits. Dr. Kroll noted that if the program could accept all the hours then the requirements would be met. Dr. Kroll stated the application should be put before the Board.

e. RICO Acupuncture Advisory Committee Appointments

The Board reviewed the list of recommended members to serve on the RICO Advisory Committee. Due to the nature of the work entailed, the names will remain confidential.

It was moved by Dr. Kroll, seconded by Dr. Corcoran, and unanimously carried to approve the RICO Acupuncture Advisory Committee appointments and the addendum language.

Applications:

a. Ratifications

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

Acupuncturists

ACU 1280 Kiyounng Moon  
ACU 1281 Frederick W. Klemmer  
ACU 1282 Wei Nian Fan  
ACU 1283 Brittany N. Buffalino  
ACU 1284 Gregory S. Fritz  
ACU 1285 Diane E. Hartenstein  
ACU 1286 Devon K. Izumigawa  
ACU 1287 Arlo O. Starr

Interns

440 Vila M. Donovan

b. Applications

None

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

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

Subchapter 2 Definitions

§16-72-3 “Ashi needling,” also known as “Dry needling,” “motor point needling,” “intramuscular 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 filiform needles into the body, muscles or connective tissues.

“NCCAOM” means the “National Certification Commission for Acupuncture and Oriental Medicine” or its successor agency.

Subchapter 3 Authorized Practice; Scope of Practice; License

§16-72-4 Authorized practice of acupuncture. An acupuncture practitioner is authorized to ~~conduct~~ examine and diagnose in accordance with traditional and modern practices 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 neurovascular, immunological, endocrine and pain pathways and for the purpose of controlling and regulating the flow and balance of energy 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.

Subchapter 4 Education and Training Requirements

§16-72-14(c) An applicant ~~applying on or after September 1, 2000,~~ shall submit satisfactory proof of graduation from an ~~approved~~ acupuncture school and with satisfactory proof of completing a course of study of formal education and clinical training ~~consisting that is of at least two thousand one hundred seventy five hours~~

equal or higher than the current ACAOM requirements, but not less than two thousand one hundred seventy five hours

(1) To satisfy the formal educational requirements, the applicant shall complete an acupuncture and traditional ~~Oriental~~ herbal medicine course of study ~~consisting that is of not less than one thousand five hundred fifteen hours.~~ equal or higher than the current ACAOM requirements, but not less than one thousand five hundred fifteen hours. ~~The course of study shall cover, but not be limited to, the subjects listed in paragraph (a)(2).~~

(2) To satisfy the clinical training requirements, the applicant shall complete a course of training ~~consisting of not less than six hundred sixty hours~~ equal or higher than the current ACAOM requirements, but not less than six hundred and sixty hours under the supervision of a licensed acupuncturist. The clinical training requirements shall be obtained at an ~~approved~~ acupuncture school and shall not be obtained from a licensed acupuncturist in private practice or another clinical setting unless it is a part of the clinical training curriculum of an ~~approved~~ such school.

#### Subchapter 7 License Renewal

Dr. McMenemy noted that the dates related to the rule change should be amended to address concerns from current students.

§16-72-46 Renewal. Application for renewal, regardless of the issuance date of the license, shall be made on a form provided by the board on or before June 30 of each odd-numbered year and shall be accompanied by the appropriate renewal fee as provided in rules adopted by the director in accordance with chapter 91, HRS. [Eff 3/12/76; am and ren §16-72-46, 6/22/81; am and comp 12/30/82; am and comp 11/20/86; am and comp 11/25/88; comp 10/26/00] (Auth: HRS §436E-7) (Imp: HRS §436E-9) Upon renewing their license all licensees licensed after January 1, 2022 must show proof of current NCCAOM Diplomate in Oriental Medicine status.

- (a) Licensees licensed prior to January 1, 2022 may choose must show proof of current NCCAOM Diplomate of Acupuncture or Diplomate of Oriental Medicine status, or provide 30 hours of professional development activities approved by the NCCAOM wherein 1 credit hour must be in Ethics and 1 credit hour in Acupuncture Safety.
- (b) Licensees must hold a current, valid CPR (cardiopulmonary resuscitation) certification approved by the American Red Cross or the American Heart Association.

### Subchapter 6 Examination

§16-72-33 Examination. Effective January 2022, all applicants applying for license as an acupuncturist shall pass all exams administered by the National Certification Commission for Acupuncture and Oriental Medicine's (NCCAOM), or its successor testing agency, necessary to obtain an Oriental Medicine Diplomate or its equivalent as determined by the board.

### Subchapter 8 Public Health and Sanitation

§16-72-\_\_\_\_\_ Herbal disclosure. An acupuncture practitioner who dispenses single, processed, or formulated custom or compounded herbal medicines must properly label, attach and disclose the following information:

- (1) Patient's name
- (2) Description of contents of herb(s) or formula
- (3) Direction of usage
- (4) Date when dispensed, dosage and expiration date
- (5) Name and address of dispenser or provider

All descriptions and literature shall be in English. These requirements do not apply to herbal medicines dispensed in their original containers with their original manufacturers labeling.

Dr. McMenemy asked and the Board agreed to allow her to respond to the correspondence regarding herbal training requirements.

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

Next Meeting:

Thursday, December 5, 2019  
1:00 p.m.  
Princess Likelike Conference Room  
King Kalakaua Building, 3<sup>rd</sup> Floor  
Honolulu, Hawaii 96813

Adjournment:

Dr. Kroll adjourned the meeting at 2:30 p.m.

Reviewed and approved by:

/s/ Relley Araceley

\_\_\_\_\_  
Relley Araceley, Executive Officer

Taken and recorded by:

/s/ Jessica T. Mullin

\_\_\_\_\_  
Jessica T. Mullin, Secretary

Board of Acupuncture  
Minutes of the October 3, 2019 Meeting  
Page 7

RA:jtm  
10/22/19

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