

HAWAII BOARD OF CHIROPRACTIC
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 Lieutenant Governor, as required by §92-7(b), Hawaii Revised Statutes (HRS).

Date: Thursday, September 5, 2019

Time: 10:00 a.m.

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

Present: Lawrence A. Redmond, D.C., Chair
Rachel M. Klein, N.D.D.C., Vice Chair
Alice H. Ogawa, D.C., Member
Pat Holt, Member
Gerald C. Simmons, Member
Risé Doi, Executive Officer ("EO")
Daniel Jacob, Deputy Attorney General ("DAG")
Susan A. Reyes, Secretary

Excused: None.

Guest: Gary Saito, Hawaii State Chiropractic Association ("HSCA")
Rodney A. West, D.C.

Call to Order: There being a quorum present, the meeting was called to order by Dr. Redmond at 10:19 a.m.

Approval of Minutes of the July 11, 2019 Board Meeting

Meeting Minutes:

It was moved by Vice Chair Klein, seconded by Ms. Holt, and unanimously carried to approve the minutes with the following amendments:

Page 9, Continuing Education ("CE"), second paragraph to read as:

"Index No. HI 19-134

Index No. HI 19-149 – HI 19-156

Upon a motion by Vice Chair Klein, seconded by Ms. Holt, it was voted on with Vice Chair Klein, Ms. Holt, Chair Redmond and Dr. Ogawa voting “yes” and Mr. Simmons voting “no” to approve the following applications:

Index No. HI 19-137 – HI 19-145
Index No. HI 19-147”

Page 11, Unfinished Business, last paragraph, first sentence should read as follows:

“Dr. Saito said he went to the Congress of Chiropractic State Associations (“COCSA”) annual meeting in November 2018.”

Chapter 91, HRS,
Adjudicatory Matters:

None.

Executive Session:

At 10:23 a.m., it was moved by Vice Chair Klein, seconded by Ms. Holt, and unanimously carried to enter into Executive Session pursuant to HRS §92-4 and 92-5(a)(1) and (4), to consider and evaluate personal information relating to individuals applying for licensure and to consult with the Board’s attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities. Guests were excused from the meeting room.

At 10:58 a.m., it was moved by Ms. Holt, seconded by Vice Chair Klein, and unanimously carried to return to open session. The room was reopened to the public.

Applications for
Licensing:

A. Applications

1. Rodney West

It was moved by Vice Chair Klein, seconded by Ms. Holt, and unanimously carried to approve the application of Rodney West.

Applications for
Licensing:

B. Ratification of Issued License(s)

1. Riley, Dotsie
2. Polk, Jason

It was moved by Vice Chair Klein, seconded by Ms. Holt, and unanimously carried to ratify the above staff approval of the licensee(s).

Continuing
Education ("CE"):

A. Ratification of CE Courses – New Applications and
Re-Registrations:

See attached list(s).

It was moved by Vice Chair Klein, seconded by
Ms. Holt, and unanimously carried to ratify the approval of
the following CE courses:

Index No. HI 19-157 – HI 19-159
Index No. HI 19-161 – HI 19-163
Index No. HI 19-166 – HI 19-172
Index No. NI 19-174 – HI 19-175

It was moved by Vice Chair Klein, seconded by
Ms. Holt, and unanimously carried to approve the following
CE courses with adjusted hours due to recalculation of
hours. HAR §16-76-39 provides that continuing education
credit shall be given for whole hours only, with a minimum of
fifty minutes constituting one class hour:

Index No. HI 19-165, 4 hours out of 4.5 hours
Index No. HI 19-176, 35 hours offered/17 hours may be
earned out of 35.5 hours offered/17.5
hours may be earned

It was moved by Vice Chair Klein, seconded by
Ms. Holt, and unanimously carried to approve the following CE
courses with adjusted hours. The non-approved hours do not
comply with the provisions of Chapter 76, subchapter 6, HAR:

Index No. HI 19-160, 43 hours offered/11 hours may be
earned out of 49.5 hours requested
Index No. HI 19-164, 87 hours offered/15 hours may be
earned out of 87 hours requested
Index No. HI 19-173, 34 hours offered/21 hours may be
earned out of 34 hours requested

It was moved by Vice Chair Klein, seconded by
Ms. Holt, and unanimously carried to ratify the following CE
re-registration pre-approved by the Executive Officer.

Index No. HI 16-206 R19

B. Other CE Courses:

1. Request from James Pleiss, D.C. for approval of National Board of Chiropractic Examiners' Part IV Test Committee, May 17-19, 2019 for 20 hours of continuing education.

It was moved by Vice Chair Klein, seconded by Ms. Holt, and carried by majority, to ratify the approval of the above referenced CE course for 20 hours.

2. Request from James Pleiss, D.C. for approval of National Board of Chiropractic Examiners' Part IV Test Committee, June 21-22, 2019 for 13 hours of continuing education

It was moved by Vice Chair Klein, seconded by Ms. Holt, and carried by majority, to ratify the approval of the above referenced CE course for 13 hours.

Executive Session: At 11:18 a.m., it was moved by Ms. Holt, seconded by Vice Chair Klein, and unanimously carried to enter into Executive Session pursuant to HRS §92-4 and 92-5(a)(1) and (4), to consider and evaluate personal information relating to individuals applying for licensure and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. Guests were excused from the meeting room.

At 11:28 a.m., it was moved by Mr. Simmons, seconded by Vice Chair Klein, and unanimously carried to return to open session. The room was reopened to the public.

The Board took a recess at 11:28 a.m. and reconvened at 11:31 a.m.

Mr. Simmons expressed that he did not think that HI19-168 should be approved because it is an online course.

The Board continued their discussion regarding HI 19-168, which was previously approved.

Mr. Simmons, Ms. Holt, and Dr. Saito expressed concern that online courses are subject to abuse by the participants. Chair Redmond noted that participants can attend live courses and not pay attention. Vice Chair Klein noted that some people will cheat whether they take an online course or live course.

Vice Chair Klein moved, and Chair Redmond seconded to approve HI 19-168. The motion to approve HI 19-168 passed, with Chair Redmond, Vice Chair Klein, and Dr. Ogawa voting "yes", and Ms. Holt and Mr. Simmons voting "no."

The motion carried to approve the course was based on HAR § 16-76-39(f) and HAR § 16-76-41(d).

Executive Officer's

Report:

Boards and Commissions Orientation: October 11, 2019 at the State Capitol Auditorium

EO Doi informed the Board of the Boards and Commissions Orientation at the State Capitol Auditorium that is being held on October 11, 2019.

New Business:

- A. Regulated Industries Complaints Office's ("RICO") Chiropractic Advisory Committee Members and addendum language: The Board will consider RICO's Chiropractic Advisory Committee members and addendum language.

Executive Session:

At 11:56 a.m., it was moved by Vice Chair Klein, seconded by Chair Redmond, and unanimously carried to enter into Executive Session pursuant to HRS §92-4 and 92-5(a)(1) and (4), to consider and evaluate personal information relating to individuals applying for licensure and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. Guests were excused from the meeting room.

At 12:13 p.m., it was moved by Vice Chair Klein, seconded by Mr. Simmons, and unanimously carried to return to open session. The room was reopened to the public.

It was motioned by Vice Chair Klein, seconded by Mr. Simmons, and unanimously carried to approve member "A".

It was motioned by Mr. Simmons, seconded by Vice Chair Klein, and unanimously carried to defer member "B".

EO Doi will follow up with RICO and invite RICO to the November 7, 2019 meeting.

- B. NBCE Part IV – November 2019 Examination Nominations:
The NBCE has agreed to support the attendance of one or two board members at the November 2019 Part IV exam administration

Vice Chair Klein offered to attend, with Dr. Ogawa offering to be the backup.

It was motioned by Mr. Simmons, seconded by Ms. Holt, and unanimously carried to approve the nomination of Vice Chair Klein to attend the NBCE Part IV Exam Administration and with Dr. Ogawa as a backup.

- Unfinished Business: A. Rule change relating to continuing education courses: The Board will discuss the possibility of a rule change relating to the approval of continuing education courses.

Chair Redmond had asked if any recommendations were put together yet.

Vice Chair Klein answered there were no recommendations as they were only able to do one conference call and the permitted interaction group ("PIG") needs more time to examine the issue.

Chair Redmond asked for a motion to continue with the PIG.

It was motioned by Vice Chair Klein, seconded by Ms. Holt, and unanimously carried to continue with the PIG.

- Open Forum: Public comment on issues not on the agenda may be considered by the Board at a subsequent meeting.

- Next Meeting: Thursday, November 7, 2019
10:00 a.m.
King Kalakaua Conference Room
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

- Adjournment: As there was no further business to discuss, the meeting adjourned at 12:50 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Risé Doi
Risé Doi, Executive Officer

/s/ Susan A. Reyes
Susan A. Reyes, Secretary

RD:sar

10/7/19

- () Minutes approved as is.
(X) Minutes approved with changes; see minutes of December 12, 2019.