

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, January 23, 2020
Time: 10:00 a.m.
Place: Queen Liliuokalani 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
Alicé H. Ogawa, D.C., Member
Gerald C. Simmons, Member
Risé Doi, Executive Officer ("EO")
Daniel Jacob, Deputy Attorney General ("DAG")
Susan A. Reyes, Secretary

Excused: Pat Holt, Member

Guests: Dr. Gary Saito
Dr. Paul Powers, Online Continuing Education, LLC

Individuals wishing to provide public comment may do so at the beginning of each agenda item. Pursuant to HAR §16-76-62(a)(5), the Board will limit an individual's public comments to (5) minutes for each agenda item. Public comment on issues not on the agenda may be considered by the Board at a subsequent meeting. The Board is precluded from discussion or acting on items raised by public comment that are not already on the agenda.

Call to Order: There being a quorum present, the meeting was called to order by Dr. Redmond at 10:06 a.m.

Approval of Meeting Minutes: Minutes of the December 12, 2019 Board Meeting

On the open session minutes, Mr. Simmons wanted to add to page 9, before the last paragraph the following:

"Mr. Simmons questioned why this item was not on the agenda that was provided to the Board members. Secretary Reyes responded,

it was inadvertently not added to the Board's copy of the agenda. However, it was on the public website agenda, therefore it was okay for the Board's review."

DAG Jacob wanted to correct page 3, first paragraph, last sentence should read as:

"It will be **up to** a year and half long process that includes director review, public comment, governor review and promulgation."

It was moved by Vice Chair Klein, seconded by Dr. Ogawa, and unanimously carried to approve the open session minutes as amended.

Executive Session: At 10:19 a.m. it was moved by Vice Chair Klein, seconded by Dr. Ogawa, and unanimously carried to enter into Executive Session pursuant to HRS §92-4 and 92-5(a)(4), 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 10:28 a.m., it was moved by Vice Chair Klein, seconded by Dr. Ogawa, and unanimously carried to return to open session. The room was reopened to the public.

It was moved by Vice Chair Klein, seconded by Dr. Ogawa, and unanimously carried to approve the executive session minutes as amended.

Chapter 91, HRS, None.
Adjudicatory Matters:

Applications for
Licensing:

A. Applications

None.

B. Ratification of Issued License(s)

1. Stiens, Holly
2. Campbell, Jared
3. Phoenix, Chaunce
4. Dahlberg, Adam

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

C. Other CE Courses

1. Request from Nicholas Opie, D.C. for approval of National Board of Chiropractic Examiners' Part IV Test Committee, May 18-20, 2018 for 24 hours of continuing education.

It was moved by Mr. Simmons, seconded by Vice Chair Klein, and unanimously carried to ratify the approval of the above referenced CE course for 24 hours.

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 Dr. Ogawa, and unanimously carried to amend the agenda to add the following index number for re-registration since it was inadvertently not added to the agenda:

Index No. HI 18-130 R20

The following index numbers are shown to correct the hours that the sponsor had requested or to change:

Index No. HI 20-001,	should be for 50 hours and not 58 hours
Index No. HI 20-004,	should be for 23 hours and not 29 hours
Index No. HI 20-098,	should be for 16 hours and not 128 hours
Index No. HI 18-048 R20,	should be for 243 hours and not 239 hours
Index No. HI 18-053 R20,	should be for 109 hours and not 106 hours
Index No. HI 18-009 R20,	should be for 3 hours and not 1 hour
Index No. HI 18-088 R20,	should be for 20 hours and not 18 hours

It was moved by Vice Chair Klein, seconded by Dr. Ogawa, to ratify the approval of the following CE courses, with Chair Redmond, Vice Chair Klein and Dr. Ogawa voting "yes", and Mr. Simmons "abstaining":

Index No. HI 19-177 – HI 19-178

Index No. HI 19-180
Index No. HI 19-182 – HI 19-186
Index No. HI 20-001 – HI 20-010
Index No. HI 20-012 – HI 20-057
Index No. HI 20-060 – HI 20-089
Index No. HI 20-092 – HI 20-095
Index No. HI 20-098 – HI 20-099
Index No. HI 20-102 – HI 20-105
Index No. HI 20-107 – HI 20-112
Index No. HI 20-114
Index No. HI 20-116 – HI 20-122

It was moved by Vice Chair Klein, seconded by Dr. Ogawa, to approve the following CE courses with adjusted hours due to recalculation of hours, with Chair Redmond, Vice Chair Klein and Dr. Ogawa voting “yes”, and Mr. Simmons “abstaining”. 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 19-181, 18 hours offered/15 hours may be earned, out of 18.5 hours requested
Index No. HI 20-101, 27 hours offered/23 hours may be earned, out of 24.5 hours requested
Index No. HI 20-106, 199 hours, out of 205.5 hours requested
Index No. HI 20-115, 23 hours offered/13 hours may be earned, out of 23.5 hours offered/12.5 hours may be earned requested

It was moved by Vice Chair Klein, seconded by Dr. Ogawa, to approve the following CE courses with adjusted hours, with Chair Redmond, Vice Chair Klein and Dr. Ogawa voting “yes”, and Mr. Simmons “abstaining”. The non-approved hours do not comply with the provisions of Chapter 76, subchapter 6, HAR:

Index No. HI 19-179, 112 hours offered/36 hours may be earned, out of 112 hours requested
Index No. HI 20-011, 42 hours, out of 49 hours requested
Index No. HI 20-058, 95 hours offered/26 hours must be earned, out of 99 hours requested
Index No. HI 20-090, 50 hours offered/21 hours may be earned, out of 52 hours requested
Index No. HI 20-091, 37 hours offered/21 hours may be earned, out of 39 hours requested
Index No. HI 20-096, 24 hours offered/20 hours may be earned, out of 24 hours requested

Index No. HI 20-097, 75 hours offered/15 hours may be earned, out of 75 hours requested
Index No. HI 20-100, 60 hours offered/36 hours may be earned, out of 62 hours requested
Index No. HI 20-113, 60 hours offered/23 hours may be earned, out of 60 hours requested

The Board took a recess at 11:55 a.m. and reconvened at 12:11 p.m.

Chair Redmond stated that Mr. Simmons asked if any of these providers are being audited. Chair Redmond recommended to add the following to the next agenda for the Board to discuss further:

- Clarifying Potential Audit of CEs
- Revising the CE Sponsor Agreements

Chair Redmond asked if there are any recommendations regarding these items to please submit them to EO Doi prior to the next meeting.

It was moved by Vice Chair Klein, seconded by Dr. Ogawa, to ratify the following CE re-registration pre-approved by the Executive Officer, with Chair Redmond, Vice Chair Klein and Dr. Ogawa voting “yes”, and Mr. Simmons “abstaining”:

Index No. HI 05-110 R20
Index No. HI 18-106 R20 – HI 18-109 R20
Index No. HI 18-123 R20 – HI 18-130 R20
Index No. HI 18-045 R20
Index No. HI 18-048 R20
Index No. HI 18-053 R20
Index No. HI 18-189 R20
Index No. HI 19-014 R20
Index No. HI 16-005 R20 – HI 16-013 R20
Index No. HI 18-237 R20 – HI 18-240 R20
Index No. HI 19-067 R20
Index No. HI 10-116 R20
Index No. HI 10-293 R20
Index No. HI 12-169 R20
Index No. HI 13-037 R20
Index No. HI 14-028 R20
Index No. HI 15-052 R20
Index No. HI 16-088 R20
Index No. HI 17-031 R20
Index No. HI 18-055 R20
Index No. HI 19-017 R20
Index No. HI 18-007 R20 – HI 18-029 R20

Index No. HI 18-224 R20
Index No. HI 18-031 R20
Index No. HI 18-086 R20 – HI 18-093 R20
Index No. HI 08-076 R20
Index No. HI 14-040 R20 – HI 14-042 R20
Index No. HI 15-119 R20
Index No. HI 17-165 R20
Index No. HI 18-057 R20

It was believed that the following applications were inadvertently missing for the Board's review and approval:

Index No. HI 16-015 R20
Index No. HI 16-016 R20
Index No. HI 16-017 R20
Index No. HI 16-019 R20
Index No. HI 16-218 R20
Index No. HI 16-219 R20

Board members noted that these re-registration applications were all reviewed before and should be approved. Vice Chair Klein moved, and Dr. Ogawa seconded to approve the above courses, with Chair Redmond, Vice Chair Klein and Dr. Ogawa voting "yes" and Mr. Simmons "abstaining".

The following agenda item was taken out of order:

New Business: A. NBCE Delegate and Alternate Delegate: The Board will nominate a delegate and alternate delegate to serve on the National Board of Chiropractic Examiners 2020 Annual Business Meeting of State Delegates.

Chair Redmond nominated Vice Chair Klein as the delegate and the alternate as Dr. Ogawa.

Dr. Ogawa left the meeting at 12:36 p.m.

B. Email inquiry from Dr. Tom Smith, D.C.: Hawaii chiropractic licensees in other countries who have an inactive license

Vice Chair Klein stated that Dr. Smith practices in Thailand and his complaint to the Board was that in order for him to place his Hawaii license on inactive status, that he needed to have an active license in another state. Dr. Smith only has a license in another country.

After discussion regarding the requirement for a Hawaii licensee with an inactive license to maintain a current,

active, unencumbered license in another state, it was moved by Mr. Simmons, seconded by Vice Chair Klein, and unanimously carried to have EO Doi respond back to Dr. Smith and redirect him to HAR §16-76-21.01.

- C. Legislative delegation for the 2020 Legislative Session: The Board may delegate members and the EO to discuss legislative matters on behalf of the Board that may arise during the 2020 legislative session.

EO Doi explained that the legislative session has begun and that she may need to reach out to a Board member for input of testimony in case bills regarding chiropractic are scheduled for hearing. It was moved by Mr. Simmons, seconded by Vice Chair Klein, and unanimously carried to delegate Chair Redmond and EO Doi to discuss 2020 legislative matters on behalf of the Board.

The following agenda item was taken out of order:

Executive Officer's None.
Report:

Unfinished Business: A. Permitted Interaction Group ("PIG") discussion on rule change relating to continuing education courses – A report was delivered by the PIG at the previous Board meeting. The Board may now discuss the information that was given:

1. Increasing the number of CE hours required for renewal
2. Requiring a percentage or number of CE hours that need to be live courses
3. Special topics to be mandatory in the CE rules
4. Change the rules to accept credit in 15-minute increments
5. Distance learning should have adequate safeguards to see what is acceptable

Vice Chair Klein stated that the Board did not have adequate time left in the meeting to discuss and suggested to defer this item to the next meeting.

Chair Redmond wanted EO Doi to invite Dr. Dean Shivvers, President of Hawaii State Chiropractic Association ("HSCA") to the Board's next meeting to further discuss the written testimony from him regarding continuing education.

Next Meeting: Thursday, March 5, 2020
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 1:10 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

02/12/20

(X) Minutes approved as is.
() Minutes approved with changes; see minutes of _____.