

**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: February 11, 2021

Time: 1:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar

Members Present: Joni Kroll, D.Ac., Chairperson  
Deborah McMenemy, L.Ac., D.A.O.M, Vice-Chair  
Ellen Roos-Marr, Member  
Brooke Foreman, L.Ac., D.A.C.M., Member

Staff Present: Relley Araceley, Executive Officer (“EO”)  
Risé Doi, Executive Officer (“EO”)  
Kelly Suzuka, Deputy Attorney General (“DAG”)  
Erin Emerson, Secretary  
Susan Reyes, Secretary (Tech support)

Guests: Sarah Rothman  
Elizabeth

A short video was played to explain procedures for the virtual meeting and how members of the public can participate and interact with the Board during the meeting.

1. Call to Order: There being a quorum established, Chair Kroll called the meeting to order at 1:07 p.m.

2. Approval of the Minutes: Chair Kroll opened the floor to discussion of the meeting minutes of December 3, 2020.

It was moved by Vice-Chair McMenemy, seconded by Ms. Foreman, and unanimously carried to approve the meeting minutes of December 3, 2020, as circulated.

3. Executive Officer’s a. Legislative Delegation for 2021 Legislative Session

Report: EO Doi requested that she have permission to contact one (1) or two (2) members to assist in drafting the testimony if a bill is scheduled for hearing during the legislative session that requires testimony from the Board.

After some discussion, Chair Kroll made a motion to nominate herself and Vice-Chair McMenemy to fulfill the role of legislative delegate for the Board. It was seconded by Ms. Roos-Marr and unanimously carried to approve the motion.

b. SB 617 – Relating to the Physical Therapy Practice Act. Specifies that the scope of practice for licensed physical therapists to include the practice of dry needling. Requires the board of physical therapists to certify qualified licensed physical therapists to perform dry needling after 1/1/2022, and designate requirements to perform dry needling. Allows the board of physical therapists to revoke or suspend a physical therapist's license for performing dry needling incorrectly, without proper training or certification, or in a manner that would likely harm a patient.

Chair Kroll provided an overview of SB 617 explaining that it would change the scope of practice for physical therapists to include the ability to perform dry needling, which uses needles to break the patient's skin. The bill is similar to SB 2225 and HB 1807 from last year's legislative session, which had been opposed by the Board due to concerns about the lack of proper training and education for the procedure.

Vice-Chair McMenemy expressed her opposition to SB 617.

Chair Kroll confirmed that the Board would oppose SB 617 and provide EO Doi with any comments necessary.

EO Doi explained that SB 617 has been introduced, but not scheduled for a hearing.

EO Araceley introduced himself as the previous EO for the Board of Acupuncture. He advised that SB 617 is similar to SB 2225 and HB 1807 from last year, but with added language that opens the possibility to add regulatory wording to the physical therapist's section of the Hawaii Revised Statutes ("HRS"). EO Araceley advised he can provide verbiage from the Board's previous opposition testimony to assist in drafting a response, if needed.

Chair Kroll motioned that if SB 617 is scheduled for a hearing,

the Board will provide testimony in opposition to the bill. It was seconded by Vice-Chair McMenemy and unanimously carried to approve the motion.

4. Applications: Chair Kroll asked if there were any comments or concerns from the public attendees.

Chair Kroll recognized Ms. Sarah Rothman to provide her public comments.

Ms. Rothman explained that she had applied for an acupuncture license with the State of Hawaii in hopes that the Board could accept her application using the criteria required by NCCAOM's California Route 8 (Route 8).

Chair Kroll announced that she was taking the agenda out of order to discuss Ms. Rothman's inquiry, which was scheduled to be discussed under New Business 5.a.

5. New Business: a. Email inquiry from Sarah Rothman: California/NCCAOM's Route 8

Chair Kroll explained to Ms. Rothman that the Board is bound by the HRS and the Hawaii Administrative Rules (HAR), and under the current laws they are unable to approve acupuncture licenses using the criteria of Route 8.

After some discussion between Chair Kroll and Vice-Chair McMenemy it was concurred that the issue with approving a license using Route 8 came from use of the word "score" in the HAR §16-72-20 (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 as required in section 16-72-36."

Vice-Chair McMenemy further explained that since Route 8 does not require examination, Ms. Rothman is unable to file a score with the Board, as required in HAR §16-72-20 (b). She explained that although the Board is working to have the wording changed, licensure through Route 8 is not possible at this time.

Ms. Rothman thanked the Board for their clarification and asked how changes to the rules are implemented.

Chair Kroll explained that the Hawaii State Legislature creates the HRS. Members of the public can make changes to the HRS through bill proposals. Currently, the Hawaii Acupuncture Association (HAA) is working to revise the HRS.

Chair Kroll advised that the Board creates the Hawaii Administrative Rules ("HAR"). The Board is in the process of drafting new wording that would eliminate the word "score". Chair Kroll asked the administrative staff to provide a time line for the changes.

EO Araceley explained the multiple steps involved in the process of making amendments to the HAR and said given the variables, he could not provide an exact timeline.

Vice-Chair McMenemy stated that the Board was hoping to have the HAR changes completed by January 1, 2022.

Chair Kroll assured Ms. Rothman that the Board is working through the process as quickly as they can.

Ms. Rothman asked if she would be informed when the HAR changes take place.

Chair Kroll explained that if her application expires prior to the HAR changes, she would need to reapply.

EO Doi surmised that the onus would be on the applicant to remain apprised of changes to the HAR.

EO Araceley advised that he was not aware of any public notification requirements for HAR changes but added that he would look into it. He advised Ms. Rothman of the abandoned application extension found in HRS §436B-9, which would allow her to submit a request to extend her application deadline.

Chair Kroll suggested that Ms. Rothman join the HAA to stay informed of the updates to the HAR and confirmed that the HAA offers associate memberships for individuals that are not licensed acupuncturists.

As there were no further questions from Ms. Rothman, the Board returned to its regular order of business.

4. Applications: a. Ratifications

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

Acupuncturists

ACU 1327 ROWAN ADARA  
ACU 1328 REBECCA J ABBOTT  
ACU 1329 JULIA B HORIE  
ACU 1330 LAUREL SEAHOLM  
ACU 1331 ZONGMING ZHANG  
ACU 1332 BRIAN SNAPP

b. Applications:

At 1:36 p.m., it was moved by Chair Kroll, seconded by Ms. Foreman and unanimously carried for the Board to enter executive session in pursuant to HRS, §92-5(a)(1), "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in 26-9 or both;" Board members and staff entered into Microsoft Teams.

EXECUTIVE SESSION

At 1:49 p.m., it was moved by Chair Kroll, seconded by Vice-Chair McMenemy and unanimously carried to move out of executive session. Board members and staff returned to the Zoom Webinar meeting.

It was moved by Vice-Chair McMenemy, seconded by Dr. Foreman, and unanimously carried to approve the applications for use of the Doctor of Acupuncture Title as listed below:

1. Cynthia Bodas
2. Nina Hamid
3. Elizabeth Maximin

5. New Business: a. Email inquiry from Sarah Rothman: California/NCCAOM's Route 8

Chair Kroll advised that since they already spoke on this matter, the Board would continue to the next item on the agenda.

6. Ongoing Business:

a. Hawaii Administrative Rules (HAR) Chapter 16-72 amendments

After discussion between the Board members, EO Doi, EO Araceley and DAG Suzuka, the following amendments to HAR 16-72 were settled upon:

SUBCHAPTER 2 – DEFINITIONS – 16-72-3

“Accredited acupuncture program”

- Strike out “the first” before “professional program in acupuncture and Oriental medicine...”
- Add “a” before “professional program in acupuncture and Oriental medicine...”

“Acupuncture Injection Therapy” (AIT)

- Strike out “or” before “trigger points) to promote...”
- Strike out “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.”

“Acupuncture needle”

- Strike out “sharp” before “point at one end...”

“Acupuncture school”

- Strike out “to ACAOM for first professional acupuncture/Oriental medicine and post-professional programs:”
- Instead state “by an accrediting body recognized by the United States Department of Education in professional acupuncture or acupuncture and Oriental medicine and post-professional programs:”

“Auricular acupuncture”

- Add “a” before “treatment system...”

“Traditional Oriental medicine”

- Add “Traditional Chinese Medicine,” before “East Asian Medicine and Kanpo...”

SUBCHAPTER 3 – AUTHORIZED PRACTICE; SCOPE OF PRACTICE; LICENSE

16-72-4 - Authorized practice of acupuncture.

- Strike out “of the human body” before “by piercing or stimulating, or both...”

- Strike out “certain acupuncture” before “point or points...”
- Strike out “&” before “guasha, laser acupuncture...”
- Add “and” before “guasha, laser acupuncture...”

16-72-5 - Scope of practice of acupuncture.

- Strike out “However, the board recognizes that guidelines on”
- Instead state “Acupuncture is used in a wide range of treatment.”
- Strike out “should be imposed and establishes the following permissible practices of authorized treatment which”
- Strike “needle procedures” before “are not allowed.”
- Add “needles” after “Permanently implanted...”

16-72-11 - Acupuncture student intern in clinical practice.

- Strike out “umbrella” before “of the acupuncture school.”
- Add “authority” before “of the acupuncture school.”

16-72-12 - Duties and minimum standards of a supervising license/acupuncturist/acupuncture practitioner.

- (3) Add “school” after “in the clinic of the accredited...”

#### SUBCHAPTER 4 – EDUCATION AND TRAINING REQUIREMENTS

16-72-14 – Formal education and training requirements.

- (a) Add “as set forth below:” after “study of formal education and clinical training...”

16-72-17 – Academic standards for the use of titles.

- (a) Strike out “approved” before “acupuncture school”
- (c) Strike out “approved” before “acupuncture school”

#### SUBCHAPTER 5 – APPLICATION FOR LICENSE

16-72-20.1 – Application for an acupuncture intern permit.

- (b)(1) Strike out “approved” before “school;”
- (b)(1) Add “acupuncture” before “school;”
- (b)(2) Strike out “approved” before “school showing...”
- (b)(2) Add “acupuncture” before “school showing...”
- (b)(2) Strike out “approved” before “school stating...”
- (b)(2) Add “acupuncture” before “school stating...”

16-72-23 – Verification of education and training.

- (a) Strike out “approved” before “school provided...”
- (a) Add “acupuncture” before “school provided...”

#### SUBCHAPTER 6 – EXAMINATIONS

##### 16-72-33 – Examination.

- Strike out “an Oriental Medicine Diplomate” before “or its equivalent...”
- Add “a Diplomate of Oriental Medicine” before “or its equivalent...”

#### SUBCHAPTER 9 – ADVERTISEMENT

##### 16-72-57 – Use of titles.

- (b) Strike out “approved” before “acupuncture school...”
- (c) Strike out “continue to” after “In order to...”

It was moved by Vice Chair McMenemy, seconded by Dr. Foreman and unanimously voted to accept the HAR Chapter §16-72 amendments, as discussed.

EO Araceley advised that he will update the changes to the HAR and circulate the draft to the Board, EO Doi and DAG Suzuka to review before the next step is taken.

Next Meeting: Thursday, April 1, 2021  
1:00 p.m.  
Virtual Meeting – Zoom Webinar

Adjournment: Chair Kroll adjourned the meeting at 2:56 p.m.

Reviewed and Approved by:

/s/Risé Doi

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Risé Doi,  
Executive Officer

Taken and recorded by:

/s/Erin Emerson

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Erin Emerson,  
Secretary

RD:ee  
02/23/21

- [ x ] Minutes approved as is.  
[ ] Minutes approved with changes.