

**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: April 1, 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: Risé Doi, Executive Officer (“EO”)  
Kelly Suzuka, Deputy Attorney General (“DAG”)  
Erin Emerson, Secretary  
Christine Dela Cruz, Secretary (Tech support)  
Kawehi Mau, Secretary (Tech support)

Guests: Antonio Provencio and Han Yang  
Dr. Barbara Ota  
Becky Jacobs D.Ac.  
Dr. Wai Low  
Jayne Tsuchiyama  
Mina Larson  
Yvonne  
Yvonne Taylor  
Janet Boyd  
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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 1:05 p.m.

2. Approval of Minutes: Chair Kroll opened the floor to discussion of the meeting minutes and executive session minutes of the February 11, 2021 meeting.

It was moved by Dr. Foreman, seconded by Vice-Chair McMenemy, and unanimously carried to approve the meeting minutes and executive session minutes of February 11, 2021, as circulated.

3. Applications: a. Han Yang – Reconsideration of Use of Doctor of Acupuncture Title (HAR §16-72-17)

Chair Kroll asked if there were any public attendees wishing to provide oral testimony.

Chair Kroll recognized Mr. Antonio Provencio.

Mr. Provencio inquired about the applications of both himself and his partner Ms. Han Yang, who was present with him.

EO Doi advised that she would follow up on his application for Use of Doctor of Acupuncture Title after the meeting. Typically, applications take the licensing branch 15-20 business days to process.

Chair Kroll advised that the Board will reconsider their previous denial of Ms. Yang's Use of Doctor of Acupuncture Title application, if she can provide a statement from a third-party consultant, such as The International Consultants of Delaware ("ICD"), equating Ms. Yang's education to a doctoral level.

Mr. Provencio asked to be provided specific information on what to request from the third-party consultant.

EO Doi summarized information provided by the previous Executive Officer for the Board of Acupuncture, EO Relley Araceley.

EO Araceley discovered that the previous document received from ICD was the incorrect document for a Use of Doctoral of Acupuncture Title application. ICD advised that the document provided should only be used for National Certification Commission for Acupuncture & Oriental Medicine ("NCCAOM") certification and that Ms. Yang can request an equivalency evaluation comparing her education to a doctoral program in the United States.

EO Doi suggested that Ms. Yang contact ICD and request an equivalency evaluation for her education, and stated that the Board could defer the application, pending submittal of this documentation.

Chair Kroll asked EO Doi to send Ms. Yang the specific wording for the request from ICD.

EO Doi confirmed she would provide the information in a letter and could send an email.

Mr. Provencio advised that Ms. Yang has had issues with the speed of ICD's procedures in the past. He requested the Board allow evaluations from other agencies.

EO Doi informed Mr. Provencio of two (2) additional organizations that could provide the evaluation, the Foundation for International Services, Inc. ("FIS") and the Academic Credentials Evaluation Institute, Inc. ("ACEI"). She confirmed that she would provide the names of the organizations in her written correspondence.

Mr. Provencio said that Ms. Yang would attempt to request the appropriate documentation.

EO Doi stated that if the Board makes a motion to defer the application pending this support documentation, she would send an official revised letter explaining the requirements.

Mr. Provencio thanked the Board for their time.

It was moved by Chair Kroll, seconded by Vice-chair McMenemy, and unanimously carried to defer Ms. Yang's Reconsideration of Doctor of Acupuncture Title application, pending the receipt of a third-party agency evaluation of her Bachelor program's equivalency to a Doctoral program.

b. 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 1333 CHARNE M STOEBNER

ACU 1334 DARCIE C IKI  
ACU 1335 JENNIFER V BELL

Interns

452 HEATHER E VAUGHAN

4. New Business: a. NCCAOM Simplified Routes for Recertification by Mina Larson (guest)

Chair Kroll recognized Mina Larson, CEO, NCCAOM and Jayne Tsuchiyama, D.Ac., D.A.O.M., Dipl. OM (NCCAOM), Board Commissioner NCCAOM, who provided the following presentation:

Founded in 1982, the NCCAOM is a national certification organization comprised of approximately twenty thousand (20,000) diplomates worldwide.

The mission of the NCCAOM is to assure the safety and well-being of the public, and to advance the professional practice of acupuncture and Oriental medicine by establishing and promoting national evidence-based standards of competence and credentialing.

Aside from performing as an examination agency, the NCCAOM maintains and advances the profession in the following ways:

- Ensuring public safety, consumer awareness & service/outreach
- Working with state boards to ensure high standards of practice and safety
- Vetting all diplomates for any ethics and disciplinary violations
- Advocacy and legislation
- National certification and international partners
- Help diplomates to stay up-to-date with regulations, professional requirements, employment opportunities, support subject matter experts

National Board Certification establishes acupuncturists and practitioners as experts in their field and sets a national standard. The NCCAOM ensures that their Certification Programs are accredited by the National Commission for

Certifying Agencies (“NCCA”). NCCA standards were developed to help ensure the health, welfare, and safety of the public.

Many institutions require NCCAOM certification, including:

- Department of Defense (DOD)
- Veterans Administration (VA)
- Major hospitals
- Insurance companies
- Researchers & universities
- Cruise ships

Previously, diplomates were required to take an examination prior to recertification with the NCCAOM. With the new Reinstatement Route, a diplomate with terminated status may apply for recertification without an examination, provided they have:

- maintained an active state acupuncture license;
- received a Clean Needle Technique (CNT) certificate;
- received CPR certification;
- met safety & ethics unit requirements; and
- met professional development unit requirements.

Fee & unit requirements are calculated based on the amount of time their certification has been expired. Members can use their certification expiration date on the reinstatement calculator, found at <https://www.nccaom.org/calculator/calc.html>, to determine their personal requirements for reinstatement.

The Reinstatement Route is temporary and will close on June 30, 2022. After that time, there will be a permanent route put in place that will entail more requirements. If anyone has any questions, they are welcome to contact [info@nccaom.org](mailto:info@nccaom.org).

Chair Kroll asked if a diplomate last certified with NCCAOM in the 1980’s could use their continuing education (“CE”) units from any time since their certification lapsed.

Ms. Larson advised that the NCCAOM uses a formula to allow for the use of CEs from various periods since the diplomates certification lapsed.

Chair Kroll asked how the NCCAOM will be informing acupuncturists of the Reinstatement Route.

Ms. Larson advised they have published the information in Acupuncture Today, and have had the American Society of Acupuncturists (“ASA”) send the information to state associations. The NCCAOM would like to work with the Hawaii Board of Acupuncture to inform acupuncturists in the State of Hawaii.

Chair Kroll asked the Board if they had any comments or concerns.

Vice-Chair McMenemy stated that licensees in Hawaii are not required to complete CEs to maintain their licensure. She queried how the calculator would look for a diplomate that has not completed any CEs in the past twenty (20) years.

Ms. Larson explained there are alternative methods for diplomates that have not required CEs for licensure, including but not limited to:

- teaching
- publication of articles
- joining/serving an organization
- upcoming intensive courses

Ms. Larson stated that they can work with diplomates and asked for them to contact the NCCAOM for further information and assistance.

Ms. Tsuchiyama added that Board commitments can be used towards reinstatement, including testifying or legislative work. She explained that there are many routes to obtain this requirement, which is why they called them professional development units rather than CEs.

Ms. Larson stated that the NCCAOM has set up a new recertification portal that can be utilized prior to applying. The information can be stored in the portal until the user is ready to submit.

Chair Kroll recognized Dr. Barbara Ota, President of the Hawaii Acupuncture Association (“HAA”).

Dr. Ota asked if this route was available for an acupuncturist looking to expand their diplomate status to include Oriental medicine.

Ms. Larson recommended that individuals reinstate as a diplomate of acupuncture first. Once recertified, they could take the herbal exam to achieve diplomate status in Oriental medicine.

Chair Kroll asked if the CPR requirement could be done online.

Ms. Larson confirmed that the CPR courses, as well as many other courses, are now all online.

Chair Kroll asked if there were any further questions regarding the presentation. There were none.

5. Ongoing Business:

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

Chair Kroll asked if there was any public testimony regarding the HAR.

Chair Kroll recognized Dr. Ota.

Dr. Ota asked about the following sections in the HAR revisions:

16-72-6 Records:

- “Records shall be kept on file for at [~~a minimum of seven~~] least five years...”
  - Dr. Ota questioned why the Board was changing this to five (5) years when the national standard in medical professions is seven (7).
  - Chair Kroll explained that EO Araceley had informed the Board that most medical professions in Hawaii were moving towards five (5) years for record retention requirements. The Board decided to make the change to keep up with the new standard.

16-72-46 Renewal:

- “(b) Licensees must hold a current, valid CPR (cardiopulmonary resuscitation) certification approved by the American Red Cross or the American Heart Association.”

- Dr. Ota questioned the HAR revision requiring licensees to take a CPR courses every two (2) years versus the NCCAOM requirement every four (4) years. She was also concerned that it would be difficult for licensees to complete the requirement given the current lack of in-person classes.
- Chair Kroll explained that the requirement is for licensees to have an active CPR license at the time of renewal, in the State of Hawaii, this happens to be every two (2) years. The courses can be done online.

Dr. Ota asked about the wording on Clean Needle Technique (CNT) standards, as members of the HAA felt there was redundant language concerning CNT.

After discussion between Chair Kroll, Vice-Chair McMenemy and Dr. Ota, they determined that there was no language specific to CNT in the current draft of the HAR revisions.

Dr. Ota asked if there was wording regarding a requirement for diplomate status in either acupuncture or Oriental medicine on renewal.

Chair Kroll explained that a previous draft of the HAR revisions included diplomate status as a requirement for renewal. The Board had been advised by DAG Suzuka that including this wording would require a change to the HRS and it was removed.

DAG Suzuka confirmed that was correct.

Vice-chair McMenemy asked if the current draft of the HAR revision included wording on requiring thirty (30) CEs on renewal.

Chair Kroll advised that CE wording had been removed from the HAR revisions, as including it would have exceeded the Board's authority.

DAG Suzuka confirmed that was correct. The current HRS does not provide authority to impose CE requirements on renewal. Her advice was to have it included in the wording of the HRS prior to adding it to the HAR.

Chair Kroll asked if there were any more public comments on the HAR revisions. There were none.



Chair Kroll asked if there were any other comments or concerns from the Board regarding the HAR revisions.

Vice-Chair McMenemy expressed her concern with the lack of wording in section 16-72-46 regarding CEs on renewal of licensure.

Chair Kroll agreed with Vice-Chair McMenemy's concerns but reiterated that the wording would exceed the Board's authority. She asked DAG Suzuka to summarize why it was recommended to leave out wording regarding CEs on renewal.

DAG Suzuka explained that DCCA boards that include CE requirements in their HAR have a specific statutory authorization in their HRS. However, boards without a specific statutory authorization do not include CEs in their HAR. To be consistent with DCCA standards, she recommended not including CEs in the HAR revisions until the HRS is amended to include the statutory authorization.

Vice-Chair McMenemy asked if there was a law restricting the Board from adding the wording.

DAG Suzuka said there was no law that specifically states the Board cannot include the wording, but the recommendation from DCCA is not to include it to stay consistent with their policy in order to avoid litigation. She pointed out that there are recommendations of changes to the HRS in process and CEs could be included in those amendments.

Chair Kroll added that if they included wording on CEs in the HAR and it be legally challenged, the entire HAR revision could be delayed.

Chair Kroll invited Dr. Ota to speak on the topic of HRS changes by the HAA.

Dr. Ota stated that the HAA Legislative Committee has included CEs as one of the changes they are requesting to the HRS. They are currently working on the language to keep the wording clear that 30 CEs per renewal year will be required. They hope to set the CE procedures as self-reported with random audits.

Chair Kroll confirmed that once wording regarding CEs is included in the HRS, the Board will have the authority to update the HAR with any clarifications required.

Chair Kroll asked if there were any final comments on the HAR revisions. There were none.

It was moved by Chair Kroll, seconded by Dr. Foreman and unanimously voted to accept the HAR §16-72 amendments, as circulated.

Next Meeting: Thursday, June 3, 2021  
1:00 p.m.  
Virtual Meeting – Zoom Webinar

Adjournment: Chair Kroll adjourned the meeting at 2:13 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  
04/13/21

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