

**HAWAII BOARD OF CHIROPRACTIC**  
Professional & Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

**MINUTES OF MEETING**

Date: November 3, 2021  
Time: 12:00 p.m.  
Place: Virtual Videoconference Meeting – Zoom Webinar  
(use link below)  
<https://dcca-hawaii-gov.zoom.us/j/93323247154>

Present: James Pleiss, D.C., D.A.B.C.O., Chair  
Rachel M. Klein, N.D.D.C., Vice Chair  
Alicé H. Ogawa, D.C., Member  
Kedin C. Kleinhans, Executive Officer (“EO”)  
Mana Moriarty, Deputy Attorney General (“DAG”)  
Susan A. Reyes, Secretary  
LaJoy Lindsey, Technical Support

Guests: Jason O. Jaeger, D.C. – NBCE District IV Director  
Bruce Shotts, D.C. – NBCE Director of Examinations  
Stephen Offenburger, D.C.

Individuals wishing to provide public comment may do so at the beginning of each agenda item. Pursuant to Hawaii Administrative Rules (“HAR”) Section 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.

A brief video explained meeting procedures and information on how members of the public can participate during the meeting.

Call to Order: There being a quorum present, the meeting was called to order by Chair Pleiss at 12:06 p.m.

Approval of Meeting Minutes: Minutes of the June 30, 2021 Board Meeting

Chair Pleiss asked if there were any members of the public who would like to provide oral testimony on this agenda item, to which there were none.

It was moved by Chair Pleiss, seconded by Dr. Ogawa, to accept the open session minutes as is and the executive session minutes with the following correction:

- Page 3, 5<sup>th</sup> line, should read as:

“subject to disciplinary action: The Nevada Chiropractic”.

The motion was unanimously carried by roll call vote.

National Board of  
Chiropractic  
Examiners  
("NBCE"):

A. Presentation from Jason O. Jaeger, DC, District 4 Director,  
and Dr. Bruce Shotts, Director of Examinations

Dr. Jaeger stated that Hawaii is currently not administering a jurisprudence exam and NBCE could develop a jurisprudence examination.

EO Kleinhans reported his earlier phone conversation with Drs. Jaeger and Shotts regarding a jurisprudence examination and will provide further information in the Executive Officer's report.

Dr. Jaeger asked the Board if they had any questions or concerns and indicated that NBCE could provide collaborative assistance.

Chair Pleiss asked if the jurisprudence examination will be in addition to Part IV. Dr. Shotts confirmed and added that the jurisprudence examination will be short and based on the Hawaii statutes and rules. In addition, the examination will be open book with the intent to familiarize applicants of the State laws and rules.

Chair Pleiss asked if the examination will be a pass or fail. Dr. Shotts affirmed, and the Board determines the pass percentage. Other state boards require a passing score of 75% or 80%

Chair Pleiss asked if there is an additional cost to administer a jurisprudence examination. Dr. Shotts responded that there will be no cost to the Board; however, an applicant's examination attempt is usually \$55.00.

Chair Pleiss asked if there are periodic updates to the examination, or does the Board notify NBCE of any rule changes. Dr. Shotts said NBCE would rely on the Board to notify them of any changes. Since NBCE would develop the examination, any changes may be completed within 1-2

days. In addition, the examination will be updated every five years regardless if there are no changes.

Chair Pleiss asked if the examination questions are approved by the Board. Dr. Shotts said that NBCE will initially review the statutes and rules to plan and draft questions. Then, the questions are given to the Board for approval.

Chair Pleiss asked what happens if an applicant fails the jurisprudence examination. Dr. Shotts responded that the applicant may retake the examination.

Chair Pleiss asked how many states take advantage of the jurisprudence examination. Dr. Shotts reported that Oregon, Missouri, Oklahoma, Florida utilize the NBCE jurisprudence examination

Chair Pleiss said that the inclusion may require a rule change and the Board will look into this matter.

Dr. Shotts commented that NBCE would need six months to create the examination.

Drs. Jaeger and Shotts thanked the Board for adding them to the agenda to connect and touch-base.

It was motioned by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried by roll call vote to go into recess and immediately following, enter into Executive Session.

Dr. Stephen Offenburger raised his hand to provide testimony. He just wanted the Board to know that he is available to answer any questions the Board may have regarding approving his application for licensure.

**The Board recessed at 12:20 p.m. and reconvened at 12:42 p.m.**

Chapter 91, HRS

Adjudicatory

Matters: A. Dale K. Yamauchi, D.C., YHI-2020-6-L

The Board received a request from Dr. Yamauchi to consider the retroactive extension of time to complete continuing education courses.

It was motioned by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried by roll call vote to acknowledge receipt of the

completed continuing education course certificates; however, it was noted that two of the three courses were not completed timely.

The Board took no position whether to grant a retroactive extension of time to complete continuing education courses.

Executive Session: At 12:42 p.m., it was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to enter into Executive Session pursuant to HRS §92-5(a)(1), "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both", and HRS §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.

At 12:48 p.m., it was moved by Chair Pleiss, seconded by Dr. Ogawa, and by roll call vote, unanimously carried to exit Executive Session and reconvene to the Board's regular order of business.

Applications for

Chiropractic License: A. Application(s) for License

1. Stephen Offenburger

It was motioned by Chair Pleiss, seconded by Vice Chair Klein, and unanimously carried by roll call vote, to approve the application of Dr. Offenburger.

B. Ratification of Issued License(s)

Chair Pleiss asked if there were any members of the public who would like to provide oral testimony on this agenda item, to which there were none.

- |    |         |                       |
|----|---------|-----------------------|
| 1. | DC-1495 | Takeshi Okai          |
| 2. | DC-1496 | Stephanie A. Vlaminck |
| 3. | DC-1497 | Peter R. Darvas       |
| 4. | DC-1498 | Sean Davis            |
| 5. | DC-1499 | Kai Chu Kang          |
| 6. | DC-1500 | Talor J. Garcia       |
| 7. | DC-1501 | William P. Goodman    |
| 8. | DC-1502 | Julia M. Goodman      |

It was motioned by Chair Pleiss, seconded by Dr. Ogawa, and by roll call vote, 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

Chair Pleiss asked if there were any members of the public who would like to provide oral testimony on this agenda item, to which there were none.

See attached list(s).

It was motioned by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried by roll call vote, to defer the following CE courses upon receipt of additional documentation:

Index No. HI 20-560  
Index No. HI 20-561  
Index No. HI 20-571  
Index No. HI 20-602  
Index No. HI 20-625

It was moved by Chair Pleiss, seconded by Dr. Ogawa, and by roll call vote, unanimously carried to ratify the approval of the following CE courses:

Index No. HI 20-563 – HI 20-570  
Index No. HI 20-572 – HI20-585  
Index No. HI 20-587 – HI 20-589  
Index No. HI 20-591 – HI 20-600  
Index No. HI 20-603  
Index No. HI 20-605 – HI 20-624  
Index No. HI 20-626  
Index No. HI 20-628 – HI 20-634  
Index No. HI 20-636 – HI 20-641  
Index No. HI 20-643 – HI 20-676  
Index No. HI 18-045 R21  
Index No. HI 18-048 R21  
Index No. HI 18-189 R21  
Index No. HI 19-014 R21  
Index No. HI 20-174 R21  
Index No. HI 20-194 R21  
Index No. HI 20-280 R21  
Index No. HI 16-007 R21  
Index No. HI 16-019 R21  
Index No. HI 16-218 R21 – HI 16-219 R21  
Index No. HI 18-237 R21 – HI 18-240 R21  
Index No. HI 20-452 R21

It was moved by Chair Pleiss, seconded by Dr. Ogawa, 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 20-562, 18 hours out of 18.5 hours requested  
Index No. HI 20-586, 12 hours out of 12.5 hours requested  
Index No. HI 20-604, 35 hours out of 35.5 hours requested  
Index No. HI 20-627, 1 hour out of 1.5 hours requested  
Index No. HI 20-635, 1 hour out of 1.5 hours requested  
Index No. HI 20-642, 1 hour out of 1.5 hours requested

It was moved by Chair Pleiss, seconded by Dr. Ogawa, 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 20-590, 294 hours offered/34 hours may be earned out of 294 hours requested.  
Index No. HI 20-601, 26 hours offered/14 hours may be earned out of 26 hours requested.

Vice Chair Klein stated that the review of continuing education applications is cumbersome and asked for ideas to resolve this issue.

EO Kleinhans reviewed the Board's statutes and rules and indicated that he does not see language that would preclude the Board from delegating the review and approval of continuing education applications to its Executive Officer. He will add this to the next agenda for Board discussion.

Old Business:

A. Scope of Practice of "Seitai" Therapy

EO Kleinhans briefed the Board that this agenda item stemmed from a complaint that RICO had already closed. As such, RICO was able to disclose more information. The information he received is as follows:

- There was a massage establishment and therapist that advertised the establishment as a clinic claiming to correct skeletal distortion;
- It also advertised for the recruitment of students to teach the seitai method;

- The concern is that seitai may be more than massage as the practice involves the manipulation of the joints and muscles;
- The advertisement also had the intent to provide relief for those seeking alignment problems; and
- RICO said that the respondent is a licensed massage therapist who stated he did not want to convey that his massage was for relaxation purposes. The manipulation is on joints and muscles, thereby leading to the adjustment of the bones.

EO Kleinhans said that RICO does not have further information.

Chair Pleiss asked if this practice includes spinal manipulation, external manipulation, or joint manipulation.

Vice Chair Klein affirmed that the practice involves joint manipulation. In the method, there are techniques that manipulate joints and soft tissues. Accordingly, Vice Chair Klein said that the answer is yes to the question posed, because the practice involves joint manipulation.

Dr. Ogawa asked if the practice is taught at any schools.

Vice Chair Klein stated that the practice is primarily a Japanese technique and does not think so. She added that any manipulation of a joint, regardless of the method used or where the method was learned, is under the practice of chiropractic.

DAG Moriarty stated that the Board may have EO Kleinhans provide RICO a copy of the meeting minutes for their review. Further questions could be discussed at a subsequent meeting.

It was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried by roll call vote to determine that any method of joint manipulation such as "seitai therapy" would fall under the scope of practice of chiropractic

New Business:

A. 2022 Board Meeting Schedule

EO Kleinhans said that instead of our current schedule from the first Wednesdays on odd-numbered months at 12:00 p.m., we will be switching to the first Mondays on odd-numbered months at 10:00 a.m. Tentatively, the meeting dates are:

January 3, 2022  
March 7, 2022  
May 2, 2022  
July 11, 2022 (July 4<sup>th</sup> is a holiday)  
September 12, 2022 (September 5<sup>th</sup> is a holiday)  
November 7, 2022

B. Request for Consideration of Preceptorship

Chair Pleiss said that to his understanding, an individual cannot perform chiropractic without a license. After reading the meeting minutes of September 1, 2011, a preceptorship is not allowed in Hawaii.

Chair Pleiss said that there is debate whether a chiropractic student may perform manipulation and take x-rays or patient history. Vice Chair Klein indicated that chiropractors may have assistants that may take vitals under direct supervision and asked whether students under direct supervision may take vitals.

EO Kleinhans reported other licensing boards have an exemption section in their laws or rules. As the current laws and rules do not have an exemption section, the Board determination on September 1, 2011 was made pursuant to HRS §442-2(a):

“It shall be unlawful for any person to practice chiropractic without a license.”

EO Kleinhans said that the question presented is whether the Board is interested in pursuing a change to allow preceptorship, which would require a change in the Board's statutes or administrative rules. He will explore for more information on this matter.

Vice Chair Klein asked whether preceptorship refers to chiropractic students or graduates under the supervision of a licensed chiropractor, or about observation with basic exam procedures. Chair Pleiss said that preceptorship involves an individual who is not licensed or graduated, but during the last portion of training, is working with a licensed chiropractor. He agreed with Vice Chair Klein and does not see why a preceptorship precludes exams under supervision.

Vice Chair Klein expressed interest in changing the rules and discussing the matter further.



DAG Moriarty stated that the delegation to the EO should be open-ended to pursue research into a potential law or rule change.

It was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried by roll call vote to instruct EO Kleinhans to explore avenues and/or changes to the laws and rules to allow preceptorship in the State.

Chairperson's Report:

A. NBCE Part IV Examination on November 12-14, 2021

Chair Pleiss said that the Part IV Examination is next week and asked Board members if they were planning to attend. Dr. Ogawa said she initially planned to attend but had to cancel.

Chair Pleiss asked whether members would like to attend the Part IV Test Committee next year. Dr. Ogawa and Vice Chair Klein expressed interest to attend.

Chair Pleiss said that for the Part IV Committee has two slots open in May and two slots open in November. In addition, there is one slot open in June at Colorado. Dr. Ogawa indicated she may attend but will let Chair Pleiss know.

Executive Officer's Report:

A. Approval of CE Credit for Participation in NBCE Sanctioned Regulatory Matters

EO Kleinhans stated that Vice Chair Klein indicated at the previous meeting of a Board policy on approving CE credits from a national board, e.g., NBCE sanctioned regulatory matters. He reported the below timeline of meeting minutes:

- May 2008: The Board motioned to approve CE credits for those individuals who participated in the NBCE sanctioned sponsored matters, provided that they meet the requirements of HAR §16-76-39;
- November 2010: A Board member attended the Part IV Exam;
- January 2011: The Board member requested approval for the CE credits. The Board advised the member to complete and submit the CE application form. The Board was informed there was no fee for an individual application.

- March 2011: The board received and approved the application for the CE credits from November 2010.

EO Kleinhans summarized that Board members who attend similar events may submit the continuing education application as an individual for appropriate review and disposition. Chair Pleiss stated that this matter should be included into the rule revisions.

B. NBCE Jurisprudence Examination and Ethics Boundaries Assessment Service (EBAS) Examination

EO Kleinhans stated that this agenda item is related to the presentation from Drs. Jaeger and Shotts and reported his prior phone conversation on September 15, 2021.

The purpose of the jurisprudence examination is to educate applicants on State-specific requirements. The NBCE will:

- Draft questions for Board review and approval.
- Accept suggestions from the Board and process any changes requested by the Board;
- Handle the administration of the examination

It will be an open book examination with 40 to 52 questions. The Board decides the amount of questions and pass rate percentage. There is a cost of \$55.00 for each attempt. The candidates may take the exam on their own computer.

C. Federation of Chiropractic Licensing Boards (FCLB) Chiropractic Information Network/Board Action Data Bank (CIN-BAD) Self-Query Reports

EO Kleinhans reported that New Mexico require applicants to provide their CIN-BAD query report with their license application. A report costs \$26.00. He added that New Mexico requires an applicant to have no disciplinary action imposed or criminal conviction and agrees to a background check from the NPDB and FCLB, and to provide a report from the FCLB (CIN-BAD).

Hawaii Administrative  
Rules ("HAR")  
Amendments to  
Chapter 76:

A. New Section(s) Proposed

16-76-10 Chiropractic Information Network/Board Action Databank

Chair Pleiss thanked EO Kleinhans for providing a rough draft of the revisions previously discussed. He marked the copy with his changes and encouraged the other Board members to do the same.

EO Kleinhans asked the Board to email him of any further revisions.

EO Kleinhans proposed a new section to participate in CIN-BAD and require self-query reports:

§16-76-10 Chiropractic Information Network/Board Action Databank. (a) Notwithstanding any other law to the contrary, the board may fully participate in the Chiropractic Information Network/Board Action Databank by sharing licensure and discipline data with the Chiropractic Information Network/Board Action Databank.

(b) Applicants for chiropractic licensure shall submit a self-query report from the Chiropractic Information Network/Board Action Databank. By applying for chiropractic licensure, applicants shall consent to allowing the board to share their licensure and discipline data with the Chiropractic Information Network/Board Action Databank.

EO Kleinhans stated that the language is similar to the nursing statute as they have a "NURSYS" system. He will revise the language for similarity with New Mexico's requirements.

B. Revisions to Current Section(s)

EO Kleinhans reported revisions to HAR §16-76-39(b) to provide the Board authority to specify particular categories of continuing education.

(b) Each seminar approved by the board must present subject material directly related to the concepts of chiropractic principles and practice, including diagnostic procedures, patient care, and patient management. ~~[The board recommends special attention be given to the following]~~ Seminars may include but are not limited to the following subjects:

~~[(1) Principles of practice of chiropractic including, but not limited to:]~~

[(A)](1) Chiropractic treatment and adjustment technique, including:

(A) [physiotherapy, nutrition, and dietetics]  
Physiotherapy; [and]

(B) Nutrition; and

(C) Dietetics.

[(B)](2) Physical, laboratory, orthopedic, neurological, and differential examination and diagnosis or analysis; and

[(2)](3) Radiographic technique and interpretation involving all phases of roentgenology as permitted by law.

Chair Pleiss stated that the Board needs to come to a consensus on the total required CE hours. He suggested increasing the hours from 20 to 32.

Dr. Ogawa indicated that previous discussion alluded to about a number between 36 – 40 hours.

Chair Pleiss and Vice Chair Klein favors 32 hours as a jump of 20 hours would be too much.

Chair Pleiss said that the number of hours we decide on should include documentation, records keeping, ethics & boundaries and jurisprudence, at least one hour each.

EO Kleinhans reported revisions to HAR §16-76-39(f) to allow the Board to accept CE courses that offer half or quarter credits:

(f) Continuing education credit [shall] may be given for ~~[whole hours only, with]~~ quarter hours or fifteen minutes, provided a minimum of fifty minutes [constituting] shall constitute one class hour. No credit for continuing education shall be allowed for time expended for study outside of the classroom.

EO Kleinhans reported new subsection HAR §16-76-39(g) to provide a conversation regarding online credits and whether a maximum amount of online credits would be allowed:

(g) Licensees may satisfy the continuing education requirements through computer, correspondence courses, or courses presented via other media, such as audio and video tape recording; provided that those courses do not comprise more than credit hours.

Chair Pleiss suggested to eliminate “provided that those courses do not comprise more than \_\_\_ credit hours” to provide licensees the ability to choose their CE courses in several ways.

Vice Chair Klein stated that we should use the word “virtual”. Chair Pleiss agreed and indicated some online seminars could be in-person or via distance learning. He added that the Board should not limit licensees to one particular way to gain CE credits, especially during the pandemic

EO Kleinhans reported revisions to HAR §16-76-41(a) to allow the Board to retroactively approve CE within a certain time period:

- (a) Sponsors seeking the board's approval for continuing educational seminars for license renewal in this State shall provide the board with a program sponsor agreement for continuing education and all documentary information required by the board, and an application fee as required by chapter 16-53, no more than forty-five days ~~[prior to]~~ after the date of the seminar.

Chair Pleiss asked if 45 days is enough time, and if the time frame should be increased. Vice Chair Klein responded that given the Board meets every other month we should make the timeframe 60 days.

EO Kleinhans reported new subsection HAR §16-76-41(b) to delineate the required items program sponsors must submit for approval:

- (b) Sponsors shall submit the following:
  - (1) A detailed outline which provides program content, total hours of the program, and clearly breaks down the amount of time spent on each portion of the program; and
  - (2) A curriculum vitae of each instructor of the program.

Chair Pleiss asked Board members if the above requirements are necessary at this time. He added that there should be language to provide the Board leeway in its decision-making on CE credits, and other matters under the Board's purview.

Vice Chair Klein asked if the language “at the discretion of the Board” should be included. EO Kleinhans responded that the language would need to specify certain requirements that would need to be met, e.g., undue hardship.

DAG Moriarty agreed with EO Kleinhans as Board discretion may be questioned; instead, rules should have specific criteria to trigger Board approval.

EO Kleinhans reported new subsection HAR §16-76-41(f) to utilize the PACE Program, and open discussion on which CE programs sponsors are automatically approved:

- (f) Programs sponsored by the following are automatically approved:
- (1) All non-profit nationally recognized chiropractic associations, such as the Federation of Chiropractic Licensing Boards and National Board of Chiropractic Examiners; and
- (2) [...]

Chair Pleiss suggested changing “All non-profit nationally recognized chiropractic associations”, should include any CCE chiropractic college and the courses they offer.

Vice Chair suggested that the rules should not be limited to chiropractic schools. Other schools, such as Naturopathic schools, should be considered, provided the school is accredited in their appropriate national board. The CMNE, different accrediting bodies, and AMA courses should also be considered. Chair Pleiss and Dr. Ogawa agreed.

Chair Pleiss asked the Board to submit their copy with their suggestions or changes to EO Kleinhans.

Next Meeting:

January 12, 2022  
12:00 p.m.  
Virtual Videoconference Meeting – Zoom Webinar

Chair Pleiss stated that the meeting is not on January 12, 2022 and has been changed to January 3, 2022 at 10:00 a.m.

Adjournment:

As there was no further business to discuss, the meeting adjourned at 2:34 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Kedin C. Kleinhans  
Kedin C. Kleinhans, Executive Officer

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

KCK:sar

12/02/21

- (X) Minutes approved as is.  
( ) Minutes approved with changes; see minutes of \_\_\_\_\_.