

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

**MINUTES OF MEETING**

Date: January 31, 2022  
Time: 10:00 p.m.  
Place: Virtual Videoconference Meeting – Zoom Webinar  
(use link below)  
<https://dcca-hawaii-gov.zoom.us/j/92647443866>

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”)  
John Cole, Deputy Attorney General (“DAG”)  
Susan A. Reyes, Secretary  
Rochelle Araki, Technical Support

Guests: None.

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 10:05 a.m.

Approval of Meeting Minutes: Minutes of the November 3, 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 and executive session minutes as is.

Executive Session: At 10:13 a.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 10:19 a.m., it was moved by Chair Pleiss, seconded by Vice Chair Klein, unanimously carried to exit Executive Session and reconvene to the Board's regular order of business.

Applications for Chiropractic License: 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.

(A) Chiropractor License

(1) Charles H. Son

It was motioned by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to approve the chiropractic license application of Dr. Son.

(B) Ratification of Issued License(s)

- (1) DC-1503 Stephanie D. Woo
- (2) DC-1504 Anson K.W. Ho
- (3) DC-1505 Jason J. Garrett
- (4) DC-1506 Craig S. Chin

It was motioned by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to ratify the above issued licenses.

New Business: (A) Continuing Education ("CE")

The Board will consider whether to delegate approval, pursuant to HRS §436-B8(b), of CE courses to Board staff and/or Board staff in consultation with a Permitted Interaction Group.

EO Kleinhans explained that the Board may consider delegating the approval of CE sponsor agreements to its Executive Officer with or without a Permitted Interaction Group for purposes of consultation. Similar to license

applications, should the EO have any questions with an application, the EO may place the application on the agenda for Board review.

Chair Pleiss responded that a Permitted Interaction Group may not be necessary. After a brief discussion, it was motioned by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to delegate the approval of CE course applications to its Executive Officer.

(B) Allowing Practice Under Supervision for a Limited Subset of Individuals

EO Kleinhans stated that the following agenda items (B), (C), and (D) relate to statutory authority, and the Board may consider moving into Executive Session to consult with its DAG on its powers, duties, privileges, immunities, and liabilities in accordance with HRS §92-5(a)(4).

EO Kleinhans reported that the allowance of practice under supervision for a limited subset of individuals may be viewed as a license exemption. He added that other licensing boards have provided license exemptions in their administrative rules, and the Board could discuss possible rule revisions during the 'Hawaii Administrative Rules' ("HAR") agenda item. Chair Pleiss stated that the Board will discuss this matter during the HAR agenda item.

(C) Statutory Amendments and/or Rules Amendments Regarding Background Checks by Licensees and/or New Applicants

EO Kleinhans stated that the Board had discussed requiring an applicant to obtain a National Board of Chiropractic Examiners ("NBCE") background check at an earlier meeting. He indicated that creating a new license requirement may be conceivable through rule revisions, provided there is thorough justification. Chair Pleiss stated that the Board will discuss this matter during the HAR agenda item.

(D) Statutory Amendments and/or Rules Amendments Regarding a Hawaii Jurisprudence Examination

EO Kleinhans stated that the Board had discussed requiring an applicant to obtain a passing score on a Hawaii-specific jurisprudence examination to be developed by NBCE at an earlier meeting. He reported that adding this requirement

likely requires a statutory change because HRS §442-6(a)(1), (a)(2), and (a)(3) specify each required examination. The Board may consider drafting an administration bill to amend its licensing statutes.

Vice Chair Klein asked whether there would be difficulties between the timing of effectuating the administration bill and NBCE's administration of the examination. EO Kleinhans responded that the Board may consider adding a delayed implementation date in the bill to provide NBCE ample time to develop the examination.

Vice Chair Klein stated that licensees should not be required to take an examination to maintain their license. EO Kleinhans responded that the bill may contain a 'grandfather' clause that specifies the examination is required for individuals applying after a certain date.

EO Kleinhans indicated that the further discussion is necessary to address grey areas, e.g., whether the jurisprudence examination is required for a licensee who had their license forfeited.

Chair Pleiss expressed concerns that opening the licensing chapter to amendment may have unintended consequences. EO Kleinhans responded that the intent of the bill and its language should be clear and specific to lessen the likelihood of new amendments that would cause concern.

**The Board recessed at 10:41 a.m. and reconvened at 10:53 a.m.**

Hawaii Administrative  
Rules – Amendments  
to Chapter 76

(A)

Draft 1 – Overview of Revisions

EO Kleinhans summarized the Board's rule amendments:

- Adding a new section 16-76-10 titled "Chiropractic Information Network/Board Action Databank" to participate in CINBAD, and adding a license requirement for a CINBAD self-query report, similar to the New Mexico board;

**§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.

- Revising section 16-76-39 to clarify and provide an avenue to specify CE categories, and allow the Board to accept CE credits in quarter hours; and

*(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]~~ Chiropractic treatment and adjustment technique, including:

(A) ~~[Chiropractic treatment and adjustment technique, including physiotherapy, nutrition, and dietetics]~~ Physiotherapy;

(B) Nutrition; and

(C) ~~[Physical, laboratory, orthopedic, neurological, and differential examination and diagnosis or analysis; and]~~ Dietetics.

*(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.*

- Revising section 16-76-41 to provide retroactive approval, detail requirements for CE sponsor approval, and specify the sponsors that are considered automatically approved.

*(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] sixty days [prior to] after the date of the seminar.*

*(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.*

*(f) Programs sponsored by the following are automatically approved:*

- (1) All non-profit nationally recognized chiropractor associations, such as the Federation of Chiropractic Licensing Boards and National Board of Chiropractic Examiners;*

(B) Draft 2 – New Proposed Revisions

EO Kleinhans reported the following proposed amendments based on discussion from the previous meeting:

- Revising section 16-76-38 to require licensees complete 32 CE hours, and that 1 hour shall be in ethics or professional boundaries;

*(a) The licensee shall file, together with the biennial renewal application, or before December 31 of each odd numbered year, a certificate of completion of at least ~~twenty~~ thirty-two hours in continuing education programs approved by the board, which have been completed within the twenty-four months before the renewal deadline.*

*(d) At least one hour of continuing education in the subjects of ethics or professional boundaries shall be completed within the twenty-four months before the renewal deadline.*

Chair Pleiss asked Board members whether other CE categories should be required. Vice Chair Klein responded that requiring CE in particular categories may be cumbersome. Dr. Ogawa agreed and preferred a broader approach. Chair Pleiss indicated that CE categories may be more appropriate in section 16-76-39(b).

- Revising section 16-76-39 to clarify that CE credits may be obtained through a combination of methods, e.g., in-person, online.

(g) Licensees may satisfy the continuing education requirements through a combination of physical attendance and by other means, such as virtual, correspondence, or other courses presented via other media, such as audio and video tape recording.

- Revising section 16-76-41 to add entities that are considered automatically approved.

(f) Programs sponsored by the following are automatically approved:

- (1) All non-profit nationally recognized chiropractor associations, such as the Federation of Chiropractic Licensing Boards and National Board of Chiropractic Examiners;
- (2) Educational institutions accredited by the Council on Chiropractic Education;
- (3) The American Chiropractic Association;
- (4) The American Medical Association;
- (5) The American Osteopathic Association;
- (6) The American Association of Naturopathic Physicians; and
- (7) The Council on Naturopathic Medical Education.

Chair Pleiss stated that there are cases where a licensee takes a particular CE course thinking the course is Board approved, but then finds the course was not approved. He preferred to have rule language to provide the Board some leeway on these issues. DAG Cole responded that the Board may consider revising section 16-76-39(c).

- (C) Additional Amendments for Consideration (see above, New Business)

EO Kleinhans stated that the addition of a license requirement of an NBCE background check may be included with the NBCE self-query report requirement in the new proposed section 16-76-10(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 agree to a Federation of Chiropractic Licensing Boards background check.*

Chair Pleiss discussed adding a new section to provide a license exemption as discussed in agenda item 'New Business' (B). Vice Klein added that preceptors could perform manipulation under direct and active supervision, but noted that the intent is for educational purposes. She stated that the types of supervisions should be clearly elaborated. EO Kleinhans added that the Board may consider defining "direct" and/or "active" supervision.

Vice Chair Klein stated that the rule language should specify that the preceptorship is authorized or sponsored by a CCE accredited school.

Dr. Ogawa stated that it is unclear in the current draft that the Board may use PACE in its CE review.

After discussion, EO Kleinhans will propose a third draft to address the matters discussed.

Executive  
Officer's Report:

(A) Act 220, Session Laws of Hawaii 2021 – relating to Sunshine Law Boards

EO Kleinhans reported that Act 220, Session Laws of Hawaii 2021 took effect on January 1, 2022. The Act provides that meetings administered through interactive conference technology require an in-person location open to the public that has an audio-visual connection. The Act further requires virtual meetings to be automatically recessed for up to thirty minutes when there are technological difficulties. If it is not possible to reconvene the meeting in thirty minutes, then the meeting shall be automatically terminated. The Act also adds requirements to meeting agendas, such as providing postal contact information for the submission of testimony.



(B) Governor Ige's Emergency Proclamation Related to  
Sunshine Law In-Person Meetings

EO Kleinhans reported that the Governor issued an Emergency Proclamation on December 29, 2021 due to the increase in COVID-19 cases. The Emergency Proclamation suspended a portion of the aforementioned Act (HRS §92-3.7) only to the extent necessary to suspend the requirement to have at least one meeting location that is open to the public. This limited suspension ensures entities can conduct meetings safely under the Sunshine Law using interactive conference technology. This Proclamation is scheduled to expire on February 28, 2022 unless otherwise extended.

(C) Board Meeting Schedule 2022

Board members reviewed the 2022 meeting schedule. EO Kleinhans stated that the Board may return to in-person meetings after February 28, 2022, unless the Governor's Emergency Proclamation is extended.

(D) Legislative Session Schedule 2022

Board members reviewed the 2022 Legislative Session schedule. EO Kleinhans stated that there are no bills affecting the chiropractic licensing law nor profession.

Chairperson's  
Report:

Chair Pleiss stated that he will be attending the Part IV National Board Examination in May 13-15 and there is an opening for another Board member to attend. He added that Dr. Ogawa is going to the one in Colorado in June. He advised Board members to submit their requests if they are interested in attending.

Next Meeting:

March 14, 2022  
10:00 a.m.  
King Kalakaua Conference Room  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, HI 96813

(subject to change)

Adjournment:

As there was no further business to discuss, the meeting adjourned at 11:43 a.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

02/22/22

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