

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

**MINUTES OF MEETING**

Date: March 14, 2022

Time: 10:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar  
(use link below)  
<https://dcca-hawaii-gov.zoom.us/j/95863185660>

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, Executive Officer (Technical Support)  
Candace Ito, Acting Supervising Executive Officer (“ASEO”)

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 10:08 a.m.

Approval of Meeting Minutes: Minutes of the January 31, 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.

Applications: 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) Ratification of Issued License(s)

- (1) DC-1507 Stephen D. Tosk
- (2) DC-1508 Jessica Y. Oshiro
- (3) DC-1509 Charles H. Son
- (4) DC-1510 Joseph D. Byus
- (5) DC-1511 Daniel L. Cagape Jr.

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

Continuing Education (A) Ratification of CE Courses – New Applications and  
“CE”: Re-Registrations (see attached list)

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 Vice Chair Klein, seconded by Dr. Ogawa, and unanimously carried by roll call vote, to ratify the approval of the following CE courses:

- Index No. HI 21-018 – HI 21-023
- Index No. HI 21-025 – HI 21-029
- Index No. HI 21-031 – HI 21-034
- Index No. HI 21-037 – HI 21-044

It was moved by Vice Chair Klein, 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 21-024, 5 hours out of 5.5 hours requested
- Index No. HI 21-030, 43 hours offered/15 hours may be earned out of 43 hours requested
- Index No. HI 21-035, 46 hours offered/23 hours may be earned out of 46.5 hours offered/23 hours may be earned.
- Index No. HI 21-036, 17 hours out of 17.5 hours requested

Hawaii Administrative (A)  
Rules ("HAR")  
Chapter 76:

Draft 2 – Review of Amendments

EO Kleinhans summarized the revisions to the following sections, as discussed and reflected in the previous meeting minutes:

***New Section: 16-76-10 Chiropractic Information Network/Board Action Databank***

Vice Chair Klein indicated that CINBAD is a service provided by another organization, but in the event CINBAD becomes unavailable, she requested additional rule language to continue the background check requirement. EO Kleinhans will explore rule language.

***Revised: 16-76-38 Basic requirements for renewal***

***Revised: 16-76-39 Qualifications for continuing education credit***

Board members discussed whether categories of continuing education should be either more broad or specific.

Vice Chair Klein indicated that the current language may be too broad as chiropractic treatment could include adjustment technique, nutrition, physiotherapy, etc.

Chair Pleiss asked whether a specific number of hours should be required on a category, in particular, ethics and boundaries.

Vice Chair Klein responded that ethics and boundaries would need to be further defined, and specifying a required number of hours in a category may complicate the renewal process.

Chair Pleiss asked EO Kleinhans if other PVL licensing boards required hours in a particular category in its administrative rules. EO Kleinhans responded that the rules of the Board of Public Accountancy specify that four hours of ethics must be included in the total CE required for renewal.

***Revised: 16-76-41 Requirements for approved programs***

Vice Chair Klein asked if there should be language to separate the approval of CE application submitted by a sponsor from a licensee who attends in an individual capacity as different documents are required.

ASEO Ito requested further information on the intent of the issue and clarification if the sponsor must obtain approval before the course is held. Chair Pleiss responded that the current rules require a sponsor to obtain approval before the course is held. Vice Chair Klein added that some licensees were unable to obtain credit hours for courses they had thought were approved. The concern is that the Board does not have the authority to approve a sponsor's course after the course has completed.

ASEO Ito said that the language should be carefully considered. If a licensee could take a course and submit an application after the course has completed, then extra work is involved for the Board to review these types of applications.

Chair Pleiss stated that the rule package creates a new section on sponsors whose courses are automatically approved, and he anticipates there will be less applications submitted; consequently, providing more time for Board review. He explained that the intent of the revision is to provide the Board authority to adjudicate these types of issues when they arise. ASEO Ito responded that the language should be specific and limited to prevent any administrative burden or circumvention of renewal requirements.

The Board thanked ASEO Ito for her input.

(B) Draft 3 – New Proposed Amendments

EO Kleinhans reported new proposed revisions to the following sections. The proposed language is based on discussion from the previous meeting:

***Revised: 16-76-4 Definitions***

Adding the definition of “direct and active supervision” to clarify the type of supervision required for a preceptorship:

*“Direct and active supervision” means the licensed chiropractor shall be in the same immediate building or complex as the preceptor receiving the supervision.*

Adding the definition of “preceptor” to clarify that a preceptorship must be through a CCE accredited school:

*“Preceptor” means a chiropractic student or graduate who works under the direct and active supervision of a licensed chiropractor through a preceptorship authorized or sponsored by a school accredited by The Council on Chiropractic Education.*

Discussion ensued on whether a “graduate” should be included in the definition of “preceptor”.

Dr. Ogawa asked if a time limit should be imposed for the preceptorship exemption. Chair Pleiss responded that a time limit may prevent an unlicensed preceptor from circumventing the licensing law. Vice Chair Klein added that a time limit may not be necessary for a student actively enrolled in a CCE accredited school. Chair Pleiss agreed.

Chair Pleiss asked if graduates should be removed from the definition. Vice Chair Klein responded that graduates could remain in the definition, provided the exemption period is no longer than three months. Dr. Ogawa added that six months could be more appropriate, and indicated that schools may obtain malpractice insurance with their preceptorship program.

Chair Pleiss expressed concerns that including graduates in the definition may not be within the intent of a preceptorship, and suggested the preceptorship program exemption be limited to only students. Vice Chair Klein added that a preceptorship is important for students to train their skills in performing adjustments. Dr. Ogawa agrees.

***Revised: 16-76-20 License required to practice chiropractic***

Amending the section to create a license exemption for a preceptor performing manipulation under the direct and active supervisor of a chiropractor.

*...; provided, that nothing in this chapters prevents or prohibits a preceptor from performing manipulation under the direct and active supervision of a chiropractor.*

Vice Chair Klein indicated that if the exemption only applies to chiropractic students, then they should be able to provide the scope of practice of chiropractic, provided the student is under the direct and active supervision. Vice Chair Klein added that the language “under the direct and active supervision” is already provided in §16-76-4, and recommends removing the language. Chair Pleiss agrees, and notes the language could be kept broad, e.g., “performing the practice of chiropractic” or “chiropractic procedures”.

***Revised: 16-76-38 Basic requirements for renewal***

EO Kleinhans noted that the one-hour ethics CE requirement was removed from this section and placed as a category under §16-76-39(b)(1)

***Revised: 16-76-39 Qualifications for continuing education credit***

EO Kleinhans reiterated that the one-hour ethics CE requirement was placed in this section as a category, and added that the categories may be split, as appropriate. Dr. Ogawa requested to add sections for spinal manipulation and soft tissue.

Vice Chair Klein recommended to use the term “distance courses” in subsection (g) to be consistent with other state/national board regulatory terminology.

***Revised: 16-76-41 Requirements for approved programs***

EO Kleinhans reported the following subsection provides an avenue for chiropractors who provide assistance to a national recognized chiropractor association, e.g., serve as an examiner, may receive CE credit by providing the Board with the Program Sponsor Agreement application, provided the association determines the total hours awarded:

*(d) If a chiropractor serves as an examiner for, or provides assistance as requested from a non-profit nationally recognized chiropractor association, the chiropractor may provide the board with a program sponsor agreement for continuing education, provided the non-profit nationally recognized chiropractor association shall determine the total hours of continuing education.*

EO Kleinhans plans to make technical, non-substantive amendments to the section for further clarity.

Vice Chair Klein reviewed the list of automatically approved sponsors provided in §16-76-41(g) and indicated that the Board may consider including all non-profit state recognized chiropractic associations, and courses approved by other state licensing boards. Chair Pleiss agreed.

EO Kleinhans reported the following subsection (h) was added to clearly specify that the Board may use the PACE Program to determine the approval of a CE course:

*The Board may utilize the Federation of Chiropractic Licensing Board Providers of Approved Continuing Education program to determine the approval of a program.*

**Revised: 16-76-44 Exceptions**

EO Kleinhans reported the following amendment to provide the Board authority to consider the approval of a CE program in particular cases:

*The board may consider the approval of a continuing education program or renew a license to practice [...] in cases where failure by the applicant to fulfill the requirements has been caused by reason of:*  
*(1) Health, as certified by a licensed doctor;*  
*(2) Military service on extended active duty with the armed forces of the United States; or*  
*(3) Other good and valid causes, as determined and approved by the board.*

(C) Board Consideration of Draft Rule Amendments

The Board reviewed the Draft 3 rule amendments and indicated that further amendments and discussion are needed in a Draft 4.

EO Kleinhans recommended adding an amendment to Draft 4, §16-76-10(a) to clarify that other laws should apply:

*Notwithstanding any ~~other law to the contrary~~ rule as provided by this chapter...*

In addition to §16-76-10, EO Kleinhans recommended a new subsection (c) to specify and ensure the information required in the background check is confidential under the Uniform Information Practices Act:

*The background check shall be considered confidential information in accordance with chapter 92F, Hawaii Revised Statutes.*

Vice Chair Klein stated that the name of the Board recently changed to the "Hawaii Board of Chiropractic", but the rules still reference the old name.

EO Kleinhans thanked Board members and will prepare a Draft 4 based on this meeting's discussion for their review and consideration. DAG Cole added that he would be happy to assist EO Kleinhans with reviewing and exploring rule language.

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 a Board member to attend. He added that Dr. Ogawa is going to the event in June at Colorado. He advised Board members to submit their requests if they are interested in attending.

Next Meeting:

May 9, 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

04/11/22

- ( ) Minutes approved as is.  
(X) Minutes approved with changes; see minutes of 6/6/22.