

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

MINUTES OF MEETING

Date: June 6, 2022

Time: 10:00 p.m.

Place: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

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
Rochelle Araki, Executive Officer (“EO”)
John Cole, Deputy Attorney General (“DAG”)
Susan A. Reyes, Secretary

Guests: Lei Fukumura, Special Deputy Attorney General (“SDAG”)

Call to Order: There being a quorum present, the meeting was called to order by Chair Pleiss at 10:00 a.m.

Approval of Meeting Minutes: Minutes of the March 14, 2022 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.

The following amendments to the March 14, 2022 open minutes were requested by Chair Pleiss (underlined material added, while bracketed material is to be deleted):

- Page 4, last paragraph
“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 (ty) by The Council on Chiropractic Education.

The following amendments to the March 14, 2022 open minutes were requested by Vice Chair Klein (underlined material added, while bracketed material is to be deleted):

- Page 3, paragraph 3

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

- Page 6, paragraph 4
EO Kleinhans reported the following subsection provides an avenue for chiropractors who provide assistance to a nationally recognized (chiropractor) chiropractic association, e.g., serve as an examiner, may receive CE credit by providing the Board with the Program Sponsor Agreement application, provided the associates 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) chiropractic association, the chiropractor may provide the board with a program sponsor agreement for continuing education, provided the non-profit nationally recognized (chiropractor) chiropractic association shall determine the total hours of continuing education.

It was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to approve the open minutes of March 14, 2022 with the amendments.

The Board recessed at 10:05 a.m. and returned to open session at 10:43 a.m.

Chapter 91, HRS,
Adjudicatory
Matters:

- (A) In the Matter of the License to Practice Chiropractic of AARIES T. ODA, D.C.; CHI 2020-4-L, CHI 2020-5-L, CHI 2020-7-L, CHI 2020-14-L, CHI 2021-1-L

CHI 2020-4-L

It was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to approve settlement agreement, CHI 2020-4-L.

CHI 2020-5-L

It was moved by Vice Chair Klein, seconded by Dr. Ogawa, and unanimously carried to approve settlement agreement, CHI 2020-5-L.

CHI 2020-7-L

It was moved by Vice Chair Klein, seconded by Dr. Ogawa, and unanimously carried to approve settlement agreement, CHI-2020-7-L.

CHI 2020-14-L

It was moved by Vice Chair Klein, seconded by Dr. Ogawa, and unanimously carried to defer settlement agreement, CHI-2020-14-L.

CHI 2021-1-L

It was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to approve settlement agreement, CHI-2021-1-L.

Executive Session: At 10:43 a.m., it was moved by Vice Chair Klein, seconded by Chair Pleiss, 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 10:48 a.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: (A) Application(s) for Chiropractic Licensure

(1) Jonathan Parra

It was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to approve Dr. Parra's application.

(B) Ratification of Issued License(s)

(1)	DC-1512	Joshua R. Waschak
(2)	DC-1513	Jaewon Jang
(3)	DC-1514	Nicholas J. Wirtz
(4)	DC-1515	Michael C. Luan
(5)	DC-1516	Elizabeth J. Hodges
(6)	DC-1517	Salma Mazhar Ahmed

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|------|---------|--------------------------|
| (7) | DC-1518 | Caleb Learned |
| (8) | DC-1519 | Gary D. Helmstetler |
| (9) | DC-1520 | Tony L. Banguilan |
| (10) | DC-1521 | Simeon Sjoberg |
| (11) | DC-1522 | Aaron J. Dodson |
| (12) | DC-1523 | Stephen Offenburger |
| (13) | DC-1524 | Herbert F. Schneider III |

It was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to approve the ratification list.

Continuing Education (A)
"CE":

Ratification of CE Courses – New Applications and Re-Registrations (see attached list)

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

Index No. HI 22-045 – HI 22-047
Index No. HI 22-049 – HI 22-055
Index No. HI 22-057
Index No. HI 22-059 – HI 22-070
Index No. HI 22-072 – HI 22-073
Index No. HI 22-077 – HI 22-079
Index No. HI 22-081 – HI 22-091
Index No. HI 20-204 R22
Index No. HI 20-402 R22
Index Nu. HI 20-165 R22
Index No. HI 20-205 R22 – HI 20-206 R22
Index No. HI 20-219 R22
Index No. HI 20-240 R22
Index No. HI 20-488 R22

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 22-048, 24 hours approved, out of 24.5 hours requested
Index No. HI 22-058, 24 hours approved, out of 24.5 hours requested
Index No. HI 22-071, 7 hours approved, out of 7.5 requested

Index No. HI 22-075, 18 hours approved, out of 18.75 hours requested

Index No. HI 22-076, 22 hours approved, out of 22.5 hours requested

Index No. HI 20-556 R22, 17 hours approved, out of 17.5 hours requested

It was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried, to defer the following CE courses for clarification of hours:

Index No. HI 22-056, 30 hours requested

Index No. HI 22-074, 31 hours requested

Index No. HI 22-080, 93 hours requested

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

Draft Rule Amendments

The Board will review its prior draft rule amendments and a proposed fourth draft of amendments to HAR Chapter 76 for discussion and consideration.

Revised: 16-76-2 Objective

Board name changed pursuant to Act 203, SLH 2018:

This chapter, adopted by the Hawaii board of chiropractic [examiners]...

Revised: 16-76-4 Definitions

Board name changed pursuant to Act 203, SLH 2018:

"Board" means the Hawaii board of chiropractic [examiners];

Providing a definition for chiropractor:

"Chiropractor" means a person who is licensed to practice chiropractic in this State;

Clarifying that a preceptor is a chiropractic student, and not a graduate:

"Preceptor" means a chiropractic student actively enrolled in a school accredited by

The Council on Chiropractic Education who works under the direct and active supervision of a licensed chiropractor through a preceptorship;

Vice Chair Klein indicated that “preceptor” should instead be “chiropractic intern”:

“Chiropractic Intern [Preceptor]” means a chiropractic student actively enrolled in a school accredited by The Council on Chiropractic Education who works under the direct and active supervision of a preceptor [licensed chiropractor through a preceptorship];

Vice Chair Klein added a definition for “preceptor”:

“Preceptor” means a doctor of chiropractic who is a licensed chiropractor in the State of Hawaii and approved to supervise chiropractic interns and residents through a board approved preceptorship program;

Vice Chair Klein also provided a definition for “chiropractic resident”:

“Chiropractic Resident” means an unlicensed graduate of a CCE accredited chiropractic program who works under direct and active supervision of a preceptor.

New Section: 16-76-10

**Chiropractic
Information
Network/Board Action
Databank**

Adding an application requirement for a self-query report and an agreement of background check; and if CIN-BAD is no longer available, the Board may require an NPDB self-query report:

(b) Applicants for chiropractic licensure shall submit a self-query report from the Chiropractic Information Network/Board Action Databank. If the Chiropractic

Information Network/Board Action Databank self-query report is no longer issued, the Board may require a self-query report from the National Practitioner Data Bank. By applying for chiropractic licensure, applicants agree to a background check from the Federation of Chiropractic Licensing Boards or National Practitioner Data Bank, as applicable.

Vice Chair Klein suggested to replace the above language “as applicable” to “or another Board approved licensing or background databank services.

(b) Applicants for chiropractic licensure shall submit a self-query report from the Chiropractic Information Network/Board Action Databank. If the Chiropractic Information Network/Board Action Databank self-query report is no longer issued, the Board may require a self-query report from the National Practitioner Data Bank. By applying for chiropractic licensure, applicants agree to a background check from the Federation of Chiropractic Licensing Boards or National Practitioner Data Bank, [as applicable] or another board approved licensing or background databank services.

The Board requested EO Araki to check with FCLB regarding the process for a Chiropractic Information Network/Board Action Databank self query report.

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

Adding license exemption for preceptors:

Any person who is found practicing chiropractic before receiving a license from the board may be denied licensure; provided, that nothing in this chapters prevents or prohibits a preceptor from engaging in the practice of chiropractic under the direct and active supervision of a chiropractor.

Chair Pleiss recommended updating the above words: chapters to chapter, preceptor to chiropractic intern or chiropractic resident, and chiropractor to preceptor:

“Any person who is found practicing chiropractic before receiving a license from the board may be denied Licensure; provided, that nothing in this chapter [chapters] prevents or prohibits a chiropractic intern or chiropractic resident [preceptor] from engaging in the practice of chiropractic under the direct and active supervision of a preceptor [chiropractor].”

Revised: 16-76-38 Basic requirements for renewal

The Board would like to increase CE hour(s) that is required for renewal:

(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.

(c) A person who is issued an initial license in an even numbered year of the biennium shall be required to file a certificate of completion of a minimum of [ten] sixteen hours of continuing education programs for the renewal of that license for the following biennium.

The Board would like to change thirty-two hours of continuing education to thirty hours of continuing education and the sixteen hours of continuing education to fifteen hours of continuing education:

(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] thirty hours in continuing education programs approved by the board,

which have been completed within the twenty-four months before the renewal deadline.

(c) A person who is issued an initial license in an even numbered year of the biennium shall be required to file a certificate of completion of a minimum of [ten] [sixteen] fifteen hours of continuing education programs for the renewal of that license for the following biennium.

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

The Board is revising to specify continuing education credits, and add documentation, ethics and professional boundaries:

(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) Chiropractic treatment and adjustment technique, including physiotherapy, nutrition, and dietetics; and

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

(2) Radiographic technique and interpretation involving all phases of roentgenology as permitted by law;

(3) Documentation; and

(4) Ethics and professional boundaries.

To allow the Board to accept quarter hours or half hour credit hours for continuing education:

(e) 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.

The Board would like to provide clarification that licensees may satisfy CE requirements through in-person and distance courses:

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

Vice Chair Klein recommended to revise “a combination of physical attendance and by other means, such as distance courses presented via other media, such as audio and video tape recording” to “any combination of onsite attendance or distance education”:

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

The Board is adding a definition for distance education:

“Distance Education” means education obtained through live or pre-recorded educational materials which may be delivered in any distance media format.

Revised: 16-76-41 Requirements for approved programs

The Board would like to change “breaks down” to “identify”

(a)(1) A detailed outline which provides program content, total hours of the program, and clearly [breaks down] identifies the amount of time spent on each portion of the program; and

Providing the Board authority to receive continuing education submitted by licensees:

(b) Chiropractors seeking the board's approval for continuing educational seminars for license renewal in this State shall provide the board with all documentation and fees provided in subsection (a), provided that a curriculum vitae of each instructor of the program is not required.

The Board discussed and agreed to change the above to:

(b) [Chiropractors seeking the board's approval for continuing educational seminars for license renewal in this State shall provide the board with all documentation and fees provided in subsection (a), provided that a curriculum vitae of each instructor of the program is not required] The Board may approve at its discretion any continuing education credits that are otherwise not approved by this chapter.

(c) Chiropractors who provide assistance as requested from a non-profit national or state recognized chiropractic association may request the board's approval for continuing educational hours for license renewal. The chiropractor shall provide the board with:

(1) A program sponsor agreement for continuing education, provided that an application fee is not required; and

(2) A letter from the non-profit national or state recognized chiropractic association certifying that the chiropractor provided assistance as requested by the chiropractic association.

A discussion on Section 16-76-41 (c)(1) and (2) between Chair Pleiss and Vice Chair Klein ensued and it was recommended that the Board may also add the national board and FCLB to the pre-approved list for continuing education as well as other institutions, at the Board's discretion.

The Board deferred above Section 16-76-41 (c)(1) and (2) for further discussion at the next meeting.

The Board would like to add retroactive approval:

(d) A program sponsor agreement, documentary information, and application fee shall be provided to the board no more than sixty days after the date of the seminar.

The Board discussed and agreed to revise sixty days to ninety days:

(d) A program sponsor agreement, documentary information, and application fee shall be provided to the board no more than [sixty] ninety days after the date of the seminar.

To streamline the process, the Board would like to add the below sponsored programs to be automatically approved:

(h) 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;

(2) All non-profit state recognized chiropractic associations.

(3) Educational institutions accredited by The Council on Chiropractic Education;

(4) The American Chiropractic Association;

(5) The American Medical Association;

(6) The American Osteopathic Association;

(7) The American Association of Naturopathic Physicians;

(8) The Council on Naturopathic Medical Education; and

(9) Programs approved by other state licensing boards.

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

The Board agreed to add the Hawaii State Chiropractic Association (HSCA) and the Hawaii Society of Naturopathic Physicians (HSNP) to the above list and deferred (h) (1) through (9), for further discussion at their next meeting.

Revised: 16-76-44 Exceptions

The Board had some concerns in regards to the language on Section 16-76-44(1) and deferred this for further discussion at their next meeting.

New Section: 16-76-45 Denial or revocation of program

To allow the Board the ability to deny a program sponsor agreement:

The approval of a program sponsor agreement may be denied or revoked by the board in accordance with chapter 91, HRS for any one or more acts listed in section 442-9, HRS or this chapter.

The Board discussed and would like to add “or other continuing education credit” to the language.

The approval of a program sponsor agreement or other continuing education credit(s) may be denied or revoked by the board in accordance with chapter 91, HRS for any one or more acts listed in section 442-9, HRS or this chapter

(A) Discussion for Consideration in Draft Rule Amendments

- (1) **Programs to Track CE Hours**
- (2) **Preceptors and Preceptorships**
- (3) **Locum Tenens**

The Board discussed and considered to add ethics and documentation to continuing education requirements. The Board deferred this for further discussion at their next meeting.

Executive Officer's Report:

EO Araki requested to defer the Executive Officer's report for the next Board meeting.

Chairperson's Report:

None.

Next Meeting: August 8, 2022
10:00 a.m.
King Kalakaua Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813
(subject to change)

Adjournment: As there was no further business to discuss, the meeting adjourned at 12:52 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Rochelle Araki
Rochelle Araki, Executive Officer

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

RA:sar

07/1/22

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