

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

MINUTES OF MEETING

Date: October 10, 2022

Time: 10:00 a.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: None.

Agenda: The agenda for this meeting was posted to the State electronic calendar as required by Hawaii Revised Statutes (“HRS”) section 92-7(b).

Call to Order: There being a quorum present, the meeting was called to order by Chair Pleiss at 10:09 a.m.

Approval of Meeting Minutes: Minutes of the August 29, 2022 Board Meeting
The following amendments to the August 29, 2022 open minutes were requested by Vice-Chair Klein (underlined material added, while bracketed material is to be deleted):

- Page 4, 5th paragraph
Dr. Craig thanked the Board and stated that he understands the Board denied his application. He asked why the Board denied his application. He stated that he is a good chiropractor and asked “what is so bad about the infractions in the other states” to which he added that it was [only] a “miscommunication and not filling in the right circle.”
- Page 4, 7th paragraph
Chair Pleiss advised Dr. Craig that they are in an open public session and asked if he would rather discuss in executive session – unless he would like to continue in open public session. Dr. Craig responded and asked again for an explanation as to what is so significant [on] about his

infractions that his application for licensure is denied. He added that he does not see anything significant [on] about his infractions and that there is nothing significant such as a sexual misconduct, that he would be denied a license.

- Page 5, 6th paragraph
Dr. Craig [is] was adamant and is repeatedly asking for an explanation on why he [is] was being denied a licensure.
- Page 5, 9th paragraph
Dr. Craig also stated [that he does not care about the Board Staff and that he only cares about what his fellow chiropractors in the Board say] “I don’t care what you guys say there, I care about what my fellow chiropractors say there.”
- Page 5, 11th paragraph
Dr. Craig [is misunderstanding] appears to misunderstand the Board Meeting to be an appeals hearing. DAG Cole and Executive Officer Araki repeatedly explained that it is not an appeals hearing but Dr. Craig [is insistent in saying] insisted that he had appealed his case multiple times.
- Page 5, 12th paragraph
Dr. Craig [kept on asking] repeatedly asked the Board to give him an explanation [on] of why he was denied licensure because he had nothing significant on his license record.
- Page 5, 14th paragraph
DAG Cole advised Dr. Craig that there is a process to appeal the decision.
- Page 6, 1st paragraph
Executive Officer Araki advised Dr. Craig that a letter will be sent to him and will include information on how to appeal the Board’s decision.

It was moved by Vice-Chair Klein, seconded by Dr. Ogawa and unanimously carried to approve the open minutes of August 29, 2022 with the amendments.

Executive Session: At 10:29 a.m., it was moved by Vice Chair Klein, seconded by Dr. Ogawa, an 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(1)(4), “To consult with the board’s attorney on questions and

issued pertaining to the board's powers, duties, privileges, immunities, and liabilities".

At 10:43 a.m., it was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to exit Executive Session and reconvene to the Board's regular order of business.

It was moved by Vice Chair Klein, seconded by Dr. Ogawa, and unanimously carried to approve the executive session minutes of August 29, 2022 with the amendments.

Applications:

It was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to approve the ratification list below:

(A) Ratification of issued License(s)

- | | | |
|------|---------|---------------------|
| (1) | DC-1529 | Jonathan Parra |
| (2) | DC-1530 | Robbin R. Eddins |
| (3) | DC-1531 | Joe B. R. Eddins |
| (4) | DC-1532 | Alyssa M. T. Obata |
| (5) | DC-1533 | Cory R. Wilson |
| (6) | DC-1534 | Corey B. Buchalter |
| (7) | DC-1535 | Duane T. Walker |
| (8) | DC-1536 | Leonard L. Wong |
| (9) | DC-1537 | Emily E. Marriott |
| (10) | DC-1538 | Kimdi J. Fair |
| (11) | DC-1539 | Michael C. McCall |
| (12) | DC-1540 | Emily G. V. Akiyama |
| (13) | DC-1541 | Jolyn S. Halvorson |

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 22-134
- Index No. HI 22-139 – HI 22-140
- Index No. HI 22-142 – HI 22-145
- Index No. HI 22-147
- Index No. HI 22-151 – HI 22-162
- Index No. HI 20-106 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 22-136, 18 hours approved, out of 19.5 hours requested
- Index No. HI 22-137, 18 hours approved, out of 18.5 hours requested
- Index No. HI 22-138, 18 hours approved, out of 18.5 hours requested
- Index No. HI 22-146 18 hours approved, out of 18.5 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 22-141, 17 hours out of 18 hours requested
- Index No. HI 22-148, 7 hours out of 8 hours requested
- Index No. HI 22-149, 11 hours out of 12 hours requested
- Index No. HI 22-150, 6 hours out of 8 hours requested

(B) Other CE Courses

To correct the course name “Cleveland Homecoming/KCA Fall Convention 2017: One With The Force (HI 22-135) to show as: “Gonstead Meeting of the Minds – XIX “Chiropractic Instrumentations” for (12) hours”.

It was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to approve the course name change to “Gonstead Meeting of the Minds – XIX “Chiropractic Instrumentations”.

Hawaii Administrative
Rules (“HAR”) Preceptor
Chapter 76: (A)

Draft Rule Amendments

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

Revised: 16-76-2 Objective

There was no further discussion by the Board.

Revised: 16-76-4 Definitions

Adding the abbreviation CCE to The Council on Chiropractic Education for clarity:

“Chiropractic Intern” means a chiropractic student actively enrolled in a school accredited by The Council on Chiropractic Education (“CCE”) who works under the direct and active supervision of a preceptor.

Clarifying the definition for Direct and Active Supervision:

“Direct and Active Supervision” means the licensed chiropractor shall be in the same immediate building or complex as the ~~[preceptor]~~ intern or resident receiving the supervision.

There was no further discussion by the Board on the definition of distance education.

Correcting the 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]~~ by the Board.

The Board will discuss a preceptor approval process at their next meeting.

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

Providing further clarification of the self-query report/background check:

(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]~~ another board approved licensing or background databank services. By applying for chiropractic licensure, applicants agree to a background check from the Federation of Chiropractic Licensing Boards or National Practitioner Data Bank, or another board approved licensing or background databank services.

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

Providing further clarification of the license exemption for a chiropractic intern or resident:

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

Revised: 16-76-21.01 Inactive license

Chair Pleiss recommended revising the requirements for an inactive license:

(a) A licensee who has an unencumbered active license [~~in another state~~] and who does not intend to practice chiropractic in Hawaii may request inactive status at any time during the biennium by writing to the board, or by indicating so on the license renewal form.

Revised: 16-76-21.02 Reactivation of inactive license

Chair Pleiss recommended revising the requirements to reactivate an inactive license:

(2) [~~Has a current, active chiropractic license in at least one other state throughout the period in which the license was inactive in the State~~] Provide a certificate of completion of at least thirty hours in continuing education programs approved by the board which had been completed within the last twenty-four months prior to reactivation; and

The Board will review inactive, reactive and restoration application for licensed chiropractic.

Revised: 16-76-38 Basic requirements for renewal

There was no further discussion by the Board.

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

Chair Pleiss deferred 16-76-39(b) and 16-76-39(f) for future meeting.

There was no further discussion on 16-76-39(g) by the Board.

Revised: 16-76-41 Requirements for approved programs

There was no further discussion on 16-76-41(a) to 16-76-41(d).

The Board would like to provide clarification on 16-76-41(f):

(f) Any board member, or board designee shall have the right to inspect or audit any ~~[approved chiropractic course in progress]~~ course that is approved or being considered for approval.

Chair Pleiss deferred 16-76-41(h) for future meeting.

Revised: 16-76-44 Exceptions

There was no further discussion by the Board.

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

There was no further discussion by the Board.

(B) Discussion for Consideration in Draft Rule Amendments

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

Chair Pleiss deferred this agenda item for future meeting.

Chairperson's Report:

None.

Next Meeting:

TBD
10:00 a.m.
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Adjournment:

As there was no further business to discuss, the meeting adjourned at 12:25 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

10/11/22

- Minutes approved as is.
- Minutes approved with changes; see minutes of February 22, 2023.