

BOARD OF ACUPUNCTURE

Professional & Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lt. Governor, as required by §92-7(b), Hawaii Revised Statutes (“HRS”).

Date: February 2, 2023

Time: 1:04 p.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Members Present: Joni Kroll, D.Ac., Chairperson
Deborah McMenemy, L.Ac., D.A.O.M, Vice-Chair
Brooke Foreman, L.Ac., D.A.C.M., Member
Marta Rebella, Public Member

Excused: None.

Staff Present: Risé Doi, Executive Officer (“EO”)
Christopher Leong, Deputy Attorney General (“DAG”)
Kawehi Mau, Secretary

Guests: Natan Bar-Shimon, L.Ac., D.A.O.M
Becky Jacobs, DAc.

A short video was played to explain procedures for the virtual meeting and how members of the public can participate and interact with the Board during the meeting.

1. Call to Order: A quorum was established, and Chair Kroll called the meeting to order at 1:04 p.m.
2. Approval of Minutes: Chair Kroll opened the floor to discuss the minutes of the October 6, 2022, meeting.

It was moved by Vice Chair McMenemy, seconded by Ms. Rebella, voted on and unanimously carried to approve the minutes of October 6, 2022, as circulated.

3. Executive Officer's Report:

- a. Update on letter to Department of Health (DOH) to support licensed acupuncturists being added to the list of providers who can order lab tests.

Executive Officer Doi reported that she reached out to DOH and there are no new updates at this time.

- b. Proposed Draft 21 – Amendments to Hawaii Administrative Rules (“HAR”) Title 16, Chapter 72

EO Doi explained that she sent the revisions that the Board discussed at the previous meeting back to the Administrative Services Office. The current draft is with the Attorney General's Office. Christopher Leong introduced himself as the new Deputy Attorney General (DAG) for the Board and thanked the Board for their work on the rule revisions and he will review the draft.

- c. 2023 delegation for the legislative session

Upon a motion by Vice Chair McMenemy, seconded by Ms. Rebella, it was voted on and unanimously carried to nominate Chair Kroll as delegate for legislative session.

Executive Session:

It was moved by Chair Kroll, seconded by Vice Chair McMenemy, and unanimously carried to enter executive session at 1:19 p.m., in accordance with HRS §92-5(a)(1), to consider and evaluate personal information relating to individuals applying for professional licenses cited in HRS §26-9 and, pursuant to 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 1:26 p.m., it was moved by Chair Kroll, seconded by Vice Chair McMenemy and unanimously carried to move out of executive session.

4. Applications:

- a. Ratifications

It was moved by Ms. Rebella, seconded by Vice-Chair McMenemy, voted on and unanimously carried to ratify the following list of licenses that have been issued:

Acupuncturists

ACU-1393 NICOLE ANN WADHWA-SCHIFF
ACU-1394 ROGER BATCHELOR
ACU-1395 AIME LOUISE ADAMS
ACU-1396 JONGHAN KANG
ACU-1397 KAI WING WAI
ACU-1398 JANINE MARIE SWENBERG

Interns

R-22121004 RENATA MAE LLOYD
R-22621002 MINORI SAMBE
R-22621003 CLAUDIA HENRIQUEZ ROMERO
R-22621004 JENICA E SPRINGER
R-22621001 ELISHA SIRENA ZEITLER
R-22805002 ELIZABETH FERRIS FRIEBEL
R-22729001 FRANCESCA LEIGH WANTLAND
R-22729002 MEGHANE AYA HERNANDEZ
R-22729003 DALETH ROSE PYZEL
R-22729004 DARBY TANAPORN SHERMAN
R-22729005 EVA FLORENCE RAPP
R-22805001 HELEN DEBORAH FLYNN
R-22815003 AKI TACHIKI CAMPBELL
R-22821001 AMAMDA T PROVENZANO
R-22815002 YU Y PHILLIPS
R-22815001 MEHANA FISHER
R-221023001 JUSTYN LAURIANA BONOMI
R-221205003 CHRISTINE A LEONARD
R-221205004 RUBY LEE GEE
R-221007001 DAVID ROBERT MOORE

b. Applications

It was moved by Vice Chair McMenemy, seconded by Ms. Rebella, voted on and unanimously carried to approve the following application:

Acupuncturist

Natan Bar-Shimon

2023 Legislation: EO Doi stated below are the bills that are relevant for the Board's review:

a. HB 641 RELATING TO ACUPUNCTURE

Makes comprehensive updates to chapter 436E, Hawai'i Revised Statutes, regarding acupuncture practitioners, to reflect modernized scopes of practice, titles, and licensing and renewal requirements. Beginning with the renewal for the licensing biennium commencing 7/1/2025, requires licensees to complete continuing education as determined by the board. Allows the board of acupuncture to issue licenses by reciprocity.

b. SB 845 RELATING TO ACUPUNCTURE

Makes comprehensive updates to chapter 436E, Hawai'i Revised Statutes, regarding acupuncture practitioners to reflect modernized scopes of practice, titles, and licensing and renewal requirements. Beginning with the renewal for the licensing biennium commencing 7/1/2025, requires licensees to obtain thirty hours of continuing education per licensing biennium. Allows the Board of Acupuncture to issue licenses by reciprocity.

c. SB 946 RELATING TO ACUPUNCTURE

Makes comprehensive updates to chapter 436E, Hawai'i Revised Statutes, regarding acupuncture practitioners, to reflect modernized scopes of practice, titles, and licensing and renewal requirements. Beginning with the renewal for the licensing biennium commencing 7/1/2025, requires licensees to complete continuing education as determined by the board. Allows the board of acupuncture to issue licenses by reciprocity.

EO Doi noted that the content of these bills is similar with a few small differences. The Board discussed all three and proposed that testimony should state the following:

Regarding legacy exemptions, the bill should be revised to read "Any current acupuncture licensees in the State as of July 1, 2025,

shall be designated legacy status by the board for their current license designation, allowing for the practice of acupuncture medicine. If a license that was issued before July 1, 2025, lapses and is not restored within two years of its expiration date, the licensee shall be subject to the licensure requirements pursuant to section 436E-A.”

Regarding continuing education (CE) hours, the bill should clarify that the licensee should obtain at least 30 CE hours, which shall include at least two CE hours of ethics and at least two CE hours of safety.

Regarding acupuncture medicine intern permits, Chair Kroll suggested that the language should be revised to state that the person shall practice under the immediate supervision of an acupuncture practitioner or acupuncture medicine doctor who is licensed in the State and approved, contracted with, or employed through an accredited acupuncture medicine institution.

Chair Kroll asked if the Board has any issues with reciprocity and noted that many acupuncturists feel that Hawaii should not allow reciprocity. Vice Chair McMenemy commented that reciprocity would allow more acupuncturists who went through the California Route 8 for licensure to practice in Hawaii. Chair Kroll explained that those acupuncturists who went through Route 8 took the California exam, which is considered a very challenging exam. However, they did not sit for the NCCAOM exam which is required under Hawaii rules and therefore cannot be issued a Hawaii license. Chair Kroll noted that the language of the bill that the applicant must hold a “current, unencumbered, active license pursuant to the laws of any state or territory of the United States with qualifications for licensure that are equal to or exceed those of the State” may require additional work from the Board to determine what qualifications are considered “equal to or exceed those of the State.”

Vice Chair McMenemy suggested that under 436E-3.5, the section should read as “Physicians, physical therapists, and osteopaths not exempt” as it should be clear that physical therapists should not practice dry needling, which is under the scope of acupuncture. Chair Kroll and DAG Leong clarified that dry needling currently is not allowed under the scope of physical therapy. Chair Kroll noted that the additional wording of excluding physical therapists is unnecessary and would draw more opposition making it more difficult for the bill to pass. Vice Chair McMenemy agreed that it is

more important that the bill pass than to add “physical therapists” to the verbiage of the bill.

5. New Business: a. Discussion on acupuncture intern permits

Chair Kroll raised a concern that there is a loophole in the current rules where acupuncture interns are practicing under a supervising acupuncturist without being actively enrolled in a program. Chair Kroll noted that there are those who completed Route 8 but are practicing under an acupuncture intern permit as they are not eligible for Hawaii licensure. She noted that the intent of the acupuncture permit is for students to complete practical hours, not for those who already graduated from a program to be practicing acupuncture without a license. Chair Kroll suggested adding a box on the application that says, “Are you actively enrolled in an accredited acupuncture program?” Under the current rules, the Board cannot deny the application, but at least it will make the applicant think about their intentions of practicing acupuncture.

It was moved by Chair Kroll, seconded by Vice Chair McMenemy, voted on and unanimously carried to add “Are you actively enrolled in an accredited acupuncture program?” to the acupuncture intern permit application.

Chair Kroll noted that the draft of the rules should be changed in §16-72-20.1 to read (a) An application for a permit to work for a period of four years or until graduation, whichever comes first, as an acupuncture intern under the direct supervision of a Hawaii licensed acupuncture practitioner may be filed with the board any time and shall be accompanied by the required fee. The board may delegate to the board’s executive officer the authority to issue an acupuncture permit to qualified applicants.

(b) An applicant shall provide verification of the following to the board:

(1) Evidence that the applicant has satisfactorily completed at least three semesters of instruction at an approved school and is currently enrolled in ~~[or is a graduate of an approved]~~ acupuncture school;

(2) A copy of the applicant’s ~~[diploma or]~~ official transcript from an ~~[approved]~~ acupuncture school ~~[showing the applicant’s date of graduation]~~ or a letter from the dean or registrar of an ~~[approved]~~ acupuncture school stating that the applicant has completed at least three semesters ~~[shall be submitted with the application];~~

It was moved by Chair Kroll, seconded by Vice Chair McMenemy, voted on and unanimously carried to approve the revised language regarding acupuncture intern permits.

It was moved by Chair Kroll, seconded by Ms. Rebella, voted on and unanimously carried to form a subcommittee allowing Dr. Foreman and Chair Kroll to draft definitions in the rules of practice of advanced acupuncture medicine and any other definitions and revisions in the rules.

- 6. Unfinished Business: None.
- 7. Next Meeting: Thursday, April 6, 2023
1:00 p.m.
Queen Liliuokalani Conference Room
- 8. Adjournment: Chair Kroll adjourned the meeting at 2:23 p.m.

Reviewed and Approved by:

Taken and recorded by:

/s/Risé Doi

/s/Kawehi Mau

Risé Doi
Executive Officer

Kawehi Mau
Secretary

RD:km

03/15/23

- Minutes approved as is.
- Minutes approved with changes.