

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

**MINUTES OF MEETING**

**Date:** July 10, 2023

**Time:** 10:00 a.m.

**In-Person Meeting Location:** 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  
Alícé H. Ogawa, D.C., Member  
John Cole, Deputy Attorney General (“DAG”)  
Andrew Kim, Deputy Attorney General (“DAG”)  
James C. Paige, Deputy Attorney General (“DAG”)  
Rochelle Araki, Executive Officer (“EO”)  
Shasteen Hiona, Secretary

**Guests:** James C. Paige, Deputy Attorney General  
Scott Deane, D.C., Hawaii State Chiropractic Association  
Caleb Craig, D.C.

**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:** The meeting was called to order at 10:01 a.m., at which time quorum was established.  
  
Chair Pleiss welcomed everyone to the meeting and proceeded with a roll call of the Board members. All Board members confirmed that they were present.

**Approval of Meeting Minutes:** Open Session Minutes of the May 8, 2023 Meeting  
  
It was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to accept the open session as is.

Executive Session Minutes of the May 8, 2023 Meeting

It was moved by Chair Pleiss, seconded by Vice Chair Klein, and unanimously carried to accept the executive session as is.

Ch. 91, HRS,

Adjudicatory Matter: In the matter of the Application for a License to Practice Chiropractic of Caleb J. Craig, CHI-LIC-2022-001: Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order.

The Board is accepting oral arguments from Dr. Craig by phone. Mr. Paige is available in-person to present oral arguments for the State.

Dr. Craig was called into the meeting by phone to present his oral arguments at 10:07 a.m.

Dr. Craig: "First of all, thank you so much. It's my misunderstanding that I didn't understand that I needed to be there in person on Oahu. Had I had known that, I would've attempted to be there. I am out of state with my family right now. I really appreciate Mrs. Fukumura and everyone at the Board for understanding and to allow me to do this over the phone. I was putting together a presentation for this oral argument hopefully in favor for licensure as a chiropractic physician in the state of Hawaii. As everyone know it's been a long journey attempting licensure in Hawaii, it has been two years now. It has had a large financial impact on my family during this time and hopefully we can wrap this up with the hearing officer, the board and everyone involved. And we can believe in the understanding that the disciplinary actions on my license and that I do take them seriously and will never be repeated in any state. My journey as a chiropractor has spanned over three states, in over twenty years of practice. I wanted to clarify that I have never been licensed or practiced in the state of California - it's only been in Colorado, Oregon, and Alaska. It was stated as a concern from the board that I was jumping from state to state. And I would like to clarify that it was not the case, and I was recruited by colleagues to help build businesses and expand. It had nothing to do to avoid disciplinary action. I have three notable infractions on my license and it is a matter of interpretation. I apologize if at any point my actions or words have come across as not taking these things as seriously. I do take them seriously, regret some of the things I have said maybe sarcastically at these meetings, and I want to take responsibility of these things of concern. These notable infractions on my license, they were explained to be as minor, and I believe any disciplinary action has to be taken seriously. But it was a concern from the board and others involved that I did not take them seriously and did not take responsibility. As I have said many times, I do take responsibility no matter what and I am sorry for the misunderstanding.

A few clarifications in the past, it was explained to the hearing officer that I continued to practice knowing that I did not have a valid license, is an untrue statement and unfair accusation. I believe one board member had stated that even after I had received the Cease-and-Desist letter, I had continued to practice, which I had not do that. I had unknowingly missed the renewal date and I took it seriously and discontinued practicing until I had paid that fine and paid the civil penalty. And began to practice only when the actions were complete. I did make the mistake and I do take responsibility even if the actions were interpreted in a different way, it's still my responsibility. Big respect to Dr. Pleiss and everyone on the board, I believe Dr. Pleiss had mentioned that the board is tasked with protecting the health, safety, and welfare of the people of Hawaii in granting licenses. I have great respect for Dr. Pleiss and that statement. I do want you to know that none my actions have compromised the health, safety, or welfare of my patients in nearly twenty years of practice. I want the board to know that I continue to say that "never compromise patient care" and I have not. The mistakes I've made and disciplinary actions from the boards are taken seriously. I have been fighting to obtain licensure for this great state and I know that it is because of my past disciplinary actions and the interpretations is causing uncertainty to grant me licensure to practice once again. I do deeply regret and have great remorse for these actions because right now it is causing an impact to me financially. It's very difficult for me right now, taking care of my family is my number one responsibility and I am battling through this, doing everything in my power that I can. I live in Kihei and have met so many great people in the community over the past six years going back and forth. I want to be a part of it, and I am asking the board to grant me licensure based upon my sincerity and understanding that these disciplinary actions by any board is to be taken seriously and never happen again. This is the assurance I can give you so that my name will never come up for a disciplinary action and the only way to do that is to grant me licensure and I promise you will never see my name in anything but positive light in this great state. It will never happen again as it has caused a tremendous impact on me, and I just want to be involved in the state and I want to be involved in patient care again and take care of my family.

In closing to all those involved, board, everyone, I have had three disciplinary actions in three different states. It was only because it was where I was practicing at the time. If I had said it was minor or anything, I sincerely apologize for that and for not taking it as serious as I could. I do take responsibility at this point, but it will never happen again. I hope the board can understand and I do not want to debate anything else in the oral argument or debate Mrs. Fukumura. I am happy to answer any questions you have. I just don't want to debate back and forth. I have never been in a court room ever in my life I don't know the lingo, that's not my thing. I am a great chiropractor and that's what I do best. I build business, build clinics, and take care of many great people. And that's what I want to do again. I hope that the

board understands and can see that it has been a long journey for me and a long journey for you too and you're all tasked with protecting the state and imposing civil penalties and disciplinary actions on anyone. And I understand, I believe Mr. Paige had mentioned that same thing with their professional licensing, they have to keep up with renewals and continuing education like we do and if not, the same penalties are set forth. And he's right it happens to any professions. I will make 100% sure that these things will not happen again and the only way to do that and assure you is by granting me licensure to ensure that you will never hear anything but positive things about me in this great state."

EO Araki thanked Dr. Craig.

Mr. Paige asked if anyone had questions for Dr. Craig.

Dr. Pleiss asked for clarification from Dr. Craig when he appeared before the Board at their August 29, 2022, Board meeting on Zoom. He asked for clarification on a statement that Dr. Craig had made as noted in the minutes of that meeting – on page five, 5<sup>th</sup> paragraph from the bottom: "Dr. Craig stated that he is frustrated and said, "Good thing I didn't fly over there today, or we would have all sorts of problems."" Dr. Pleiss asked Dr. Craig if he remembered making that statement and what he meant.

Dr. Craig stated that he does not recall making that statement and said "I don't recall making that statement, I don't, and I certainly would not have meant if there were any problems that it would be on my behalf. I don't recall making a statement that we would have problems. I'm not sure how to even interpret that. On that date, that was August, right?"

Dr. Pleiss stated the date of the meeting again – August 29, 2022, and informed Dr. Craig that he had an independent recollection of Dr. Craig saying that. He proceeded to ask what Dr. Craig meant by that.

Dr. Craig replied and said that he does not recall making that statement and asked Dr. Pleiss to repeat the statement that he had made. Dr. Pleiss replied yes and said, "Dr. Craig stated that he is frustrated and said, "Good thing I didn't fly over there today, or we would have all sorts of problems.""

Dr. Craig asked whether the statement was referring to him flying to Oahu for an oral hearing. Dr. Pleiss replied and said that Dr. Craig made that statement on a Zoom meeting and that the minutes of that Board meeting are available on the Board's website.

Dr. Craig said he interpreted the statement as "perhaps flying over there, not making it, having problems finding the location. I recall

speaking to Mr. Ota and Mr. Paige about when I fly over there having a hard time getting down there and getting there on time. I'm not sure if it is in reference to that. But it certainly wouldn't be "we would have problems" meaning I would be upset about something like that. I think the frustrating aspect to that, and I probably did say I was frustrated considering the time frame involved when I first applied for licensure, trying to obtain licensure, and going through this process. I can only guess that it is in reference to getting there and trying to make that happen, it wouldn't be anything else beyond that. I apologize that I can't give you a complete interpretation of what I meant. I don't recall stating that and if I did, it wouldn't be in reference in anything negative or angry or anything like that. I don't get angry, I don't get too angry, frustrated yes; the journey here has been frustrating; I certainly didn't mean any harm or anger in it."

Dr. Pleiss said that he was very concerned and felt threatened by Dr. Craig's statement. He stated that in his ten to eleven years of serving on the Board, he has never heard anyone making that statement. Dr. Pleiss reiterated that this was something that concerned him and others on the Board.

Dr. Craig apologized and said that he understood why Dr. Pleiss, and the rest of the Board felt threatened. He added that he did not mean to threaten the Board.

Dr. Pleiss thanked Dr. Craig and asked if there were any other questions.

There was no other question from the Board.

Mr. Paige proceeded with the oral argument for the State.

Mr. Paige stated "this is a relativity straight forward issue in what we're dealing with. We are dealing with the Board's action on this license, based on information that was before the Board at that time." He added that the Hearings Officer issued the recommended order based on the same information that was provided to the Board at that time. The Hearings Officer Recommended Order upheld the Board's finding that there were two violations: HRS Section 436B-19(8) (Failure to maintain a record of history of competency, trustworthiness, fair dealing, and financial integrity) and HRS Section 436B-19(13) (Revocation, suspension, or other disciplinary action by another state that would also be a violation in our state).

Mr. Paige said, "at the hearing there was no dispute about the facts and information that was before the Board, and this is what is currently before the Board." He added that Dr. Craig's oral argument "is more in the nature if the board was reconsidering its action on the license or if there was a new license request before the board – but

that information wasn't in front of you at the time. The Hearings Officer's Recommended Order addresses if the Board properly denied the license based on information that was provided to the Board at that time. So it may be that Dr. Craig can make arguments with respect to you wanting assurances back then, and he didn't provide them. The fact that he provides them now, does not relate to this particular action because you did not have that at the time. If he had provided that assurance back then, the Board may well have decided "well ok, we feel comfortable based on his statements that he won't commit this violation; he considers them as serious; and it has been x number of years." But you didn't have that information and you had specifically asked for that, but as Dr. Craig mention today that he may have sarcastically answered or not provided that assurance."

Mr. Paige proceeded to say it was the Board's task to decide if they were going to accept the Hearings Officer's Recommended Order or reject or modify the Order. The Board needs to base its decision when they acted on the application and not on new information that was received. He added that "there could be a new license application and you folks can consider that information or request to reconsider it or it can be settled these things informally or through consent order where it will address those issues. But not in this particular thing, this is just weather you will accept the recommended order, reject, or modify it."

Dr. Craig replied and said "Mr. Paige, I agree with most of what you said. I didn't know that this agenda was to either accept the Hearing Officer's decision or not. I didn't think that this is what it was about. I believe all the facts that was put on the table had been considered. And doing another application process, which you had mentioned – where do we go from there, what does that do? By filling out another application and checking all the boxes and moving forth with that type of action, it puts us back to where we are at right now. And whether or not I understand the disciplinary actions that were imposed upon me. These three infractions, whether they're up for interpretation of it as minor or not, I think we're past that. If I put all that into an application right now, that will get us into the same situation we are in right now. And that is, do we grant licensure to Dr. Craig. He's given us the assurance he understands, he's taken responsibility and has remorse for the actions he's had in all three states and won't be a part of his licensure in his future. Putting in another application doesn't get us anywhere in my opinion. I apologize but we can pay the fees that get us through the application process but one part of the argument in the last letter is that I was inadvertently affected by this order. Was I inadvertently affected by the process, yes absolutely it has had a tremendous impact on me financially. I can't provide for my family right now and this is my only trade, it's what I do best. And the assurance I can give is what I am requesting for the board to grant me licensure so I can support my family. I don't know how to provide on-going assurances other than, this will never happen again and

granting me licensure. The facts are on the table, everything has been presented, and it's up to the board to accept that or not. The order was to deny licensure and now the board has that decision to not deny or to accept. I am asking the board to accept it base upon my sincerity, the impact it has had on my family, the inability to make a living for my family, for me to support them. I have tremendous remorse for these action – look what it is doing to my life. That's my consideration is the impact it has been to my family. I am under a severe amount of stress. I have to wait every three months for other arguments or another hearing or something like that, I don't know what else to present to convince the board of any other assurances that this will never happen again. I understand these disciplinary actions, I understand them like crazy at this point. It is all serious to me. I have spent countless sleepless nights figuring out what I can provide the board to ensure that I am a good person and a great doctor. I want to take care of my family; to grant me licensure so that I can do so. These things didn't happen yesterday, they happened many, many years ago. You know I've been in practice for almost twenty years and it had happened almost eighteen years ago and they're coming up right now as a question or concern that these things will happen again. They won't. I have endured enough, and all I want to do is support my family. I have four great boys and a beautiful wife, and I love this state, and this is where we live, this is where we want to live. My whole argument is that I am apologizing, and I don't have anything else to present when it comes to facts other than what we have read over, and we all see it and it has to be interpreted, I guess it has to be considered. It's tough for me. I just want to practice and support my family. I am going through a lot right now, going through this stuff. It's hard for me. This happens to a lot of people, and I am not a perfect person, I've made mistakes and I take responsibility. Any infraction, any disciplinary action on my license will put me in a position I am now to fight as hard as I can to prove to the board, I am going to be a valuable part of the community. I want you to hear positive things about me, I am happy to be given a chance to practice, to do what I do best, and you'll hear great things about me, you'll never hear anything negative. I have met great colleagues in Kihei. And the people of the community are great, they know who I am, and I would love to take care of them and be a part of that. And that's what I am planning for right now, to do it. I want the board to consider the position I am in and moving forward with an application again, going through the process just prolongs everything. Everything is in front of us, all the facts, we continue to do this every three months and were not getting anywhere and I just want to make progress and prove to the board and everyone else. I put this in my past I want to move forward and be part of the community.”

DAG Cole asked if there were any other questions.

There were no further questions from the Board.

EO Araki thanked Dr. Craig and advised that the Board had no further questions.

Dr. Craig thanked the Board for allowing him to present his oral arguments by phone.

Dr Craig left the meeting at 10:35am.

Mr. Paige left the meeting at 10:35am.

Chair Pleiss called for a recess from the meeting at 10:35am to discuss and deliberate on the adjudicatory matters pursuant to Chapter 91, HRS.

In the matter of the Application for a License to Practice Chiropractic of Caleb J. Craig, CHI-LIC-2022-001: Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order.

Following the Board's review and deliberation on these matters pursuant to Chapter 91, HRS, Chair Pleiss announced that the Board reconvenes to its Chapter 91, HRS, meeting at 10:54am.

All Board members were confirmed present.

Chair Pleiss informed the parties and the public of the following:

In the matter of the Application for a License to Practice Chiropractic of Caleb J. Craig, CHI-LIC-2022-001: Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order.

The Board accepts the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order for Caleb J. Craig. It was moved by Chair Pleiss, seconded by Vice Chair Kline, and unanimously carried to accept the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order for Caleb J. Craig.

Executive Session: At 10:56 a.m., it was moved by Chair Pleiss, seconded by Vice Chair Kline, 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 11:09 a.m., it was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to exit Executive Session and reconvene to the Board's regular order of business.



Applications:                    Chiropractic License

(1) Stanley Edward French Jr.

After due consideration of the information received, it was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to defer the chiropractic license application of Stanley Edward French Jr. to the next meeting, requesting for more information from the applicant on the billing error in question and invite him to the next meeting in person.

(A)    Ratification of issued License(s)

- DC-1559-0 James A Munse
- DC-1560-0 Micah J Yamada
- DC-1561-0 Chase F Picman
- DC-1562-0 Tyler I Nagao
- DC-1563-0 Sheila R Donnelly
- DC-1564-0 Brian F Kane
- DC-1565-0 Zakariya V Champa
- DC-1566-0 Austin Koziol
- DC-1567-0 Nicholas C Braaten
- DC-1568-0 Michael Stern
- DC-1569-0 Zachary A Peters

It was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to accept the above issued licenses.

Continuing Education  
("CE"):

(A)    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 23-057 – HI 23-061
- Index No. HI 23-065 – HI 23-069
- Index No. HI 23-077
- Index No, HI 23-079

Index No. HI 23-084  
Index No. HI 18-086-R23 – HI 18-092-R23  
Index No. HI 18-007-R23  
Index No. HI 22-076-R23  
Index No. HI 20-310-R23  
Index No. HI 22-076-R23  
Index No. HI 22-099-R23  
Index No. HI 18-070-R23  
Index No. HI 19-091-R22

Hawaii Administrative Rules  
("HAR") 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**

The Board would like to further clarify the definition of a chiropractic resident and direct and active supervision.

"Chiropractic Resident" means unlicensed graduate of a CCE accredited chiropractic program who works under direct and active supervision of a preceptor and has been approved for a provisional license in the state of Hawaii.

"Direct and active supervision" means the preceptor be in the same immediate building or complex as the intern or resident receiving the supervision unless otherwise approved by the board.

DAG Cole asked the Board the intent in creating a chiropractic intern and resident into the rules.

Vice Chair Klein stated that several chiropractic schools outsource the students' internship experience to private practices. A chiropractic intern earning their clinical experience under supervision would be under the school's purview. A chiropractic resident is a graduate who is practicing under supervision (from a preceptor) awaiting their Hawaii chiropractic licensure.

EO Araki asked if the Board's intent is to create a temporary license.

Dr. Ogawa said that a chiropractic resident would be working under a licensed Hawaii chiropractor. An example would be an intern who

wishes to continue working at the private practice under supervision after they graduated while waiting to take their exam or the results of their exam.

Chair Pleiss asked if a time frame should be added for a chiropractic resident.

Vice Chair Klein and Dr. Ogawa suggested six months for a temporary licensure.

Chair Pleiss also expressed concern on how to protect the public if harm is done to a client by the intern/resident.

Vice Chair Klein asked if a provisional licensure can be automatically approved by PVL staff?

EO Araki replied that if they submit an application, meets all the requirement, in good standing, has no actions against their license, then they can be issued a temporary license by PVL staff.

Vice Chair Klein stated that creating a pathway for a chiropractic resident would allow them to gain further training before licensure.

EO Araki asked Dr. Deane from Hawaii State Chiropractic Association ("HSCA") on their preceptorship proposal for the next Legislative session.

Dr. Deane stated that it's HSCA's intent to submit for both an intern and the resident preceptorship. This will allow an intern to keep practicing under their preceptor after they graduate.

The Board will further discuss provisional licensure, possibly amending the permanent application for chiropractic licensure and public safety with a practicing chiropractic resident/intern.

The Board will also discuss possibly adding language for telehealth.

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

There was no further discussion by the Board.

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

There was no further discussion by the Board

**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**

There was no further discussion by the Board.

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

The Board would like to further clarify number (12) on the list of approved programs.

(12) Programs approved by other state professional healthcare licensing board as determined by the Board of Chiropractor.

**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.

Chairperson's Report:

Chair Pleiss will be representing the Hawaii Board of Chiropractic to the November 2023 NBCE Part IV (Practical) Examination.

Next Meeting:

November 6, 2023  
10:00 a.m.  
Queen Liliuokalani Conference  
Room 335 Merchant Street, 1<sup>st</sup>  
Floor Honolulu, HI 96813

Adjournment:

As there was no further business to discuss, the meeting adjourned at 12:59 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/Rochelle Araki  
Rochelle Araki, Executive Officer

/s/ Shasteen Hiona  
Shasteen Hiona, Secretary

RA:sh

08/10/23

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