

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: October 5, 2023

Time: 1:00 p.m.

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

Members Present: Deborah McMenemy, L.Ac., D.A.O.M, Chair
Brooke Foreman, L.Ac., D.A.C.M., Vice Chair
Marta Rebella, Public Member
Steven Rosenblatt, Public Member

Excused: None.

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

Guest(s): Dr. Wai Low, D.Ac., ICAOM

1. Call to Order: A quorum was established, and Chair McMenemy called the meeting to order at 1:15 p.m.

2. Approval of Minutes: Chair McMenemy opened the floor to discuss the minutes of the April 6, 2023 meeting.

Chair McMenemy noted on page 2, it should read as the following:

The Board moved out of recess at ~~(4:42 p.m.)~~ 2:42 p.m.
It was moved by Ms. Rebella, seconded by Vice Chair Foreman, and carried by a majority, with the exception of Dr. Rosenblatt, who abstained from voting on this matter, to approve the minutes of April 6, 2023, as amended.

Chair McMenemy opened the floor to discuss the minutes of the August 23, 2023 meeting.

It was moved by Ms. Rebella, seconded by Vice Chair Foreman, voted on and unanimously carried to approve the minutes of August 23, 2023, as circulated.

3. Executive Officer's Report:

a. Update on Hawaii Administrative Rules ("HAR") 16-72

EO Doi stated she is in the process of sending the administrative rules draft to DCCA Director Nadine Ando for approval. After Director Ando approves the draft to proceed through the rulemaking process, the rules will be sent to the Legislative Reference Bureau for review. EO Doi reminded Board members that rulemaking is a lengthy process, but that the Board is making progress.

4. Applications:

a. Ratifications

It was moved by Vice Chair Foreman, seconded by Ms. Rebella, voted on and unanimously carried to approve the ratification list.

Acupuncturists

ACU-1418	JENNIFER L ALLEN
ACU-1419	PHI-LAN H NGUYEN
ACU-1420	TRACY ANNE ERICKSON
ACU-1421	CHARLEY SOMSANGUANSIT
ACU-1422	SIRIPORN J JANG
ACU-1423	MELADIE J ROBERTS
ACU-1424	PAIGE C SCHMIT
ACU-1425	ANAHITA SHEIKH-OL-ESLAMI
ACU-1426	KHALIL KYLE MIDANI
ACU-1427	IAN MCDONALD BROWN
ACU-1428	TRENTON N REMBERT
ACU-1429	AIMEE THOMPSON

Interns

R-23807002	RENEE C HANEL
R-23817001	STEPHEN J TAVOLILLA

6. New Business:

a. Regulated Industries Complaints Office (RICO): Acupuncture Advisory Committee Members

It was moved by Ms. Rebella, seconded by Vice Chair Foreman, and unanimously carried to enter executive session at 1:24 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.

It was moved by Dr. Foreman, seconded by Ms. Rebella, and unanimously carried to return to the open session meeting at 1:33 p.m.

It was moved by Vice Chair Foreman, seconded by Ms. Rebella, and unanimously carried to approve the RICO Advisory Committee List.

b. Discussion of upcoming legislative session

Chair McMenemy shared that Hawaii Acupuncture Medical Association (“HAMA”) has declined to submit bills for the upcoming 2024 legislative session.

Dr. Rosenblatt shared that HAMA is going to focus on building membership and unity within the practice.

Dr. Rosenblatt asked if he could meet with elected officials to discuss potential ideas for legislation. EO Doi explained that Board members are not to act on behalf of the Board when speaking with legislators, however, they may clarify that they are speaking as an individual, not as a Board member.

7. Unfinished Business:

a. Hawaii Administrative Rules Title 16 Chapter 72

Dr. Rosenblatt suggested under HAR §16-72-33 - Examinations should read “...all applicants applying for a license as an acupuncturist shall ~~[pass all exams administered by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM), or its successor testing agency, necessary to obtain a Diplomate of Oriental Medicine or its equivalent as determined by the board]~~ be certified by the NCCAOM.”

Chair McMenemy explained that the Board’s proposed language as written aligns with the current statute as Hawaii Revised Statutes (“HRS”) 436E-5 states that an applicant must pass an examination and Mr. Rosenblatt’s suggestions would require a statute change.

Dr. Rosenblatt proposed that the rules require acupuncturists to complete continuing education upon renewing their licenses, allow reciprocity, and expand the scope of practice to include animal acupuncture.

EO Doi explained that his suggestions would require a statute change. EO Doi noted that typically, DCCA will not introduce bills proposing changes in the scope of practice and requiring continuing education. These kinds of bill proposals would need to come from the profession, such as the professional association.

EO Doi explained the legislative process and that the Board may submit testimony on bills that are introduced and scheduled for hearings.

8. Next Meeting: Thursday, December 7, 2023

1:00 p.m.
Queen Liliuokalani Conference Room

9. Adjournment: Chair McMenemy adjourned the meeting at 2:16 p.m.

Taken and recorded by:

Reviewed and Approved by:

/s/Kawehi Mau

/s/Risé Doi

Kawehi Mau
Secretary

Risé Doi
Executive Officer

RD:km

10/20/23

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