

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: December 7, 2023

Time: 1:00 p.m.

In-Person Meeting Location: Queen Liliuokalani 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
Kat Brooke, DTCM L.Ac

1. Call to Order: A quorum was established, and Chair McMenemy called the meeting to order at 1:02 p.m.

2. Approval of Minutes: Chair McMenemy opened the floor to discuss the minutes of the October 5, 2023 meeting.

It was moved by Ms. Rebella, seconded by Mr. Rosenblatt, voted on and unanimously carried to approve the minutes of October 5, 2023, as circulated.

3. Executive Officer’s Report: a. Update on Hawaii Administrative Rules (“HAR”) 16-72
EO Doi stated she received the rules back after review from the Legislative Reference Bureau which included formatting changes. EO Doi will work on the formatting changes and submit the new draft to the Administrative Services Office (“ASO”). After ASO reviews the draft, it will be sent to the Attorney General’s office.

b. 2024 Board meeting schedule

EO Doi stated any schedule conflicts can be emailed to the Board's secretary.

4. Applications:

a. Ratifications

Acupuncturists

None

Interns

None

Dr. Rosenblatt said that the Board should review all applications. EO Doi explained that it is standard across all boards that only applicants with disciplinary action on a license or who have a prior conviction are reviewed by the Board. All boards have a ratification list that is approved at board meetings as these applications have met the requirements that are in the statutes and rules. The licensing branch will forward any questionable applications to the EO and Board for review. EO Doi explained that the licensing branch requests specific documents from the applicant, including a transcript sent directly from the school that indicates the didactic and clinic hours, NCCAOM score report, license verification, and fees.

5. New Business:

a. Hawaii Acupuncture Medicine Association ("HAMA") legislative update

EO Doi reported that HAMA representative Julie Kaneshiro was not able to attend in person. EO Doi reported that Ms. Kaneshiro will provide updates to the Board when the association has a draft bill ready to submit.

b. Legislative Delegation

Upon a motion by Ms. Rebella, seconded by Vice Chair Foreman, voted on and unanimously carried to elect Dr. McMenemy and Dr. Foreman as legislative delegates for EO Doi to consult with during the upcoming 2024 Legislative session.

6. Unfinished Business:

a. Discussion of the upcoming legislative session

Dr. Rosenblatt reported on his meetings he had with legislators as an individual, not representing the Board. He expressed interest in a potential bill that would change the scope of practice, allow reciprocity, create an acupuncture licensure pathway for physicians, and add continuing education to the renewal requirements.

Dr. Rosenblatt stated that from his previous position as a NCCAOM Board member, Hawaii ranked low for national certification of professional standards. He suggested that the wording of the statute should be amended to state that applicants be NCCAOM certified.

Chair McMenemy recognized Kat Brooke to speak.

Ms. Brooke introduced herself as a current applicant and asked to extend her application expiration date. She stated that due to the current statutes and rules, she needs to complete the NCCAOM exams and is studying.

Ms. Brooke inquired about the one-year abandonment period for applications. EO Doi explained that since she submitted her application before the Board made a determination at the meeting on August 23, 2023 to clarify that the NCCAOM Biomedicine exam module is required, she will be required to submit her NCCAOM scores for Foundations of Oriental Medicine and Acupuncture with Point Location.

DAG Leong and EO Doi explained the new law effective as of April 19, 2023, amended Hawaii Revised Statutes (HRS) 436B-9, which now requires that an application shall stay open for one year instead of two years. Any applications received prior to this date will have two years to complete the application process. Therefore, any applicants who submitted applications received after April 19, 2023, will stay open for one year.

Wai Low said that the notice of deficiency that applicants receive states that the application will be abandoned in two years. EO Doi noted that she will have to ask the licensing branch to update the wording to state that the abandonment period is now one year. The notice of deficiency is generated by a database and the database may need to be updated to change the wording of the notice.

EO Doi requested that Ms. Brooke send an email to the Board explaining her circumstances for an extension to be added to her application file.

Dr. Foreman asked if Dr. Rosenblatt meeting with legislators as an individual regarding potential bill ideas is a conflict of interest, as he is a Hawaii licensed physician and a California licensed acupuncturist who is unable to obtain licensure as an acupuncturist in Hawaii due to the current statutes and rules.

DAG Leong explained that Dr. Rosenblatt is allowed to meet with legislators as an individual, however, there is a conflict of interest when there is a financial interest at stake. A conflict of interest may occur when a board member votes on something that would financially benefit themselves or their immediate family members. DAG Leong explained that the Board's purpose is to protect the public and administer the Board's laws and rules. It was pointed out that Dr. Rosenblatt could recuse himself from the Board discussion and voting if the bill he

discussed with the legislators as an individual is introduced and the Board decides to submit testimony.

7. Next Meeting: February 1, 2024

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8. Adjournment: Chair McMenemy adjourned the meeting at 2:11 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

12/12/23

[X] Minutes approved as is.
[] Minutes approved with changes.