

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 1, 2024

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: Brooke Foreman, L.Ac., D.A.C.M., Vice Chair
Marta Rebella, Public Member
Steven Rosenblatt, Public Member

Excused: Deborah McMenemy, L.Ac., D.A.O.M.

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

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

1. Call to Order: A quorum was established, and Vice Chair Foreman 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 December 7 meeting.

It was moved by Ms. Rebella, seconded by Vice Chair Foreman, and unanimously carried to approve the minutes of December 7, 2023, as circulated.

3. Executive Officer’s Report: a. Update on Hawaii Administrative Rules (“HAR’) 16-72

EO Doi stated she received the draft from the Legislative Reference Bureau and sent the revisions to the Administrative Services Office (“ASO”). She received the revisions from ASO and will be forwarding the draft to the Attorney General’s Office for review as to form.

b. Bills from 2023 that have been carried over to the 2024 Regular Session

SB845 SD1 Relating to Acupuncture. Makes comprehensive changes to chapter 436E, Hawaii Revised Statutes, regarding acupuncture practitioners, to reflect modernized scope of practice, titles, and licensing and renewal requirements. Authorizes the board of acupuncture to establish an alternative pathway for physician licensure in acupuncture. Beginning with the renewal for the licensing biennium commencing 7/1/2025, requires licensees to obtain thirty hours of continuing education per licensing biennium. Appropriates funds to the Department of Commerce and Consumer Affairs to update the Professional and Vocational Licensing Division's internal database. In the 2023 session, this bill passed second reading as amended (SD1).

HB641 and SB946 Relating to Acupuncture. Makes comprehensive changes to chapter 436E, Hawaii Revised Statutes, regarding acupuncture practitioners, to reflect modernized scope 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 to issue licenses by reciprocity. Neither HB641 nor SB946 were scheduled for hearing in 2023.

EO Doi explained that no new bills relating to acupuncture were introduced for the 2024 session. The above bills have been carried over from the 2023 session, but not yet been scheduled for hearing in 2024. EO Doi noted that last session, she submitted testimony in support for SB845 SD1 on behalf of the Board and if it is scheduled again for hearing, she will submit testimony in support.

Wai Low commented that appropriation of funds to implement the changes proposed in the bill and the number of continuing education hours remains an issue. Dr. Rosenblatt commented that adding continuing education as a requirement is important to protect the public.

EO Doi noted that even when a bill is scheduled for hearing, the bill's language for the next draft can change depending on the testimony submitted.

4. Applications:

a. Ratifications

Acupuncturists

ACU-1430	SHARON C. PAE
ACU-1431	CONNIE JO HAMILTON
ACU-1432	TIANAN MCGUIRE

ACU-1433 LEAH B. BAGGAO

Interns

None.

It was moved by Ms. Rebella and seconded by Vice Chair Foreman to approve the ratification list. Vice Chair Foreman and Ms. Rebella voted to approve the ratification list and Dr. Rosenblatt abstained from voting on this matter. Therefore, the motion failed.

Dr. Rosenblatt noted that the Board did not have access to the applicants' files and the Board should be reviewing all applicants. 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(s), and fees. EO Doi explained the licensing branch procedure at previous meetings. EO Doi reiterated that any applicants with foreign education, disciplinary action, or prior convictions will be reviewed by the Board. All applications on the ratification list are applicants who have met the education and training requirements and have submitted all required documents.

DAG Leong added that when applicants meet the objective statutory and rules requirements for licensure, there is not anything subjective for the Board to review. Therefore, a license is issued.

Vice Chair Foreman asked if Dr. Rosenblatt planned to abstain from voting on the ratification list in future meetings, to which he responded that he does not know how he will vote in the future.

Vice Chair Foreman and Ms. Rebella said that there was no need for the Board to review applications that have already met the Board's education and training requirements and that the DCCA staff has explained this multiple times in previous meetings.

Vice Chair Foreman and Ms. Rebella asked if failing of the motion would affect the names listed on the ratification list. EO Doi explained that approving the ratification list is mainly a formality as these applicants have already been issued licenses. EO Doi noted that as the motion has failed, the names on the ratification list will be added to the next agenda.

6. New Business:
- a. Discussion on the Board's aims and objectives for 2024

EO Doi mentioned that Chair McMenemy had asked her to add this item to the agenda per Dr. Rosenblatt's request.

Dr. Rosenblatt explained that he wanted to add this item to the agenda to ask about the Board's aims and goals other than approving the ratification list. He asked what the Board can do to get legislation passed to require CE and consider a pathway for physicians to get an acupuncture license as it is inevitable.

EO Doi explained that the Board's function is to administer the statutes and rules and protect the public. Until the statutes are changed, the Board cannot enforce rules relating to continuing education or a pathway to licensure for physicians. EO Doi also noted that if a bill is scheduled for a hearing, the language can change multiple times before the bill is enacted into law. Dr. Rosenblatt noted that he had worked on legislation as an individual with elected officials.

Vice Chair Foreman reiterated that the Board's rules have been going through the administrative process and noted that this topic has been discussed during the previous meetings. Vice Chair Foreman commented that Dr. Rosenblatt should review the current rules draft. She noted that he was bringing up the same discussions and bullying and interrupting the other members and staff when he is not satisfied by the answer. Vice Chair Foreman noted it is important that everyone feels comfortable and is heard and that the Board's main goal is to have the rules adopted. Dr. Rosenblatt expressed that he did not feel like his comments are bullying and he is trying to have a discussion where members can speak freely.

7. Unfinished Business:

a. None

8. Next Meeting:

April 4, 2024
1:00 p.m.
King Kalakaua Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, HI 96813

9. Adjournment:

Vice Chair Foreman adjourned the meeting at 1:40 p.m.

Taken and recorded by:

Reviewed and Approved by:

/s/Risé Doi

/s/Risé Doi

Risé Doi
Executive Officer

Risé Doi
Executive Officer

02/05/24

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

DRAFT