

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

MINUTES OF MEETING

Date: November 6, 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
Alice H. Ogawa, D.C., Member
Rochelle Araki, Executive Officer (“EO”)
Christopher Fernandez, Executive Officer (“EO”)
Andrew Kim, Deputy Attorney General (“DAG”)
Shasteen Hiona, Secretary

Guests: Stanley Edward French Jr., D.C.
Caleb J. 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 10:11 a.m., at which time quorum was established.

Chair Pleiss called the meeting to order 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 July 10, 2023 Meeting

It was moved by Chair Pleiss, seconded by Vice Chair Klein, and unanimously carried to approve the open session meeting minutes of the July 10, 2023, meeting with the following amendments:

Open Session Minutes:

On page 1, approval of meeting minutes should read as follows:
“It was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to accept the open session **minutes** as is.”

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

On page 8, 11th paragraph should read as follows:

“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] Klein**, and unanimously carried to accept the Hearing Officer’s Findings of Fact, Conclusions of Law, and Recommended Order for Caleb J. Craig.”

Executive Session Minutes of the July 10, 2023 Meeting

It was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to approve the executive session meeting minutes of the July 10, 2023, meeting as circulated.

Ch. 91, HRS,
Adjudicatory Matter:

In the Matter of the License to Practice Chiropractic of Anapuni B. Coleman, D.C.; CHI 2020-18-L; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order; Exhibits “1” – “2”.

Chair Pleiss called for a recess from the meeting at 10:16 a.m. to discuss and deliberate on the adjudicatory matters pursuant to Chapter 91, HRS.

A. In the Matter of the License to Practice Chiropractic of Anapuni B. Coleman, D.C.; CHI 2020-18-L; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order; Exhibits “1” – “2”.

After due consideration of the information received, it was moved by Vice Chair Klein, seconded by Dr. Ogawa, and unanimously carried, to approve the aforementioned Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order.

Following the Board’s review, deliberation and decision on the matter pursuant to Chapter 91, HRS, Chair Pleiss announced that the Board reconvenes to its Chapter 92, HRS, meeting at 10:29 a.m.

Executive Session:

At 10:34 a.m., it was moved by Chair Pleiss, seconded by Vice Chair Klein, 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 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 12:21 p.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 for
Licensure:

(A) Applications:

(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 Dr. French Jr. to the next meeting for further discussion with the Board's Deputy Attorney General.

(2) Caleb J. Craig

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 Dr. Craig to the next meeting for further discussion with the Board's Deputy Attorney General.

(B) Ratification of issued License(s)

DC-1575-0 Amber Bloom
DC-1581-0 Austin Blanchon
DC-1584-0 Chloe Ann Goodwin
DC-1574-0 Cody James McKillip
DC-1578-0 Daniel Axelrod
DC-1580-0 Daniel A Hernandez
DC-1577-0 Douglas D Berry Jr
DC-1571-0 Drew G Ronchak
DC-1579-0 Dwight E Reid
DC-1570-0 Haley Ann N Nakamura
DC-1583-0 Hunter Williams
DC-1576-0 Irene M Booth
DC-1582-0 Jonah Carignan
DC-1573-0 Joshua B Olsen
DC-1572-0 Thomas John Vanidestine
DC-1569-0 Zachary A Peters

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

Continuing Education
("CE"):

Ratification of CE Courses – New Applications and Re-Registrations (See attached list)

It was moved by Dr. Klein, seconded by Chair Pleiss, and unanimously carried to ratify the approval of the following CE courses:

Index No. HI 23-085 – HI 23-090
Index No. HI 23-092 – HI 23-103
Index No. HI 23-105 – HI 23-109
Index No, HI 23-111
Index No. HI 23-113
Index No. HI 23-118 – HI 23-131
Index No. HI 23-134
Index No. HI 23-137 – HI 23-153
Index No. HI 20-215 R23
Index No. HI 20-310 R23
Index No. HI 22-076 R23
Index No. HI 18-086 R23 – HI 18-092 R23
Index No. HI 20-310R23-2
Index No. HI 20-208 R23
Index No. HI 19-091-R22

New Business: Regulated Industries Complaints Office: Chiropractor Advisory Committee

It was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to approve the Regulated Industries Complaints Office Chiropractic Advisory Committee.

Hawaii Administrative
Rules ("HAR")
Chapter 76:

Draft Rule Amendments

Revised:	16-76-2	Objective
Revised:	16-76-4	Definitions
New Section:	16-76-10	Chiropractic Information Network/ Board Action Databank
Revised:	16-76-20	License required to practice chiropractic
Revised:	16-76-21.01	Inactive License
Revised:	16-76-21.02	Reactivation of Inactive License
Revised:	16-76-38	Basic requirements for renewal
Revised:	16-76-39	Qualifications for continuing education credit

Revised:	16-76-41	Requirements for approved programs
Revised:	16-76-44	Exceptions
New Section:	16-76-45	Denial or revocation of program

With guidance from DAG Kim, EO Araki advised that the Board of Chiropractic's Hawaii Revised Statute §442-5 does not provide authority for the Board to make rule changes with regard to internship and preceptorship. There is no post graduate clinical requirement to be licensed as a chiropractor in Hawaii. Internship and preceptorship are outside of the Board's statutory authority.

DAG Kim further clarified that the Board's intent with the rule change in defining and practicing as interns and preceptors may be exceeding the scope of the Board's statutory authority. A statutory change would need to be implemented instead of a rule change to include internship and preceptorship. Furthermore, DAG Kim advised pursuant to Hawaii Revised Statute §442-2, "It shall be unlawful for any person to practice chiropractic without a license...". And the rule change that the Board is proposing to have an intern practice without a license may violate the Board's statutes. The Board would need to add a language in their statute that provides authority for an intern and preceptor to practice. The Board can then implement internship and preceptorship in their rules.

Vice Chair Klein asked DAG Kim if it would be better to clarify these as a new license type instead of changing a statute.

DAG Kim stated that if the Board is intending to create a new type of license, it should be done under a statutory change.

Vice Chair Klein confirmed that the Board's intent with internship and preceptorship is to have them practice under a new license type.

DAG Kim advised the Board that creating a new license type would need to be done under a statutory change.

Vice Chair Klein asked how can a Board change their statute?

Chair Pleiss replied and said that a legislator will need to introduce a bill and follow the bill through fruition.

DAG Kim stated that the deadline for agency proposals in the next legislative session has already passed and a bill would need to be introduced by a legislator.

Dr. Ogawa asked for clarification – if an intern works under a doctor and only do exams (no adjustments or treatments), would that be considered as practicing without a license?

DAG Kim advised the Board if it's considered to be practicing as a chiropractor and they do not have a chiropractic license, then it would be in violation of the Board's statute.

EO Araki stated that the Board can also work with the local Chiropractic Association to submit a bill to change their statute.

It was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to defer further discussion on Draft Rule Amendments.

Executive Officer's Report:

2024 Board Meeting Schedule

EO Araki provided the Board with the 2024 Board meeting schedule.

Ethics Training

EO Araki reported that all board members completed the Ethics Training.

Chairperson's Report:

Chair Pleiss reported that Dr. Klein and Dr. Ogawa will be serving as examiners for the National Board of Chiropractic Examiners Part IV Exam.

Next Meeting:

January 8, 2024
10:00 a.m.
Queen Liliuokalani Conference Room
335 Merchant Street, 1st Floor Honolulu,
HI 96813

Adjournment:

As there was no further business to discuss, the meeting adjourned at 1:00 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

11/27/23

- () Minutes approved as is.
(X) Minutes approved with changes; see minutes of 1/8/2024