

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

MINUTES OF MEETING

Date: March 11, 2024

Time: 10:30 a.m.

In-Person Meeting Location: King Kalakaua Conference Room
HRH King Kalakaua Building
35 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 I. Kim, Deputy Attorney General (“DAG”)
Cortnie Tanaka, Secretary

Guests: Lei Fukumura, Special Deputy Attorney General (“SDAG”)
Dr. Dean Shivers, D.C., Hawaii State Chiropractic Association

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 10:35 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: Chair Pleiss asked if there was any questions or comments on the minutes. There was none.

It was moved by Chair Pleiss, seconded by Vics Chair Klein and carried unanimously to approve the open meeting minutes of the January 8, 2024 meeting as circulated.

It was moved by Vice Chair Klein, seconded by Chair Pleiss and carried unanimously to approve the executive meeting minutes of the January 8, 2024 meeting as circulated.

Chapter 91, HRS Adjudicatory: Chair Pleiss called for a recess from the meeting at 10:37 a.m. to discuss and deliberate on the following adjudicatory matters pursuant to

Chapter 91, HRS.

- A. In the Matter of the License to Practice Chiropractic of Dustin R. Craft, D.C.; CHI 2020-0020-L; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

After due consideration of the information received, it was moved by Chair Pleiss, seconded by Vice Chair Klein 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 and deliberation on these matters pursuant to Chapter 91, HRS, Chair Pleiss announced that the Board reconvenes to its Chapter 92, HRS, meeting at 11:06 a.m.

Applications:

Ratification of issued License(s)

DC-1587-0 Derek Foust
DC-1588-0 Lily A Hoog-Fry
DC-1589-0 Angeline Kristie Brutus
DC-1590-0 Taylor N Schaub
DC-1591-0 Stanley Edward French Jr.
DC-1592-0 Caleb J Craig
DC-1593-0 Sarah R Ward
DC-1594-0 Georghios N Olympiadis
DC-1595-0 Eric Pastrmac
DC-1596-0 Lianna P Hunt

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

Hawaii Administrative Draft Rule Amendments

Rules ("HAR")
Chapter 76:

Revised: **16-76-2** **Objective**
There was no further discussion by the Board.

Revised: **16-76-4** **Definitions**
Chair Pleiss advised that "preceptor" information was removed from this section of the rules. A statutory change will need to be made to add language regarding preceptorship into the rules.

There was no further discussion by the Board.

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

Vice Chair Klein asked if it needed to be clarified that the applicant will be responsible for the background check fees.

EO Fernandez responded, it may not be necessary.

Vice Chair Klein stated she was not opposed to the fee language not being in the rules but wanted clarification if it was needed.

EO Araki asked DAG Kim if adding this language was necessary.

DAG Kim stated the Board may add language to make it clear that the fees shall be the responsibility of the applicant.

However, in further review of the language in the rules, DAG Kim stated it was implied the applicant would be responsible for the fees.

Vice Chair Klein asked if it would be possible to require a criminal background check.

EO Araki stated that a statutory change was needed to require a criminal background check.

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: 16-76-21.01 Inactive license

There was no further discussion by the Board

**Revised: 16-76-21.02 Reactivation of inactive
license**

Vice Chair Klein asked for clarification on why the language regarding reactivation needing a current and active license was crossed out.

EO Araki stated that with the current rules, to reactivate an inactive license, one must hold a current and active license in another state.

Vice Chair Klein agreed this was included so if someone were to reactivate their license, it would ensure the Board that the licensee have kept up with their practice/skills.

Chair Pleiss stated that he thought if you wanted to go inactive in Hawaii, you needed to be active in another state.

Vice Chair Klein responded, yes, to reactivate your Hawaii license, you would need to have an active license in another state.

EO Araki stated if someone wanted to reactivate their Hawaii license,

they must provide a current and active license verification from another state.

Chair Pleiss asked, what if someone was not licensed in another state?

EO Fernandez asked the Board, does this make it harder to reactivate a license? If someone was to reactivate their license, one needs to have an active license in another state. How many people will meet that requirement? Would this be the only way to handle the concern of keeping current with the practices of a chiropractor?

Vice Chair Klein asked if a chiropractor were to remain inactive for a certain period and wanted to practice again, would they need to reapply?

EO Fernandez stated no, if a licensee kept renewing timely in an inactive status they would not need to reapply.

EO Araki agreed.

Vice Chair Klein asked if there was a fee for inactive status and inactive renewal.

EO Fernandez answered yes.

Dr. Ogawa asked if a licensee needed to keep up with their continuing education with an inactive license?

Chair Pleiss stated no, they do not need to keep up with CE's. But will need to provide 30 CE's, 24 months prior to reactivation with this draft rules.

Vice Chair Klein stated that her question was answered and supported removing the proposed language from this section.

There was no further discussion by the Board.

**Revised: 16-76-38 Basic requirements for
renewal**

Vice Chair Klein stated that she was good with 30 CE hours.

Dr. Ogawa agreed that 30 CE hours were good.

There was no further discussion by the Board.

**Revised: 16-76-39 Qualifications for
continuing education
credit**

The Board discussed adding ethics and boundaries or documentation as required courses for continuing education but understood the complexities and may not be needed within each renewal for all licensees.

Vice Chair Klein asked for clarification on the definition of “classroom” in the context of *“No credit for continuing education shall be allowed for time expended for study outside of the classroom.”* In relation to distance education, does classroom mean brick and mortar? If a distance learning CE course asked students to read an article outside of class for discussion, would that be self-study or would that be counted as CE? She asked if that sentence should be removed entirely?

EO Fernandez asked if the passage interprets as barring self-study? He asked Vice Chair Klein if she was wanting to bar self-study?

Vice Chair Klein answered, no, if other associations accept it why can't they.

EO Fernandez asked if someone were to submit documentation for self-study how would that be tracked or what would it look like turned in?

Vice Chair Klein used the AMA as an example, when a self-study course has been fulfilled through the AMA, a certificate of completion will be provided.

EO Fernandez asked if it will be limited to a percentage? Would the Board accept full 30 CE hours in self-study?

Vice Chair Klein stated that putting a limit adds an administrative burden.

DAG Kim asked Vice Chair Klein to clarify if she meant this pertains to a licensee who signed up for an online class and was given a certificate of completion.

Vice Chair Klein stated yes, if it's part of the class it should count towards CE.

Vice Chair Klein opined that self-study should be allowed as long as its monitored.

Vice Chair Klein suggested removing the statement so it would not rule out self-study from an approved organization.

EO Fernandez asked if this language was removed, would the Board need to add a different language?

Vice Chair Klein answered, no.

Chair Pleiss agreed to remove *“No credit for continuing education shall be allowed for time expended for study outside of the classroom.”* from this section of the rules.

EO Araki asked the Board to clarify the reasoning on why the language is being removed from this section.

Chair Pleiss added that the language being used is confusing and archaic.

Vice Chair Klein added that it was due to concerns on how classroom was defined.

Vice Chair Klein also asked the Board for their opinion:

“Sponsors will send it courses outlined as 50-minute block with a 10-minute break. But there were sponsors that would submit applications for a five-hour block with no breaks. Would that be considered 5 CE’s or 6 CE’s due to 1 CE= 50 minutes?”

EO Araki asked if any breaks would be provided during the five-hour course?

EO Fernandez asked if the Board would accept courses that were less than 50 minutes, if 50 minutes is what a course hour is.

EO Araki responded, the rules currently only allows whole hour with a minimum of 50 minutes constituting one class hour.

Vice Chair Klein stated that there would be a break within the 5-hour block. Vice Chair Klein opined it should be 5 CE’s, but needs to be clarified in the rules/statutes or in the procedure. She was also wondering if it should not change from whole hours to quarter hours.

Dr. Ogawa added that the Board previously discussed to define what a credit hour is on the sponsor application form.

Vice Chair Klein stated that in her research, there were states who require a 10-minute break for every 50 minutes.

DAG Kim asked if the language “provided a minimum of fifty minutes shall constitute one class hour” should be removed.

Vice Chair Klein was wondering if quarter hours should even be in the rules. There are courses that award .1 CE.

DAG Kim stated it is up to the Board if they were willing to accept CE's that small.

EO Araki asked if the Board would like to review and approve 10-minute courses? In response to a random audit, a licensee may submit .1 CE's for 30 hours?

Vice Chair Klein stated she had no problem with .1 CE but the Board should not approve courses for anything less than a quarter hour at a time.

DAG Kim advised that the Board could remove the verbiage regarding 50 minutes constitutes as 1 CEU so a course that's 5-hour block would not be viewed as 6 CEU's.

Vice Chair Klein suggested striking it out completely and put it elsewhere for the sponsors in the application form or in a later section of the rules. It may be added to "requirements for approved programs".

DAG Kim asked if it could be taken out in this section of the rules and provide the total hours for a program in the next subsection.

Vice Chair Klein agreed to remove section 16-76-39(f) and move the 50 minutes per hour requirement into subsection 16-76-41(a)(1).

DAG Kim suggested it be added into section 16-76-41(a)(1) *"A detailed outline which provides program content, total hours of the program, and clearly identifies the amount of time spent on each portion of the program provided in a minimum of 50 minutes be considered 1 credit hour."*

Vice Chair Klein agreed with the addition to section 16-76-41(a)(1) and to remove section 16-76-39(f).

Chair Pleiss asked if that statement allows partial hours will be approved.

DAG Kim answered, yes, it provides no restriction on the applicant.

DAG Kim asked if the 50 minutes language was added to section 16-76-41(a)(1) if it could be interpreted by the CE Sponsor that a 5-hour block and 6 CE's were equivalent.

Vice Chair Klein suggested removing the 50-minute language completely and adding it to the CE application.

EO Fernandez suggested adding a definition that one CE hour is a

minimum of 50-minute lecture with a 10-minute break.

DAG Kim advised the Board to add the language in the definitions section.

EO Fernandez added that the language should include “continuing education hour also known as credit hour.”

Chair Pleiss confirmed that section 16-76-39 (f) will be removed, a definition of “continuing education hour” will be added, and the quarter hours language will be added to the application.

There was no further discussion by the Board.

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

EO Araki reported that in her research she found that other state boards’ continuing education blanket approval was only given to organizations within the chiropractic practice.

DAG Kim asked if EO Araki’s concerns were towards the blanket approval given to programs outside of chiropractic such as the “American Medical Association”.

EO Araki answered yes.

Vice Chair Klein opined that the Board previously discussed this extensively and felt that it may not be in their field but would be beneficial for them to understand it.

EO Araki asked what if a licensee only took CE’s that were not in chiropractic practice?

Vice Chair Klein answered that she did not see a problem with that.

DAG Kim explained that EO Araki’s concern wasn’t that courses outside of chiropractic would not be accepted but that it should not be automatically accepted under the blanket approval.

Dr. Ogawa stated that it would be best for the Board to provide the blanket approvals only to courses within chiropractic practice.

Vice Chair Klein added she was not worried about the people that were dual licensed, the purpose of continuing education was to make sure licensees were remaining current with their material.

DAG Kim asked, “does the Board want it to be automatically approved or should the Board be reviewing for approval?”

Vice Chair Klein stated it should be approved.

DAG Kim asked the Board, what if the course was about hair growth? Would that be an acceptable course? Wouldn't the Board want to review those situations and decide?

Vice Chair Klein asked if there was a caveat that the Board could issue.

EO Araki & EO Fernandez opined that the blanket approval meant that the courses offered were considered approved, without any review by the Board.

Vice Chair Klein asked if the Board would be able to add that all courses are still subject for review and approval under the Board's discretion.

Dr. Ogawa asked how would the Board provide a blanket approval but at the same time not approve some courses?

EO Fernandez added that this defeats the purpose of a blanket approval, you're approving but not approving?

EO Fernandez opined that it would be best for the Board to only provide blanket approvals to chiropractic providers and nationally recognized chiropractic associations.

Vice Chair Klein asked what would be excluded in that case? Should pharmacology be excluded because chiropractors shouldn't know about pharmacology?

Dr. Ogawa stated that the courses can still be taken but will not count towards their continuing education renewal requirement.

Vice Chair Klein asked why wouldn't it be if it was about the practice of medicine? There are chiropractors in the state that do not adjust and focus on nutrition. She added that she understood the concerns with the blanket approval but felt the laws and rules were archaic and written from the perspective of spinal adjusting only.

Dr. Ogawa responded that there are only a few chiropractors that are not doing classic adjusting. They would still be able to take other CE courses outside of chiropractic, but it should not count towards their license renewal.

Vice Chair Klein questioned why it should not be accepted. Regardless of if it falls or doesn't fall under the scope of practice, chiropractors should understand it.

Dr. Ogawa expressed her concern that this might provide a false sense that chiropractors would be able to do procedures outside of their scope of practice.

Chair Pleiss added that as a chiropractor it needs to be recognized that there might be a problem outside of our scope. But it can only be recognized by learning outside of our scope. Chiropractors need to understand if and why a patient cannot be treated.

DAG Kim asked if the Chair would be okay with the blanket approval.

Chair Pleiss answered that a blanket approval was a different issue.

EO Araki added that because a course was not on the blanket approval it did not mean that it will not be accepted.

EO Fernandez also added that the blanket approval was taking away the Board's authority. Instead of having the blanket approval include programs not within chiropractic practice, the Board can create a list of preapproved associations. This would act like a blanket but still has limitations, such as, "AMA courses are approved provided that they are within the practice of chiropractic."

DAG Kim advised that this may be confusing.

Vice Chair Klein asked if there could be some language added to the section that still gave the Board authority to approve or deny courses.

DAG Kim asked each Board member if they were concerned on having a blanket approval.

Vice Chair Klein answered, no.

Dr. Ogawa stated yes, she was concerned on having blanket approvals.

Additionally, DAG Kim stated his concern regarding language on section 16-76-41(h)(12), programs approved by other state licensing boards. Specifically, for courses that were not medical related, such as real estate.

Vice Chair Klein responded that the purpose of 16-76-41(h)(12) was to accept courses approved by other state boards.

Dr. Ogawa added it should be healthcare licensing boards.

DAG Kim asked if it could be argued that because it is healthcare it should be automatically approved?

Vice Chair Klein stated no, it should just be automatically approved.

DAG Kim clarified that 16-76-41(h)(12) should read “programs approved by other healthcare state licensing boards”?

Vice Chair Klein responded, yes.

EO Fernandez suggested for the Board to instead approve specific associations to provide CEs.

EO Fernandez stated that other Boards do not have approved programs in their laws and rules but maintain a separate list on their Board website. A program can be removed from the list without having to amend the laws and rules again.

Vice Chair Klein added that it should read “preapproved list maintained by the Board”.

Dr. Ogawa and Vice Chair Klein agreed. They were fine with that change.

Chair Pleiss asked the Board members for their opinion on 16-76-41(h)(1).

Vice Chair Klein stated that this was added so FCLB and NBCE could be included in the approval. Could FCLB and NBCE just be listed in place of 16-76-41(h)(1)?

EO Fernandez added that FCLB is a regulatory body, not a professional association so it would be separate and different from the list.

Vice Chair Klein suggested that it may be removed, and the Board can insert language that references the list.

Dr. Ogawa asked the Board if it should include ICA? What if a licensee wanted to study straight chiropractic?

Vice Chair Klein’s concern was not the chiropractic courses that ICA provides but the practice building courses and other items.

Chair Pleiss agreed, yes, the Board does not accept practice building courses.

Dr. Ogawa agreed with the Board on having a separate list that the Board has the authority to approve or deny courses.

Chair Pleiss asked the Board to summarize what was going to be done

with this section of the rules.

Vice Chair Klein stated at the next meeting, section 16-76-41(h) will have a different language and there will be a separate list.

There was no further discussion by the Board.

Revised: 16-76-44 Exceptions
There was no further discussion by the Board.

New Section: 16-76-45 Denial or revocation of program
DAG Kim stated that he needed to review the language of this section.

There was no further discussion by the Board.

Continuing Education
("CE"):

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

It was moved by Vice Chair Klein, seconded by Dr. Ogawa, and unanimously carried to ratify the approval of the attached CE course list.

Chairperson's
Report:

Chair Pleiss asked staff for clarification on Board travel reimbursements.

Next Meeting:

May 15, 2024
10:00 a.m.
King Kalakaua Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Adjournment:

As there was no further business to discuss, the meeting adjourned at 1:25 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/Rochelle Araki
Rochelle Araki, Executive Officer

/s/ Cortnie Tanaka
Cortnie Tanaka, Secretary

RA:ct

5/7/2024

- () Minutes approved as is.
(X) Minutes approved with changes; see minutes of: 05/15/2024