

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

MINUTES OF MEETING

Date: November 6, 2024

Time: 10:00 a.m.

In-Person Meeting Location: King Kalakaua 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
Jeanne-Marie Coloma, Public Member
Rochelle Araki, Executive Officer ("EO")
Christopher Fernandez, Executive Officer ("EO")
Andrew I. Kim, Deputy Attorney General ("DAG")
Cortnie Tanaka, Secretary

Guests: None

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 10:09 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 September 11, 2024, open session meeting minutes.

Vice Chair Klein asked for clarification regarding Mr. Green's statement on page 6, paragraph 8.

EO Araki stated that they were Mr. Green's statement.

Vice Chair Klein asked to add quotation marks to Mr. Green's statement on page 6, paragraph 8:

Mr. Green confirmed "it is exactly what the Settlement Agreement didn't want. The verbiage is the same, but there are no guarantees or promise of results."

Additionally, on page 6, paragraph 11, Vice Chair Klein asked to have her statement reflect that she's clarifying that it is Mr. Green's opinion. She asked the statement to read:

Vice Chair Klein ~~clarified that~~ **asked to clarify that in his opinion** because there were no guarantees and results vary between patients the rest of the ad could not be considered deceptive.

Deleted language is bracketed and struck through. New language is bolded and underlined.

DAG Kim asked if she is wanting to add context to her statement.

Vice Chair Klein agreed.

It was moved by Vice Chair Klein, seconded by Dr. Ogawa, and carried unanimously to approve the open meeting minutes with amendments for the September 11, 2024, meeting.

Chapter 91, HRS,
Adjudicatory Matter:

Chair Pleiss called for a recess from the Board's meeting at 10:13 a.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS chapter 91.

- a. In the Matter of the License to Practice Chiropractic of Aaries Oda, D.C.; CHI 2020-5-L. Deliberation on Board's final written order.

It was moved by Chair Pleiss, seconded by Vice Chair Klein, and unanimously carried to approve the Board's Final Order with modifications.

At 10:34 a.m., the Board moved out of Chapter 91, HRS.

The Board returned to its regular order of business.

Applications:

Ratification of issued License(s)

DC-1613-0	Brenda L Hilby
DC-1614-0	JOSEPH A HANS
DC-1615-0	Justin P Maia
DC-1616-0	Randy Kiwini Baldomero

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

New Business:

Scope of Practice Question Email – Extraspinal Manipulation. Shoulder adjustments, extraspinal manipulations within a chiropractor's scope of service in Hawaii?

Scope of Practice question: "Considering that shoulder adjustments, when there is dysfunction with the joint and a misalignment of the humerus bone, also help relieve tension on the muscles that connect to the spine (which could cause a sprain) , my question is : are shoulder adjustments within the scope of service for chiropractors? Are extraspinal manipulations within a chiropractor's scope of service in Hawaii?"

Chair Pleiss read HAR §16-76-25(2) “Which addresses specific vertebral adjustment, manipulation, mobilization, and treatment of the articulation and adjacent tissues of the spinal column, musculoskeletal structure of the body, and nervous system; and”

Vice Chair Klein confirmed it is within the scope of practice for a chiropractor.

Chair Pleiss confirmed and also stated HAR §16-76-25(8) “Manipulation of the articulations of the body” as another point to confirm the boards response to Mr. Hernandez.

There was no further discussion by the board.

It was moved by Chair Pleiss, seconded by Vice Chair Klein, and unanimously carried to provide response based on HAR §16-76-25(2) and HAR §16-76-25(8) as the Board's informal opinion pursuant to HAR §16-201-90.

Canadian Board and Ontario Board exam equivalency with NBCE Part 1-4

Equivalency question: “I am a Canada chiropractor that was a grad from 1998 from National College in Chicago and has been working actively in Canada with Good standing.

I have written my Canadian Boards and Ontario Board exams which are the equivalent of your Part 1-4.

Some states are allowing reciprocate agreements on a case by case basis such as ND and Missouri.

Would you be able to verify if I could apply under my special circumstances.

According to the accreditation of the Council of Chiropractic Education -USA, the Canadian Chiropractic Examination Board is fully accredited by your American Council on Chiropractic Education.”

EO Araki contacted NBCE and provided their response:

“The CCE accredits Doctor of Chiropractic Programs at colleges, but it does not accredit Chiropractic boards. Additionally, each State Board determines which exams are accepted, as stated in their respective by-laws. To our knowledge, no states accept the Canadian Boards as equivalent to or in place of the NBCE Boards.”

Chair Pleiss clarified that Dr. Adamski only took the Canadian board exam, but in accordance with Hawaii's laws and rules, requirement is NBCE Part 1 – 4.

EO Araki confirmed requirement pursuant to HRS §442-6 and HAR §16-76-9 is successful completion of the National Board of Chiropractic Examiners' (NBCE) examinations which include parts I, II, III, IV, the Special Purpose Examination for Chiropractic, and physiotherapy.

DAG Kim confirmed the above Board examination requirements pursuant to the Board's statutes.

Dr. Ogawa agreed.

It was moved by Chair Pleiss, seconded by Vice Chair Klein, and unanimously carried to provide response based on HRS §442-6 and HAR §16-76-9 as the Board's informal opinion pursuant to HAR §16-201-90.

Continuing Education
("CE"):

Ratification of CE Courses – New Applications and Re-Registrations (See attached list)
It was moved by Vice Chair Klein, seconded by Chair Pleiss, and unanimously carried to ratify the approval of the attached CE course list.

Hawaii Administrative
Rules ("HAR")
Chapter 76:

Draft Rule Amendments

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

Revised: 16-76-4 Definitions
There was no further discussion by the Board.

Revised: 16-76-8 Educational requirements
Vice Chair Klein confirmed CCE advisors' suggested language.

Chair Pleiss asked how the section should read based upon the CCE advisors' suggestion.

Vice Chair Klein stated "...must have successfully completed a chiropractic program that is accredited by the CCE or other accrediting body..."

Chair Pleiss asked if the advisors suggested to get remove sections (b) and (c).

Vice Chair Klein replied to keep section (a) and to add verbiage that would allow Canadian applicants the ability to apply.

Vice Chair Klein stated that NBCE accepts Canadian schools.

Dr. Ogawa asks if Europeans and Australians can take the NBCE.

Vice Chair Klein stated that to her knowledge they are unable to.

Dr. Ogawa asked if the Canadian college is accredited.

Vice Chair Klein stated they could be accredited by a Canadian accrediting body.

DAG Kim stated that this should be addressed through a statute. Pursuant to HRS §442-2(a)(2), "Satisfactory proof that the applicant graduated from a chiropractic college accredited by, or recognized as a candidate for accreditation by, any chiropractic college accrediting agency recognized by the United States Department of Education; provided that the requirements shall not apply to applicants who matriculated in any chiropractic college prior to October 15, 1984."

DAG Kim suggested to find another state that allows international education and to review

their verbiage and address it into a statutory change.

There was no further discussion by the Board.

New Section:	16-76-10	Chiropractic Information Network/Board Action Databank
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There was no further discussion by the Board.

Revised:	16-76-20	License required to practice chiropractic
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There was no further discussion by the Board

Revised:	16-76-21.01	Inactive license
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There was no further discussion by the Board

Revised:	16-76-21.02	Reactivation of inactive license
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There was no further discussion by the Board.

Revised:	16-76-38	Basic requirements for renewal
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There was no further discussion by the Board.

Revised:	16-76-39	Qualifications for continuing education credit
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Chair Pleiss asked if there was any discussion regarding this section.

Dr. Ogawa stated her concern to accept quarter and half hour credits.

Vice Chair Klein stated it is very important to accept quarter and half hour credits.

Dr. Ogawa expressed her concern of the administrative burden this might incur.

Vice Chair Klein stated that she does not feel like it will create more administrative burden.

EO Araki clarified that it would create more administrative burden to accept half and quarter hour credits.

Dr. Ogawa had spoken with other states, and they also do not accept anything less than an hour credit.

Vice Chair Klein stated that other Hawaii state boards accept any fraction of credit hours.

EO Araki stated that currently the Board requires submission of continuing education certificates in response to random audit or when a licensee is trying to restore/reactivate their license.

Vice Chair Klein responded that is the reason why she feels like it will not cause an administrative burden. PACE will have quarter and half hour on the certificates and the

licensee should be able to get the full credit for it.

Ms. Coloma asked if half hour or quarter hour courses are common.

Vice Chair Klein answered that they are very common.

Ms. Coloma stated that if there are so many courses offered in that format, she thinks they should accept quarter and half hour credits.

DAG Kim provided the definition of a credit hour is 60 minutes, but the board will accept quarter hours or 15 minutes.

Vice Chair Klein agrees.

There was no further discussion by the Board.

Revised: 16-76-41 Requirements for approved programs

Chair Pleiss suggested for 16-76-41 (a) to remove numbers (5) – (12).

Vice Chair Klein disagrees.

DAG Kim states that courses from the sponsors should be in the subject matter related to the concepts of chiropractic practice. He used the Optometry Board as an example, they are given criteria and a list of courses. If the courses taken does not meet the criteria it is on the applicant.

Vice Chair Klein asked what the criteria would be.

DAG Kim referred to HAR §16-76-39.

DAG Kim stated that other sponsors may still apply.

Chair Pleiss suggested that the board only include sponsor (1), (3), and (4).

Dr. Ogawa and Ms. Coloma agreed.

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.

Chair Pleiss had no report to share. There was no further discussion by the Board.

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Next Meeting: TBD
 10:00 a.m.
 TBD

Adjournment: As there was no further business to discuss, the meeting adjourned at 1:18 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

12/4/24

- (X) Minutes approved as is.
- () Minutes approved with changes; see minutes of _____