

Board of Acupuncture  
Minutes of the November 20, 2024, Meeting

**BOARD OF ACUPUNCTURE**

Professional & Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

**MINUTES OF MEETING**

Date: November 20, 2024

Time: 2:15 p.m.

In-Person Meeting Location: King Kalakaua Conference Room  
HRH King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, HI 96813

Virtual: Virtual Videoconference Meeting – Zoom Meeting

Recording Link: <https://www.youtube.com/watch?v=CM3tkV7PhsA>

The agenda for this meeting was posted on the State electronic calendar as required by HRS section 92-7(b).

Members Present: Deborah McMenemy, L.Ac., D.A.O.M., Chair  
Brooke Foreman, L.Ac., D.A.C.M., Vice Chair  
Sherry Mizumoto, L.Ac., D.A.O.M.  
Marta Rebella, Public Member

Staff Present: Candace Ito, Supervising Executive Officer (“EO Ito”)  
Lei Ana Green, Executive Officer (“EO Green”)  
Chelsea Fukunaga, Executive Officer (“EO Fukunaga”)  
Christopher Leong, Deputy Attorney General (“DAG Leong”)  
Johnny Li, Tech Support  
Lorna Eugenio, Secretary

Guest(s): Jayne Tsuchiyama  
Billy F. Schultz  
Bret Shimizu  
Wai H. Low  
Ahlani Quiogue, Licensing Administrator  
Chris Thompson  
Joni Kroll  
Beckey Jacobs  
Kentaro  
Tech Help  
Ruby Gee  
Barbara Ota

Virtual Meeting Instructions: A short video regarding virtual meetings was played for attendees. The Chair provided information on internet and phone access for today’s virtual meeting and announced that today’s

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meeting was being recorded and that the recording will be posted on the Board's web page.

Call to Order:

The Chair took a roll call of the Board members.

In accordance with Act 220, SLH 2021, all Board members attending virtually confirmed that they were alone in their nonpublic location.

After taking roll, quorum was established, and the meeting was called to order at: 2:18 p.m.

Chair McMenemy asked if any members from the public would like to provide oral testimony on this agenda item. There were none.

Approval of  
August 19, 2024  
Minutes:

Upon a motion by Ms. Rebella, seconded by Vice Chair Foreman, it was voted on and unanimously carried to approve open and executive session minutes of the August 19, 2024, meeting with the following amendment to the open session minutes:

On page 4, line 1, the date should read:

~~[08/07/2024]~~ **09/06/2024**

Chair McMenemy asked if any members from the public would like to provide oral testimony on this agenda item. There were none.

Applications:

A. Ratifications

Upon a motion by Ms. Rebella, seconded by Vice Chair Foreman, it was voted on and unanimously carried to ratify the following list of licenses:

Acupuncturists

ACU-1443	Joan Y. Mak
ACU-1444	Ree Ana Gale
ACU-1445	Sara Kathryn Johnson
ACU-1446	Dong P. Shin
ACU-1447	Jocelyn H. Cheng

Chair McMenemy asked if any members from the public would like to provide oral testimony on this agenda item. There were none.

New Business:

A. Discussion of the November 20, 2024 Public Hearing for Proposed Amendments to Title 16, Chapter 72 Hawaii Administrative Rules ("HAR") and consideration of adoption of proposed rules.

***“Acupuncture Medicine”***

Chair McMenemy reported that concerns were raised during public testimony regarding the proposed definition of “Acupuncture Medicine,” particularly the inclusion of the phrase “lifestyle and nutritional counseling.” Several dietitians voiced objections, suggesting it could expand the scope of practice beyond what is authorized by statute.

The proposed definition of “Acupuncture Medicine” included:  
*“...the practice of acupuncture with adjunctive therapies including but not limited to manual, mechanical, electrical, light, sound, electromagnetic, thermal therapy, herbal and nutraceutical medicines, lifestyle and nutritional counseling, movement, and other traditional and modern techniques.”*

Chair McMenemy expressed support for replacing “lifestyle and nutritional counseling” with “dietary therapy in relation to traditional Chinese medicine.”

EO Ito noted that the rules currently contain a definition for “lifestyle and dietary consult,” while the definition of “Acupuncture Medicine” uses “lifestyle and nutritional counseling.” He recommended ensuring consistency throughout the rules.

Vice Chair Foreman asked whether dietitians had raised concerns with the phrase “lifestyle and dietary consult.” EO Ito responded that the phrase was not included in the proposed definition of “Acupuncture Medicine,” and reiterated the need for alignment of terminology.

EO Ito further summarized the Hawaii Academy of Nutrition and Dietetics’ testimony, which stated that the proposed definition could expand the scope of acupuncture practice beyond statutory authority and might suggest authorization of medical nutrition therapy.

Vice Chair Foreman responded that nutritional counseling is part of acupuncturist training, board certification, and diagnosis, and therefore should remain within the definition.

Chair McMenemy indicated a preference for “lifestyle and dietary consult,” stating that “nutritional” does not fully capture the practice. Vice Chair Foreman noted her concern with altering language at this stage and expressed her support for keeping the terms as written.

EO Green asked whether the Board would consider adopting “lifestyle and dietary consult” in place of “lifestyle and nutritional counseling.” Definitions of “consult,” “counseling,” and “guidance” were shared for reference.

EO Green pointed out that “lifestyle and dietary consult” already appears elsewhere in the chapter, and EO Ito added that using the same term in the definition of “Acupuncture Medicine” would ensure consistency.

***“Diplomate of Oriental Medicine and Herbal Medicine Exam”***

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Dr. Low expressed concern that requiring all four NCCAOM examinations, rather than the three currently required in Hawaii, places a significant burden on students, noting they “have to work so hard to pass four tests before they get a license.” He further noted that many other states require only three exams, and that mandating four exams could deter practitioners from relocating to Hawaii, potentially reducing competition but also limiting access to care. Dr. Low suggested removing “Oriental medicine” from the rules and focusing on the “deployment of acupuncture,” with the possibility of creating a separate herbal medicine certification in the future.

Regarding regulation and safety, Dr. Low stated that herbal medicine is currently unregulated as a standalone practice in Hawaii because the FDA classifies it as a food supplement, and he characterized it as generally “very safe.” He also cautioned that if the Board mandates a Diplomate of Oriental Medicine (DOM), and NCCAOM adds future modules (such as injection therapy), students could eventually face five exams.

Concerns regarding public risk and scope of practice were raised by Dr. Kroll, former Chair, who opposed removing the herbal requirement, stating that acupuncturists are trained in herbal medicine and “to not be licensed or examined in something that you are going to be doing is a risk to the public.” Another Board member emphasized that the scope of acupuncture extends beyond needles, noting that practitioners must understand herbal interactions with modern drugs and chemotherapy. It was confirmed that current Hawaii exams do not test herbal knowledge, and a Board member noted that removing the herbal exam would necessitate removing herbal references throughout the rules, potentially diluting the practice.

National trends and cost considerations were presented by Tuesday Wasserman, NCCAOM representative. She explained that the FDA regulates herbs under the DSHEA Act due to safety concerns, particularly drug-herb interactions. Ms. Wasserman noted that while only a few states require OM certification, more than ten states require examination in herbology for practice. A Board member stressed the importance of preparing for future requirements, as employers such as the VA and DOD may require full OM certification. Ms. Wasserman added that separating herbal certification from OM certification, as suggested by Dr. Low, would likely increase costs for students.

After discussion, the Board reached consensus to retain the herbal exam requirement, effectively maintaining the DOM requirement. Section 16-72-20(A) was amended to remove the option to practice only “acupuncture” and instead require that every licensee practice “acupuncture and herbal medicine or wishing to use any acupuncture title.” A motion to adopt the rules with all defined changes was subsequently approved.

***“Acupuncture Injection Therapy”***

Dr. Kroll referenced the 1984 Sunset evaluation report (Report No. 84-D6) on the former statute (Chapter 436D), noting that the report included

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aquapuncture—defined at the time as the injection of sterile water, saline, procaine, morphine, or vitamins into acupuncture points—within the scope of practice.

Dr. Low argued that AIT is covered under the broader statutory language of “traditional therapeutic means” and cited a court case in which a practitioner performing injection therapy successfully had a case dismissed by demonstrating training under traditional therapeutic means. He suggested that the injection component may have been removed from the statutes when MDs were exempted under the prior law.

Ms. Wasserman shared input from Marilyn Allen of a large malpractice company, noting that if injection therapy is not explicitly included in the scope of practice, practitioners may not be covered in malpractice claims, even if they successfully defend themselves. Ms. Wasserman added that modern AIT involves sterile injections such as saline, vitamins, nutraceuticals, lidocaine, and procaine, and that national guidelines recommend an additional 40 hours of training, including at least 16 hours hands-on, because AIT is generally not taught in acupuncture schools.

DAG Leong advised that the Board lacks statutory authority to expand the scope of practice by rule. If a practice was removed from the prior statute and not replaced, it is not considered within the scope of practice and would need to be added via statute. While the Board can clarify existing statutes through rules, it cannot expand the scope.

Based on this advice, the Board determined that the definition of acupuncture injection therapy must be removed from the proposed rules. The Board acknowledged that the appropriate method to include AIT in the scope of practice would be through legislative action.

B. Delegation to Executive Officer

This agenda item was deferred.

C. Delegation to Board Member

This agenda item was deferred.

D. Legislative Liaison

EO Green reported that during the legislative session, bills may be introduced that require profession-specific expertise to provide testimony. Because hearings and amendments often occur between Board meetings, it can be difficult for the Executive Officer to respond in a timely and informed manner. EO Green recommended appointing a Board member to serve as a legislative liaison to assist with drafting testimony, testifying, researching, and clarifying Board positions between meetings.

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The Board agreed that a member should be designated to provide input or testimony on legislative matters during the session. Vice Chair Foreman was nominated and seconded (Dr. Mizumoto) to serve as the legislative liaison. Dr. Mizumoto agreed to serve as the alternate.

E. 2025 Meeting Schedule

EO Green reminded Board members to mark their calendars with next year's Board scheduled meetings.

Chapter 91, HRS: Chair McMenemy called for a recess from the meeting at 3:30 p.m., to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, HRS (Note: Board members and staff entered the Zoom Breakout Room)

Chair McMenemy proceeded with a roll call of the Board members in the Zoom Breakout Room. All Board members confirmed that they were present and alone.

A. In the Matter of the Acupuncturist's License of **Edward C. Hsu**; ACU 2023-4-L; Settlement Agreement Prior to Filing of Petition of Disciplinary Action and Board's Final Order

After due consideration of the information received, it was moved by Ms. Rebella, seconded by Vice Chair Foreman, and unanimously to carried to approve the aforementioned Settlement Agreement Prior to Filing of Petition of Disciplinary Action and Board's Filing Order.

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Chair McMenemy announced that the Board reconvenes to its Chapter 92, HRS, meeting at 4:06 p.m. Board members and staff returned to the Zoom meeting. All members confirmed that they were present and alone.

Next Meeting: February 28, 2025

In-Person Meeting Location:	Queen Liliuokalani Conference Room HRH King Kalakaua Building 335 Merchant Street, First Floor Honolulu, Hawaii 96813
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Virtual Videoconference Meeting – Zoom Webinar

Adjournment: With no further business to discuss, Chair McMenemy adjourned the meeting at 4:06 p.m.

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Taken and Recorded by:

/s/ Young-Im Wilson  
Young-Im Wilson  
Executive Officer

09/19/2025

[ ] Minutes approved as is.

[ X ] Minutes approved with changes; see minutes of 11/7/2025

