

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

MINUTES OF MEETING

Date: January 15, 2025

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
Alice H. Ogawa, D.C., Member
Teresa Hernandez, Member
Rochelle Araki, Executive Officer ("EO")
Christopher Fernandez, Executive Officer ("EO")
Andrew I. Kim, Deputy Attorney General ("DAG")
Cortnie Tanaka, Secretary

Excused: Rachel M. Klein, N.D.D.C., Vice Chair
Jeanne-Marie Coloma, Public Member

Guests: Rebecca Yonashiro, RICO
Dustin Craft D.C., Respondent
Benjamin Darrow D.C., Applicant
Dean Shivvers 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 10:01 a.m., at which time quorum was established.

Chair Pleiss called the meeting to order with a roll call of the Board members. Board members confirmed that they were present.

Chair Announcement: Welcome to New Board Member: Teresa Hernandez, Public Member
Chair Pleiss introduced and welcomed Ms. Teresa Hernandez to the Board.

Approval of Meeting Minutes: Chair Pleiss asked if there was any questions or comments on the November 6, 2024, open session meeting minutes.

There was none.

It was moved by Chair Pleiss, seconded by Dr. Ogawa, and carried unanimously to approve the open meeting minutes for the November 6, 2024, meeting.

Chapter 91, HRS.
Adjudicatory Matter:

Chair Pleiss called for a recess from the Board's meeting at 10:05 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 Dustin R. Craft, D.C.;
Board's Final Order for Noncompliance with Settlement Agreement; CHI 2020-
0020-L. Request for Reconsideration.

Dr. Craft addressed the Board, detailing the reasons he failed to complete his continuing education (CE) courses. He explained that after encountering technical difficulties in retrieving his original CE documentation, he took courses to make-up the deficient CE credits. RICO later informed him that he was not able to use the make-up CE credits. Consequently, Dr. Craft entered into an agreement with RICO: he would pay a fine, inform the Board of his planned CE courses, and complete them by a specific deadline.

Dr. Craft explained the different hardships he faced over the last year with his health, personal life, and business. He asked the Board for a reconsideration of the Board's Final Order from the September 11, 2024, meeting. He noted despite the hardships, he completed his CE requirement before the September 11, 2024, Board meeting. He acknowledged not meeting the original Final Order's deadline but requested the Board reconsider its Final Order, hoping for a second chance.

Chair Pleiss asked if the Board had any questions for Dr. Craft.

Chair Pleiss reminded Dr. Craft of the original settlement agreement he signed, including the agreed-upon items and the stated consequences for non-compliance.

Dr. Craft confirmed and it was his intention to complete all items within the agreed upon timeline and his awareness of the consequences. However, he explained that his various hardships prevented him from focusing on and completing his CEs by the deadline. He reiterated his understanding and acceptance of the consequences should the Board deny his reconsideration request.

The Board had no other questions for Dr. Craft.

Rebecca Yonashiro from the Regulated Industries Complaints Office representing the State of Hawaii Department of Commerce and Consumer Affairs stated the Board should deny Respondent's request for reconsideration as it is procedurally defective and deficient in substance. Specifically, she noted it was untimely, submitted seventeen days past the deadline, and thus should be barred from consideration under HAR 16-201-23. Ms. Yonashiro reminded the Board that Dr. Craft previously admitted to knowingly filing an untruthful statement. Respondent failed to provide any written proof of completion of any continued education credits during the renewal period and failed to comply with the Board's audit. Respondent was also given notice that his license would be automatically revoked upon RICO's filing of an affidavit for failure to timely and fully comply with the settlement agreement. While he submitted a written statement for the September 11, 2024, Board meeting, he was not present when the Board made its decision and issued its Final Order. Ms. Yonashiro asserted that Dr. Craft "does not contest the Board's

findings and comes before the Board, beyond the deadline with more excuses." She claimed Respondent continues to demonstrate an ongoing disregard for the licensing authority and indicates "he is committed to doing whatever's necessary to regain the Board's confidence", and yet he still has not complied with the Board's Final Order for noncompliance with the settlement agreement. For the Board to go back and reconsider its Final Order and impose a sanction less than a revocation, would signal that the Board accepts and tolerates latent habitual violations of the law. Ms. Yonashiro respectfully requested the Board simply enforce the approved Settlement Agreement.

Ms. Yonashiro addressed Dr. Craft's statements requesting a second chance. He was given multiple chances and opportunity to explain himself. She argued that the sanctions he offered wouldn't resolve the core issues, which extend beyond just CE's to include an ongoing failure to comply with rules. His habitual violations and noncompliance only demonstrate that he's unlikely to adhere to any new terms. This is the third time that this case has been before the Board, and if the Board adopts his proposal, it would likely lead to further enforcement issues. She concluded that Dr. Craft's background and dedication to the profession were irrelevant to his statutory violations or compliance with the Board's Final Order. While acknowledging his personal issues, she stressed they don't justify nor excuse non-compliance, noting he was reminded of his obligations before the affidavit was filed.

Chair Pleiss asked if the Board had any questions for Ms. Yonashiro.

There was none.

DAG Kim asked if Dr. Craft would like to provide a rebuttal to Ms. Yonashiro's testimony.

Dr. Craft stated there's a lot of implied character elements to Ms. Yonashiro's statement and doesn't feel like there are habitual elements. The legal stuff she said is true, but he does not have a disregard for the process. CEs are important so that chiropractors provide safe and effective care to the community. Dr. Craft thanked the Board for their consideration.

The Board entered recess to deliberate.

It was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to suspend the license for Dustin R. Craft, D.C. for 6 months starting from January 15, 2025, and to complete 20 CEs annually by December 31st for the next 5 years.

At 11:35 a.m., the Board moved out of Chapter 91, HRS.

The Board returned to its regular order of business.

Executive Session:

At 11:36 a.m., it was moved by Chair Pleiss, seconded by Ms. Hernandez and unanimously carried to enter into executive session pursuant to HRS section 92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in HRS section 26-9, and to consult with Andrew Kim, Deputy Attorney General, on questions and issues pertaining to the Board's powers, duties,

privileges, immunities, and liabilities pursuant to HRS section 92-5(a)(4).

At 12:05 p.m., it was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

Applications for
Licensure:

Applications

a. Benjamin Z. Darrow

After due consideration of the information received, it was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to approve Dr. Darrow's application for license.

Conditional License

a. Stanley Edward French, Jr., D.C., License No. DC-1591

After due consideration of the information received, it was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to extend the completion and passing of the Fraud scenario exam with EBAS for six months from January 15, 2025.

Ratification of issued License(s)

License Number	Licensee
DC-1617-0	John C Baker
DC-1618-0	SAMANTHA QUINTERO
DC-1619-0	Mackenzie K Shuford

It was moved by Ms. Hernandez, seconded by Dr. Ogawa, and unanimously carried to accept the above issued licenses.

2025 Legislation
Session:

Proposed Legislation Relating to Administrative Licensure Actions Against Sex Offenders

Proposed legislation authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

It was moved by Ms. Hernandez, seconded by Dr. Ogawa, and unanimously carried to support the intent of the proposed legislation relating to administrative licensure actions against sex offenders.

Proposed Legislation Relating to Chiropractic

Proposed legislation allows chiropractic students to engage in clinical practice as part of their educational program if directly supervised by a licensed chiropractor.

It was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to support the intent of the proposed legislation relating to Chiropractic with comments.

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.

<u>Hawaii Administrative</u>	<u>Draft Rule Amendments</u>	
<u>Rules ("HAR")</u>	Revised:	16-76-2
<u>Chapter 76:</u>	Revised:	16-76-4
	Revised:	16-76-8
	New Section:	16-76-10
	Revised:	16-76-20
	Revised:	16-76-21.01
	Revised:	16-76-21.02
	Revised:	16-76-38
	Revised:	16-76-39
	Revised:	16-76-41
	Revised:	16-76-44
	New Section:	16-76-45
		Objective
		Definitions
		Educational requirements
		Chiropractic Information
		Network/Board Action Databank
		License required to practice
		chiropractic
		Inactive license
		Reactivation of inactive license
		Basic requirements for renewal
		Qualifications for continuing
		education credit
		Requirements for approved
		programs
		Exceptions
		Denial or revocation of program

This item was deferred for further discussion by the Board.

Chairperson's
Report:

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

Next Meeting:

Wednesday, March 12, 2025
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Adjournment:

As there was no further business to discuss, the meeting adjourned at 1:08 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

4/25/25

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