

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

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by §92-7(b), Hawaii Revised Statutes (HRS).

Date: Thursday, September 6, 2018

Time: 9:00 a.m.

Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Robert E. Klein, D.C., F.A.C.O., Chair
Lawrence A. Redmond, D.C., Member
Kathleen T. Kang-Kaulupali, Pharm. D., Member
Ahlani Quiogue, Acting Supervising Executive Officer (“ASEO”)
Alan Taniguchi, Executive Officer (“EO”)
Risé Doi, Executive Officer (“EO”)
Daniel Jacob, Deputy Attorney General (“DAG”)
Susan Reyes, Secretary

Excused: James A. Pleiss, D.C., D.A.B.C.O., Vice-Chair

Guest: None.

Call to Order: There being a quorum present, the meeting was called to order by Dr. Klein at 9:28 a.m.

Approval of Meeting Minutes: Minutes of the July 5, 2018 Board Meeting
It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, and unanimously carried to approve the minutes of the July 5, 2018 meeting as circulated.

Licensing: A. Ratifications of Issued License

1. USUFBEKOV, Behruz Y.

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, and unanimously carried to ratify the above staff approval of the licensee.

Old Business: A. Questions from Nationwide Network of DOT Medical Examiners

Chairperson Klein wanted to respond to the original letter, which was not on hand. Therefore, the Board decided to defer this until the next meeting.

New Business: A. Retroactively confirm the 2018 NBCE Delegates & Alternate Delegates that was submitted on January 30, 2018

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, and unanimously carried to confirm the 2018 NBCE Delegate as Dr. Robert Klein and Dr. James Pleiss as the alternate.

B. Email from Stephanie Mussmann – Can a chiropractor and radiologist licensed in another state send/receive teleradiology to give a diagnostic interpretation for a doctor in Hawaii?

Chairperson Klein briefed the Board that if a doctor is licensed in another state and practicing in that state, when receiving data from Hawaii and rendering their opinion, they are not practicing here in Hawaii. There are no legal restrictions on a Hawaii doctor using a consultant in another state.

DAG Jacob said the way that this question should be interpreted is whether it is unlicensed practice for someone to come in and send/receive teleradiology in Hawaii and they are not licensed in Hawaii.

ASEO Quiogue stated that the medical exemptions allow a licensed medical doctor (“MD”) or licensed doctor of osteopathic (“DO”) to consult with another physician and establish a doctor-patient relationship. Once the doctor-patient relationship is established, the out-of-state professional can communicate directly with the patient through telemedicine. The telehealth provision allows consultation with the Hawaii licensed physician consulting with another out-of-state licensed physician. The Hawaii licensed physician and the Hawaii licensed chiropractor is ultimately responsible for the care of the patient.

Chairperson Klein would like EO Taniguchi to draft a letter to Ms. Mussmann stating that there are no restrictions on a Hawaii licensed doctor using an out-of-state consultant.

Each doctor must be properly licensed in the location they are operating.

- C. Hearing Officer's Findings of fact, Conclusions of Law, and recommended Order for MATTHEW P. Tuttle, D.C., CHI 2015-8-L

EO Taniguchi requested to defer this until the next meeting because it was brought to the board prematurely.

Continuing Education ("CE"):

- A. Ratification of CE Courses – New Applications and: Re-Registrations:

See attached list(s).

Chairperson Klein requested to delete Index No. HI 18-233 and add it the Re-registration as Index No. HI 16-206 R18.

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond and unanimously carried to ratify the approval of the following CE courses:

Index No. HI 18-220
Index No. HI 18-224 – HI 18-227
Index No. HI 18-232
Index No. HI 18-234 – HI 18-243
Index No. HI 18-245 – HI 18-246

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, and unanimously carried to approve the following CE courses with adjusted hours due to recalculation of hours, in that HAR § 16-76-39, provides that continuing education shall be given for whole hours only, with a minimum of fifty minutes constituting one class hour:

Index No. HI 18-222, 14 hours out of 14.5 hours requested
Index No. HI 18-223, 32 hours out of 40.5 hours requested.
Index No. HI 18-228, 26 hours out of 26.5 hours requested
Index No. HI 18-230, 17 hours out of 17.5 hours requested
Index No. HI 18-231, 17 hours out of 17.5 hours requested
Index No. HI 18-244, 3 hours out of 3.5 hours requested

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, and unanimously carried to approve the following CE courses with adjusted hours in that the non-approved hours do not comply with the provisions of Chapter 76, subchapter 6, HAR:

Index No. HI 18-219, 174 hours offered/38 hours may be earned out of 174 hours requested
Index No. HI 18-221, 19 hours out of 20 hours requested
Index No. HI 18-229, 23 hours offered/12 hours may be earned out of 23 hours requested

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, and unanimously carried to ratify the following CE Re-registration Pre-approved by the Executive Officer.

Index No. HI 16-206 R18

B. Other CE Courses:

1. Request from James Pleiss, D.C. for approval of National Board of Chiropractic Examiners' Part IV Test Committee, June 8 -9, 2018 for 13 hours of continuing education

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, and carried by majority, to ratify the approval of the above referenced CE course for 13 hours.

2. Request from James Pleiss, D.C. for approval of National Board of Chiropractic Examiners' Part IV Test Committee, May 18-20, 2018 for 2 hours

Chairperson Klein requested to correct the 2 hours to 20 hours as shown on the application.

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, and carried by majority, to correct the hours and ratify the approval of the above referenced CE course for 20 hours.

Announcements: EO Taniguchi asked that board members solicit possible replacement members because there is currently one public member vacancy, two licensee vacancies, and one additional public member vacancy on 6/31/19.

Next Meeting: Thursday, November 1, 2018
9:00 a.m.
King Kalakaua Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Adjournment: There being no further business to discuss, the meeting adjourned
at 10:06 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Alan Taniguchi
Alan Taniguchi, Executive Officer

/s/ Susan A. Reyes
Susan A. Reyes, Secretary

AT:sar
11/18

- Minutes approved as is.
- Minutes approved with changes; see minutes of November 1, 2018.