

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 Yonishiro, RICO
Dustin Craft D.C., Repondent
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 summarized the events leading to the board meeting. He experienced technical difficulties in retrieving his CE documentation and immediately took courses to make up for the deficient CE credits. RICO had informed him that he would not be able to use those CE credits and an agreement was signed to pay a fine, with deadlines to provide the board with notification of which CE courses he would be attending and complete the courses.

Dr. Craft then explained the different hardships which he faced over the last year with his health, personal life, and business. He is asking the board for a reconsideration of the Board's Final Order from the September 11, 2024 meeting. Through his hardships he was able to complete his CE requirement by the September 11, 2024 board meeting. He understands that he has not fulfilled the deadline requirements of the original Final Order, but he is 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 and items he agreed to and signed. He also reminded Dr. Craft of the consequences that was listed on the settle agreement also if he did not complete the agreed upon items.

Dr. Craft confirmed and it was his intention to complete all items within the agreed upon timeline and he was aware of what the consequences were listed. But he was unable to due to the various hardships he was experiencing as he was unable to focus on completing his CEs by the agreed upon deadline. He understands the consequences and accepts them if the board decides to deny his reconsideration.

The board had no other questions for Dr. Craft.

Rebecca Yonishiro from the Regulate Industry's Complaints Office appearing on behalf of the State of Hawaii Department of Commerce and Consumer Affairs Stated the board should deny respondents' request for reconsideration as it is procedurally defective and deficient in substance. Respondent's motion is untimely and fails to comply with HAR 16-201- 23 respondents submitted his motion 17 days after the deadline and should be time barred from consideration. the state wants to remind the board that in the respondent admitted to knowingly making and filing an untruthful statement with the board. 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 given notice, failure to timely and fully comply with the settlement agreement, respondent's license would be automatically revoked upon respondents filing of an affidavit. The respondent had the opportunity to appear at the September 11, 2024 board

meeting, while he submitted a written statement, he failed to be present at that meeting and the board made its decision and entered its final order. Respondent does not contest the board's findings and comes before the board, beyond the deadline with more excuses. 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 hasn't complied with the board's final order for noncompliance with settlement agreement. For the board to go back and reconsider its final order and any sanction less than a revocation, would signal that the board accepts and tolerates latent habitual violations of the law. The state respectfully requests that the board simply enforce the settlement it approved.

Ms. Yonishiro addresses the respondents' statements requesting a second chance, but he was given multiple chances. By RICO, he was given the opportunity to explain himself. Now, the sanctions that he offers doesn't address the issues. It's not just about the CE's, it's about this ongoing failure to comply with the rules and would not be addressed by doing additional CE's. His habitual violations and noncompliance only demonstrate that he's likely not to comply with those terms. This is the third time that this case has been before the board, and if the board adopts terms such as the respondent's proposal will likely be here to enforce those new terms. The respondents background and dedication to the profession is not relevant to whether he violated the statutes or whether he complied with the board's final order. Finally, while the state understands his personal issues, it doesn't excuse or justify the noncompliance and as the state mentioned we reminded him of that obligation before we filed the affidavit.

Chair Pleiss asked if the board had any questions for Ms. Yonishiro

There was none.

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

Dr. Craft stated there's a lot of implied character elements to Ms. Yonishiro'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 and thank you for the board's 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 is 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 condition by 6 months.

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

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

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.

Hawaii Administrative Rules ("HAR") Chapter 76:

Draft Rule Amendments

Revised: 16-76-2
Revised: 16-76-4
Revised: 16-76-8

Objective Definitions Educational requirements

New Section:	16-76-10	Chiropractic Information Network/Board Action Databank
Revised:	16-76-20	License required to practice chiropractic
Revised:	16-76-21.01	Inactive license
Revised:	16-76-21.02	Reactivation of inactive license
Revised:	16-76-38	Basic requirements for renewal
Revised:	16-76-39	Qualifications for continuing education credit
Revised:	16-76-41	Requirements for approved programs
Revised:	16-76-44	Exceptions
New Section:	16-76-45	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 _____