

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

MINUTES OF MEETING

Date: January 8, 2024

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

Virtual: Virtual Videoconference Meeting – Zoom Webinar (use link below)
<https://dcca-hawaii-gov.zoom.us/j/89738862549>
Phone: (669) 444-9171
Meeting ID: 897 3886 2549

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

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
Rochelle Araki, Executive Officer (“EO”)
Christopher Fernandez, Executive Officer (“EO”)
Andrew L. Kim, Deputy Attorney General (“DAG”)
Cortnie Tanaka, Secretary

Guests: Dr. Caleb J. Craig, D.C.
Juliet Kalilikane

Agenda: The agenda for this meeting was posted to the State electronic calendar as required by Hawaii Revised Statutes (“HRS”) section 92-7(b).

A short video was played to explain the meeting procedures and how members of the public could participate in the virtual meeting.

Call to Order: The meeting was called to order at 10:06 a.m., at which time quorum was established.

Chair Pleiss welcomed everyone to the meeting and proceeded with a roll call of the Board members. All Board members confirmed that they were present and alone.

Approval of Meeting Minutes: It was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to approve the open meeting minutes of the

November 6, 2023, meeting with the following amendments:

Open Session Minutes:

Page 3 should read as follow:

“At 12:21 ~~a.m.~~ p.m., it was moved by Chair Pleiss, seconded by Dr. Ogawa and unanimously carried to exit Executive Session and reconvene to the Board’s regular order of business.”

It was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to approve the executive session minutes of the November 6, 2023, meeting as circulated.

Executive Session: At 10:14 a.m., it was moved by Chair Pleiss, seconded by Dr. Ogawa, and unanimously carried to enter into Executive Session pursuant to HRS §92-5(a)(1), “To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both”, and HRS §92-5(a)(4), “To consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities.

At 10:47 a.m., it was moved by Chair Pleiss, seconded by Dr. Ogawa and unanimously carried to exit Executive Session and reconvene to the Board’s regular order of business.

Applications for Licensure:

(A) Applications:

(1) Stanley Edward French

After due consideration of the information received, it was moved by Chair Pleiss, seconded by Vice Chair Klein and unanimously carried to approve Dr. French’s application for license subject to certain conditions.

The Board based its decision on the following citations of the HRS and HAR, which find factual support in the records and files of Dr. French’s application:

HRS §436B-19 provides that:

In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

- (8) Failure to maintain a record of history of competency, trustworthiness, fair dealing, and financial integrity;
- (13) Revocation, suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws or this section[.]

HAR §16-76-56 provides in relevant part:

(a) The board shall take action against any holder of a license who is guilty of professional misconduct which has been brought to the board's attention, or whose license has been procured by fraud or misrepresentation or issued by mistake:

* * *

- (5) Any conduct which has endangered, or is likely to endanger the health, welfare, or safety of the public;
- (15) Obtaining of a fee by fraud or deceit from patients, third party payers, or others, relating to the practice of chiropractic, which shall include the charging of unconscionable fees, charging a third party payer unreasonably higher fees over and above the usual and customary fees charged private patients for the same service, or charging for services not rendered[.]

The Board hereby imposes the following conditions on Dr. French's conditional license:

1. Dr. French's license is conditioned.
2. Dr. French may only begin to practice chiropractic in the State of Hawaii after Dr. French have acknowledged and accepted the terms of the conditions of his conditional chiropractic license, pay all applicable fees, and are issued a chiropractic license number.
3. Dr. French must complete and pass the Fraud scenario exam ("Exam") with Ethics and Boundaries Assessment Services LLC ("EBAS") within one (1)

year after Dr. French is issued a chiropractic license number. The Board will make a request for the Exam with EBAS and EBAS will reach out to Dr. French. Dr. French will set up an account with EBAS and Prometric and pick a Prometric testing site to schedule the Exam. Dr. French shall be responsible for the full cost of the Exam, cost of any retake, and any other costs associated with taking the Exam. Dr. French shall provide written documentation of completion and passing of the Exam to the Board no later than ninety (90) days after completion. Any hours obtained to complete this requirement shall not be applied to the continuing education (CE) requirement for the renewal of his license.

4. Dr. French shall not violate HRS Chapter 436B, HRS Chapter 442, and Hawaii Administrative Rules Title 16, Chapter 76 (“Licensing Laws”).

5. Dr. French shall not have disciplinary action taken against him, including but not limited to revocation, suspension, or imposition of conditions or fines, by another state or federal agency for any reason provided by the Licensing Laws. If any such disciplinary action is taken against Dr. French, he shall report it to the Board within thirty (30) days of the disciplinary action.

6. Dr. French’s chiropractic license shall remain on conditional status until December 31, 2029, at which time he may then request in writing that the Board remove the conditions.

7. Failure to comply with any of the above conditions, or violation of any provision of the statutes or rules governing the conduct of chiropractors in the State of Hawaii, is grounds for disciplinary action as provided by law to include revocation and other sanctions as the Board may deem appropriate.

(2) Caleb J. Craig

After due consideration of the information received, it was moved by Chair Pleiss, seconded by Vice Chair Klein and unanimously carried to approve Dr. Craig’s application for license subject to certain conditions.

The Board based its decision on the following citations of the

HRS, which find factual support in the records and files of Dr. French's application:

HRS §436B-19 provides that:

In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

* * *

- (8) Failure to maintain a record of history of competency, trustworthiness, fair dealing, and financial integrity;
- (13) Revocation, suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws or this section[.]

The Board hereby imposes the following conditions on Dr. Craig's conditional license:

1. Dr. Craig's license is conditioned.
2. Dr. Craig may only begin to practice chiropractic in the State of Hawaii after Dr. Craig have acknowledged and accepted the terms of the conditions of his conditional chiropractic license, pay all applicable fees, and are issued a chiropractic license number.
3. Dr. Craig must complete and pass the Unprofessional Conduct scenario exam ("Exam") with Ethics and Boundaries Assessment Services LLC ("EBAS") within one (1) year after Dr. Craig is issued a chiropractic license number. The Board will make a request for the Exam with EBAS and EBAS will reach out to Dr. Craig. Dr. Craig will set up an account with EBAS and Prometric and pick a Prometric testing site to schedule the Exam. Dr. Craig shall be responsible for the full cost of the Exam, cost of any retake, and any other costs associated with taking the Exam. Dr. Craig shall provide written documentation of completion and passing of the Exam to the Board no later than ninety (90) days after completion. Any hours

obtained to complete this requirement shall not be applied to the continuing education (CE) requirement for the renewal of his license.

4. Dr. Craig shall not violate HRS Chapter 436B, HRS Chapter 442, and Hawaii Administrative Rules Title 16, Chapter 76 ("Licensing Laws").

5. Dr. Craig shall not have disciplinary action taken against him, including but not limited to revocation, suspension, or imposition of conditions or fines, by another state or federal agency for any reason provided by the Licensing Laws. If any such disciplinary action is taken against Dr. Craig, he shall report it to the Board within thirty (30) days of the disciplinary action.

6. Dr. Craig's chiropractic license shall remain on conditional status until December 31, 2029, at which time he may then request in writing that the Board remove the conditions.

7. Failure to comply with any of the above conditions, or violation of any provision of the statutes or rules governing the conduct of chiropractors in the State of Hawaii, is grounds for disciplinary action as provided by law to include revocation and other sanctions as the Board may deem appropriate.

(B) Ratification of issued License(s):

- (1) DC-1585-0 Christin D Mahone
- (2) DC-1586-0 Ashlyn K Russell

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

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
Chair Pleiss advised the Board that the language on preceptorship and internship needs to be removed on the draft rules. The Board does not have

the statutory authority to do a rule change on preceptorship and internship.

EO Araki stated that the Board will need a statutory change to add preceptorship and internship into their rules.

Chair Pleiss explained that admin rules were meant to clarify the law. Administrative rules goes through a hearing process and hold equal weight with the law. But to create an admin rule to change the law?

DAG Kim stated that the Board cannot create a rule that will conflict with its statutes.

Vice Chair Klein asked how does the Board create new license types?

Chair Pleiss stated that making a new license type will require making a statutory change, not a rule change.

DAG Kim added that creating a new license type should be done through a statutory change.

EO Fernandez stated that it ensures that public and legislative have reviewed and had an equal weight in response to the language. If the license type is not in the statute, there cannot be a rule towards a non-existent license type.

There was no further discussion by the Board.

**New Section: 16-76-10 Chiropractic Information Network/
Board Action Databank**

There was no further discussion by the Board.

**Revised: 16-76-20 License required to practice
chiropractic**

There was no further discussion by the Board

Revised: 16-76-21.01 Inactive license

There was no further discussion by the Board

Revised: 16-76-21.02 Reactivation of inactive license

There was no further discussion by the Board

Revised: 16-76-38 Basic requirements for renewal

There was no further discussion by the Board.

**Revised: 16-76-39 Qualifications for continuing
education credit**

There was no further discussion by the Board.

Revised: 16-76-41 Requirements for approved

programs

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

There was no further discussion by the Board.

Vice Chair Klein asked the Board for clarification on what they are still allowed to change with their rules.

Chair Pleiss stated the Board can update their rules on continuing education requirement.

EO Araki added that the Board has also been looking into requiring the NPDB self query report.

Vice Chair Klein asked if the other board members would be fine with only those changes and leaving out the preceptorship and internship.

Chair Pleiss said yes, he would like to move forward.

The Board deferred further discussion to the next Board meeting.

Continuing Education

("CE"):

Ratification of CE Courses – New Applications and Re-Registrations
(See attached list)

It was moved by Chair Pleiss, seconded by Vice Chair Klein, and unanimously carried to ratify the approval of the following CE courses:

- Index No. HI 23-124
- Index No. HI 23-137
- Index No. HI 23-142 – HI 23-143
- Index No. HI 23-158 – HI 23-160
- Index No. HI 23-181 – HI 23-186
- Index No. HI 23-206
- Index No, HI 23-209
- Index No. HI 23-213 – HI 23-216
- Index No. HI 24-011 – HI 24-049
- Index No. HI 24-061
- Index No. HI 21-708-R23
- Index No. HI 18-086-R23
- Index No. HI 18-088-R23 – HI 18-092-R23
- Index No. HI 20-310-R23
- Index No. HI 05-110-R23
- Index No. HI 18-239-R23
- Index No. HI 18-240-R23
- Index No. HI 20-208-R23

Index No. HI 20-323-R23
Index No. HI 20-615-R23
Index No. HI 22-073-R23
Index No. HI 22-087-R23 - HI 22-088-R23
Index No. HI 22-128-R23
Index No. HI 22-129-R23
Index No. HI 22-131-R23
Index No. HI 23-095-R23

Executive Officer's Report: EO Araki reported that the 2023 renewal for chiropractic licenses ended December 31, 2023.

Chairperson's Report: Chair Pleiss reported that NBCE's Part IV will be held June of 2025.
Dr. Ogawa & Vice Chair Klein stated they can assist with Part IV.

Next Meeting: March 11, 2024
10:00 a.m.
King Kalakaua Conference Room 335
Merchant Street, 1st Floor Honolulu, HI
96813

Adjournment: As there was no further business to discuss, the meeting adjourned at 11:20 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/Rochelle Araki
Rochelle Araki, Executive Officer

/s/ Cortnie Tanaka
Cortnie Tanaka, Secretary

RA:ct

02/27/2024

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