

BOARD OF ACUPUNCTURE
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 Lt. Governor, as required by §92-7(b), Hawaii Revised Statutes ("HRS")

Date: Thursday, February 2, 2012
Time: 1:00 p.m.
Place: King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Members Present: Michael Howden, L.Ac., Chairperson
Mike Hashimoto, D.Ac., Member
Randall M. Hashimoto, Member
Jayne Tsuchiyama, L.Ac., Member

Staff Present: Christine Rutkowski, Executive Officer
Steven H. Levins, Deputy Attorney General
Alice Worthy, Secretary

Guests: Christine Kapothanasis, HOMAA
Dr. Wai Low, ICAOM

Call to Order: There being a quorum established, Chair Howden called the meeting to order at 1:00 p.m.

Welcome New Board Member: The Board welcomed new member Jayne Tsuchiyama. Ms. Tsuchiyama fills the vacancy held by former member, Ms. Rike Weiss.

Members and staff were introduced. Ms. Tsuchiyama was asked to give a brief summary of her background. Ms. Tsuchiyama moved to Hawaii from New York in 2006, and is in private practice. Ms. Tsuchiyama performs acupuncture at the Queen's Cancer Center, and is the first female to be awarded the Susan B. Komen for the Cure grant to make acupuncture available for women undergoing breast cancer treatment. Ms. Tsuchiyama stated that she believes in supporting the acupuncture community and profession in providing a positive and safe lifestyle.

Election of Officers: Chairperson Howden opened the floor for nominations for the position of Board Chairperson. Mr. Hashimoto nominated Dr. Hashimoto as Chairperson of the

Board. Dr. Hashimoto nominated Mr. Howden. There were no other nominations for Chairperson. None of the members volunteered for the position. Mr. Hashimoto seconded the nomination of Michael Howden as Chairperson. It was voted on and unanimously carried to elect Mr. Howden as the Board's Chairperson.

Mr. Howden accepted the position and thanked the members for their confidence.

Chairperson Howden then opened the floor for nominations for the position of Vice-Chairperson. Dr. Hashimoto nominated Mr. Hashimoto as Vice-Chairperson of the Board. Dr. Hashimoto stated that having a public member sit as Vice-Chairperson would bring balance to the Board. There were no other nominations for Vice-Chairperson. Ms. Tsuchiyama volunteered for the position of Vice-Chairperson. Mr. Howden seconded the nomination of Mr. Hashimoto as Vice-Chairperson. It was voted on and unanimously carried to elect Mr. Hashimoto as the Board's Vice-Chairperson.

Mr. Hashimoto accepted the position and thanked the members for their confidence.

Agenda Additions
or Revisions:

None.

Minutes of
Previous Meeting:

Minutes of the August 4, 2011 Meeting

Dr. Hashimoto stated that on page 2 of the minutes, the following correction is in order:

First paragraph, first line, "Dr." appears twice.

It was moved by Dr. Hashimoto, seconded by Mr. Hashimoto, and unanimously carried to approve the minutes of the August 4, 2011 meeting as amended.

Chapter 91, HRS
Adjudicatory Matters:

None.

At 1:13 p.m., it was moved by Mr. Hashimoto, seconded by Dr. Hashimoto, and unanimously carried to enter into Executive Session in order to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with §92-5, HRS.

Executive Session

At 1:19 p.m., it was moved by Mr. Hashimoto, seconded by Dr. Hashimoto, and unanimously carried to return to the Board's order of business.

Applications:

Intern Permit

Benjamin C. Marshall

Board members reviewed the application and documents submitted.

After discussion, it was moved by Ms. Tsuchiyama, seconded by Mr. Hashimoto, and unanimously carried to approve the intern permit application of Benjamin C. Marshall.

Delegation to Executive Officer

There was a brief discussion regarding the delegation of authority to the Executive Officer with respect to applications for intern permits. The Executive Officer stated that the Board has delegated to her the authority to approve the applications for examination/licensure, provided that there are no issues that require the Board to exercise discretionary decision-making.

Upon a motion by Mr. Hashimoto, seconded by Dr. Hashimoto, it was unanimously carried to delegate to the Executive Officer the authority to approve the applications for intern permits, provided that there are no issues that require the Board to exercise discretionary decision-making.

As to applications in which there is indication that the applicant was convicted of a DUI and in which applicant has complied with all court orders, it was moved by Mr. Hashimoto, seconded by Dr. Hashimoto, and unanimously carried to delegate to the Executive Officer the authority to approve the applications for intern permit and exam and license.

Ratifications

Board members reviewed the lists of licenses and intern permits. It was moved by Mr. Hashimoto, seconded by Dr. Hashimoto, and unanimously carried to ratify the applications of the individuals as listed for respective approvals sought (attached).

Chair's Report:

The Chair reported that he had attended a DCCA orientation for Board Chairpersons and found it to be very informative and useful. He also mentioned that there are videos regarding the state ethics training and the Office of Information Practices at <http://hawaii.gov/gov/about/boards-commissions.html> (scroll down to the bottom of the page for the short video).

DAG Levins asked if the members were aware about the sunshine law, and they should be given a copy.

Executive Officer's
Report:

Office of Information Practices - None

Hawaii State Ethics Commission ("Ethics Commission")

The Executive Officer reminded the members that the deadline to file their financial disclosure statements with the State Ethics Commission is May 31, 2012. Members need to call the State Ethics Commission directly if they have any questions.

Others - None

New Business:

2012 Legislative Session

There was discussion on the Board's legislative delegate for the 2012 legislative session. Board members briefly discussed the upcoming legislative session and the possibility that Board input may be required on bills that could impact the Board's program of work. The Board further discussed the logistics involved in convening a meeting, establishing a quorum of members, the requirement to file an agenda, etc., and the impact on the Board's ability to deliver its comments in a timely manner.

Dr. Hashimoto volunteered to represent the Board at the Legislature.

After discussion, it was unanimously carried to appoint Dr. Hashimoto as the Board's representative, with Ms. Tsuchiyama as Dr. Hashimoto's backup.

The Executive Officer gave an update on the following carryover bills from 2011:

S.B. No. 32, Relating to Health-Auricular Acupuncture (license exemption). This bill was never heard.

S.B. No. 1507, Relating to Acupuncture (repeal licensure requirement for MDs/DOs). Deferred because of opposition from acupuncture students and the profession.

S.B. 2392/H.B. 2268: These bills relate to amending Chap. 436B by adding a new section to require the Boards to accept the military education, training and service as qualifications of licensure and require the Boards to adopt rules. PVL opposes these bills and has testified to this effect.

S.B. 2395/H.B. 2257: These bills relate to amending Chap. 436B by adding two new sections: (1) licensure by endorsement may be demonstrated by competency and (2) establish procedures to expedite the issuance of a license, certification or permit to perform services to military spouses.

2012 RICO Acupuncture Advisory Committee

Board members reviewed the list of advisory committee members and the addendum language. Upon a motion by Ms. Tsuchiyama, seconded by Mr. Hashimoto, it was unanimously carried to approve the list and addendum language (attached).

Rule Revisions – Proposal to Amend §16-72-33 Examination to Add Requirement that all new Applicants Take and Pass the NCCAOM's Chinese Herbology Exam, in Addition to NCCAOM's Acupuncture Module and Foundations of Oriental Medicine Module; or in Addition to NCCAOM's Acupuncture Comprehensive Written Exam

There was discussion about §16-72-3, HAR. Applicants are required to take and pass the NCCAOM acupuncture comprehensive written exam (CWE) or the NCCAOM Foundations of Acupuncture Module and Foundations of Oriental Medicine Module.

There is a proposal to require applicants to take and pass the NCCAOM Foundations of Chinese Herbology Exam on the basis that the nature of acupuncture and Oriental Medicine practice has evolved. Dr. Hashimoto related that practitioners must demonstrate minimum competency/knowledge of drug/herbal interactions. Requiring passage of the Chinese herbology exam is essential to protect patients.

At 1:42 p.m., it was moved by Dr. Hashimoto, seconded by Mr. Hashimoto, and unanimously carried to enter into Executive Session in order to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with §92-5, HRS.

Executive Session

At 2:01 p.m., it was moved by Dr. Hashimoto, seconded by Mr. Hashimoto, and unanimously carried to return to the Board's order of business.

Discussion on the rule revisions continued.

It was stated that entry level exams should include Chinese herbal medicine. Dr. Wai Low suggested that national certification be a licensure requirement. As information, Dr. Low provided a list showing which states require certification. Dr. Low also stated that he favors raising the standard to require applicants to pass all NCCAOM modules.

The Executive Officer stated that the Board has previously considered accepting NCCAOM certification as one of the license pathways. However, in granting certification, NCCAOM accepts training via apprenticeship. Acupuncture training via apprenticeship has not been accepted as a license pathway since 1994.

Unfinished Business: None.

Correspondence: None.

HOMAA and
Other Organizations: None.

Reports or
Announcements: None.

Next
Meeting: Thursday, April 5, 2012
1:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
Honolulu, Hawaii 96813

Adjournment: Chairperson Howden adjourned the meeting at 2:11 p.m.

Taken and recorded by:

/s/ Alice Worthy

Alice Worthy, Secretary

Reviewed and approved by:

/s/ Christine Rutkowski

Christine Rutkowski, Executive Officer

CR:aw
3/2/12

[X] Minutes approved as is.
[] Minutes approved with changes. See Minutes of _____.



NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LIEUTENANT GOVERNOR

KEALI'I S. LOPEZ
DIRECTOR
DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS

JO ANN M. UCHIDA
COMPLAINTS AND
ENFORCEMENT OFFICER

STATE OF HAWAII
REGULATED INDUSTRIES COMPLAINTS OFFICE
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
LEIOPAPA A KAMEHAMEHA BUILDING
235 SOUTH BERETANIA STREET, NINTH FLOOR
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-2666
FAX: (808) 586-2670
www.hawaii.gov/dcca

HILO OFFICE
345 KEKUANAOA STREET, SUITE 12
HILO, HAWAII 96720

KONA OFFICE
HUALALAI CENTER
75-170 HUALALAI ROAD, ROOM C-309
KAILUA-KONA, HAWAII 96740

MAUI OFFICE
1063 LOWER MAIN STREET, SUITE C-216
WAILUKU, HAWAII 96793

KAUAI OFFICE
3060 EIWA STREET, SUITE 204
LIHUE, HAWAII 96766

REGULATED INDUSTRIES COMPLAINTS OFFICE ("RICO")
ACUPUNCTURE ADVISORY COMMITTEE
EFFECTIVE JANUARY 1, 2012

Kabba Anand
William Malik Cotter
Joni D. Kroll
Kyong Yi-Vani

ADDENDUM TO RICO ACUPUNCTURE ADVISORY COMMITTEE LIST

The RICO Acupuncture Advisory Committee also includes any additional interim appointees that RICO deems necessary to aid in its investigations.

ACUPUNCTURE RATIFICATION FEB 2012

NAME	TYPE	APPROVED
Jolyn A Rose	license	7/28/11
Jennifer L Perry	license	7/28/11
Kelly F Nedved	license	7/28/11
Lesle F Musselwhite	license	8/5/11
Connie Quezada	license	8/5/11
Kenneth S Busto	license	8/5/11
Astrid F Senturia	license	8/5/11
Zachary Rice	license	8/11/11
Nancy Rice	license	8/11/11
Jennifer H Vires	license	8/16/11
March Capener	license	8/18/11
Hyung T Lee	license	8/25/11
Kimberly C Boldrin	intern	8/31/11
Scott B Goodier	intern	8/31/11
Calvin R Goff	license	9/6/11
Jana H Wells	license	9/7/11
Stacey Shepard	license	9/20/11
Cherie A Martyn	intern	9/22/11
Xiaoli S Huang	intern	9/22/11
Michelle L Ashley	intern	9/22/11

Shari M Sunshine	intern	9/22/11
Derek E Asato	intern	9/27/11
Richard L Harrison	intern	9/27/11
Charles G Curameng	license	9/27/11
Michelle Liu	intern	9/29/11
Wade M Hashimoto	intern	9/29/11
Sherrie K Garedo	intern	9/29/11
Debbie K Pak	intern	10/21/11
Priscilla Lee	license	10/25/11
Yasuko Akiyama-Bevett	license	10/25/11
Teresa Lever	intern	10/31/11
Maria M Ballar	intern	12/1/11
Katherine E Fisher	license	12/12/11
Laura Metz	license	12/12/11
Kaori Tarver	license	1/5/12
Zachary h K Yamasaki	license	1/5/12
Daisy Delangen	intern	1/19/12
Cheryl M Okazaki	license	1/19/12