

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, April 5, 2012  
Time: 1:00 p.m.  
Place: King Kalakaua Conference Room  
King Kalakaua Building, 1<sup>st</sup> Floor  
335 Merchant Street  
Honolulu, Hawaii 96813

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

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

Guests: Christina Kapothanasis, HOMAA

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

Agenda Additions  
or Revisions: None.

Minutes of  
Previous Meeting: **Minutes of the February 2, 2012 Meeting**  
It was moved by Dr. Hashimoto, seconded by Mr. Hashimoto, and unanimously carried to approve the minutes of the February 2, 2012 meeting as circulated.

Chapter 91, HRS  
Adjudicatory Matters: None.

At 1:01 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 1:42 p.m., it was moved by Dr. Hashimoto, seconded by Mr. Hashimoto, and unanimously carried to return to the Board's order of business.

#### Applications:

#### **Examination and License**

##### Yoshiharu Ikeda

Board members reviewed the application and documents submitted, including the AACRAO evaluation of International Educational Credentials report.

After discussion, it was moved by Ms. Tsuchiyama, seconded by Mr. Hashimoto, and unanimously carried to deny the examination and license application of Yoshiharu Ikeda on the basis of §436E-5(d), HRS, in that applicant has not furnished satisfactory proof to the Board that he received a total of at least two thousand, one hundred seventy-five hours of academic and clinical training consisting of an academic program of at least one thousand, five hundred fifteen hours in the science of acupuncture and a clinical training program of at least six hundred sixty hours.

#### **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 presentation on Chinese herbology, which he was impressed with and found to be very helpful. He stated that perhaps the Board could discuss the educational requirements regarding Chinese herbology at the next meeting.

#### Executive Officer's Report:

#### **Office of Information Practices - None**

#### **Hawaii State Ethics Commission ("Ethics Commission")**

Members were again reminded that the deadline to file their financial disclosure statements is May 31, 2012, and to contact the State Ethics Commission directly if they have any questions.

### Others

The Executive Officer reported that (1) the Governor did not submit a name to fill the vacant public position. She also noted that the deadline for the Governor to submit names was March 30, 2012. (2) Randall Hashimoto's name did not come up for renewal which means that his term will end on June 30, 2012. (3) Dr. Hashimoto is up for reappointment. (4) Jane Tsuchiyama is up for appointment as she has been serving on an interim basis. (5) James Corcoran is up for consideration/confirmation before the Senate. If confirmed, his term is effective July 1, 2012. The Board will still have a vacant public position, with Randall Hashimoto leaving.

### New Business:

#### Rule Revisions

(i) Proposal to Amend Sec. 16-72-5 Scope of Practice of Acupuncture

Dr. Hashimoto distributed copies of proposed draft language, which members reviewed and discussed.

After discussion, it was moved by Mr. Hashimoto, seconded by Chair Howden, and unanimously carried to form a Rules Investigative Committee ("Committee") to be comprised of Dr. Hashimoto and Ms. Tsuchiyama, which is authorized to (1) meet and discuss proposed revisions to Title 16, Chapter 72, HAR; (2) to gather input from members of the acupuncture community and other stakeholders, as appropriate; and (3) to submit their findings, both verbally and in writing, at a Board meeting.

(ii) Proposal to add a new section regarding herbal disclosure

Dr. Hashimoto distributed copies of a proposed draft to add a new section (under sec. 16-72, subchapter 8) regarding herbal disclosure. He believes that licensed acupuncturists should be responsible for disclosing the ingredients, direction of usage, possible side effects, and herb/drug interactions, if any, as well as other disclosures, when dispensing herbal medication.

Chair Howden expressed concern if acupuncturists are required to disclose interactions.

Ms. Tsuchiyama stated that she has no problem with the proposal, but inquired about enforcement of the proposed new rule.

Members generally agree that all licensed acupuncturists who dispense traditional Chinese herbal formulas should be required to disclose the herbal ingredients, side effects and/or drug interactions to patients for the protection and safety of the patients and public.

HOMAA representative Christina Kapothanasis agreed that she provides her patients with the name of the herb, date dispensed, instructions on how to take the medication and expiration date. She advises that if they experience any side effects, to stop taking the medication.

Chair Howden stated that perhaps certain standards of practice should be put in place and the Board could assist in forming the standards, all for the safety of the public.

It was suggested that a subcommittee be formed to do research on the herbal disclosure issue. Dr. Hashimoto said that he and Ms. Tsuchiyama could work on this. Christina Kapothanasis asked if she could participate. Chair Howden and Dr. Hashimoto agreed that Christina Kapothanasis would participate.

Board members agreed that the Rules Investigative Committee is authorized to meet, discuss and bring suggested revisions to the Board for all proposed rule revisions; that a separate committee for herbal disclosure rules is not required.

### **Mandatory Continuing Education – Survey of Licensees**

Dr. Hashimoto shared a copy of questions that the former HAA sent out to the membership several years ago.

After a brief discussion, members agreed that this matter should be left to the HOMAA to handle. Perhaps HOMAA can come up with some ideas on the survey and CE requirements. Ms. Tsuchiyama stated that she had concerns regarding the implementation of the forms, who would gather the information, etc.

The Executive Officer explained that parties wishing to require CE must answer a list of questions justifying the need for CEs.

It was agreed to continue discussion on this matter at the next meeting.

### **Use of Title**

The Executive Officer stated that there is much work to be done on this issue; e.g., law change under 436E-13(c), HRS. A previous bill submitted in 2010 was not heard.

Members agreed to defer this matter until the next meeting for further discussion.

Unfinished Business: **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**

Dr. Hashimoto provided copies of proposed draft language for review and a brief discussion followed.

The Executive Officer reported that she had spoken with Mina Larson, the government liaison at NCCAOM. Ms. Larson reported that NCCAOM is recommending further changes to the exam. The Executive Officer requested that Ms. Larsen send her a packet with the information. Ms. Larsen offered to come to Hawaii to talk to the Board. The Executive Officer suggested that the Board defer further discussion on the exams until she receives the packet from NCCAOM.

### **2012 Legislative Session**

The Executive Officer gave an update on the following bills:

S.B. 2392/H.B. 2258: 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 submitted concerns/comments about the bills.

H.B. 2258, H.D. 2, S.D. 1 is moving along.

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.

H.B. 2257, H.D. 1, S.D. 1 is moving along.

Correspondence: Email from Kari Webb, L.Ac., Regarding Physicians Practicing Acupuncture in Military Facilities

Copies of the email were given to Members for their information. Ms. Webb informed the Board that health care professionals who are not licensed acupuncturists are performing acupuncture in military facilities. There was discussion that the Board does not have authority over the practice when performed under federal jurisdiction.

HOMAA and  
Other Organizations: None.

Reports or  
Announcements: None.

Next  
Meeting: Thursday, June 7, 2012  
1:00 p.m.  
King Kalakaua Conference Room  
King Kalakaua Building, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Adjournment: Chairperson Howden adjourned the meeting at 2:50 p.m.

Taken and recorded by:

/s/ Alice Worthy

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Alice Worthy, Secretary

Reviewed and approved by:

/s/ Christine Rutkowski

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Christine Rutkowski, Executive Officer

CR:aw  
4/20/12

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

**ACUPUNCTURE RATIFICATION APRIL 2012**

<b>NAME</b>	<b>TYPE</b>	<b>APPROVED</b>
Mary Jo Dennison	license	1/25/12
Justin L Hays	license	2/6/12
Andrew P Perdichizzi	license	2/6/12
Ariel A Petracca	license	2/16/12
Darrell D Becker	intern	2/17/12
Michael F Ceraso	intern	2/21/12
Matthew R Stuckey	intern	3/5/12
Spencer Shimabukuro	license	3/5/12
Michelle Denny	license	3/15/12
Mary T Lopez Vega	intern	3/9/12
Deborah S Toko	intern	3/15/12
Mei Yan Lau	license	3/21/12