

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, August 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
Dr. James Corcoran, Member
Mike Hashimoto, D.Ac., Member

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

Excused: Jayne Tsuchiyama, L.Ac., Member

Guests: Jo Ann M. Uchida Takeuchi, Deputy Director, DCCA:
Christina Kapothanasis, HOMAA
Wai Low, ICAOM

Call to Order: There being a quorum established, Chair Howden called the meeting to order at 1:05 p.m.

Introduction of Deputy Director: Deputy Director Jo Ann Uchida Takeuchi introduced herself to the Board. She was formerly CEO of RICO, and has held her current position as Deputy Director since February 2012.

She stated that the director’s office has an open door policy; that it’s important to interact with the members and to understand their roles regarding the overall licensing process.

Deputy Director Takeuchi stated that an orientation for all chairpersons was held in December of last year, where representatives from various state agencies attended and provided information relative to the board members and their duties. It was such a success that an orientation for all members is being planned for later in the year. The program will be similar to the one held last year.

She assured the members that the director's office is cognizant of their busy schedules and thanked the members for their time. She extended an open invitation to the members to contact the director's office if they have any questions.

She stated that it is important to keep the line of communication open and if members have any questions, concerns or issues to bring them to the executive officer's attention.

She then asked the members if they had any questions. Both Dr. Hashimoto and Dr. Corcoran asked Deputy Director Takeuchi about the parking situation at Iolani Palace. She responded that they are aware of the situation, that the members are very fortunate to have what parking they have and any other questions regarding parking should be directed to the executive officer.

Chair Howden thanked Deputy Director Takeuchi for visiting with the Board.

Dr. Corcoran was introduced as the new public member at the Board's last meeting. Due to time constraints, Dr. Corcoran did not have the opportunity to provide background information on himself, and took the opportunity to do so now.

Dr. Corcoran is a retired Army Colonel and currently a Professor of History and Asian Studies at Hawaii Pacific University in the Military Campus Program. He teaches courses on China and Asia which include historical research and presentations on Traditional Chinese Medicine (including acupuncture). Dr. Corcoran has received acupuncture treatment in Hawaii every year for the past 20 years. His interest in serving as a public member of the Board is to represent the public's interest in receipt of treatment while also supporting the professional acupuncture community in providing beneficial and safe treatment to the public.

Agenda Additions
or Revisions:

Additional information regarding Acts 247 and 248 under Item 9 was given to members for their information.

Election of Officers:

With a motion by Dr. Corcoran, seconded by Dr. Hashimoto, it was unanimously carried to defer the election of officers.

Minutes of
Previous Meeting:

Minutes of the June 7, 2012 Meeting

It was moved by Dr. Corcoran, seconded by Dr. Hashimoto, and unanimously carried to approve the minutes of the June 7, 2012 meeting as circulated.

Applications: Examination and License

At 1:15 p.m., it was moved by Dr. Hashimoto, seconded by Dr. Corcoran, and unanimously carried to enter into Executive Session to consider and evaluate personal information relating to the individual applying for licensure in accordance with Chapter 92-5(a) (1), and 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 Chapter 92-5(a) (4), Hawaii Revised Statutes.

Executive Session
Darrell P.T. Lapulapu

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

Darrell P.T. Lapulapu

Board members reviewed the reinstatement application submitted.

After discussion, it was moved by Dr. Hashimoto, seconded by Dr. Corcoran, and unanimously carried to approve the reinstatement application for Darrell P.T. Lapulapu.

Ratifications

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

Chair's Report: None.

Executive Officer's Report: Hawaii State Ethics Commission

The High Road, March 2012 - The publication was summarized and discussed.

Copies of the Gifts Disclosure Packet were given to members for their information.

New Business: Act 247, SLH 2012/Act 248, SLH 2012

The Executive Officer reported that on July 6, 2012, the Governor signed into law two bills relating to the professional and vocational licenses for nonresident military spouses and military personnel.

Act 247 allows an applicant for licensure by endorsement or reciprocity, who is a nonresident military spouse.

Act 248 requires that every licensing authority, upon presentation of satisfactory evidence by an applicant, shall consider relevant education, training, or service completed by an individual as a member of the military when evaluating qualifications for licensure.

With respect to Act 248, the Executive Officer stated that the Licensing Administrator of the professional and vocational licensing division is required to submit a report to the Legislature on how the Board will implement Act 248.

After discussion, it was moved by Dr. Corcoran, seconded by Dr. Hashimoto and unanimously carried that the Board will create a standing committee to review applications submitted under Act 248.

Possible Amendments to Ch. 436E, HRS, §§436E-2, 3, 3.6, 4, 5, 6, 10, 12, 13 and 14

Dr. Hashimoto provided copies of proposed amendments to Ch. 436E and a discussion ensued.

Deputy Attorney General Levins explained the current law to the members. He suggested that, given the deadlines that the agencies have to comply with, the Board should decide what its goals are for 2013 so that it can act accordingly.

There was discussion regarding the use of the doctor of acupuncture title.

Submitting a bill as an administrative bill was discussed. Deputy Attorney General Levins stated that the Board should consider getting the bill in early.

Unfinished Business: Report of the Rules Investigative Committee

Dr. Hashimoto provided copies of the committee's report and its recommendations regarding rules revisions.

Dr Corcoran had questions and commented on the definitions of veterinary acupuncture and medical acupuncture.

Deputy Attorney General Levins explained to the Board that the investigative committee is made up of board members who report back to the full board with their findings. Any drafts must come from a board member on the committee; the committee is an arm of the board. Members of the public cannot participate; any distribution of the committee report can only be sent to members on the committee for their review and distribution; drafts cannot be sent to everybody; only to members on the committee. Communication by telephone, email, fax, etc. must be from a committee member;

The Executive Officer stated that the investigative committee is made up of board members, namely Dr. Hashimoto and Ms. Tsuchiyama. The committee can invite members of the public to contribute to the committee, but the members of the public cannot communicate their concerns to the other board members via email, telephone, etc.

The Chair thanked Deputy Attorney General Levins and the Executive Officer for clearing up any misunderstandings.

2012 Legislative Session

The Executive Officer stated that there was no report regarding the 2012 legislative session.

Possible Amendments to §436E-13(c), HRS

The Executive Officer provided members with background information regarding the possible amendments to §436E-13(c), HRS. The Executive Officer explained that a bill was submitted in 2010 but the bill was never scheduled for a hearing. From time to time, the Board discussed the issue in 2011 and in 2012 but a bill was not introduced after 2010.

Deputy Attorney General Levins stated that if the Board wants the administration to submit the bill, the members must decide and should vote on it now.

Chair Howden stated that supports submitted a bill via the administration.

After a brief discussion, it was moved by Dr. Corcoran, seconded by Dr. Hashimoto and unanimously carried to submit the proposed amendments as an administration bill using the same language as previously submitted.

Open Forum:

Dr. Wai Low expressed his concerns regarding the use of the doctor title. He stated that it is an emotional issue.

Next Meeting:

Thursday, October 4, 2012
1:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
Honolulu, Hawaii 96813

Adjournment: Chairperson Howden adjourned the meeting at 2:15 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
8/31/12

- Minutes approved as is.
 Minutes approved with changes. See Minutes of 10/4/12.

ACUPUNCTURE RATIFICATION AUGUST 2012

NAME	TYPE	APPROVED
Jessica D Gaddis	intern	5/31/12
Yumiko Bamba	exam	6/12/12
Joe L Gutierrez	intern	6/13/12
Sara K Ackerman	intern	6/13/12
Patrick A Miller	intern	6/13/12
Corinne E Lysaught	license	6/14/12
Dionisios H Nicholas	intern	6/19/12
Ayako Mizuno	intern	6/19/12
Melissa M Wickey	intern	6/19/12
Asuka Kiyose	intern	6/29/12
Jennifer A Lund	license	7/9/12