

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, June 6, 2013
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
Jayne Tsuchiyama, L.Ac., Member

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

Guests: Jana Wells, Staff Member, ICAOM

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

Agenda Additions or Revisions: Additional distribution of documents relating to proposed rule revisions under item 9.b.

The Executive Officer requested that the December 13, 2012 meeting minutes be added to the agenda. With a motion by Ms. Tsuchiyama, seconded by Dr. Hashimoto (Dr. Corcoran abstained), it was unanimously carried to add the December 13, 2012 meeting minutes to the agenda.

The Executive Officer then explained that Mr. Newman had filed a contested case hearing regarding the Board's decision on his license application. It was brought to the Executive Officer's attention that one of the rule sections on which the Board based its decision is not recorded in the minutes; thus, the minutes need to be amended to include that rule section.

It was moved by Dr. Hashimoto, seconded by Ms. Tsuchiyama (Dr. Corcoran abstained) and unanimously carried to amend the December 13, 2012 meeting minutes to include “§16-72-3, HAR” in the first paragraph under the heading Milton Newman on page 3 as to why Mr. Newman's application was denied.

Minutes of
Previous Meeting:

Minutes of the February 7, 2013 Meeting

It was moved by Ms. Tsuchiyama, seconded by Dr. Hashimoto (Dr. Corcoran abstained), and unanimously carried to approve the minutes of the February 7, 2013 meeting as circulated.

Chair's Report:

The Chair welcomed Dr. Corcoran back, who was on an extended leave. The Chair stated that there is still a public member vacancy on the Board and that it is important that the vacancy be filled as soon as possible.

Executive Officer's
Report:

The Executive Officer reminded Board members that May 31, 2013 was the deadline to file their Financial Disclosure Statements. If members have any questions, they should contact the Ethics Commission directly.

Chapter 91,
HRS, Adjudicatory
Matters:

None.

Applications:

Exam and License – None.

Ratifications

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

New Business:

Acupuncture Today, August 2012, Vol. 13, Issue 08 – “Is There Still a Need for the NCCAOM Foreign Language Exams?”

After a brief discussion, members agreed by consensus to defer this matter to the next meeting.

The Practice of Acupuncture on Animals

The Chair stated that he spoke with a friend who is a veterinarian regarding acupuncturists performing services on animals and wanted to know what other members thought.

Dr. Corcoran stated that he is okay with this and that pet owners are using acupuncture treatments on their pets with success.

Dr. Hashimoto stated that the law clearly states that acupuncture shall be performed on humans, but herbal medicine on animals may be okay.

Ms. Tsuchiyama mentioned that New York licenses veterinarian technicians; could the Board license acupuncture technicians? If so, a law change would be required.

There was discussion that if acupuncturists perform services on animals, the services would have to be performed under the direct supervision of a licensed veterinarian. Chair Howden mentioned that veterinarians are concerned that acupuncturists don't study animal anatomy.

The acupuncture law and rules refer to the practice of acupuncture as treatment on a "human" body; there is no reference to treatments performed on animals.

The Executive Officer stated that this matter is really for discussion between the two professions and not one for the Board to get involved in, at this time. If the two professions should agree and statutory changes are in order, they would notify the Boards. There was no further discussion.

Request of Spencer Shimabukuro: Questions Regarding Western Diagnosis in the Practice of Acupuncture, such as Making a Western Diagnosis, Recording Western Diagnosis in SOAP/Health Records, Filing of Insurance Reimbursement and Teaching Acupuncture Classes at an Accredited Acupuncture School

The Board reviewed and discussed Mr. Shimabukuro's email request and stated that it is appropriate for students to be taught western diagnosis in accordance with the course curricula, in that it is important for acupuncture practitioners to understand western diagnosis so as to be able to communicate with and understand referring physicians. The Board suggested that Mr. Shimabukuro consult with World Medicine Institute as well as the accredited course of study.

It was moved by Dr. Hashimoto, seconded by Dr. Corcoran, and unanimously carried that the teachings of western medical diagnosis, according to the course curricula, should be taught and that Mr. Shimabukuro should consult with his school.

The Board further directed Mr. Shimabukuro to Ch. 436E, Hawaii Revised Statutes, and Ch. 16-72, Hawaii Administrative Rules, in which the scope of practice for acupuncture is defined.

As to Mr. Shimabukuro's concerns about coding for insurance, the Board suggested that Mr. Shimabukuro consult with the insurance companies that he may file claims with. Filing of insurance claims is not under the Board's jurisdiction.

The Board issued the above informal interpretation for informational and explanatory purposes only, is not an official opinion or decision and is therefore not to be viewed as binding on the Board or Department.

Unfinished Business: Act 36, SLH 2013 Effective April 22, 2013

Ms. Tsuchiyama stated that Christina Kapothanasis (HOMAA) asked her to convey Christina's congratulations to the Executive Officer for her hard work in getting this bill passed.

Report of the Rules Investigative Committee Regarding §§16-72-3, 4, 5, 11, 14, 17, 20.1, 23, 33 and 57

Additional documents provided by Dr. Hashimoto regarding proposed changes to the rules were distributed to members for their information. Members continued its discussion on the proposed changes.

There was a brief discussion regarding:

§16-72-17 in that this section should be updated in light of Act 36, SLH 2013.

§16-72-3 regarding requiring new applicants to show proof of passing the NCCAOM Chinese Herbology Module and Biomedicine Module in addition to Foundations of Oriental Medicine Module and Acupuncture Module.

Board members also discussed whether applicants should be required to take the examinations in the English language only and whether new applicants should be required to show proficiency in the English language by passing the TOFEL examination.

§16-72-57 and suggested updates that should be made in light of Act 36, SLH 2013.

Open Forum: None.

Next Meeting: Thursday, August 1, 2013
1:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
Honolulu, Hawaii 96813

Adjournment: Chairperson Howden adjourned the meeting at 3:05 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
6/25/13

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

LTYPE LIC NUM BP NAME PART 1

ACU 1055 JAMIE E <ANDERSON<
ACU 1056 ISAAC W <AXTELL<
ACU 1057 DAVID R <CROCKETT<
ACU 1058 RICHARD J <GIROLAMI< JR
ACU 1059 BARBARA A <ARNOLD<
ACU 1060 EDWARD W <VERNON< II
ACU 1061 KRISTEN A <SPITZ<
ACU 1062 YUMIKO <BAMBA<
ACU 1063 JAI HYUK <JANG<
ACU 1064 NICOLE M <FUJIYAMA<
ACU 1065 ROBERT M <DUERR<
ACU 1066 GARY L <GREER<

ACUPUNCTURE INTERNS

AMY L <HASTANAN<
ALLISON M <EASTON<
LORRI A <STEWART<
HUNG THANH <NGUYEN<
CHRIS J <PHILLIPPI<
KATIE M <HERRICK<
NICOLE L <KELLNER<
REBECCA J <DANIEL<
COURTNEY M <DUSSCHEE<
BRITTANY A <NEAL<
MIAELA <SILLMAN<
NAIKE-ELLEN <SWAI<