

BOARD OF CHIROPRACTIC EXAMINERS
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 Lieutenant Governor, as required by §92-7(b), Hawaii Revised Statutes (HRS).

Date: Thursday, September 6, 2012

Time: 9:00 a.m.

Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Robert E. Klein, D.C., F.A.C.O., Chair
James A. Pleiss, D.C., D.A.B.C.O.
Kathleen T. Kang-Kaulupali, Pharm. D., Member
Lina M. Kikuta, Member
Lawrence A. Redmond, D.C.
Lynn Bhanot, Executive Officer ("EO")
Elmira K. Tsang, Deputy Attorney General ("DAG")
Edna Magnaye, Secretary
Wilma Balon, Secretary

Excused: None

Guests: Keali'i S. Lopez, Director, Department of Commerce and Consumer Affairs ("DCCA")

Call to Order: There being a quorum present, the meeting was called to order by Dr. Klein at 9:07 a.m.

Additions/
Revisions: None

Ms. Kang-Kaulupali arrived to the meeting at 9:10 a.m.

Introduction of
Jo Ann M. Uchida
Takeuchi, Deputy
Director, DCCA: Keali'i S. Lopez, Director, DCCA, appeared on behalf of Jo Ann M. Uchida Takeuchi, Deputy Director. Director Lopez thanked the Board for their work and dedication to public service.

Ms. Kikuta arrived to the meeting at 9:15 a.m.

Director Lopez indicated that, during the past legislative session, the Governor has come to value the work of boards and commissions.

She went on to say that DCCA is planning to hold an orientation this year for any board member interested in attending. She explained that last year, a similar orientation was held for the Board Chairperson or their designees. Director Lopez commented that a lot of positive feedback was received from attendees of last year's orientation. This upcoming orientation is scheduled for October 24, 2012 at the State Capitol Auditorium, 1:00 p.m. to 4:30 p.m. The sessions will include presentations by various agencies regarding Ethics in Government; Sunshine Law/Uniform Information Practices Act; Handling Complaints/Disciplinary Actions; Contested Case Hearings; Personal Liability/Procedures for Administrative Rulemaking; and Role of Board/Commission members.

Dr. Klein added that the orientation meeting was very informative and also encouraged members to attend.

Director Lopez thanked the members and left the meeting.

Approval of
Meeting Minutes:

Minutes of the July 5, 2012 Board Meeting

Dr. Klein asked if there were any amendments to the minutes.

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to approve the minutes of the July 5, 2012 with the following amendment:

On page 3 under Correspondence A. June 6, 2012 email from Dr. MWSpanakos Re: Diagnostic Musculoskeletal Ultrasound, the second paragraph should read as follows:

“After further discussion the Board informally opined that diagnostic musculoskeletal ultrasound is within the chiropractor's scope of practice providing the **chiropractor** has obtained the proper training.”

Executive Officer's
Report:

A. Council on Chiropractic Education (CCE)

1. August 17, 2012 CCE Accreditation Actions

EO Bhanot received a August 17, 2012 email regarding CCE Accreditation Actions. The August 16, 2012 announcement of Accreditation Actions that were reviewed at its July 2012 Semi-Annual Council Meeting was circulated to the Board.

Executive Session: At 9:21 a.m., it was moved by Ms. Kikuta, seconded by Dr. Pleiss, and unanimously carried to enter into Executive Session pursuant to HRS §92-4 and 92-5(a)(1) and (4), to consider and evaluate personal information relating to individuals applying for licensure and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

EXECUTIVE SESSION

B. Applications

1. ENNILA, Kelsey R.
2. LIEURANCE, John A.
3. MUTHART, Nicholas J.

At 10:20 a.m., it was moved by Ms. Kikuta, seconded by Dr. Pleiss, and unanimously carried to return to open session. The room was reopened to the public.

Licensing:

A. Ratifications of Issued License

1. PETERSON, Cassandra M.
2. SAMUEL, Paul

It was moved by Ms. Kikuta, seconded by Dr. Pleiss, and unanimously carried to ratify the staff approval of licensee(s) (see attached list).

B. Applications

1. ENNILA, Kelsey R.

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali and unanimously carried to approve the application of Kelsey R. Ennila, D.C.

2. LIEURANCE, John A.

After due consideration of the information received, it was moved by Ms. Kang-Kaulupali, seconded by Ms. Kikuta and unanimously carried to approve the application of John A Lieurance, D.C.

3. MUTHART, Nicholas J.

It was noted that at its July 5, 2012 meeting, the Board had initially voted to issue Nicholas J. Muthart a conditional

approval letter. However, it was subsequently determined by DAG Tsang that the Board would need to review the application again at the September 6, 2012 Board meeting.

After due consideration of the information received, it was moved by Dr. Pleiss, seconded by Dr. Redmond, and unanimously carried to request written verification from the State of Nebraska regarding the completion of the terms of Dr. Muthart's probationary license.

New Business: A. National Board of Chiropractic Examiners: Part IV Practical Examination Invitation

EO Bhanot advised the Board that appointed members must be licensed chiropractors who are able and willing to participate at the National Board of Chiropractic Examiners' Part IV Practical Examination which will be held on November 9 – 11, 2012.

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, and unanimously carried to elect Dr. Klein and Dr. Pleiss as the Board's representatives.

B. Orientation for Board/Commission members – October 24, 2012

EO Bhanot informed the Board that the orientation for the Board/Commission members will be on Wednesday, October 24, 2012, 1:00 p.m. until 4:30 p.m. at the State Capitol Auditorium. This half day orientation will include presentations by various agencies.

Executive Session: At 10:37 a.m., it was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to enter into Executive Session pursuant to HRS §92-4 and 92-5(a)(1) and (4), to consider and evaluate personal information relating to individuals applying for licensure and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

EXECUTIVE SESSION

Correspondence: A. July 6, 2012 email from Dr. Kunbong Choi Re: Patient Charts and X-Ray Films.

At 10:47 a.m., it was moved by Ms. Kikuta, seconded by Dr. Pleiss, and unanimously carried to return to open session. The room was reopened to the public.

Correspondence: A. July 6, 2012 email from Dr. Kunbong Choi Re: Patient Charts and X-Ray Films.

After further discussion the Board informally opined that patients should be provided reasonable access to their records by, at minimum, notifying patients of forwarding address for records requests. In addition, licensees are subject to the Board's laws and rules regarding patient access to healthcare records.

Furthermore, the Hawaii Revised Statutes (HRS) Chapter 442 and Hawaii Administrative Rules (HAR) Chapter 76 do not specifically address the retention of patient charts and x-ray films out of state.

Licensees may also be subject to other State and federal regulations addressing the retention of and patient access to healthcare records that are beyond the scope of the Board's jurisdiction. The Board suggested that Dr. Choi contact the State of Hawaii Department of Health, State of Hawaii Office of Consumer Protection, and the United States Department of Health and Human Services for additional information. It was also suggested that Dr. Choi consult an attorney for further advice and counsel.

In accordance with Hawaii Administrative Rules section 16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and thus, is not to be viewed as binding on the Board.

Executive Session: At 10:50 a.m., it was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to enter into Executive Session pursuant to HRS §92-4 and 92-5(a)(1) and (4), to consider and evaluate personal information relating to individuals applying for licensure and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

EXECUTIVE SESSION

Correspondence: B. July 31, 2012 email from Marie Caraccito of New York Chiropractic College Re: Scope of Practice.

At 11:15 a.m., it was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond, and unanimously carried to return to open session. The room was reopened to the public.

B. July 31, 2012 email from Marie Caraccito of New York Chiropractic College Re: Scope of Practice.

After further discussion, the Board recommended Ms. Caraccito refer to HRS 442-1 and HAR 16-76-4, 16-76-25, and 16-76-26 for activities that constitute the practice of chiropractic.

The Hawaii Revised Statutes (HRS) Chapter 442 and Hawaii Administrative Rules (HAR) Chapter 76 do not specifically address the adjustment of extremities.

In accordance with Hawaii Administrative Rules section 16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and thus, is not to be viewed as binding on the Board.

Ms. Kikuta left the meeting at 11:20 a.m.

Executive Session: At 11:30 a.m., it was moved by Ms. Kang-Kaulupali, seconded by Dr. Redmond and unanimously carried to enter into Executive Session pursuant to HRS §92-4 and 92-5(a)(1) and (4), to consider and evaluate personal information relating to individuals applying for licensure and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

EXECUTIVE SESSION

- Correspondence:
- C. August 16, 2012 email from Rosalie Ordinario Re: Scope of Practice – Can Chiropractors perform Acupuncture, Electro Diagnostic Studies, Laboratory Services.
 - D. August 22, 2012 email from Tamara Jackson Re: Manipulation under Anesthesia.

At 11:40 a.m., it was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to return to open session. The room was reopened to the public.

- C. August 16, 2012 email from Rosalie Ordinario Re: Scope of Practice – Can Chiropractors perform Acupuncture, Electro Diagnostic Studies, Laboratory Services.

After further discussion, the Board response to "can chiropractors perform the following services under the scope of their license" is:

Acupuncture: No.

Electro diagnostic studies (e.g. Nerve Conduction Velocity)? Yes.

Refer to Hawaii Administrative Rules (HAR) 16-76-26(5)

Does that include needle EMG? The Hawaii Revised Statutes (HRS) Chapter 442 or Hawaii Administrative Rules (HAR) Chapter 76 do not specifically address needle

EMG. However, diagnostic studies in general are permitted. Refer to HAR 16-76-26(5).

Laboratory services-Venipuncture and/or urinalysis: Yes.
Refer to HAR 16-76-26(5)

In accordance with Hawaii Administrative Rules section 16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and thus, is not to be viewed as binding on the Board.

D. August 22, 2012 email from Tamara Jackson Re: Manipulation under Anesthesia.

After further discussion, the Board informally opined that manipulation under anesthesia may be performed providing the patient is administered anesthesia by a licensed anesthesiologist.

In accordance with Hawaii Administrative Rules section 16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and thus, is not to be viewed as binding on the Board.

Continuing
Education ("CE"):

A. Ratification of CE Courses – New Applications and Re-registrations:

See attached list(s).

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to ratify the approval of the following CE courses:

Index No. HI 12-207
Index No. HI 12-235 – HI 12-237
Index No. HI 12-240 – HI 12-242
Index No. HI 12-244
Index No. HI 12-246 – HI 12-247
Index No. HI 12-249 – HI 12-250
Index No. HI 12-252
Index No. HI 12-254 – HI 12-256

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to approve the following CE courses with adjusted hours due to recalculation of hours, in that HAR §16-76-39, provides that continuing education shall be given for whole hours only, with a minimum of fifty minutes constituting one class hour:

Index No. HI 12-238, 26 hours out of 26.50 hours requested
Index No. HI 12-243, 19 hours out of 19.50 hours requested

Index No. HI 12-248, 26 hours out of 26.25 hours requested
Index No. HI 12-253, 20 hours out of 20.50 hours requested

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to approve the following CE courses with adjusted hours in that the non-approved hours do not comply with the provisions of Chapter 76, subchapter 6, HAR:

Index No. HI 12-239, 147 hours offered/19 hours maximum out of 155 hours
Index No. HI 12-245, 104 hours offered/25 hours may be earned out of
107.50 hours offered/28.50 hours may be earned
Index No. HI 12-251, 396 hours offered/34 hours possible out of 404 total
hours/34 possible

B. Other CE Courses

Request from Robert B. Klein, D.C. for approval of "National Board of Chiropractic Examiners' Part IV Examination, May 18, 19, 20, 2012" for 16 hours of continuing education.

It was moved by Dr. Pleiss, seconded by Ms. Kang-Kaulupali, and unanimously carried to ratify the approval of the above referenced CE course for 16 hours.

Next Meeting:

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Pleiss and unanimously carried to reschedule the Thursday, November 8, 2012 meeting to Thursday, November 1, 2012 due to travel considerations for Dr. Klein and Dr. Pleiss participation at the National Board of Chiropractic Examiners Part IV Examination.

Adjournment:

There being no further business to discuss, the meeting adjourned at 11:47 a.m.

Taken and recorded by:

/s/Wilma Balon

Wilma Balon, Secretary

Reviewed and approved by:

/s/Lynn R. Bhanot

Lynn R. Bhanot, Executive Officer

LRB:wb
09/12

Minutes approved as is.

Minutes approved with changes. See Minutes of November 1, 2012.

**CHIROPRACTIC CONTINUING EDUCATION
2011-2012
ALL COURSES EXPIRE ON DECEMBER 31, 2012 UNLESS OTHERWISE NOTED**

Index No.	Program Title	Dates - Locations	Sponsor	Hours	Approved
HI 12-207	Integrative Spine Care Strategies: Clinical Management and Diagnostic Imaging	12/8-9/12, Maui, Hawaii	University of Western States	15	9/6/2012
HI 12-235	CCCKC Homecoming 2012/KCA Fall Convention 2012	10/12-14/12, Overland Park, KS	Cleveland Chiropractic College	76 hours offered/20 hours can be earned	9/6/2012
HI 12-236	Lifestyle Medicine Summit Taking the Chronic Out of Illness	9/29-30/12, Dana Point, CA	University of Bridgeport Health Sciences Postgrad Education	9	9/6/2012
HI 12-237	Foot Levelers Live - 60th Anniversary Seminar	11/17-18/12, Oakbrook, IL	National University of Health Sciences	12	9/6/2012
HI 12-238	ACCC/CFS 2012 Annual Conference/Knowledge and Skillbuilding for the Chiropractic Expert	10/4-6/12, Oakbrook, IL	National University of Health Sciences	26	9/6/2012
HI 12-239	FCA 2012 National Convention & Exposition	8/23-26/12, Orlando, FL	Florida Chiropractic Association, Inc.	147 hours offered/19 maximum can be	9/6/2012
HI 12-240	The Perinatal and Pediatric Practice	Online	CE4You	11	9/6/2012
HI 12-241	Coding and Documentation 201-204	Online	University of Bridgeport Health Sciences Postgrad Education	12	9/6/2012
HI 12-242	Restoring Gastrointestinal Equilibrium: Practical Applications for Understanding Assessing & Treating Gut Dysfunction	10/25-28/12, Atlanta, GA	National University of Health Sciences	20	9/6/2012
HI 12-243	Understanding Biotransformation & Recognizing Toxicity: Evaluation & Treatment in the Functional Medicine Model	10/25-28/12, Atlanta, GA	National University of Health Sciences	19	9/6/2012
HI 12-244	NUCCA Fall Conference	10/25-27/12, Newport Beach, CA	Life Chiropractic College West	46 hours offered/20maximum	9/6/2012
HI 12-245	Sacro Occipital Research Society, International Homeing 2012	10/10-14/12, Omaha, NE	Palmer College of Chiropractic	104 hours approved/25 maybe earned	9/6/2012
HI 12-246	Integrative Myofascial Release (MR)	Online	CE4You	5	9/6/2012
HI 12-247	Fusion 2012 Conference	10/12-13/12, Atlanta, GA	Sherman College of Chiropractic	8	9/6/2012
HI 12-248	North American Spine Society 27th Annual Meeting	10/24-27/12, Dallas, TX	National University of Health Sciences	26	9/6/2012
HI 12-249	CCA Presents Medicare Essentials for Beginning	Distance learning	California Chiropractic Assn.	2	9/6/2012
HI 12-250	Parker University Homecoming 2012	10/26-28/12, Dallas, TX	Parker University	52 hrs. offered/20 physically possible	9/6/2012
HI 12-251	Fall CE 2012	9/26-30/12, Marietta, GA	Life University	396 total hours/34 possible	9/6/2012

NOTE: For specific course content information and dates/locations of course offerings, contact sponsors directly.

**CHIROPRACTIC CONTINUING EDUCATION
2011-2012
ALL COURSES EXPIRE ON DECEMBER 31, 2012 UNLESS OTHERWISE NOTED**

Index No.	Program Title	Dates - Locations	Sponsor	Hours	Approved
HI 12-252	CCA 12-Hour Seminar - Fascial Movement Taping, Functional Movement Systems & More	10/13-14/12, Burlingame, CA	California Chiropractic Assn.	12	9/6/2012
HI 12-253	ICA/ACA Pediatrics Conference 2012	11/9-11/12, Colorado Springs, CO	Palmer College of Chiropractic	20	9/6/2012
HI 12-254	ChiroPlan 2012 Annual Conference	10/13-14/12, Lihue, HI	ChiroPlan Hawaii, Inc.	10	9/6/2012
HI 12-255	UWS Online Learning Series	01/01/13-12/31/13, On-line Courses	University of Western States	236	9/6/2012
HI 12-256	2012 ProSport 21st Annual Hands-On Workshop	11/29/12-12/2/12, Las Vegas, NV	Logan College of Chiropractic	21	9/6/2012

NOTE: For specific course content information and dates/locations of course offerings, contact sponsors directly.