

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 1, 2011
Time: 9:00 a.m.
Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Nicholas Opie, D.C., Vice Chair
Robert E. Klein, D.C., F.A.C.O., Member
Kathleen T. Kang-Kaulupali, Pharm. D., Member
Lina M. Kikuta, Member
Elmira K. Tsang, Deputy Attorney General (“DAG”)
Lynn Bhanot, Executive Officer (“EO”)
Christine Hironaka, Secretary

Excused: James A. Pleiss, D.C., D.A.B.C.O., Member

Guests: Gary Saito, Hawaii State Chiropractic Association (“HSCA”)

Call to Order: There being a quorum present, the meeting was called to order by Dr. Opie at 9:00 a.m.

Additions/
Revisions: The Dr. Opie announced the following addition to the agenda.

11. Correspondence
 - b. August 26, 2011 letter from Palmer College of Chiropractic West

Approval of
Meeting Minutes: Minutes of the July 7, 2011 Board Meeting

Ms. Kang-Kaulupali stated that on Page 1, the statement after Approval of Meeting Minutes: Minutes of the May 5, 2011 Board Meeting, should be amended by adding “as presented” after “meeting”.

It was moved by Dr. Klein, seconded by Ms. Kang-Kaulupali, and unanimously carried to approve the minutes of the July 7, 2011 meeting as amended.

Election of the Board

Chairperson It was moved by Dr. Klein, seconded by Ms. Kang-Kaulupali, and unanimously carried to approve Dr. Opie as Chairperson of the Board of Chiropractic Examiners.

Chair's Report: None

Executive Officer's Report: None

Chapter 91, Hawaii Revised Statutes Adjudicatory Matters:

None

Licensing: a. Ratifications

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

Executive Session: At 9:09 a.m., it was moved by Dr. Klein, seconded by Ms. Kikuta, 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

At 9 42 a.m., it was moved by Dr. Klein, seconded by Ms. Kikuta and unanimously carried to return to open session. The room was reopened to the public.

b. Applications

Guang Yan Chen, D.C.

The Board reviewed and considered all of the records and files received from Dr. Guang Yan Chen as well as from organizations concerning his application to practice chiropractic medicine in the State of Hawaii. These records and files reflect the disciplinary action taken against Dr. Guang Yan Chen's California acupuncture license which was revoked by the Acupuncture Board.

The Board determined that the California Board of Acupuncture found violations of law and took disciplinary action for conduct that constitutes grounds for licensing denial or sanctions under Hawaii law.

After due consideration of all this information, it was moved by Dr. Klein, seconded by Ms. Kang-Kaulupali and unanimously carried to deny the application of Dr. Guang Yan Chen for licensure, basing the decision on the statutory grounds contained within Hawaii Revised Statutes ("HRS") § 436B-19(13), for conduct that constitutes grounds for licensing denial or sanctions under HRS § 436B-19(6), (7) and (16).

HRS § 436B-19(13) states:

In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

- (13) Revocation suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws or this section;

HRS § 436B-19(6), (7) and (16) further provides:

- (6) Aiding and abetting an unlicensed person to directly or indirectly perform activities requiring a license;
- (7) Professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of the licensed profession or vocation;
- (16) Employing, utilizing, or attempting to employ or utilize at any time any person not licensed under the licensing laws where licensure is required; or

The order of the agenda was interrupted by Dr. Saito's request to express his concern regarding the Board of Chiropractic Examiners compliance with Hawaii's "Sunshine Law".

Dr. Saito requested he be notified when the Board returns to open session, according to the Hawaii "Sunshine Law" by someone finding him and tapping him on the shoulder.

Dr. Saito stated that most boards will suspend the meeting until the guests return to the meeting and it was difficult for him to keep on checking if the door was open from the outer waiting area since the Executive Session lasted over half an hour.

Dr. Saito stated he would accept the decision of the Board as to notification of the public when open session resumes.

Executive Session: At 9:48 a.m., it was moved by Ms. Kang-Kaulupali, seconded by Dr. Klein, and unanimously carried to again 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

At 10:09 a.m., it was moved by Dr. Klein, seconded by Ms. Kikuta and unanimously carried to return to open session. The room was reopened to the public.

The Board resumed the discussion on Dr. Saito's request to be notified when the Board returns to open session.

Dr. Opie stated the Board follows the "Sunshine Law" as written and reminded Dr. Saito that it is the responsibility of the guest to return to the meeting once the room is reopened to the public.

The DAG stated people are allowed to wait in the hallway.

Dr. Klein stated that Dr. Saito is welcome to use one of the conference room chairs while he waits in the hallway for the door to open.

The Board resumed the order of the agenda.

Old Business: None

New Business: a. Regulated Industries Complaints Office ("RICO")
Chiropractic Advisory Committee – Effective January 1, 2012

The Board members reviewed the following list of proposed members:

Dr. Randy R. Collins
Dr. Tracy C. Matsumoto
Dr. Joseph G. Morelli
Dr. James A. Stanley

It was moved by Dr. Klein, seconded by Ms. Kikuta and unanimously carried to approve the RICO Chiropractic Advisory Committee.

The Board members also reviewed the "Addendum to RICO Chiropractic Committee List," which states,

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

b. The Council on Chiropractic Education (CCE)

The Board reviewed the CCE Accreditation Actions and the CCE Council Election Announcement.

Correspondence:

a. July 19, 2011 letter from Foundation for Vertebral Subluxation

The Board reviewed the letter from the Foundation for Vertebral Subluxation requesting “any and all documents received by the board from NUHS and/or sent by your Board in response to their inquiry.”

The EO stated the Board has not received any inquiry from the National University of Health Sciences (“NUHS”).

It was moved by Dr. Klein, seconded by Ms. Kang-Kaulupali, that the EO respond to the letter from the Foundation for Vertebral Subluxation indicating that the Board has not received any inquiry from the NUHS.

The EO stated she will respond to the letter by informing the Foundation for Vertebral Subluxation the Board has not received any inquiry from NUHS regarding whether or not the NUHS degree of Doctor of Chiropractic Medicine would be recognized for licensure in Hawaii and there are no provisions in the statute or rules recognizing the degree of Doctor of Chiropractic Medicine.

b. August 26, 2011 FAX from Palmer College of Chiropractic West

The Board reviewed the fax requesting approval for Palmer College of Chiropractic West student, Yuki Iwakami, to complete the field training portion of his chiropractic education in the State of Hawaii with Jesse Cracknell, D.C.

Dr. Opie stated there are preceptorship programs in other states and Hawaii statutes do not address interns probably because Hawaii does not have a chiropractic college. Interns are only allowed to observe in the state of Hawaii.

Dr. Saito stated preceptorship has not been authorized by the Board in the past and the inclusion of certain preferences will require amendments to HAR §76

After further discussion, it was the consensus of the Board to deny the request for approval of Mr. Iwakami to complete the field training portion of his chiropractic education in the State of Hawaii with Jesse Cracknell, D.C., to the extent field training consists of the student performing activities constituting the practice of chiropractic.

The Board further determined that it is unable to approve any request to practice chiropractic without a license and that it does not have jurisdiction over activities that do not constitute the practice of chiropractic and/or are not subject to licensing statutes enforced by the Board.

The Board based its decision on Hawaii Revised Statutes ("HRS") §§ 442-1 and 442-2(a).

HRS § 442-1 states:

Chiropractic defined. Chiropractic is defined to be the science of palpating and adjusting the articulations of the human spinal column by hand; provided that the practice of chiropractic as contemplated and set forth in this chapter may include the use of necessary patient evaluation and management procedures of the human spinal column, hot or cold packs, whirlpool, therapeutic and rehabilitative exercise, traction, electrical and electromechanical stimulation, therapeutic ultrasound, myofascial release, diathermy, infrared, and chiropractic spinal manipulative treatment and extraspinal evaluations for the diagnosis and treatment of neuromusculoskeletal conditions related to the human spinal column, subject to the restrictions contained in this chapter; and provided further that the practice of chiropractic as contemplated and set forth in this chapter shall not include the practice of lomilomi or massage. For the purposes of this section, spinal refers to the five spinal regions: cervical region (includes atlanto-occipital joint); thoracic region (includes costovertebral and costotransverse joint); lumbar region; sacral region; and pelvic (sacro-iliac joint) region.

HRS § 442-2(a) states in relevant part,

It shall be unlawful for any person to practice chiropractic without a license.

Ms. Kikuta left the meeting at 10:40 a.m.

Continuing
Education ("CE"):

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

See attached list(s).

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

Index No. HI 11-082 – HI 11-083
Index No. HI 11-085 – HI 11-086
Index No. HI 11-089 – HI 11-091
Index No. HI 11-093
Index No. HI 11-095 – HI 11-121

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Klein, 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 11-084, 26 hours
Index No. HI 11-087, 18 hours
Index No. HI 11-092, 77 hours offered/17 hours maximum

It was moved by Ms. Kang-Kaulupali, seconded by Dr. Klein, 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 11-094, 159 hours available/28 hours maximum

b. Other CE Courses

None.

Next Meeting: Thursday, November 17, 2011
9:00 a.m.
King Kalakaua Conference Room
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Adjournment: There being no further business to discuss, the meeting adjourned at 10:44 a.m.

Taken and recorded by:



Christine Hironaka, Secretary

Reviewed and approved by:



Lynn R. Bhanot, Executive Officer

LRB:ch
09/29/11

[] Minutes approved as is.

[] Minutes approved with changes. See Minutes of 11/17/11.

**BOARD OF CHIROPRACTIC EXAMINERS
RATIFICATION LIST
September 1, 2011**

VLI_LICENSE_VIEW Thursday August 18, 2011 02:14 PM Page 1

LTYPE LIC NUM SORTNAME

DC 1212 KIEU HUGH VAN
DC 1213 SMITH CHARLES P JR
DC 1214 BARTLETT ERIC T
DC 1215 DENNIS RICHARD T
DC 1216 TANCHEFF NICHOLAS M
DC 1217 LAM SUMMER

**CHIROPRACTIC CONTINUING EDUCATION
2010-2011**

ALL COURSES EXPIRE ON DECEMBER 31, 2011 UNLESS OTHERWISE NOTED

Index No.	Program Title	Dates - Locations	Sponsor	Hours	Approved
HI 11-082	CCCKC Homecoming 2011	10/7-9/11 Overland Park KS	Cleveland Chiropractic College	32 hrs/ 24 hrs may be earned	9/1/2011
HI 11-083	Subluxation Neurology and Components of Optimal Health	12/3-4/11 Hayward CA	Life Chiropractic College West	12	9/1/2011
HI 11-084	The American College of Chiropractic Consultants and The Council on Forensic Sciences 2011 Annual Fall Conference	10/13-15/11 Oakbrook IL	National University of Health Sciences	26	9/1/2011
HI 11-085	International Academy of Chiropractic Neurology (IACN) Neurology Symposium	9/24-25/11 Chicago IL	National University of Health Sciences	12	9/1/2011
HI 11-086	Advanced Laser Training Webinar	Online	National University of Health Sciences	10	9/1/2011
HI 11-087	Applying Functional Nutrition for Chronic Disease Prevention and Management: Bridging Nutrition and Functional Medicine in 21st Century Health Care	10/20-23/11 Broomfield CO	National University of Health Sciences	18	9/1/2011
HI 11-089	ICA/ACA Pediatrics Conference	12/9-11/11 Kahuku, Oahu HI	Palmer College of Chiropractic	25 hrs offered/ 19 hrs may be earned	9/1/2011
HI 11-090	Parker Homecoming 2011	9/22-24/11 Dallas TX	Parker University	112 hrs offered/ 20 hrs possible	9/1/2011
HI 11-091	AMC Bootcamp - Sherman College Cervical Xray Analysis & Applications of Clinical Radiology	9/16-18/11 Denver CO, 10/14-16/11 Atlanta GA	Sherman College of Chiropractic	6	9/1/2011
HI 11-092	Fusion Conference	9/22-24/11 Newport Beach CA	Turning Point Logistic Systems	77 hrs offered/ 17 hrs max	9/1/2011
HI 11-093	Fall CE 2011	9/28-10/2/11 Marietta GA	Life University	232 hrs offered/ 37 hrs possible	9/1/2011
HI 11-094	FCA National Convention & Expo 2011	8/25-28/11 Orlando FL	Texas College of Chiropractic	159 hrs available/ 28 hrs maximum	9/1/2011
HI 11-095	Improving & Simplifying Daily Charting: Implementing & Scoring Outcome Assessment Tools	Online 10/4/11	New York Chiropractic College	1	9/1/2011
HI 11-096	Women's Health - What are the Key Issues?	Online 10/11/11	New York Chiropractic College	1	9/1/2011
HI 11-097	Don't Overlook the Importance of Your Feet!	Online 10/18/11	New York Chiropractic College	1	9/1/2011
HI 11-098	How to Adjust Pronated Foot	Online 10/25/11	New York Chiropractic College	1	9/1/2011

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

**CHIROPRACTIC CONTINUING EDUCATION
2010-2011**

ALL COURSES EXPIRE ON DECEMBER 31, 2011 UNLESS OTHERWISE NOTED

Index No.	Program Title	Dates - Locations	Sponsor	Hours	Approved
HI 11-099	Spinal Biomechanics and the Aging Process	Online 11/1/11	New York Chiropractic College	1	9/1/2011
HI 11-100	Adjusting Extremities/Exam, Adjust & Stabilize in Absence of Symptoms	Online 11/8/11	New York Chiropractic College	1	9/1/2011
HI 11-101	Electronic Health Records (EHR): What They Are and Why They Should be Used.	Online 11/15/11	New York Chiropractic College	1	9/1/2011
HI 11-102	Wellness Care vs. Medical Necessity Care	Online 12/6/11	New York Chiropractic College	1	9/1/2011
HI 11-103	Joint by Joint Approach - Closed Kinetic Chain, Movement and Relation to Pain	Online 12/13/11	New York Chiropractic College	1	9/1/2011
HI 11-104	Lab Testing for Common Conditions in the Chiropractic Office	Online 12/20/11	New York Chiropractic College	1	9/1/2011
HI 11-105	ICPA 180 Hour Certification Program	9/24-25/11 Los Angeles CA, 10/15-16/11 Los Angeles CA, 11/12-13/11 San Francisco CA, 11/19-20/11 Los Angeles CA, 12/3-4/11 Los Angeles CA, 1/7-8/12 Los Angeles CA, 1/14-15/12 San Francisco CA, 2/4-5/12 Los Angeles CA, 2/4-5/12 San Francisco CA, 3/3-4/12 Los Angeles CA, 3/3-4/12 San Francisco CA, 4/14-15/12 San Francisco CA, 4/28-29/12 Los Angeles CA, 5/12-13/12 San Francisco CA, 5/19-20/12 Los Angeles CA, 6/9-10/12 San Francisco CA, 6/28-29/12 Los Angeles CA, 7/14-15/12 San Francisco CA, 7/21-22/12 Los Angeles CA, 8/18-19/12 Los Angeles CA, 8/18-19/12 San Francisco CA, 9/8-9/12 San Francisco CA, 9/15-16/12 Los Angeles CA, 10/20-21/12 Los Angeles CA, 10/20-21/12 San Francisco CA, 11/10-11/12 San Francisco CA, 12/8-9/12 San Francisco CA, 2/16-17/13 San Francisco CA	ICPA	168 hrs available/ 12 hrs maximum	9/1/2011
HI 11-106	NUCCA Fall Conference	10/13-15/11 Reno NV	Life Chiropractic College West	47 hrs offered/ 20 hrs maximum	9/1/2011
HI 11-107	The Chiropractic Leadership Summit	11/4-6/11 Parsippany NJ	Turning Point Logistic System	17	9/1/2011
HI 11-108	Ulan Nutritional Systems Nutritional Symposium 2011	12/8-12/11 Clearwater FL	Texas Chiropractic College	12	9/1/2011
HI 11-109	Network Spinal Analysis - Intermediate - Advanced Care Intensive	1/12-14/12 Denver CO	Sherman College	23	9/1/2011
HI 11-110	Nutrition Diplomate Program, Session 12	Online 9/1/11-12/31/12	Northwestern Health Sciences University	14	9/1/2011
HI 11-111	Nutrition Diplomate Program, Session 13	Online 9/1/11-12/31/12	Northwestern Health Sciences University	14	9/1/2011

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

**CHIROPRACTIC CONTINUING EDUCATION
2010-2011**

ALL COURSES EXPIRE ON DECEMBER 31, 2011 UNLESS OTHERWISE NOTED

Index No.	Program Title	Dates - Locations	Sponsor	Hours	Approved
HI 11-112	Nutrition Diplomate Program, Session 14	Online 9/1/11-12/31/12	Northwestern Health Sciences University	14	9/1/2011
HI 11-113	Nutrition Diplomate Program, Session 15	Online 9/1/11-12/31/12	Northwestern Health Sciences University	14	9/1/2011
HI 11-114	Nutrition Diplomate Program, Session 16	Online 9/1/11-12/31/12	Northwestern Health Sciences University	14	9/1/2011
HI 11-115	Nutrition Diplomate Program, Session 17	Online 9/1/11-12/31/12	Northwestern Health Sciences University	14	9/1/2011
HI 11-116	Nutrition Diplomate Program, Session 18	Online 9/1/11-12/31/12	Northwestern Health Sciences University	14	9/1/2011
HI 11-117	Nutrition Diplomate Program, Session 19	Online 9/1/11-12/31/12	Northwestern Health Sciences University	14	9/1/2011
HI 11-118	Nutrition Diplomate Program, Session 20	Online 9/1/11-12/31/12	Northwestern Health Sciences University	14	9/1/2011
HI 11-119	Nutrition Diplomate Program, Session 21	Online 9/1/11-12/31/12	Northwestern Health Sciences University	14	9/1/2011
HI 11-120	Nutrition Diplomate Program, Session 22	Online 9/1/11-12/31/12	Northwestern Health Sciences University	14	9/1/2011
HI 11-121	ChiroPlan Hawaii 2011 Conference: Emerging Trends	10/1-2/11 Kahuku HI	ChiroPlan Hawaii, Inc.	11	9/1/2011