

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: June 13, 2024

Time: 1:00 p.m.

In-Person Meeting Location: King Kalakaua Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

Members Present: Deborah McMenemy, L.Ac., D.A.O.M.
Brooke Foreman, L.Ac., D.A.C.M., Vice Chair
Marta Rebella, Public Member

Excused: None

Staff Present: Risé Doi, Executive Officer (“EO”)
Christopher Leong, Deputy Attorney General (“DAG”)
Lorna Eugenio, Secretary

Guest(s): Jayne Tsuchiyama, D.Ac, Dipl. OM (NCCAOM)
Wai Hoa Low, DOAM, MBA, Dipl. Ac., L.Ac.

1. Call to Order: A quorum was established, and Chair McMenemy called the meeting to order at 1:07 p.m.

2. Approval of Minutes: Chair McMenemy opened the floor to discuss the minutes of the April 11, 2024, meeting.

It was moved by Ms. Rebella, seconded by Vice Chair Foreman, and unanimously carried to approve the open session minutes of April 11, 2024.

It was moved by Vice Chair Foreman, seconded by Ms. Rebella, and unanimously carried to approve the executive session minutes of April 11, 2024.

3. Executive Officer’s Report: a. Update on Hawaii Administrative Rules (“HAR”) 16-72

EO Doi stated the rules draft is on the Small Business Regulatory Review Board’s (“SBRRB”) meeting agenda on June 20, 2024, and noted that it is a hybrid meeting. EO Doi noted that she will attend the meeting and asked if any Board members were interested in attending. While attendance is not mandatory, EO Doi and DAG Leong explained that only one Board member

should attend to be safe and avoid violations of sunshine law. Vice Chair Foreman said she would like to attend the SBRRB meeting via Zoom and will deliver a report at the Board's next meeting.

4. Applications:

a. Ratifications

Acupuncturists

| | |
|------------|-----------------------|
| ACU-1436-0 | Michelle Kaoru Kuroda |
| ACU-1437-0 | Diedre A O'Malley |
| ACU-1438-0 | Ephraim L Crocker |
| ACU-1439-0 | Melanie A Santos |
| ACU-1440-0 | Tanisha S Walters |

Upon a motion by Vice Chair Foreman, seconded by Ms. Rebella, it was voted on and unanimously carried to approve the ratification list.

b. Applications

None

5. New
Business:

a. Board discussion on renewal process involving criminal convictions

Chair McMenemy noted she wanted to place this item on the agenda so that the Board could discuss and understand the renewal process if a licensee discloses that they have a conviction. She asked why the Board cannot prevent the licensee from renewing their license.

DAG Leong explained that once a license is issued, the person with the license has a property interest. The license cannot be taken away without due process. EO Doi explained that if a licensee discloses that they have a conviction, she approves the renewal application and sends the documents to the Regulated Industries Complaints Office ("RICO") for investigation. If RICO finds that the licensee is in violation, a settlement agreement will be brought to the Board for review.

EO Doi noted that she will invite RICO's director, Esther Brown, to a future Board meeting to explain RICO's investigation process and to answer the Board's questions.

6. Ongoing
Business:

a. The Acupuncture National Discipline Database

Dr. Jayne Tsuchiyama introduced herself as a long-time former Board member and a National Certification Commission for Acupuncture and Oriental Medicine ("NCCAOM") commissioner. Dr. Tsuchiyama emphasized the importance of keeping patient and practitioner safety standards high and protecting the public. She used her phone to call Michael Taormina, Esq., and put him on speaker to deliver a presentation on the Acupuncture National Discipline Database ("ANDD").

Dr. Tsuchiyama introduced Mr. Taormina who has worked on the ANDD for many years. The ANDD is a tool for states to share public information regarding disciplinary action on licensees. Mr. Taormina described scenarios of acupuncture licensees who were sanctioned and would move to another state to practice without reporting disciplinary action on their license. The database contains public information from each state that he and his team of volunteers

collected for five years. Mr. Taormina noted that it would be beneficial if the boards of other states could assist in reporting disciplinary action to the database. He noted that licensees who are sanctioned for boundary violations such as sexual harassment, assault, and misconduct are a danger to the public and the profession. ANDD is free to access and a tool that boards can use before issuing a license or submit disciplinary information regarding licensees. NCCAOM can suspend the licensee's NCCAOM certification if there is disciplinary action on the license.

Chair McMenemy asked if the Board can require applicants to submit a printout of their ANDD profile when applying for a Hawaii license. DAG Leong explained that there would need to be language in the Board's rules to require applicants to submit a document from ANDD, as the Hawaii Medical Board has language in their rules that require applicants to submit a printout from the National Practitioner Data Bank (NPDB). EO Doi noted that if the Board receives a settlement agreement, she can submit the information to NCCAOM to add to ANDD.

Wai Hoa Low asked about applicants disclosing convictions and disciplinary actions. EO Doi explained that if the applicant discloses that they have disciplinary action or prior convictions that have not been expunged, the application and supporting documents will be sent from the licensing branch to the Board to review at a Board meeting. EO Doi and DAG Leong explained that it is up to the applicant to answer the questions on the application truthfully. If it is discovered that the applicant or licensee was untruthful on their application, they could be denied or they could have their license sanctioned.

7. Next Meeting: August 1, 2024
1:00 p.m.
King Kalakaua Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, HI 96813
8. Adjournment: Chair McMenemy adjourned the meeting at 2:44 p.m.

Taken and recorded by:

/s/Risé Doi

Risé Doi
Executive Officer

Reviewed and Approved by:

/s/Risé Doi

Risé Doi
Executive Officer

07/03/24

- [] Minutes approved as is.
[X] Minutes approved with changes, see minutes of August 19, 2024.