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# A BILL FOR AN ACT

RELATING TO NATUROPATHIC MEDICINE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 455, Hawaii Revised Statutes, is  
2 amended by adding two new sections to be appropriately  
3 designated and to read as follows:

4           "§455-       Public health emergency; temporary and limited  
5 license for licensed out-of-state naturopathic physicians. (a)

6 If a public health emergency or disaster condition is declared  
7 by the governor, the board shall allow naturopathic physicians  
8 licensed in another state to provide temporary and limited  
9 naturopathic medicine in Hawaii under special provisions during  
10 the period of the declared public health emergency or disaster  
11 condition, subject to limitations and conditions as the governor  
12 and the board may prescribe.

13           (b) A limited and temporary license issued pursuant to  
14 this section shall be valid only for the period of the declared  
15 public health emergency or disaster condition.

16           (c) Out-of-state naturopathic physicians shall submit to  
17 the board the following information:



1       (1) Verification of a valid, permanent, current, and  
2       unrestricted license to practice naturopathic medicine  
3       in another state which is not the subject of a pending  
4       investigation by a state medical board, or another  
5       state or federal agency; and

6       (2) A valid United States passport or state-issued  
7       driver's license for photo identification.

8       §455- Exceptions; scope of chapter. Nothing in this  
9       chapter shall be construed to prohibit or restrict:

10       (1) The practice of a profession by individuals who are  
11       licensed, certified, or registered under the laws of  
12       this State who are performing services within their  
13       authorized scope of practice;

14       (2) The practice of naturopathic medicine by an individual  
15       employed by the government of the United States while  
16       the individual is engaged in the performance of duties  
17       required of the individual by the laws and regulations  
18       of the United States;

19       (3) The practice of naturopathic medicine by students  
20       enrolled in a school approved by the board. The  
21       performance of naturopathic medicine by students shall  
22       be pursuant to a course of instruction or assignments



1 from an instructor and under the supervision of an  
2 instructor who is a naturopathic physician licensed  
3 pursuant to this chapter; and

4 (4) The practice by a doctor of naturopathic medicine duly  
5 registered or licensed in another state, territory, or  
6 the District of Columbia who is called into this state  
7 for consultation with a licensed naturopathic  
8 physician, including in-person, mail, electronic,  
9 telephonic, fiber-optic, or other telemedicine  
10 consultation; provided that:

11 (A) The naturopathic physician from another state  
12 shall not open an office, appoint a place to meet  
13 patients, or receive calls within this state for  
14 the provision of care for a patient who is  
15 located in this State; and

16 (B) The licensed naturopathic physician of this state  
17 retains control and remains responsible for the  
18 provision of care for the patient who is located  
19 in this state."

20 SECTION 2. Chapter 455, Hawaii Revised Statutes, is  
21 amended by amending its title to read as follows:

22 " ~~NATUROPATHY~~ NATUROPATHIC MEDICINE "



1 SECTION 3. Section 455-1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§455-1 Definitions.** As used in this chapter:

4 "Behavioral medicine" means therapy techniques including  
5 biofeedback, relaxation training, hypnosis, mindfulness-based  
6 stress reduction, and cognitive therapy.

7 "Board" means the board of [~~examiners in naturopathy.~~]  
8 naturopathic medicine.

9 "Common diagnostic procedures" means the use of  
10 venipuncture consistent with the practice of naturopathic  
11 medicine, commonly used diagnostic modalities consistent with  
12 naturopathic practice, taking of health history, physical  
13 examination, radiography, laboratory medicine, and obtaining  
14 samples of human tissue as authorized as a minor office  
15 procedure.

16 "Department" means the department of commerce and consumer  
17 affairs.

18 "Diagnosis" means using all recognized and accepted  
19 physical and laboratory diagnostic procedures including the  
20 taking of blood for diagnostic purposes.

21 "Disaster condition" means a sudden catastrophic event that  
22 overwhelms public order, causes loss of property or life, and



1 exceeds or disrupts the capabilities of available medical  
2 resources to provide medical care within a community.

3 "Homeopathic" means minute doses of [~~natural medicine.~~]  
4 substances that have been highly diluted and shaken according to  
5 standardized pharmaceutical methods.

6 "Hygiene and immunization" means the use of preventative  
7 techniques including personal hygiene, asepsis, public health,  
8 and, to the extent allowed by rule, immunizations.

9 "Legend drug" means any drug falling within section  
10 503(b)(1) of the federal Food, Drug and Cosmetic Act and which  
11 is required to be labeled with the statement "Rx only."

12 "Manual manipulation" or "mechanotherapy" means  
13 manipulation of a part or the whole of the body by hand or  
14 mechanical means.

15 "Minor office procedures" means care and procedures  
16 relative to superficial lacerations, lesions and abrasions, and  
17 the removal of foreign bodies located in superficial structures  
18 not including the eye; and the topical and parenteral use of  
19 substances consistent with the practice of naturopathic  
20 medicine, in accordance with rules established by the board.

21 [~~"Natural medicine" encompasses substances of botanical,~~  
22 ~~mineral, and animal origin, homeopathic preparations thereof,~~



1 ~~and substances whose natural state has been improved by any~~  
2 ~~process that does not substantially alter the molecular~~  
3 ~~structure found in nature, including vitamins, minerals, and~~  
4 ~~amino acids; excluding prescription drugs, with the following~~  
5 ~~exceptions: vitamins, minerals, amino acids, and fatty acids.]~~

6 "Naturopathic formulary" means vitamins, minerals, dietary  
7 supplements, botanical medicines, homeopathic medicines,  
8 hormones, and those legend drugs consistent with naturopathic  
9 medical practice.

10 "Naturopathic medicine" means the practice of the art and  
11 science of diagnosis, prevention, and treatment of disorders of  
12 the body by support, stimulation or both, of the natural  
13 processes of the human body by naturopathic physicians. The  
14 practice of naturopathic medicine includes the prescription,  
15 administration, dispensing, and use of nutrition and food  
16 science, physical modalities, manual manipulation, parenteral  
17 therapy, minor office procedures, naturopathic formulary,  
18 hygiene and immunization, contraceptive devices, common  
19 diagnostic procedures, and behavioral medicine of the type  
20 taught in education and training at naturopathic medical  
21 colleges.



1 "Naturopathic physician" means a person who holds a current  
2 license issued under this chapter to practice [~~naturopathy.~~]  
3 naturopathic medicine.

4 [~~"Naturopathy" means the practice of:~~

- 5 ~~(1) Natural medicine, natural therapeutics, and natural~~  
6 ~~procedures, for the purpose of removing toxic~~  
7 ~~conditions from the body and improving the quality,~~  
8 ~~quantity, harmony, balance, and flow of the vital~~  
9 ~~fluids, vital tissues, and vital energy; and~~
- 10 ~~(2) Diagnosing, treating, and caring for patients using a~~  
11 ~~system of practice that bases its treatment of~~  
12 ~~physiological functions and abnormal conditions on~~  
13 ~~natural laws governing the human body: utilizing~~  
14 ~~physiological, psychological, and mechanical methods,~~  
15 ~~such as air, water, light, sunshine, heat and cold,~~  
16 ~~earth, phytotherapy, physiotherapy, mechano-therapy,~~  
17 ~~naturopathic corrections and manipulation, and natural~~  
18 ~~methods or modalities, together with natural or~~  
19 ~~homeopathic medicines, natural foods, and herbs, and~~  
20 ~~nature's remedies of the type taught in education and~~  
21 ~~training at naturopathic medical colleges. The~~  
22 ~~practice of naturopathy excludes surgery, application~~



1 ~~of x-rays, and prescribing, dispensing, or using~~  
2 ~~prescription drugs except as provided for in the~~  
3 ~~definition of natural medicine.]~~

4 "Nutrition and food science" means the prevention and  
5 treatment of disease or other human conditions through the use  
6 of diet.

7 "Parenteral therapy" means the administration of substances  
8 by means other than through the gastrointestinal tract,  
9 including intravenous, subcutaneous and intramuscular injection.

10 "Physical modalities" means use of physical, chemical,  
11 electrical, and other means, including but not limited to heat,  
12 cold, air, light, including lasers, water in any of its forms,  
13 sound, massage, and therapeutic exercise.

14 "Radiography" means the ordering of radiographic diagnostic  
15 and other imaging studies, including but not limited to computed  
16 tomography scans, x-rays, magnetic resonance imaging, positron  
17 emission tomography scans, and ultrasounds. The term also means  
18 and includes the taking and interpreting of x-rays."

19 SECTION 4. Section 455-2, Hawaii Revised Statutes, is  
20 amended by amending subsection (a) to read as follows:

21 "(a) Any person desiring to practice [~~naturopathy~~]  
22 naturopathic medicine shall be licensed under this chapter. To





1 obtain a license under this chapter, a person shall submit a  
2 completed application prescribed by the board[7]; provide the  
3 information required under this chapter, rules of the board, and  
4 other applicable laws and rules[7]; and pay a nonrefundable  
5 application fee and other fees provided in rules adopted by the  
6 [~~director~~] department in accordance with chapter 91."

7 SECTION 5. Section 455-3, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§455-3 Education requirements.** Each applicant shall be a  
10 graduate of a school, university, or college of [~~naturopathy~~]  
11 naturopathic medicine that has received candidacy status with,  
12 or has been accredited by, a regional or a national accrediting  
13 body recognized by the United States Department of Education;  
14 provided that any applicant who graduated from a college of  
15 [~~naturopathy~~] naturopathic medicine prior to 1987 shall be  
16 deemed qualified if the college was approved by the board prior  
17 to 1987 and has been accredited by a regional or national  
18 accrediting body recognized by the United States Department of  
19 Education."

20 SECTION 6. Section 455-4, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "**§455-4 State board of [~~examiners in naturopathy.~~]**  
2 **naturopathic medicine.** The governor shall appoint the board of  
3 [~~examiners in naturopathy,~~] naturopathic medicine, consisting of  
4 five members. Each member shall serve until the member's  
5 successor is appointed and qualified. Three members of the  
6 board, before appointment, shall have been licensed as a  
7 naturopathic physician in the [State] state and two shall be  
8 public members. The members of the board may elect a  
9 chairperson and a vice-chairperson who shall each serve one year  
10 or until a successor is elected."

11           SECTION 7. Section 455-6, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§455-6 Powers and authority of the board.** In addition to  
14 any other powers and duties authorized by law, the board may:

- 15           (1) Adopt and use a seal to be affixed to all official  
16           acts of the board;
- 17           (2) Adopt, amend, or repeal rules in accordance with  
18           chapter 91 to carry out the purposes of this chapter;  
19           provided that all rules shall be approved by the  
20           governor and the director of commerce and consumer  
21           affairs; provided that the rules:



1           (A) May forbid acts or practices deemed by the board  
2           to be detrimental to the accomplishment of the  
3           purpose of this chapter; and

4           (B) Shall establish standards of practice, care and  
5           ethics; require licensees to complete educational  
6           courses and training for parenteral therapy;  
7           establish requirements for parenteral therapy;  
8           establish requirements for examination on minor  
9           office procedures; and adopt, amend or repeal any  
10           other rules necessary to fully effectuate the  
11           purpose of this chapter;

12           (3) Develop standards for licensure;

13           (4) Issue, renew, suspend, and revoke licenses and fine  
14           licensees;

15           (5) Investigate and conduct hearings regarding any  
16           violation of this chapter and any rules of the board;

17           (6) Maintain a record of its proceedings; [~~and~~]

18           (7) Annually establish and publish a naturopathic  
19           formulary that has been approved by the board for  
20           prescription, administration, or dispensing by  
21           naturopathic physicians; and



1        [~~7~~] (8) Do all things necessary to carry out the  
2                    functions, powers, and duties set forth in this  
3                    chapter."

4            SECTION 8. Section 455-8, Hawaii Revised Statutes, is  
5 amended to read as follows:

6            "**§455-8 License to practice; biennial registration.**

7 Licenses to practice [~~naturopathy~~] naturopathic medicine shall  
8 be issued by the board to those who qualify according to this  
9 chapter. Naturopathic physicians licensed under this chapter  
10 shall observe and be subject to all state requirements relative  
11 to reporting births and all matters pertaining to the public  
12 health with equal rights and obligations as physicians,  
13 surgeons, and practitioners of other schools of medicine. These  
14 equal rights shall apply to all matters of public health,  
15 including the performance of medical examinations and  
16 evaluations. Every licensee shall renew the licensee's license  
17 on or before December 31 of each odd-numbered year. Failure to  
18 renew the license on or before December 31 of each odd-numbered  
19 year shall automatically constitute a forfeiture of the license;  
20 provided that the license shall be restored upon written  
21 application therefor together with payment of the renewal fee,  
22 all delinquent fees, and a penalty fee."



1 SECTION 9. Section 455-9, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§455-9 Penalty.** Any person except a licensed  
4 naturopathic physician who practices, attempts to practice, or  
5 advertises the practice of [~~naturopathy,~~] naturopathic medicine,  
6 or any person who buys, sells, or fraudulently obtains any  
7 diploma or license to practice [~~naturopathy~~] naturopathic  
8 medicine whether recorded or not, or any person who uses the  
9 title "natureopath," [~~]~~ "naturopath," [~~]~~ "doctor of  
10 naturopathy," "doctor of naturopathic medicine," "naturopathic  
11 healthcare," "naturopathic physician," "naturopathic medicine,"  
12 "naturopathy," "naturopathic doctor," or "N.D.," [~~]~~ or any word  
13 or title to induce the belief that the person is engaged in the  
14 practice of [~~naturopathy~~] naturopathic medicine without  
15 complying with this chapter, or any person who violates this  
16 chapter, shall be fined a sum of not less than \$500 nor more  
17 than \$10,000 for each violation, which sum shall be collected in  
18 a civil action brought by the attorney general or the department  
19 on behalf of the State."

20 SECTION 10. Section 455-11, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:



1           "(a) In addition to any other actions authorized by law,  
2 the board shall have the power to deny, revoke, suspend, or  
3 refuse to renew any license to practice [~~naturopathy~~  
4 naturopathic medicine applied for or issued by the board in  
5 accordance with this chapter, and to fine or otherwise  
6 discipline a licensee for any cause authorized by law, including  
7 but not limited to the following:

- 8           (1) Procuring, or aiding or abetting in procuring, a  
9           criminal abortion;
- 10          (2) Employing any person to solicit patients;
- 11          (3) Obtaining a fee on the assurance that a manifestly  
12          incurable disease can be permanently cured;
- 13          (4) Betraying a patient's confidence;
- 14          (5) Making any untruthful and improbable statement in  
15          advertising one's naturopathic practice or business;
- 16          (6) False, fraudulent, or deceptive advertising;
- 17          (7) Being habituated to the excessive use of drugs or  
18          alcohol; or being addicted to, dependent on, or an  
19          habitual user of a narcotic, barbiturate, amphetamine,  
20          hallucinogen, or other drug having similar effects;



- 1 (8) Practicing [~~naturopathy~~] naturopathic medicine while  
2 the ability to practice is impaired by alcohol, drug,  
3 physical disability, or mental instability;
- 4 (9) Procuring a license through fraud, misrepresentation,  
5 or deceit or knowingly permitting an unlicensed person  
6 to perform activities requiring a license;
- 7 (10) Professional misconduct or gross carelessness or  
8 manifest incapacity in the practice of [~~naturopathy,~~]  
9 naturopathic medicine;
- 10 (11) Conduct or practice contrary to recognized standard of  
11 ethics of the naturopathic profession;
- 12 (12) [~~Utilizing~~] Using medical service or treatment which  
13 is inappropriate or unnecessary;
- 14 (13) Submitting to or filing with the board any notice,  
15 statement, or other document required under this  
16 chapter which is false or untrue or contains any  
17 material misstatement of fact;
- 18 (14) Failure to report to the board any disciplinary action  
19 taken against the licensee in another jurisdiction  
20 within thirty days after the disciplinary action  
21 becomes final;



1 (15) Using the title "physician" without clearly  
2 identifying oneself as being a naturopathic physician;  
3 [~~and~~]

4 (16) Prescribing, administering, and dispensing medications  
5 not approved by the board; and

6 [~~(16)~~] (17) Violation of any [~~provisions~~] provision of this  
7 chapter or rules adopted under this chapter."

8 SECTION 11. The revisor of statutes shall replace the  
9 terms:

10 (1) "Board of examiners in naturopathy" or like terms,  
11 with "board of naturopathic medicine" or like terms;  
12 and

13 (2) "Naturopathy" or like terms, with "naturopathic  
14 medicine" or like terms,

15 as those terms appear in the Hawaii Revised Statutes.

16 SECTION 12. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 13. This Act shall take effect upon approval;  
19 provided that sections 1, 2, and 3 shall take effect on  
20 January 1, 2010.





**Report Title:**

Naturopathic Medicine; Naturopathy; Parenteral Therapy

**Description:**

Amends the title of chapter 455 to "naturopathic medicine" and amends references therein; defines "naturopathic medicine"; changes the name of the board of examiners in naturopathy to the board of naturopathic medicine and authorizes the board to make rules; authorizes temporary license to licensed out-of-state naturopathic physicians in a declared public health emergency.  
(SB420 HD1)

