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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 three new sections to be appropriately  
3 designated and to read as follows:

4           "§455-       Controlled substances; authorization.   A  
5 naturopathic physician may obtain a current Federal Drug  
6 Enforcement Administration registration.

7           §455-       Public health emergency; temporary and limited  
8 license for licensed out-of-state naturopathic physicians.   (a)  
9 If a public health emergency or disaster condition is declared  
10 by the governor, the board shall allow naturopathic physicians  
11 licensed in another state to provide temporary and limited  
12 naturopathic medicine in Hawaii under special provisions during  
13 the period of the declared public health emergency or disaster  
14 condition, subject to limitations and conditions as the governor  
15 and the board may prescribe.

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

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

6        (1) Verification of a valid, permanent, current, and  
7 unrestricted license to practice naturopathic medicine  
8 in another state which is not the subject of a pending  
9 investigation by a state medical board, or another  
10 state or federal agency; and

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

13       §455- Exceptions; scope of chapter. Nothing in this  
14 chapter shall be construed to prohibit or restrict:

15       (1) The practice of a profession by individuals who are  
16 licensed, certified, or registered under the laws of  
17 this State who are performing services within their  
18 authorized scope of practice;

19       (2) The practice of naturopathic medicine by an individual  
20 employed by the government of the United States while  
21 the individual is engaged in the performance of duties

1           required of the individual by the laws and regulations  
2           of the United States;

3       (3) The practice of naturopathic medicine by students  
4       enrolled in a school approved by the board. The  
5       performance of naturopathic medicine by students shall  
6       be pursuant to a course of instruction or assignments  
7       from an instructor and under the supervision of an  
8       instructor who is a naturopathic physician licensed  
9       pursuant to this chapter; and

10      (4) The practice by a doctor of naturopathic medicine duly  
11      registered or licensed in another state, territory, or  
12      the District of Columbia who is called into this State  
13      for consultation with a licensed naturopathic  
14      physician, including in-person, mail, electronic,  
15      telephonic, fiber-optic, or other telemedicine  
16      consultation; provided that:

17      (A) The naturopathic physician from another state  
18      shall not open an office, appoint a place to meet  
19      patients, or receive calls within this State for  
20      the provision of care for a patient who is  
21      located in this State; and

1           (B) The licensed naturopathic physician of this State  
 2           retains control and remains responsible for the  
 3           provision of care for the patient who is located  
 4           in this State."

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

7                           **"~~[NATUROPATHY]~~ NATUROPATHIC MEDICINE"**

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

10           **"§455-1 Definitions.** As used in this chapter:

11           "Behavioral medicine" means therapy techniques including  
 12 biofeedback, relaxation training, hypnosis, mindfulness-based  
 13 stress reduction, and cognitive therapy.

14           "Board" means the board of [~~examiners in naturopathy.~~]  
 15 naturopathic medicine.

16           "Common diagnostic procedures" means the use of  
 17 venipuncture consistent with the practice of naturopathic  
 18 medicine, commonly used diagnostic modalities consistent with  
 19 naturopathic practice, taking of health history, physical  
 20 examination, radiography, laboratory medicine, and obtaining  
 21 samples of human tissue as authorized as a minor office  
 22 procedure.

1       "Controlled substance" means a scheduled drug as defined in  
2 section 329-1.

3       "Department" means the department of commerce and consumer  
4 affairs.

5       "Diagnosis" means using all recognized and accepted  
6 physical and laboratory diagnostic procedures including the  
7 taking of blood for diagnostic purposes.

8       "Disaster condition" means a sudden catastrophic event that  
9 overwhelms public order, causes loss of property or life, and  
10 exceeds or disrupts the capabilities of available medical  
11 resources to provide medical care within a community.

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

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

18       "Legend drug" means any drug defined in section 503(b) of  
19 the federal Food, Drug and Cosmetic Act and under which  
20 definition its label is required to bear the statement "RX  
21 only".

1       "Manual manipulation" or "mechanotherapy" means  
2 manipulation of a part or the whole of the body by hand or  
3 mechanical means.

4       "Minor office procedures" means care and procedures  
5 relative to superficial lacerations, lesions and abrasions, and  
6 the removal of foreign bodies located in superficial structures  
7 not including the eye; and the topical and parenteral use of  
8 substances consistent with the practice of naturopathic  
9 medicine, in accordance with rules established by the board.

10       ~~["Natural medicine" encompasses substances of botanical,~~  
11 ~~mineral, and animal origin, homeopathic preparations thereof,~~  
12 ~~and substances whose natural state has been improved by any~~  
13 ~~process that does not substantially alter the molecular~~  
14 ~~structure found in nature, including vitamins, minerals, and~~  
15 ~~amino acids; excluding prescription drugs, with the following~~  
16 ~~exceptions: vitamins, minerals, amino acids, and fatty acids.]~~

17       "Naturopathic formulary" means vitamins, minerals, dietary  
18 supplements, botanical medicines, homeopathic medicines,  
19 hormones, and those legend drugs and controlled substances  
20 consistent with naturopathic medical practice.

21       "Naturopathic medicine" means the practice of the art and  
22 science of diagnosis, prevention, and treatment of disorders of

1 the body by support, stimulation or both, of the natural  
2 processes of the human body by naturopathic physicians. The  
3 practice of naturopathic medicine includes the prescription,  
4 administration, dispensing, and use of nutrition and food  
5 science, physical modalities, manual manipulation, parenteral  
6 therapy, minor office procedures, naturopathic formulary,  
7 hygiene and immunization, contraceptive devices, common  
8 diagnostic procedures, and behavioral medicine of the type  
9 taught in education and training at naturopathic medical  
10 colleges.

11 "Naturopathic physician" means a person who holds a current  
12 license issued under this chapter to practice [~~naturopathy.~~]  
13 naturopathic medicine.

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

- 15 ~~(1) Natural medicine, natural therapeutics, and natural~~  
16 ~~procedures, for the purpose of removing toxic~~  
17 ~~conditions from the body and improving the quality,~~  
18 ~~quantity, harmony, balance, and flow of the vital~~  
19 ~~fluids, vital tissues, and vital energy; and~~
- 20 ~~(2) Diagnosing, treating, and caring for patients using a~~  
21 ~~system of practice that bases its treatment of~~  
22 ~~physiological functions and abnormal conditions on~~

1           ~~natural laws governing the human body: utilizing~~  
2           ~~physiological, psychological, and mechanical methods,~~  
3           ~~such as air, water, light, sunshine, heat and cold,~~  
4           ~~earth, phytotherapy, physiotherapy, mechano-therapy,~~  
5           ~~naturopathic corrections and manipulation, and natural~~  
6           ~~methods or modalities, together with natural or~~  
7           ~~homeopathic medicines, natural foods, and herbs, and~~  
8           ~~nature's remedies of the type taught in education and~~  
9           ~~training at naturopathic medical colleges. The~~  
10          ~~practice of naturopathy excludes surgery, application~~  
11          ~~of x-rays, and prescribing, dispensing, or using~~  
12          ~~prescription drugs except as provided for in the~~  
13          ~~definition of natural medicine.]~~

14          "Nutrition and food science" means the prevention and  
15 treatment of disease or other human conditions through the use  
16 of diet.

17          "Parenteral therapy" means the administration of substances  
18 by means other than through the gastrointestinal tract,  
19 including intravenous, subcutaneous and intramuscular injection.

20          "Physical modalities" means use of physical, chemical,  
21 electrical, and other means, including but not limited to heat,



1 cold, air, light, including lasers, water in any of its forms,  
2 sound, massage, and therapeutic exercise.

3 "Radiography" means the ordering of radiographic diagnostic  
4 and other imaging studies, including but not limited to computed  
5 tomography scans, x-rays, magnetic resonance imaging, positron  
6 emission tomography scans, and ultrasounds. The term also means  
7 and includes the taking and interpreting of x-rays."

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

10 "(a) Any person desiring to practice [~~naturopathy~~]  
11 naturopathic medicine shall be licensed under this chapter. To  
12 obtain a license under this chapter, a person shall submit a  
13 completed application prescribed by the board[~~7~~]; provide the  
14 information required under this chapter, rules of the board, and  
15 other applicable laws and rules[~~7~~]; and pay a nonrefundable  
16 application fee and other fees provided in rules adopted by the  
17 [~~director~~] department in accordance with chapter 91."

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

20 "**§455-3 Education requirements.** Each applicant shall be a  
21 graduate of a school, university, or college of [~~naturopathy~~]  
22 naturopathic medicine that has received candidacy status with,

1 or has been accredited by, a regional or a national accrediting  
2 body recognized by the United States Department of Education;  
3 provided that any applicant who graduated from a college of  
4 ~~[naturopathy]~~ naturopathic medicine prior to 1987 shall be  
5 deemed qualified if the college was approved by the board prior  
6 to 1987 and has been accredited by a regional or national  
7 accrediting body recognized by the United States Department of  
8 Education."

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

11 "**§455-4 State board of ~~[examiners in naturopathy.]~~**  
12 **naturopathic medicine.** The governor shall appoint the board of  
13 ~~[examiners in naturopathy,]~~ naturopathic medicine, consisting of  
14 five members. Each member shall serve until the member's  
15 successor is appointed and qualified. Three members of the  
16 board, before appointment, shall have been licensed as a  
17 naturopathic physician in the State and two shall be public  
18 members. The members of the board may elect a chairperson and a  
19 vice-chairperson who shall each serve one year or until a  
20 successor is elected."

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

1           **"§455-6 Powers and authority of the board.** In addition to  
2 any other powers and duties authorized by law, the board may:

3           (1) Adopt and use a seal to be affixed to all official  
4 acts of the board;

5           (2) Adopt, amend, or repeal rules in accordance with  
6 chapter 91 to carry out the purposes of this chapter;  
7 provided that all rules shall be approved by the  
8 governor and the director of commerce and consumer  
9 affairs. The rules may forbid acts or practices  
10 deemed by the board to be detrimental accomplishing  
11 the purpose of this chapter; establish standards of  
12 practice, care and ethics; require licensees to  
13 complete educational courses and training; establish  
14 requirements for parenteral therapy; and adopt, amend  
15 or repeal any other rules necessary to fully  
16 effectuate the purpose of this chapter;

17           (3) Develop standards for licensure;

18           (4) Issue, renew, suspend, and revoke licenses and fine  
19 licensees;

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

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

1        (7) Annually establish and publish a naturopathic  
2        formulary that has been approved by the board for  
3        prescription, administration, or dispensing by  
4        naturopathic physicians; and

5        [~~(7)~~] (8) Do all things necessary to carry out the  
6        functions, powers, and duties set forth in this  
7        chapter."

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

10        **"§455-8 License to practice; biennial registration.**

11        Licenses to practice [~~naturopathy~~] naturopathic medicine shall  
12        be issued by the board to those who qualify according to this  
13        chapter. Naturopathic physicians licensed under this chapter  
14        shall observe and be subject to all state requirements relative  
15        to reporting births and all matters pertaining to the public  
16        health with equal rights and obligations as physicians,  
17        surgeons, and practitioners of other schools of medicine. These  
18        equal rights shall apply to all matters of public health,  
19        including the performance of medical examinations and  
20        evaluations. Every licensee shall renew the licensee's license  
21        on or before December 31 of each odd-numbered year. Failure to  
22        renew the license on or before December 31 of each odd-numbered

1 year shall automatically constitute a forfeiture of the license;  
2 provided that the license shall be restored upon written  
3 application therefor together with payment of the renewal fee,  
4 all delinquent fees, and a penalty fee."

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

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

1 a civil action brought by the attorney general or the department  
2 on behalf of the State."

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

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

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

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

1           within thirty days after the disciplinary action  
2           becomes final;  
3       (15) Using the title "physician" without clearly  
4           identifying oneself as being a naturopathic physician;  
5           ~~[and]~~  
6       (16) Prescribing medications not approved by the board; and  
7       ~~[(16)]~~ (17) Violation of any ~~[provisions]~~ provision of this  
8           chapter or rules adopted under this chapter."

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

- 11       (1) "Board of examiners in naturopathy" or like terms,  
12           with "board of naturopathic medicine" or like terms;  
13           and  
14       (2) "Naturopathy" or like terms, with "naturopathic  
15           medicine" or like terms; as those terms appear in the  
16           Hawaii Revised Statutes.

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

19       SECTION 13. This Act shall take effect upon approval;  
20 provided that sections 1, 2, and 3 shall take effect on  
21 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 naturopathic physicians to obtain Federal Drug Enforcement Administration registration; authorizes temporary license to licensed out-of-state naturopathic physicians in a declared public health emergency. (SD2)