

JAN 22 2010

A BILL FOR AN ACT

RELATING TO NATUROPATHIC MEDICINE.

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

1 SECTION 1. Section 455-1, Hawaii Revised Statutes, is
2 amended by amending the definitions of "common diagnostic
3 procedures" and "naturopathic medicine" to read as follows:

4 "Common diagnostic procedures" means the use of
5 venipuncture consistent with the practice of naturopathic
6 medicine, commonly used diagnostic modalities consistent with
7 naturopathic practice, taking of health history, physical
8 examination, radiography, and laboratory medicine [~~and~~
9 ~~obtaining samples of human tissue as authorized as a minor~~
10 ~~office procedure~~].

11 "Naturopathic medicine" means the practice of the art and
12 science of diagnosis, prevention, and treatment of disorders of
13 the body by support, stimulation, or both, of the natural
14 processes of the human body. The practice of naturopathic
15 medicine includes the prescription, administration, dispensing,
16 and use of nutrition and food science, physical modalities,
17 manual manipulation, [~~parenteral therapy, minor office~~
18 ~~procedures, naturopathic formulary,~~] hygiene and immunization,



1 contraceptive devices, common diagnostic procedures, and
2 behavioral medicine of the type taught in education and training
3 at naturopathic medical colleges [~~; provided that the use of~~
4 ~~parenteral therapy and performance of minor office procedures~~
5 ~~shall not be allowed until the board adopts rules in accordance~~
6 ~~with chapter 91 pursuant to section 455-6]."~~

7 SECTION 2. Section 455-6, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§455-6 Powers and authority of the board.** In addition to
10 any other powers and duties authorized by law, the board may:

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

13 (2) Adopt, amend, or repeal rules in accordance with
14 chapter 91 to carry out the purposes of this chapter;
15 provided that all rules shall be approved by the
16 governor and the director of commerce and consumer
17 affairs; and provided further that the rules:

18 (A) May forbid acts or practices deemed by the board
19 to be detrimental to the accomplishment of the
20 purpose of this chapter; and

21 (B) Shall establish standards of practice, care, and
22 ethics; [~~and~~



1 ~~(C) Shall establish the education and training~~
 2 ~~requirements for parenteral therapy and the~~
 3 ~~standards to administer parenteral therapy, and~~
 4 ~~establish examination standards and require the~~
 5 ~~passage of an examination on minor office~~
 6 ~~procedures, which standards and requirements~~
 7 ~~shall take effect after December 31, 2009;~~

- 8 (3) Develop standards for licensure;
- 9 (4) Issue, renew, suspend, and revoke licenses and fine
- 10 licensees;
- 11 (5) Investigate and conduct hearings regarding any
- 12 violation of this chapter and any rules of the board;
- 13 (6) Maintain a record of its proceedings; and

14 ~~[(7) Annually establish and publish a naturopathic~~
 15 ~~formulary that has been approved by the board for~~
 16 ~~prescription, administration, or dispensing by~~
 17 ~~naturopathic physicians; and~~

18 ~~(8)]~~ (7) Do all things necessary to carry out the
 19 functions, powers, and duties set forth in this
 20 chapter."

21 SECTION 3. Section 455-11, Hawaii Revised Statutes, is
 22 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 naturopathic medicine
4 applied for or issued by the board in accordance with this
5 chapter, and to fine or otherwise discipline a licensee for any
6 cause authorized by law, including but not limited to the
7 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 naturopathic medicine while the ability to
2 practice is impaired by alcohol, drug, physical
3 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 naturopathic
9 medicine;
- 10 (11) Conduct or practice contrary to recognized standard of
11 ethics of the naturopathic profession;
- 12 (12) Using medical service or treatment which is
13 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~~
5 ~~naturopathic formulary that are not included in the~~
6 ~~formulary established by the board under section 455-~~
7 ~~6, and~~
8 ~~(17)]~~ (16) Violation of any provision of this chapter or
9 rules adopted under this chapter."

10 SECTION 4. Section 455-1, Hawaii Revised Statutes, is
11 amended by deleting the definitions of "legend drug", "minor
12 office procedures", "naturopathic formulary", and "parenteral
13 therapy".

14 ~~["Legend drug" means any drug falling within section~~
15 ~~503(b)(1) of the federal Food, Drug and Cosmetic Act and which~~
16 ~~is required to be labeled with the statement "Rx only".~~

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



1 ~~"Naturopathic formulary" means vitamins, minerals, dietary~~
2 ~~supplements, botanical medicines, homeopathic medicines,~~
3 ~~hormones, and those legend drugs consistent with naturopathic~~
4 ~~medical practice.~~

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

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval.

12

INTRODUCED BY: Arnold V. Ige
(By Request)



Report Title:

Naturopathy; Medicine

Description:

Removes the authority of the board of naturopathic medicine to establish examination standards for minor office procedures and a naturopathic formulary.

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