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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 as follows:

3           1. By adding a new section to be appropriately designated  
4 and to read:

5           "§455-        Naturopathic formulary board. (a) The  
6 department shall establish a naturopathic formulary board that  
7 complies with the standards established by this section. The  
8 board shall consist of six members appointed by the director of  
9 commerce and consumer affairs, as follows:

10           (1) Two persons licensed as naturopathic physicians under  
11           this chapter;

12           (2) Two persons licensed as pharmacists under chapter 461;  
13           and

14           (3) Two persons licensed as physicians under chapter 453.

15           Each member shall serve until the member's successor is  
16 appointed and qualified. A majority of the members of the  
17 naturopathic formulary board shall be employed in at least a  
18 half-time capacity as practitioners in the fields of their



1 respective licensure during their tenure on the board. The  
2 members of the board may elect a chairperson and a vice-  
3 chairperson who shall each serve one year or until a successor  
4 is elected.

5 (b) The naturopathic formulary board shall establish a  
6 naturopathic formulary for the practice of naturopathic  
7 medicine; provided that the board shall develop standards for  
8 review that have been approved by a majority of the board prior  
9 to establishing a naturopathic formulary. The naturopathic  
10 formulary board shall meet at least once every two calendar  
11 years to review and update the naturopathic formulary.  
12 Naturopathic formularies established and updated pursuant to  
13 this subsection shall be consistent with naturopathic medical  
14 practice.

15 (c) The department shall establish rules and policies to  
16 govern the naturopathic formulary board."

17 2. By amending section 455-1 to read:

18 "**§455-1 Definitions.** As used in this chapter:

19 "Behavioral medicine" means therapy techniques including  
20 biofeedback, relaxation training, hypnosis, mindfulness-based  
21 stress reduction, and cognitive therapy.

22 "Board" means the board of naturopathic medicine.



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

8 "Department" means the department of commerce and consumer  
9 affairs.

10 "Diagnosis" means using all recognized and accepted  
11 physical and laboratory diagnostic procedures including the  
12 taking of blood for diagnostic purposes.

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

17 "Homeopathic" means minute doses of substances that have  
18 been highly diluted and shaken according to standardized  
19 pharmaceutical methods.

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



1       ~~["Legend drug" means any drug falling within section~~  
2       ~~503(b)(1) of the federal Food, Drug and Cosmetic Act and which~~  
3       ~~is required to be labeled with the statement "Rx only".]~~

4       "Manual manipulation" or "mechanotherapy" means  
5       manipulation of a part or the whole of the body by hand or  
6       mechanical means.

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

13      "Naturopathic formulary" means vitamins, minerals, dietary  
14      supplements, botanical medicines, homeopathic medicines, and  
15      hormones [~~, and these legend drugs~~] consistent with naturopathic  
16      medical practice.

17      "Naturopathic medicine" means the practice of the art and  
18      science of diagnosis, prevention, and treatment of disorders of  
19      the body by support, stimulation, or both, of the natural  
20      processes of the human body. The practice of naturopathic  
21      medicine includes the prescription, administration, dispensing,  
22      and use of nutrition and food science, physical modalities,



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

9 "Naturopathic physician" means a person who holds a current  
10 license issued under this chapter to practice naturopathic  
11 medicine.

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

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

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



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

6 3. By amending section 455-6 to read:

7 "**§455-6 Powers and authority of the board.** In addition to  
8 any other powers and duties authorized by law, the board may:

- 9 (1) Adopt and use a seal to be affixed to all official  
10 acts of the board;
- 11 (2) Adopt, amend, or repeal rules in accordance with  
12 chapter 91 to carry out the purposes of this chapter;  
13 provided that all rules shall be approved by the  
14 governor and the director of commerce and consumer  
15 affairs; and provided further that the rules:
- 16 (A) May forbid acts or practices deemed by the board  
17 to be detrimental to the accomplishment of the  
18 purpose of this chapter;
- 19 (B) Shall establish standards of practice, care, and  
20 ethics; and
- 21 (C) Shall establish the education and training  
22 requirements for parenteral therapy and the



1 standards to administer parenteral therapy, and  
2 establish examination standards and require the  
3 passage of an examination on minor office  
4 procedures, which standards and requirements  
5 shall take effect after December 31, 2009;

6 (3) Develop standards for licensure;

7 (4) Issue, renew, suspend, and revoke licenses and fine  
8 licensees;

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

11 (6) Maintain a record of its proceedings;

12 (7) [~~Annually establish and~~] Biannually publish a  
13 naturopathic formulary that has been established by  
14 the naturopathic formulary board as provided under  
15 section 455- and approved by the board for  
16 prescription, administration, or dispensing by  
17 naturopathic physicians; and

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

20 4. By amending subsection (a) in section 455-11 to read:

21 "(a) In addition to any other actions authorized by law,  
22 the board shall have the power to deny, revoke, suspend, or



1 refuse to renew any license to practice naturopathic medicine  
2 applied for or issued by the board in accordance with this  
3 chapter, and to fine or otherwise discipline a licensee for any  
4 cause authorized by law, including but not limited to the  
5 following:

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





- 1 (9) Procuring a license through fraud, misrepresentation,  
2 or deceit or knowingly permitting an unlicensed person  
3 to perform activities requiring a license;
- 4 (10) Professional misconduct or gross carelessness or  
5 manifest incapacity in the practice of naturopathic  
6 medicine;
- 7 (11) Conduct or practice contrary to recognized standard of  
8 ethics of the naturopathic profession;
- 9 (12) Using medical service or treatment which is  
10 inappropriate or unnecessary;
- 11 (13) Submitting to or filing with the board any notice,  
12 statement, or other document required under this  
13 chapter which is false or untrue or contains any  
14 material misstatement of fact;
- 15 (14) Failure to report to the board any disciplinary action  
16 taken against the licensee in another jurisdiction  
17 within thirty days after the disciplinary action  
18 becomes final;
- 19 (15) Using the title "physician" without clearly  
20 identifying oneself as being a naturopathic physician;
- 21 (16) Prescribing, administering, and dispensing  
22 naturopathic formulary that are not included in the



1           formulary [~~established~~] approved by the board under  
2           section 455-6; and

3           (17) Violation of any provision of this chapter or rules  
4           adopted under this chapter."

5           SECTION 2. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7           SECTION 3. This Act shall take effect on July 1, 2020.



**Report Title:**

Naturopathy; Medicine

**Description:**

Establishes a Naturopathic Formulary Board to create a naturopathic formulary for the Board of Naturopathic Medicine that will be updated and published every two years. Repeals provisions authorizing the use of "legend drugs" as a part of the practice of naturopathic medicine. Effective July 1, 2020. (HB2312 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

