

1 spiritual healing, lomi lomi massage, and hooponopono conflict
2 resolution.

3 "Traditional practitioner" means a person with knowledge,
4 skills, and experience in direct personal health care of
5 individuals based on native Hawaiian practices acquired through
6 direct, practical association with native Hawaiian elders and
7 oral traditions transmitted across generations.

8 § -2 **License required.** No person shall practice, offer
9 to practice, or advertise the practice of native Hawaiian
10 healing in this State, whether for compensation or otherwise,
11 without a valid license issued pursuant to this chapter.

12 § -3 **Scope of practice.** (a) The practice of native
13 Hawaiian healing shall include personal health care based on
14 traditional native Hawaiian practices that employ laau lapaau
15 herbal healing, laau kahea spiritual healing, lomi lomi massage,
16 and hooponopono conflict resolution.

17 (b) The practice of native Hawaiian healing pursuant to
18 this chapter shall not include the provision of treatment
19 modalities outside of traditional Hawaiian practices and for
20 which a separate license is required; provided that a person
21 licensed pursuant to this chapter shall not be required to hold
22 a license under chapter 452 in order to include lomi lomi



1 massage as an integrated component of the practice of native
2 Hawaiian healing.

3 § -4 **Physicians and osteopathic physicians not exempt.**

4 Persons licensed under chapter 453 who practice native Hawaiian
5 healing shall be subject to the requirements of this chapter.

6 § -5 **Examination required.** No person shall be licensed
7 under this chapter to practice native Hawaiian healing unless
8 that person has passed an examination and has been found to hold
9 the necessary qualifications as prescribed by this chapter and
10 by rules adopted by the board in accordance with chapter 91.

11 § -6 **Qualifications for examination.** Before any
12 applicant shall be eligible for examination under this chapter,
13 the applicant shall furnish satisfactory proof to the board that
14 the applicant has been awarded a bachelor's degree or higher
15 degree in Hawaiian studies or an equivalent degree, as
16 determined by the board pursuant to rules adopted under chapter
17 91, that includes an accredited course of study in native
18 Hawaiian healing from an accredited college or university.

19 § -7 **Board of native Hawaiian healing.** There shall be a
20 board of native Hawaiian healing consisting of five members
21 appointed by the governor pursuant to section 26-34 which shall
22 be attached to the department for administrative purposes only.



1 Of the board members, three shall be native Hawaiian healers
2 licensed under this chapter, and two shall be private citizens.

3 § -8 Powers and duties of the board. In addition to any
4 other powers and duties authorized by law, the board shall:

- 5 (1) Adopt rules in accordance with chapter 91 to carry out
6 the purposes of this chapter and to preserve the
7 health and safety of the public;
- 8 (2) Develop standards for licensure;
- 9 (3) Prepare, administer, and grade examinations; provided
10 that the board may contract with a testing agency for
11 these purposes;
- 12 (4) Issue, renew, restore, suspend, and revoke licenses
13 pursuant to the requirements of this chapter and the
14 rules of the board;
- 15 (5) Maintain a publicly-accessible registry of licensees
16 under this chapter;
- 17 (6) Investigate and conduct hearings pursuant to chapter
18 91 for purported violations of this chapter or the
19 rules of the board;
- 20 (7) Establish fees and fines as necessary to administer
21 this chapter; and



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

3 § -9 **Biennial renewal.** Every person holding a license
4 under this chapter shall register with the board and pay a
5 biennial fee on or before June 30 of each odd-numbered year.
6 Failure to pay the biennial fee shall constitute a forfeiture of
7 the license as of the date of expiration; provided that a
8 forfeited license may be restored within one year of its
9 expiration upon filing of an application and payment of a
10 restoration fee as prescribed by the board by rule.

11 § -10 **Revocation or suspension of licenses.** In addition
12 to any other actions authorized by law, the board may, after a
13 hearing conducted pursuant to the requirements of chapter 91,
14 revoke or suspend a license issued under this chapter for cause,
15 including but not limited to:

16 (1) Acceptance of a fee based on an assurance that a
17 manifestly incurable ailment can be permanently cured
18 by the licensee;

19 (2) The use of false, fraudulent, or deceptive
20 advertising, or untruthful and improbable statements;



- 1 (3) Habitual, unlawful use by a licensee of any habit
- 2 forming controlled substance, such as opium or any of
- 3 its derivatives, morphine, heroin, or cocaine;
- 4 (4) Procurement of a license through fraud,
- 5 misrepresentation, or deceit;
- 6 (5) Professional misconduct, gross carelessness, or
- 7 manifest incapacity in the practice of native Hawaiian
- 8 healing; or
- 9 (6) Violation of any provision of this chapter or rules
- 10 adopted pursuant to this chapter.

11 § -11 **Penalty.** (a) Any person except a person licensed
12 under this chapter who:

- 13 (1) Practices or attempts to practice native Hawaiian
- 14 healing;
- 15 (2) Treats any person for any mental or physical ailment
- 16 through native Hawaiian healing;
- 17 (3) Instructs another person in any aspect of native
- 18 Hawaiian healing;
- 19 (4) Uses any word or title in English or Hawaiian to
- 20 create the appearance or induce the belief that the
- 21 person is licensed under this chapter;



1 (5) Buys, sells, or fraudulently obtains a diploma,
2 license, or certification to practice native Hawaiian
3 healing, whether recorded or not; or

4 (6) Otherwise violates this chapter,
5 shall be guilty of a misdemeanor and shall be subject to a fine
6 of not less than \$50 nor more than \$1,000 for each violation.

7 (b) In addition to the penalties prescribed by subsection
8 (a), the department may pursue all legal and equitable remedies
9 available to it, including injunctive relief, to enforce this
10 chapter.

11 § -12 **Traditional practitioners exempt.** This chapter
12 shall not apply to traditional practitioners; provided that a
13 traditional practitioner shall not state, advertise, or publicly
14 or privately represent that the traditional practitioner holds a
15 license under this chapter or has met the requirements for
16 licensure under this chapter."

17 SECTION 2. This Act shall take effect on July 1, 2011;
18 provided that the requirement for licensure established by
19 section -2, Hawaii Revised Statutes, and the requirement for
20



H.B. NO. 1618

1 examination established by section -5, Hawaii Revised
2 Statutes, shall take effect on July 1, 2012.

3

INTRODUCED BY:



JAN 26 2011



Report Title:

Native Hawaiian Healers

Description:

Creates requirements for licensure of native Hawaiian healers;
Creates Board of Native Hawaiian Healing to be administratively
attached to the Department of Commerce and Consumer Affairs.

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

