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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. Section 455-1, Hawaii Revised Statutes, is  
2 amended as follows:

3           1. By amending the definitions of "common diagnostic  
4 procedures" and "naturopathic medicine" to read:

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

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



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

8       2. By deleting the definitions of "legend drug", "minor  
9 office procedures", "naturopathic formulary", and "parenteral  
10 therapy":

11       [~~"Legend drug" means any drug falling within section~~  
12 ~~503(b)(1) of the federal Food, Drug and Cosmetic Act and which~~  
13 ~~is required to be labeled with the statement "Rx only".~~

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

20       ~~"Naturopathic formulary" means vitamins, minerals, dietary~~  
21 ~~supplements, botanical medicines, homeopathic medicines,~~



1 ~~hormones, and these legend drugs consistent with naturopathic~~  
2 ~~medical practice.~~

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

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~~



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

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

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

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

SECTION 3. Section 455-11, Hawaii Revised Statutes, is 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~~] that 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~~] that is false or untrue or contains  
17          any 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;



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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. Statutory material to be repealed is bracketed  
 11 and stricken. New statutory material is underscored.

12           SECTION 5. This Act shall take effect upon its approval.

13

INTRODUCED BY: 

JAN 21 2011



**Report Title:**

Naturopathy; Medicine

**Description:**

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

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