
A BILL FOR AN ACT

RELATING TO NATUROPATHIC PHYSICIANS.

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

- 1 SECTION 1. Chapter 455, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:
- 4 "§455-A Prescription privileges. (a) In order to qualify
5 for prescription privileges, each naturopathic physician shall:
- 6 (1) Complete fifteen hours of continuing medical education
7 in pharmacology annually, proof of which shall be
8 submitted to the board; and
- 9 (2) Maintain a collegial relationship with a prescribing
10 physician licensed under chapter 453, who shall:
- 11 (A) Perform a quarterly review of the list of
12 naturopathic formulary items that have been
13 prescribed by the naturopathic physician pursuant
14 to section 455-B; and
- 15 (B) Address any concerns with naturopathic formulary
16 and amounts prescribed with the prescribing
17 naturopathic physician and the board.



1 For the purposes of this section, "collegial relationship"
2 means a professional relationship intended to foster cooperation
3 and collaboration in integrative care.

4 (b) No naturopathic physician shall prescribe items other
5 than items under categories 1 to 7 of the naturopathic formulary
6 effective August 9, 2013, and as may be subsequently amended,
7 which categories are as follows:

8 (1) All non-prescription and prescription vitamins,
9 minerals, nutritional supplements, dietary
10 supplements, botanical medicines, homeopathic
11 medicines, and all biological substances including
12 extracts or their products and residues;

13 (2) All hormones, with the exception of those that are
14 controlled substances;

15 (3) Antibiotics;

16 (4) Pain control agents;

17 (5) Dermatologicals;

18 (6) Ophthalmic agents; and

19 (7) Otic agents.

20 **§455-B Prescription data.** (a) Each naturopathic
21 physician shall submit a monthly report to the board that lists
22 the type and number of each prescription of naturopathic



1 formulary prescribed by that naturopathic physician during the
2 preceding month.

3 (b) The board shall provide to the legislature an annual
4 report of prescription data required pursuant to subsection (a)
5 by December 1, 2015, and by December 1 of every year
6 thereafter."

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;

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;
- 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[+], except as provided in
18 section 455-A(b); and
- 19 (8) Do all things necessary to carry out the functions,
20 powers, and duties set forth in this 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 (16) Prescribing, administering, and dispensing
- 4 naturopathic formulary in violation of section 455-A;
- 5 ~~[(16)]~~ (17) Prescribing, administering, and dispensing
- 6 naturopathic formulary that are not included in the
- 7 formulary established by the board under section
- 8 455-6; and
- 9 ~~[(17)]~~ (18) Violation of any provision of this chapter or
- 10 rules adopted under this chapter."

11 SECTION 4. In codifying the new sections added by section
 12 1 of this Act, the revisor of statutes shall substitute
 13 appropriate section numbers for the letters used in designating
 14 the new sections in this Act.

15 SECTION 5. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2014, and
 18 shall be repealed on June 30, 2016; provided that sections 455-6
 19 and 455-11, Hawaii Revised Statutes, shall be reenacted in the
 20 form in which they read on the day prior to the effective date
 21 of this Act.



Report Title:

Naturopathic Medicine; Naturopathic Physicians; Prescription Privileges

Description:

Requires naturopathic physicians to qualify for prescription privileges by: (1) completing fifteen hours of pharmacology continuing medical education annually; and (2) maintaining a collegial relationship with a prescribing physician licensed under chapter 453. Restricts naturopathic physicians to prescribe only items under categories 1-7 of the naturopathic formulary effective August 9, 2013, and as may be subsequently amended. Requires naturopathic physicians to provide a monthly report to the board of naturopathic medicine with a list of the type and number of each prescription of naturopathic formulary prescribed. Requires the board of naturopathic medicine to annually report prescription data to the legislature. Repeals 6/30/2016. (SD1)

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