

STAND. COM. REP. NO. **2530**

Honolulu, Hawaii

**FEB 27 2014**

RE: S.B. No. 2577  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2577, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO NATUROPATHIC PHYSICIANS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require naturopathic physicians to qualify for prescription privileges by completing fifteen hours of pharmacology continuing medical education annually and maintaining a collegial relationship with a prescribing physician licensed under chapter 453, Hawaii Revised Statutes;
- (2) Restrict naturopathic physicians to prescribe only items under categories 1-7 of the naturopathic formulary effective August 9, 2013, and as may be subsequently amended;
- (3) Require naturopathic physicians to provide a monthly report to the Board of Naturopathic Medicine that lists the type and number of each prescription of naturopathic formulary prescribed; and
- (4) Require the Board of Naturopathic Medicine to annually report prescription data to the Legislature.



Your Committee received testimony in support of this measure from the Hawaii Medical Association. Your Committee received testimony in opposition to this measure from the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs, Board of Naturopathic Medicine, and several hundred individuals.

Your Committee finds that this measure requires naturopathic physicians to maintain a collegial relationship with a prescribing physician prior to qualifying for prescription privileges. However, the Board of Naturopathic Medicine indicated in testimony that all naturopathic physicians are qualified to prescribe from the naturopathic formulary without a collegial relationship with a medical doctor. Your Committee further finds that although naturopathic physicians prefer to choose natural therapies, naturopathic physicians are also trained to use pharmaceutical drugs when it is in the best interest of the patient.

Your Committee also finds that this measure restricts naturopathic physicians to prescribe only certain items of the naturopathic formulary. However, the Board of Naturopathic Medicine developed the naturopathic formulary in concert with other states that have a long history of naturopathic physician prescribing rights and a good safety record. Your Committee additionally finds that the Board of Naturopathic Medicine has indicated that it is not aware of any complaints pertaining to patient harm due to prescribing from the naturopathic formulary.

Your Committee has heard testimony that the Board of Naturopathic Medicine does not require continuing education based on a 1987 report from the State Auditor, which found such continuing education requirements to be unnecessary. Your Committee notes that although continuing education for naturopathic physicians may not have been appropriate at the time, almost thirty years have passed since the State Auditor's report. Because the field of health care is rapidly expanding and evolving, the State is now asking all health care licensees to keep up with continuing education requirements.

Although amendments are necessary to remove language that narrows naturopathic physicians' prescription privileges, restricts the naturopathic formulary, and requires reports related to prescriptions by naturopathic physicians, your Committee concludes that it is appropriate for naturopathic physicians to comply with continuing education requirements as a condition of



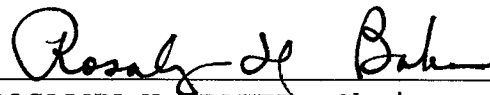
licensure, similar to other licensed health care professionals in the State.

Accordingly, your Committee has amended this measure by deleting its contents and inserting language that:

- (1) Adds a definition of "continuing education courses" to chapter 455, Hawaii Revised Statutes;
- (2) Requires naturopathic physicians to complete a minimum of thirty-five hours of continuing education courses, including a minimum of fifteen hours of pharmacology, during each licensing renewal biennium, beginning December 31, 2017;
- (3) Specifies that first time naturopathic physician licensees are exempt from the continuing education requirement for their first license renewal;
- (4) Specifies requirements for proof of compliance with the continuing education requirements;
- (5) Clarifies the disciplinary powers of the Board of Naturopathic Medicine regarding compliance with continuing education; and
- (6) Inserts an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2577, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2577, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,

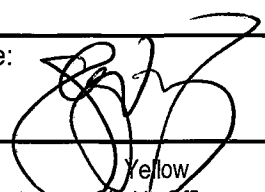


ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

|   |   |                                       |                                  |         |
|---|---|---------------------------------------|----------------------------------|---------|
| Bill / Resolution No.:*   | Committee Referral:   | Date:                                 |                                  |         |
| SB 2577, SD1  | HCH, CPN  | 2/20/14                               |                                  |         |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____ |   |                                       |                                  |         |
| The Recommendation is:  |   |                                       |                                  |         |
| <input type="checkbox"/> Pass, unamended<br>2312  | <input checked="" type="checkbox"/> Pass, with amendments<br>2311 | <input type="checkbox"/> Hold<br>2310 |                                  |         |
| <input type="checkbox"/> Recommit<br>2313   |   |                                       |                                  |         |
| Members   | Aye   | Aye (WR)                              | Nay                              | Excused |
| BAKER, Rosalyn H. (C)   | ✓   |                                       |                                  |         |
| TANIGUCHI, Brian T. (VC)  |   |                                       |                                  | ✓       |
| NISHIHARA, Clarence K.  | ✓   |                                       |                                  |         |
| WAKAI, Glenn  | ✓   |                                       |                                  |         |
| SLOM, Sam   |   | ✓                                     |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
|   |   |                                       |                                  |         |
| <b>TOTAL</b>  | 3   | 1                                     | 0                                | 1       |
| Recommendation:   |   |                                       |                                  |         |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted  |   |                                       |                                  |         |
| Chair's or Designee's Signature:  |   |                                       |                                  |         |
|    |   |                                       |                                  |         |
| Distribution:   |   |                                       |                                  |         |
| Original<br>File with Committee Report  | Yellow<br>Clerk's Office  | Pink<br>Drafting Agency               | Goldenrod<br>Committee File Copy |         |

\*Only one measure per Record of Votes