
A BILL FOR AN ACT

RELATING TO NATUROPATHIC MEDICINE.

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

1 SECTION 1. The legislature finds that naturopathic
2 physicians provide skilled and quality care to patients
3 throughout the State. Naturopathic physicians also work to
4 promote integrated health care, such as the use and application
5 of hormone therapy. Although naturopathic physicians in Hawaii
6 have limited prescriptive authority, they are unable to
7 prescribe controlled substances. For instance, testosterone is
8 an example of a controlled substance that is consistent with the
9 practice of naturopathic medicine but is omitted from the drug
10 formulary from which naturopathic physicians may prescribe in
11 Hawaii.

12 The legislature further finds that naturopathic physicians
13 are known for their expertise in bio-identical hormone
14 replacement therapy, including the use of estrogens,
15 progesterone, and testosterone. The legislature also finds that
16 licensed naturopathic physicians in Hawaii should have
17 prescriptive authority for testosterone, as it is a controlled



1 substance that is consistent with the practice of naturopathic
2 medicine. The legislature notes that the prescription of
3 certain other controlled substances, such as narcotic drugs, are
4 not considered consistent with naturopathic practice and should
5 not be included in the naturopathic formulary. The legislature
6 also notes that controlled substances have been included in the
7 prescriptive authority for naturopathic physicians in other
8 states, such as Arizona, California, Oregon, and Washington.

9 The purpose of this Act is to authorize a naturopathic
10 physician to prescribe testosterone consistent with naturopathic
11 medical practice.

12 SECTION 2. Chapter 455, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§455- Testosterone; authorization. Subject to any
16 requirements imposed by the department of public safety and the
17 federal Drug Enforcement Administration, a naturopathic
18 physician may register with the department of public safety
19 pursuant to section 329-32 and may obtain a current federal Drug
20 Enforcement Administration registration to prescribe and
21 administer testosterone."



1 SECTION 3. Section 329-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "practitioner" to read as
3 follows:

4 "Practitioner" means:

5 (1) A physician, dentist, veterinarian, scientific
6 investigator, or other person licensed and registered
7 under section 329-32 to distribute, dispense, or
8 conduct research with respect to a controlled
9 substance in the course of professional practice or
10 research in this State;

11 (2) An advanced practice registered nurse with
12 prescriptive authority licensed and registered under
13 section 329-32 to prescribe and administer controlled
14 substances in the course of professional practice in
15 this State; [and]

16 (3) A pharmacy, hospital, or other institution licensed,
17 registered, or otherwise permitted to distribute,
18 dispense, conduct research with respect to or to
19 administer a controlled substance in the course of
20 professional practice or research in this State[-];
21 and



(4) A naturopathic physician licensed pursuant to chapter 455 who is licensed and registered, under section 329-32 to prescribe and administer testosterone in the course of professional practice in this State."

SECTION 4. Chapter 455-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

"Testosterone" means the schedule III drug identified in section 329-18(g)(24)."

2. By amending the definition of "naturopathic formulary" to read:

"Naturopathic formulary" means vitamins, minerals, dietary supplements, botanical medicines, homeopathic medicines, hormones, and those legend drugs and testosterone consistent with naturopathic medical practice[-]; provided that the naturopathic formulary shall not include any narcotic drugs or controlled substances, as defined in section 329-1, except as provided in this chapter."

SECTION 5. 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) Failing to meet or maintain the conditions and
9 requirements necessary to qualify for the issuance of
10 a license;
- 11 (2) Procuring, or aiding or abetting in procuring, a
12 criminal abortion;
- 13 (3) Employing any person to solicit patients;
- 14 (4) Obtaining a fee on the assurance that a manifestly
15 incurable disease can be permanently cured;
- 16 (5) Betraying a patient's confidence;
- 17 (6) Making any untruthful and improbable statement in
18 advertising one's naturopathic practice or business;
- 19 (7) False, fraudulent, or deceptive advertising;
- 20 (8) Being habituated to the excessive use of drugs or
21 alcohol; or being addicted to, dependent on, or an



- 1 habitual user of a narcotic, barbiturate, amphetamine,
2 hallucinogen, or other drug having similar effects;
- 3 (9) Practicing naturopathic medicine while the ability to
4 practice is impaired by alcohol, drug, physical
5 disability, or mental instability;
- 6 (10) Procuring a license through fraud, misrepresentation,
7 or deceit or knowingly permitting an unlicensed person
8 to perform activities requiring a license;
- 9 (11) Professional misconduct or gross carelessness or
10 manifest incapacity in the practice of naturopathic
11 medicine;
- 12 (12) Conduct or practice contrary to recognized standard of
13 ethics of the naturopathic profession;
- 14 (13) Using medical service or treatment [~~which~~] that is
15 inappropriate or unnecessary;
- 16 (14) Submitting to or filing with the board any notice,
17 statement, or other document required under this
18 chapter [~~which~~] that is false or untrue or contains
19 any material misstatement of fact, including any false
20 certification of compliance with the continuing
21 education requirement specified under section 455-8;



(15) Failure to report to the board any disciplinary action taken against the licensee in another jurisdiction within thirty days after the disciplinary action becomes final;

(16) Using the title "physician" without clearly identifying oneself as being a naturopathic physician;

(17) Prescribing, administering, and dispensing naturopathic formulary that are not included in the formulary established by the board under section 455-6; ~~and~~

(18) Violation of chapter 329, the uniform controlled substances act, or any rule adopted thereunder, except as provided in section 329-122; and

~~[(18)]~~ (19) Violation of any provision of this chapter or rules adopted under this chapter."

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

SECTION 7. This Act shall take effect on July 1, 3000.



Report Title:

Naturopathic Physicians; Testosterone; Naturopathic Formulary

Description:

Authorizes a naturopathic physician to prescribe testosterone consistent with naturopathic medical practice. Clarifies that narcotic drugs shall not be included within the naturopathic formulary. Authorizes the Board of Naturopathic Medicine to discipline a naturopathic physician for violation of the Uniform Controlled Substances Act. (HB1949 HD2)

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