

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO ACUPUNCTURE.

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

1           SECTION 1. The legislature finds that many statutes  
2 concerning the practice of acupuncture in the State have not  
3 been updated in over twenty years. To strengthen and modernize  
4 the acupuncture industry in the State to best serve patients  
5 with various conditions, existing law must be updated to  
6 accurately reflect the profession's modalities. Therefore, the  
7 purpose of this Act is to amend and update certain statutes  
8 concerning the practice of acupuncture.

9           SECTION 2. Section 436E-1, Hawaii Revised Statutes, is  
10 amended to read as follows:

11           "~~{~~§436E-1~~}~~ Declaration of necessity for regulation and  
12 control. The legislature hereby finds and declares that the  
13 practice of acupuncture is a ~~[theory and method for]~~ medical  
14 treatment system supported by evidence-based medicine and  
15 evidence-informed practice. Acupuncture is used in the  
16 treatment of illness ~~[and]~~, disability, and ~~[for strengthening~~  
17 ~~and invigorating the body]~~ the prevention of disease, and as



1 such affects the public health, safety, and welfare, and  
2 therefore there is a necessity that individuals practicing  
3 acupuncture be subject to regulation and control."

4 SECTION 3. Section 436E-2, Hawaii Revised Statutes, is  
5 amended by amending the definition of "practice of acupuncture"  
6 to read as follows:

7 "Practice of acupuncture" means stimulation of a certain  
8 acupuncture point or points or areas on the [~~human body for the~~  
9 ~~purpose of controlling and regulating~~] patient to restore and  
10 regulate the flow and balance of energy [~~in the body.~~] and  
11 homeostasis in the patient. The practice of acupuncture  
12 includes [~~the~~] examination, diagnosis, and treatment using  
13 techniques of piercing the skin by inserting needles and point  
14 stimulation by the use of acupressure, electrical, mechanical,  
15 thermal, moxibustion, cupping, or traditional therapeutic  
16 means."

17 SECTION 4. Section 436E-5, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "~~§436E-5~~ **Qualifications for** [~~examination.~~] licensure. (a)  
20 No person shall be licensed to practice acupuncture unless the  
21 person has [~~passed an examination and has~~] been found to have



1 the necessary qualifications as prescribed in the rules adopted  
2 by the board pursuant to chapter 91.

3 (b) Examinations and educational requirements shall be  
4 managed, verified, and administered by the National  
5 Certification Commission for Acupuncture and Oriental Medicine  
6 in accordance with standards adopted by the Accreditation  
7 Commission for Acupuncture and Oriental Medicine, or their  
8 successor entities.

9 ~~[(b) Prior to September 1, 2000, and except as provided in~~  
10 ~~subsection (c), before]~~ (c) Before any applicant shall be  
11 eligible for ~~[the examination,]~~ licensure, the applicant shall  
12 furnish satisfactory proof to the board that the applicant has  
13 received ~~[a total of not less than one thousand five hundred~~  
14 ~~hours of]~~ education and training consisting of:

15 (1) A formal program in the science of acupuncture  
16 (traditional oriental medicine) at an institute or  
17 school approved by the board that:

18 (A) Shall be for a period of hours or years not less  
19 than ~~[two academic years (not less than six~~  
20 ~~hundred hours);]~~ standards acceptable by the  
21 board; and



1 (B) Shall result in the award of a [~~certificate or~~]  
2 diploma; and

3 (2) One clinical year in a clinical internship program  
4 (not less than twelve months and not less than nine  
5 hundred hours) supervised by a licensed acupuncturist;  
6 provided that the nine hundred hours of the clinical  
7 internship program may be obtained from the institute  
8 or school awarding the [~~certificate or~~] diploma [~~or~~]  
9 and may not be obtained under the supervision of a  
10 licensed acupuncturist not affiliated with an  
11 institute or school.

12 [~~(c) Students who started training prior to December 31,~~  
13 ~~1984, in a school approved by the board prior to December 31,~~  
14 ~~1984, and who complete their training by December 31, 1989, and~~  
15 ~~who file an application with the board before September 1, 2000~~  
16 ~~shall:~~

17 ~~(1) Not lose their rights of continued education, and~~  
18 ~~earned or accumulated credits; and~~

19 ~~(2) For the purposes of this chapter, meet requirements~~  
20 ~~for examination and licensure as provided in chapter~~  
21 ~~436D and rules adopted by the board as they existed on~~



1           ~~December 31, 1984, provided that the school has not~~  
2           ~~altered its program so as to lower the standards for~~  
3           ~~completion of the program. These students may qualify~~  
4           ~~for examination if they submit evidence of having~~  
5           ~~completed.~~

6           ~~(A) At least eighteen months (not less than five~~  
7           ~~hundred seventy six hours) of academic training,~~  
8           ~~and~~

9           ~~(B) At least six months (not less than four hundred~~  
10           ~~eighty hours) of clinical training in the~~  
11           ~~practice of acupuncture on human subjects under~~  
12           ~~the supervision of a licensed acupuncturist.~~

13           ~~(d) Notwithstanding subsections (b) and (c), effective~~  
14           ~~September 1, 2000, before any applicant shall be eligible to~~  
15           ~~take the licensing examination, the applicant shall furnish~~  
16           ~~satisfactory proof to the board that the applicant has completed~~  
17           ~~a formal acupuncture program and has received a total of at~~  
18           ~~least two thousand, one hundred seventy five hours of academic~~  
19           ~~and clinical training consisting of an academic program of at~~  
20           ~~least one thousand, five hundred fifteen hours in the science of~~  
21           ~~acupuncture (traditional oriental medicine) and a clinical~~



1 ~~training program of at least six hundred sixty hours under the~~  
2 ~~supervision of a licensed acupuncturist, which shall result in~~  
3 ~~the award of a certificate or diploma. For applicants who~~  
4 ~~graduated from an institute, school, or college located in the~~  
5 ~~United States or any territory under the jurisdiction of the~~  
6 ~~United States, the institute, school, or college shall be~~  
7 ~~accredited or recognized as a candidate for accreditation by any~~  
8 ~~acupuncture or oriental medicine accrediting body recognized by~~  
9 ~~the United States Department of Education. For applicants who~~  
10 ~~graduated from a foreign institute, school, or college with a~~  
11 ~~formal program in the science of acupuncture, the applicant, at~~  
12 ~~the applicant's own expense, shall have the applicant's~~  
13 ~~transcripts and curriculum evaluated by a board approved and~~  
14 ~~designated professional evaluator who shall make a determination~~  
15 ~~whether the transcripts and curriculum are at least equivalent~~  
16 ~~to that of the United States accredited acupuncture program, and~~  
17 ~~that the foreign institute is licensed, approved, or accredited~~  
18 ~~by the appropriate governmental authority or an agency~~  
19 ~~recognized by a governmental authority in the respective foreign~~  
20 ~~jurisdiction and whose curriculum is approved by the board.] "~~



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on July 1, 2020.

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INTRODUCED BY: Ronald H. Baker

*[Handwritten signature]*



# S.B. NO. 2544

**Report Title:**

Acupuncture; Board of Acupuncture; Scope of Practice; Licensure

**Description:**

Clarifies and updates the scope of practice and licensure requirements for acupuncture practitioners.

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

