

ACT 42

H.B. NO. 3305

A Bill for an Act Relating to the Licensing of Osteopaths.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 460, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§460- Limited and temporary licenses. The board may issue a limited and temporary license to an applicant who is otherwise qualified to be examined upon determination that the applicant has been appointed to an internship that meets the requirements of section 460-6(2); provided that no disciplinary actions or proceedings are pending against the applicant in any state or territory. The applicant’s practice shall be limited to duties as a resident or as directed by the program of training while at the hospital. The license shall be valid for one year and may be renewed from year to year during the period of residency.”

SECTION 2. Section 460-4, Hawaii Revised Statutes, is amended to read as follows:

“§460-4 Board; appointment, powers, and duties. The governor shall appoint a board of osteopathic examiners, consisting of five persons, three of whom shall be osteopathic physicians and surgeons licensed under the laws of this State and two of whom shall be public members. As used in this chapter, “board” means the board of osteopathic examiners.

[The board shall examine all applicants for licenses to practice as osteopathic physicians and surgeons. In lieu of the board’s written examination, the board will accept the examination of the National Board of Osteopathic Medical Examiners with scores deemed satisfactory by the board and who otherwise meets the requirements of the laws of this State. The board, in its discretion, may accept the federation licensing examination (FLEX) in lieu of its own examination.] Subject to chapter 91 and with the approval of the governor and the director of commerce and consumer affairs, the board may adopt, amend, and repeal all necessary rules relating to the enforcement of this chapter and not inconsistent therewith.”

SECTION 3. Section 460-6, Hawaii Revised Statutes, is amended to read as follows:

“§460-6 Application [for license.] and licensure. [Each applicant for a

license provided for in this chapter shall comply with the following requirements:

- (1) Apply on a form prescribed by the board of osteopathic examiners;
- (2) Submit evidence verified on oath and satisfactory to the board that the applicant is a graduate of a school or college of osteopathy which is approved by the American Osteopathic Association; and
- (3) Submit satisfactory evidence to the board that the applicant has served an internship of at least one year in a hospital approved by the American Osteopathic Association and the American College of Osteopathic Surgeons, or in a hospital approved by the American Medical Association, or the equivalent of the requirement as determined by the board if the applicant graduated prior to 1943.]

Before any applicant shall be eligible for licensure, the applicant shall be found to possess the necessary qualifications and submit evidence satisfactory to the board that:

- (1) The applicant is a graduate of a school or college of osteopathy which is approved by the American Osteopathic Association;
- (2) The applicant has served an internship of at least one year in a hospital approved by the American Osteopathic Association and the American College of Osteopathic Surgeons, or in a hospital approved by the American Medical Association, or the equivalent of the requirement as determined by the board if the applicant graduated prior to 1943; and
- (3) The applicant has passed the National Board of Osteopathic Medical Examiners examination (NBOME), or the Federation Licensing Examination (FLEX), or the United States Medical Licensing Examination (USMLE), or a combination of parts of the FLEX and USMLE as approved by the board, with scores deemed satisfactory by the board."

SECTION 4. Section 460-9, Hawaii Revised Statutes, is amended to read as follows:

"§460-9 Foreign license. (a) The board [of osteopathic examiners, in its discretion, may issue a license, without examination,] may issue a license to a practitioner who has been licensed in any country, state, territory, or province; provided the requirements for a license in the country, state, territory, or province in which the applicant is licensed, are deemed by the board [of osteopathic examiners to have been practically] to be equivalent to the requirements for a license in force in this State at the date of the license. The applicant shall also satisfy the requirements of section 460-6(3).

[(b) The board, in its discretion, may accept the examination of the National Board of Osteopathic Medical Examiners in lieu of its own examination and may issue a license to an applicant presenting a certificate from the National Board of Osteopathic Medical Examiners upon the basis of the examination of the national board; provided the applicant otherwise meets the requirements of the laws of this State.

(c)] (b) The board, in its discretion, may issue a license, without examination, to an osteopathic physician and surgeon who is a graduate of an approved osteopathic college in good standing and who has passed an examination for admission into the medical corps of the United States Army, Navy, or Public Health Service.

[(d) The board, in its discretion, may accept the federation licensing examination (FLEX).

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(e) The application and license fees for the licenses shall be paid to the board at the time of application. In case the application is not approved by the board the license fee shall be returned to the applicant.]”

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

SECTION 6. This Act shall take effect upon its approval.

(Approved April 28, 1994.)

Note

1. Edited pursuant to HRS §23G-16.5.