

JAN 23 2009

A BILL FOR AN ACT

RELATING TO NATUROPATHIC MEDICINE.

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

1 SECTION 1. Chapter 455, Hawaii Revised Statutes, is
2 amended by adding four new sections to be appropriately
3 designated and to read as follows:

4 "§455- Parenteral therapy. (a) A naturopathic
5 physician may use parenteral therapy that is consistent with the
6 common practice of naturopathic medicine; provided that the
7 naturopathic physician administering the parenteral therapy
8 shall:

9 (1) Submit to the board evidence of training in parenteral
10 therapy that is acceptable to the board; and
11 (2) Have received board approval to administer parenteral
12 therapy, prior to the administration of the parenteral
13 therapy.

14 (b) The board shall require parenteral training to
15 include, at a minimum:

16 (1) At least sixteen hours of instruction from an approved
17 school, pursuant to this section, or training course



1 approved by the board, equivalent to that offered by
2 an approved school. An approved training course shall
3 have been taught by a validly licensed doctor of
4 naturopathy, doctor of medicine, or doctor of
5 osteopathy. The board may require further
6 qualifications for an instructor;

7 (2) Indications;

8 (3) Contraindications;

9 (4) Formularies;

10 (5) Emergency protocols;

11 (6) Osmolarity calculation;

12 (7) Aseptic technique; and

13 (8) Proper documentation.

14 (c) The naturopathic physician shall retain training
15 documentation for at least five years from the date of
16 attestation.

17 (d) All naturopathic physicians who administer parenteral
18 therapy shall have a written plan that is easily accessible in
19 their office describing procedures to safely manage adverse
20 events including sensitivity, allergy, overdose, and other
21 unintended reactions to parenteral therapy.



1 §455- Controlled substances; authorization. A

2 naturopathic physician may obtain a current Federal Drug
3 Enforcement Administration registration.

4 §455- Public health emergency; temporary and limited
5 license for licensed out-of-state naturopathic physicians. (a)

6 If a public health emergency or disaster condition is declared
7 by the governor, the board shall allow naturopathic physicians
8 licensed in another state to provide temporary and limited
9 naturopathic medicine in Hawaii under special provisions during
10 the period of the declared public health emergency or disaster
11 condition, subject to limitations and conditions as the governor
12 and the board may prescribe.

13 (b) A limited and temporary license issued pursuant to
14 this section shall be valid only for the period of the declared
15 public health emergency or disaster condition.

16 (c) Out-of-state naturopathic physicians shall submit to
17 the board the following information:

18 (1) Verification of a valid, permanent, current, and
19 unrestricted license to practice naturopathic medicine
20 in another state which is not the subject of a pending
21 investigation by a state medical board, or another
22 state or federal agency; and



1 (2) A valid federal passport or state issued driver's
2 license for photo identification.

3 §455- Exceptions; scope of chapter. (a) Nothing in
4 this chapter shall be construed to prohibit or restrict:

5 (1) The practice of a profession by individuals who are
6 licensed, certified, or registered under the laws of
7 this State who are performing services within their
8 authorized scope of practice;

9 (2) The practice of naturopathic medicine by an individual
10 employed by the government of the United States while
11 the individual is engaged in the performance of duties
12 prescribed for the individual by the laws and
13 regulations of the United States;

14 (3) The practice of naturopathic medicine by students
15 enrolled in a school approved by the board. The
16 performance of services shall be pursuant to a course
17 of instruction or assignments from an instructor and
18 under the supervision of the instructor. The
19 instructor shall be a naturopathic physician licensed
20 pursuant to this chapter; and

21 (4) The practice by a doctor of naturopathic medicine duly
22 registered or licensed in another state, territory, or



1 the District of Columbia when incidentally called into
2 this State for consultation with a licensed
3 naturopathic physician, including in-person, mail,
4 electronic, telephonic, fiber-optic, or other
5 telemedicine consultation; provided that:

6 (A) The naturopathic physician from another state
7 shall not open an office, or appoint a place to
8 meet patients in this State, or receive calls
9 within the limits of the State for the provision
10 of care for a patient who is located in this
11 State; and

12 (B) The licensed naturopathic physician of this State
13 retains control and remains responsible for the
14 provision of care for the patient who is located
15 in this State.

16 (b) This chapter does not restrict or apply to the scope
17 of practice of any other profession licensed, certified, or
18 registered under the laws of this State."

19 SECTION 2. Chapter 455, Hawaii Revised Statutes, is
20 amended by amending its title to read as follows:

21 " ~~[NATUROPATHY]~~ NATUROPATHIC MEDICINE "



1 SECTION 3. Section 455-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§455-1 Definitions. As used in this chapter:

4 "Behavioral medicine" means therapy techniques including
5 biofeedback, relaxation training, hypnosis, mindfulness-based
6 stress reduction, and cognitive therapy.

7 "Board" means the board of [~~examiners in naturopathy.~~]
8 naturopathic medicine.

9 "Common diagnostic procedures" means the use of
10 venipuncture consistent with the practice of naturopathic
11 medicine, commonly used diagnostic modalities consistent with
12 naturopathic practice, taking of health history, physical
13 examination, radiography, laboratory medicine, and obtaining
14 samples of human tissue as authorized as a minor office
15 procedure.

16 "Controlled substance" means a scheduled drug as defined in
17 section 329-1.

18 "Department" means the department of commerce and consumer
19 affairs.

20 "Diagnosis" means using all recognized and accepted
21 physical and laboratory diagnostic procedures including the
22 taking of blood for diagnostic purposes.



1 "Disaster condition" means a sudden catastrophic event that
2 overwhelms natural order and causes loss of property or life and
3 exceeds or disrupts the capabilities of available medical
4 resources to receive and provide medical care within a
5 community.

6 "Homeopathic" means minute doses of [~~natural medicine.~~]
7 substances that have been highly diluted and shaken according to
8 standardized pharmaceutical methods.

9 "Hygiene and immunization" means the use of preventative
10 techniques including personal hygiene, asepsis, public health,
11 and, to the extent allowed by rule, immunizations.

12 "Legend drug" means any drug defined in section 503(b) of
13 the federal Food, Drug and Cosmetic Act and under which
14 definition its label is required to bear the statement "RX
15 only".

16 "Manual manipulation" or "mechanotherapy" means
17 manipulation of a part or the whole of the body by hand or
18 mechanical means.

19 "Minor office procedures" means care and procedures
20 relative to superficial lacerations, lesions and abrasions, and
21 the removal of foreign bodies located in superficial structures,
22 not to include the eye; and the topical and parenteral use of



1 substances consistent with the practice of naturopathic
2 medicine, in accordance with rules established by the board.

3 ~~["Natural medicine" encompasses substances of botanical,~~
4 ~~mineral, and animal origin, homeopathic preparations thereof,~~
5 ~~and substances whose natural state has been improved by any~~
6 ~~process that does not substantially alter the molecular~~
7 ~~structure found in nature, including vitamins, minerals, and~~
8 ~~amino acids, excluding prescription drugs, with the following~~
9 ~~exceptions: vitamins, minerals, amino acids, and fatty acids.]~~

10 "Naturopathic formulary" means vitamins, minerals, dietary
11 supplements, botanical medicines, homeopathic medicines,
12 hormones, and those legend drugs and controlled substances
13 consistent with naturopathic medical practice in accordance with
14 rules established by the board.

15 "Naturopathic medicine" means the practice of the art and
16 science of diagnosis, prevention, and treatment of disorders of
17 the body by support, stimulation or both, of the natural
18 processes of the human body by naturopathic physicians. The
19 practice of naturopathic medicine includes the prescription,
20 administration, dispensing, and use of nutrition and food
21 science, physical modalities, manual manipulation, minor office
22 procedures, naturopathic formulary, hygiene and immunization,



1 contraceptive devices, common diagnostic procedures, and
2 behavioral medicine of the type taught in education and training
3 at naturopathic medical colleges.

4 "Naturopathic physician" means a person who holds a current
5 license issued under this chapter to practice [naturopathy.]
6 naturopathic medicine.

7 [~~"Naturopathy" means the practice of:~~

- 8 ~~(1) Natural medicine, natural therapeutics, and natural~~
9 ~~procedures, for the purpose of removing toxic~~
10 ~~conditions from the body and improving the quality,~~
11 ~~quantity, harmony, balance, and flow of the vital~~
12 ~~fluids, vital tissues, and vital energy; and~~
- 13 ~~(2) Diagnosing, treating, and caring for patients using a~~
14 ~~system of practice that bases its treatment of~~
15 ~~physiological functions and abnormal conditions on~~
16 ~~natural laws governing the human body: utilizing~~
17 ~~physiological, psychological, and mechanical methods,~~
18 ~~such as air, water, light, sunshine, heat and cold,~~
19 ~~earth, phytotherapy, physiotherapy, mechano therapy,~~
20 ~~naturopathic corrections and manipulation, and natural~~
21 ~~methods or modalities, together with natural or~~
22 ~~homeopathic medicines, natural foods, and herbs, and~~



1 ~~nature's remedies of the type taught in education and~~
2 ~~training at naturopathic medical colleges. The~~
3 ~~practice of naturopathy excludes surgery, application~~
4 ~~of x-rays, and prescribing, dispensing, or using~~
5 ~~prescription drugs except as provided for in the~~
6 ~~definition of natural medicine.]~~

7 "Nutrition and food science" means the prevention and
8 treatment of disease or other human conditions through the use
9 of diet.

10 "Parenteral therapy" means the administration of substances
11 by means other than through the gastrointestinal tract,
12 including intravenous, subcutaneous and intramuscular injection.

13 "Physical modalities" means use of physical, chemical,
14 electrical, and other modalities, including but not limited to
15 heat, cold, air, light, including lasers, water in any of its
16 forms, sound, massage, and therapeutic exercise.

17 "Radiography" means the ordering of all radiographic
18 diagnostic and other imaging studies, including the taking and
19 interpretation of standard radiographs."

20 SECTION 4. Section 455-2, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) Any person desiring to practice [~~natureopathy~~]
2 naturopathic medicine shall be licensed under this chapter. To
3 obtain a license under this chapter, a person shall submit a
4 completed application prescribed by the board, provide the
5 information required under this chapter, rules of the board, and
6 other applicable laws and rules, and pay a nonrefundable
7 application fee and other fees provided in rules adopted by the
8 director in accordance with chapter 91."

9 SECTION 5. Section 455-3, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§455-3 Education requirements.** Each applicant shall be a
12 graduate of a school, university, or college of [~~natureopathy~~]
13 naturopathic medicine that has received candidacy status with,
14 or has been accredited by, a regional or a national accrediting
15 body recognized by the United States Department of Education;
16 provided that any applicant who graduated from a college of
17 [~~natureopathy~~] naturopathic medicine prior to 1987 shall be
18 deemed qualified if the college was approved by the board prior
19 to 1987 and has been accredited by a regional or national
20 accrediting body recognized by the United States Department of
21 Education."



1 SECTION 6. Section 455-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§455-4 State board of [~~examiners in naturopathy.~~]
4 naturopathic medicine. The governor shall appoint the board of
5 [~~examiners in naturopathy,~~] naturopathic medicine, consisting of
6 five members. Each member shall serve until the member's
7 successor is appointed and qualified. Three members of the
8 board, before appointment, shall have been licensed as a
9 naturopathic physician in the State and two shall be public
10 members. The members of the board may elect a chairperson and a
11 vice-chairperson who shall each serve one year or until a
12 successor is elected."

13 SECTION 7. Section 455-6, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§455-6 Powers and authority of the board. In addition to
16 any other powers and duties authorized by law, the board may:

- 17 (1) Adopt and use a seal to be affixed to all official
18 acts of the board;
- 19 (2) Adopt, amend, or repeal rules in accordance with
20 chapter 91 to carry out the purposes of this chapter;
- 21 (3) Develop standards for licensure;



- 1 (4) Issue, renew, suspend, and revoke licenses and fine
- 2 licensees;
- 3 (5) Investigate and conduct hearings regarding any
- 4 violation of this chapter and any rules of the board;
- 5 (6) Maintain a record of its proceedings; [and]
- 6 (7) Annually publish a list of medications that have been
- 7 approved by the board that may be prescribed,
- 8 administered, or dispensed by naturopathic physicians;
- 9 and
- 10 [~~7~~] (8) Do all things necessary to carry out the
- 11 functions, powers, and duties set forth in this
- 12 chapter."

13 SECTION 8. Section 455-8, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§455-8 License to practice; biennial registration.**
16 Licenses to practice [~~naturopathy~~] naturopathic medicine shall
17 be issued by the board to those who qualify according to this
18 chapter. Naturopathic physicians licensed under this chapter
19 shall observe and be subject to all state requirements relative
20 to reporting births and all matters pertaining to the public
21 health with equal rights and obligations as physicians,
22 surgeons, and practitioners of other schools of medicine. These



1 equal rights shall apply to all matters of public health,
2 including the performance of medical examinations and
3 evaluations. Every licensee shall renew the licensee's license
4 on or before December 31 of each odd-numbered year. Failure to
5 renew the license on or before December 31 of each odd-numbered
6 year shall automatically constitute a forfeiture of license;
7 provided that the license shall be restored upon written
8 application therefor together with payment of the renewal fee,
9 all delinquent fees, and a penalty fee."

10 SECTION 9. Section 455-9, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§455-9 Penalty. Any person except a licensed
13 naturopathic physician who practices, attempts to practice, or
14 advertises the practice of [~~natureopathy,~~] naturopathic medicine,
15 or any person who buys, sells, or fraudulently obtains any
16 diploma or license to practice [~~natureopathy~~] naturopathic
17 medicine whether recorded or not, or any person who uses the
18 title "natureopath", "naturopath", "doctor of naturopathy,
19 "doctor of naturopathic medicine," "naturopathic healthcare,
20 "naturopathic physician," "naturopathic medicine,
21 "naturopathy," "naturopathic doctor," or "N.D.", or any word or
22 title to induce the belief that the person is engaged in the



1 practice of [~~naturopathy~~] naturopathic medicine without
2 complying with this chapter, or any person who violates this
3 chapter, shall be fined a sum of not less than \$500 nor more
4 than \$10,000 for each violation, which sum shall be collected in
5 a civil action brought by the attorney general or the department
6 on behalf of the State."

7 SECTION 10. Section 455-11, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) In addition to any other actions authorized by law,
10 the board shall have the power to deny, revoke, suspend, or
11 refuse to renew any license to practice [~~naturopathy~~]
12 naturopathic medicine applied for or issued by the board in
13 accordance with this chapter, and to fine or otherwise
14 discipline a licensee for any cause authorized by law, including
15 but not limited to the following:

- 16 (1) Procuring, or aiding or abetting in procuring, a
17 criminal abortion;
- 18 (2) Employing any person to solicit patients;
- 19 (3) Obtaining a fee on the assurance that a manifestly
20 incurable disease can be permanently cured;
- 21 (4) Betraying a patient's confidence;



- 1 (5) Making any untruthful and improbable statement in
- 2 advertising one's naturopathic practice or business;
- 3 (6) False, fraudulent, or deceptive advertising;
- 4 (7) Being habituated to the excessive use of drugs or
- 5 alcohol; or being addicted to, dependent on, or an
- 6 habitual user of a narcotic, barbiturate, amphetamine,
- 7 hallucinogen, or other drug having similar effects;
- 8 (8) Practicing [~~naturo~~pathy] naturopathic medicine while
- 9 the ability to practice is impaired by alcohol, drug,
- 10 physical disability, or mental instability;
- 11 (9) Procuring a license through fraud, misrepresentation,
- 12 or deceit or knowingly permitting an unlicensed person
- 13 to perform activities requiring a license;
- 14 (10) Professional misconduct or gross carelessness or
- 15 manifest incapacity in the practice of [~~naturo~~pathy,]
- 16 naturopathic medicine;
- 17 (11) Conduct or practice contrary to recognized standard of
- 18 ethics of the naturopathic profession;
- 19 (12) Utilizing medical service or treatment which is
- 20 inappropriate or unnecessary;
- 21 (13) Submitting to or filing with the board any notice,
- 22 statement, or other document required under this



- 1 chapter which is false or untrue or contains any
2 material misstatement of fact;
- 3 (14) Failure to report to the board any disciplinary action
4 taken against the licensee in another jurisdiction
5 within thirty days after the disciplinary action
6 becomes final;
- 7 (15) Using the title "physician" without clearly
8 identifying oneself as being a naturopathic physician;
9 and
- 10 (16) Violation of any provisions of this chapter or rules
11 adopted under this chapter."

12 SECTION 11. The revisor of statutes shall replace the
13 terms:

- 14 (1) "Board of examiners in naturopathy" or like terms,
15 with "board of naturopathic medicine" or like terms;
16 and
- 17 (2) "Naturopathy" or like terms, with "naturopathic
18 medicine" or like terms; as those terms appear in the
19 Hawaii Revised Statutes.

20 SECTION 12. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22



1 SECTION 13. This Act shall take effect upon its approval.

2

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Report Title:

Naturopathic Medicine; Naturopathy; Parenteral Therapy

Description:

Amends the title of the chapter regulating naturopathy to "naturopathic medicine"; defines "naturopathic medicine"; authorizes naturopathic physicians to administer parenteral therapy; authorizes naturopathic physicians to obtain Federal Drug Enforcement Administration registration; authorizes temporary license to licensed out-of-state naturopathic physicians in a declared public health emergency.

