

JAN 19 2018

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 some prescriptive authority, they are unable to prescribe
7 controlled substances. For instance, testosterone is an example
8 of a controlled substance that is consistent with the practice
9 of naturopathic medicine, but is prohibited from being
10 prescribed by naturopathic physicians in Hawaii.

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



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

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

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

14 "§455- Testosterone; authorization. Subject to any
15 requirements imposed by the department of public safety and the
16 federal Drug Enforcement Administration, a naturopathic
17 physician may register with the department of public safety
18 pursuant to section 329-33 and may obtain a current Federal Drug
19 Enforcement Administration registration to prescribe and
20 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

1 (4) A naturopathic physician licensed pursuant to chapter
2 455 who is licensed and registered to prescribe and
3 administer testosterone in the course of professional
4 practice in this State."

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

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

9 "Testosterone" means a schedule III drug as classified in
10 section 329-18."

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

13 "Naturopathic formulary" means vitamins, minerals, dietary
14 supplements, botanical medicines, homeopathic medicines,
15 hormones, and those legend drugs and testosterone consistent
16 with naturopathic medical practice[-]; provided that the
17 naturopathic formulary shall not include any narcotic drugs, as
18 defined in section 329-1."

19 SECTION 5. Section 455-11, Hawaii Revised Statutes, is
20 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 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 is false or untrue or contains any
19 material misstatement of fact, including any false
20 certification of compliance with the continuing
21 education requirement specified under section 455-8;



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

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

7 (17) Prescribing, administering, and dispensing
 8 naturopathic formulary that are not included in the
 9 formulary established by the board under section 455-
 10 6; [and]

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

14 [~~(18)~~] (19) Violation of any provision of this chapter or
 15 rules adopted under this chapter."

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

18 SECTION 7. This Act shall take effect on July 1, 2018.

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S.B. NO. 2299

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Report Title:

Naturopathic Physicians; Testosterone; Naturopathic Formulary;
Prescriptive Authority

Description:

Authorizes a naturopathic physician to prescribe and administer testosterone that is consistent with naturopathic medical practice. Clarifies that narcotic drugs shall not be included within the naturopathic formulary.

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