A BILL FOR AN ACT

RELATING TO ACUPUNCTURE.

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

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

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

"§436E-1 Declaration of necessity for regulation and control. The legislature hereby finds and declares that the practice of acupuncture is a medical treatment system supported by evidence-based medicine and evidence-informed practice. Acupuncture is used in the treatment of illness and disability and for strengthening and invigorating the body, the prevention of disease, and as
such affects the public health, safety, and welfare, and therefore there is a necessity that individuals practicing acupuncture be subject to regulation and control."

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

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

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

"§436E-5 Qualifications for [examination:] licensure. (a) No person shall be licensed to practice acupuncture unless the person has [passed an examination and has] been found to have
the necessary qualifications as prescribed in the rules adopted
by the board pursuant to chapter 91.

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

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

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

(A) Shall be for a period of hours or years not less
than [two academic years (not less than six
hundred hours)] standards acceptable by the
board; and
(B) Shall result in the award of a [certificate or]
diploma; and

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

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

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

(2) For the purposes of this chapter, meet requirements
for examination and licensure as provided in chapter
436D and rules adopted by the board as they existed on
December 31, 1984; provided that the school has not
altered its program so as to lower the standards for
completion of the program. These students may qualify
for examination if they submit evidence of having
completed:

(A) At least eighteen months (not less than five
hundred seventy-six hours) of academic training;
and

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

(d) Notwithstanding subsections (b) and (c), effective
September 1, 2000, before any applicant shall be eligible to
take the licensing examination, the applicant shall furnish
satisfactory proof to the board that the applicant has completed
a formal acupuncture program and has received a total of at
least two thousand, one hundred seventy-five hours of academic
and clinical training consisting of an academic program of at
least one thousand, five hundred fifteen hours in the science of
acupuncture (traditional oriental medicine) and a clinical
training program of at least six hundred sixty hours under the
supervision of a licensed acupuncturist, which shall result in
the award of a certificate or diploma. For applicants who
graduated from an institute, school, or college located in the
United States or any territory under the jurisdiction of the
United States, the institute, school, or college shall be
accredited or recognized as a candidate for accreditation by any
acupuncture or oriental medicine accrediting body recognized by
the United States Department of Education. For applicants who
graduated from a foreign institute, school, or college with a
formal program in the science of acupuncture, the applicant, at
the applicant's own expense, shall have the applicant's
transcripts and curriculum evaluated by a board approved and
designated professional evaluator who shall make a determination
whether the transcripts and curriculum are at least equivalent
to that of the United States accredited acupuncture program, and
that the foreign institute is licensed, approved, or accredited
by the appropriate governmental authority or an agency
recognized by a governmental authority in the respective foreign
country and whose curriculum is approved by the board.
SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

INTRODUCED BY: [Signature]

[Signature]
Report Title:
Acupuncture; Board of Acupuncture; Scope of Practice; Licensure

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

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