

JAN 20 2023

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 the regulation of
2 medical professionals is important to ensure public safety and
3 promote access to quality care. Acupuncture is one of the
4 fastest growing fields in American health care due to expanded
5 benefits under health insurance policies and medicare and is a
6 popular treatment among patients seeking an alternative to
7 prescription opioids and those with other medical conditions.
8 The legislature further finds that a number of state laws
9 regarding acupuncturists have not been updated in over twenty
10 years, despite the growing demand for acupuncturists, changes to
11 standards for national certifications, and expanded accredited
12 educational programs, which now include master's and doctoral
13 level degrees.

14 Accordingly, the purpose of this Act is to make
15 comprehensive updates to chapter 436E, Hawaii Revised Statutes,
16 regarding acupuncture practitioners, to reflect modernized
17 scopes of practice and licensing requirements.



1 SECTION 2. Chapter 436E, Hawaii Revised Statutes, is
2 amended by adding three new sections to be appropriately
3 designated and to read as follows:

4 "§436E-A Requirements for initial licensure. (a) To
5 qualify for licensure after July 1, 2023, an applicant shall
6 submit evidence satisfactory to the board that the applicant
7 meets the following educational and examination requirements:

8 (1) An individual applying for initial licensure shall
9 have successfully completed an acupuncture medicine
10 program from an accredited acupuncture medicine
11 institution; provided that those applicants who
12 graduated with an earned master's degree may apply to
13 the board for the "L.Ac." license designation, and
14 those applicants who graduated with an earned
15 doctorate degree may apply to the board for the
16 "D.Ac." license designation; and

17 (2) All applicants for initial licensure shall pass
18 examinations and be certified by the National
19 Certification Commission for Acupuncture and Oriental
20 Medicine, or its successor entity.



1 (b) Applicants who have earned a bachelor's, master's, or
2 doctoral degree from a foreign university or college shall
3 demonstrate curricula and standards equivalent to or higher than
4 accredited acupuncture medicine institutions in the United
5 States, which have been recognized and approved by the board.
6 The board may contract with a third-party agency to determine
7 equivalency, at cost to the applicant.

8 **§436E-B Legacy exemptions.** Any current acupuncture
9 licensees in the State as of July 1, 2023, shall be designated
10 legacy status by the board for their current license
11 designation, allowing for the practice of acupuncture medicine.
12 If a license that was issued before July 1, 2023, lapses and is
13 not restored within two years of its expiration date, the
14 licensee shall be subject to the licensure requirements pursuant
15 to section 436E-A.

16 **§436E-C Reciprocity.** (a) The board may issue a license
17 by reciprocity if the applicant:

18 (1) Files an application and pays fees as prescribed by
19 the board;

20 (2) Holds a current, unencumbered, active license pursuant
21 to the laws of any state or territory of the United



1 States with qualifications for licensure that are
2 equal to or exceed those of the State, as specified in
3 section 436E-A; and

4 (3) Holds a current certification with the National
5 Certification Commission for Acupuncture and Oriental
6 Medicine, or its successor entity.

7 (b) For applicants who graduated before September 1, 2000,
8 the board may issue a license by reciprocity if the applicant:

9 (1) Files an application and pays fees as prescribed by
10 the board;

11 (2) Holds a current, unencumbered, active license from any
12 state or territory of the United States; and

13 (3) Holds a current certification with the National
14 Certification Commission for Acupuncture and Oriental
15 Medicine, or its successor entity."

16 SECTION 3. Section 436E-1, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "~~§~~**436E-1**~~]~~ **Declaration of necessity for regulation and**
19 **control.** The legislature hereby finds and declares that
20 acupuncture medicine is an evidence-based medicine rooted in
21 traditional and modern modalities and that the practice of



1 acupuncture [~~is a theory and method for~~] medicine includes
2 examination, evaluation, diagnosis, and treatment of [illness
3 ~~and disability and for strengthening and invigorating the body~~
4 ~~and as such affects]~~ the patient, therefore requiring regulation
5 and control as an essential service for public health, safety,
6 and welfare[~~, and therefore there is a necessity that~~
7 ~~individuals practicing acupuncture be subject to regulation and~~
8 ~~control~~]."

9 SECTION 4. Section 436E-2, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By adding eight new definitions to be appropriately
12 inserted and to read:

13 ""Accredited acupuncture medicine institution" means a
14 school or college accredited or recognized as a candidate for
15 accreditation by an acupuncture medicine accrediting body
16 recognized by the United States Department of Education.

17 "Acupuncture" means the integrative examination,
18 evaluation, diagnosis, prevention, and treatment of a physical,
19 mental, or emotional disease in the patient by stimulating
20 tissue by puncturing with a needle approved by the United States



1 Food and Drug Administration to various depths or utilizing
2 other means to achieve a response.

3 "Acupuncture medicine" means the evidence-based medicine
4 rooted in traditional theories and practices, integrated with
5 modern biomedical theories and practices.

6 "Acupuncture medicine doctor" means an acupuncture
7 practitioner engaged in the practice of advanced acupuncture
8 medicine.

9 "Licensed acupuncturist" or "L.Ac." means an acupuncture
10 practitioner who has complied with all educational and
11 professional examination requirements as determined by the board
12 and whose license remains in good standing with the board,
13 utilizing the license designation "L.Ac."

14 "Licensed doctor of acupuncture" or "D.Ac." means an
15 acupuncture medicine doctor who has complied with all
16 educational and professional examination requirements as
17 determined by the board and whose license remains in good
18 standing with the board, utilizing the license designation
19 "D.Ac."

20 "Practice of acupuncture medicine" means the practice of
21 acupuncture with adjunctive therapies, including but not limited



1 to manual, mechanical, electrical, light, sound,
2 electromagnetic, thermal therapy, herbal and nutraceutical
3 medicines, lifestyle and nutritional counseling, movement, and
4 other traditional and modern techniques as further determined by
5 rule.

6 "Practice of advanced acupuncture medicine" means the
7 practice of acupuncture medicine as further determined by rule."

8 2. By amending the definition of "acupuncture
9 practitioner" to read:

10 ""Acupuncture practitioner" means a person engaged in the
11 practice of acupuncture[+] medicine."

12 3. By repealing the definition of "practice of
13 acupuncture".

14 [~~"Practice of acupuncture" means stimulation of a certain~~
15 ~~acupuncture point or points on the human body for the purpose of~~
16 ~~controlling and regulating the flow and balance of energy in the~~
17 ~~body. The practice includes the techniques of piercing the skin~~
18 ~~by inserting needles and point stimulation by the use of~~
19 ~~acupressure, electrical, mechanical, thermal, or traditional~~
20 ~~therapeutic means."]~~



1 SECTION 5. Section 436E-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§436E-3 License or permit required.** Except as otherwise
4 provided by law, no person shall engage in the practice of
5 acupuncture medicine or practice of advanced acupuncture
6 medicine or use the title "acupuncturist" in [this] the State,
7 either gratuitously or for pay, [~~or shall offer to so practice,~~
8 ~~or shall announce themselves either publicly or privately as~~
9 ~~prepared or qualified to so practice any method of acupuncture]~~
10 without having [~~a valid unrevoked license or~~] an acupuncture
11 medicine intern permit [from the State, provided that the
12 requirement for a permit shall not be enforced until the board
13 has initially adopted rules] pursuant to section 436E-3.6[~~7~~] or
14 an L.Ac or D.Ac designation from the board."

15 SECTION 6. Section 436E-3.5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§436E-3.5 Physicians and osteopaths not exempt.** Persons
18 licensed under chapter 453 who desire to engage in the practice
19 of acupuncture medicine shall be subject to licensing under this
20 chapter."



1 SECTION 7. Section 436E-3.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~+~~§436E-3.6[~~+~~] **Acupuncture medicine intern permit**
4 **required.** [~~(a) Except as otherwise provided by law, no~~] No
5 person shall engage in the practice [~~as an~~] of acupuncture
6 medicine as an intern in this State, either gratuitously or for
7 pay, [~~without having first obtained a permit from the board.~~
8 ~~This permit shall entitle the applicant to engage in the~~
9 ~~practice of acupuncture for a period of four years under the~~
10 ~~immediate supervision of a licensed acupuncturist duly licensed~~
11 ~~under this chapter.~~
12 ~~(b) An acupuncture intern permit may be reissued once, for~~
13 ~~a period not to exceed one year, upon written request to the~~
14 ~~board and payment of the required fee.~~
15 ~~(c) The board shall adopt rules pursuant to chapter 91~~
16 ~~defining the functions of an acupuncture intern, establishing~~
17 ~~the requirements to be met by an applicant for an acupuncture~~
18 ~~intern permit, and specifying the procedures for the immediate~~
19 ~~supervision of the acupuncture intern by a licensed~~
20 ~~acupuncturist.] unless the person:~~



- 1 (1) Is actively enrolled in a program with an accredited
2 acupuncture medicine institution;
- 3 (2) Has obtained a permit from the board, which shall be
4 valid for four years and may be renewed once for a
5 period not to exceed one year; and
- 6 (3) Is practicing under the immediate supervision of an
7 acupuncture practitioner or acupuncture medicine
8 doctor who is licensed in the State and contracted
9 with or employed through an accredited acupuncture
10 medicine institution."

11 SECTION 8. Section 436E-6, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§436E-6 Board of acupuncture.** (a) There shall be a
14 board of acupuncture, the members of which shall be appointed by
15 the governor.

16 The board shall consist of five persons, two of whom shall
17 be private citizens and three shall be [~~acupuncturists licensed~~
18 ~~in accordance with this chapter.~~] licensed acupuncturists or
19 licensed doctors of acupuncture.

20 (b) [~~Commencing July 1, 1992, and thereafter, each~~] Each
21 person appointed to the board shall have a four-year term and



1 shall serve [~~not~~] no more than two consecutive terms. [~~Members~~
2 ~~appointed to the board prior to July 1, 1992, shall be permitted~~
3 ~~to continue to serve on the board until such time when a maximum~~
4 ~~of eight consecutive years from the date of initial appointment~~
5 ~~has been attained.]"~~

6 SECTION 9. Section 436E-9, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[~~+~~]**\$436E-9**[~~+~~] **Biennial renewal**[~~-~~]; continuing education.

9 (a) Every person holding a license under this chapter shall
10 register with the board and pay a biennial fee on or before
11 June 30 of each odd-numbered year. Failure to pay the biennial
12 fee shall constitute a forfeiture of the license as of the date
13 of expiration. Any license so forfeited may be restored within
14 [~~one year~~] two years after the expiration upon filing of an
15 application and payment of a restoration fee.

16 (b) Beginning with the renewal for the licensing biennium
17 commencing July 1, 2025, and every biennial renewal thereafter,
18 all licensees shall be in compliance with continuing education
19 requirements, as approved by the board, by obtaining an equal or
20 a greater number of hours than the minimum required under a
21 national standard, which shall include at least two credit hours



1 of ethics and at least two credit hours of safety, as determined
2 by rule. The board shall adopt rules relating to the
3 requirements and standards that continuing education programs
4 shall meet to obtain recognition and approval from the board.

5 (c) To determine compliance with the continuing education
6 requirement under subsection (b), the board may conduct a random
7 audit of licensees. A licensee selected for audit shall be
8 notified by the board. Within sixty days of notification, the
9 licensee shall provide the board documentation to verify
10 compliance with the continuing education requirements.

11 (d) Licensees shall hold a current and valid
12 cardiopulmonary resuscitation certification."

13 SECTION 10. Section 436E-10, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§436E-10 Revocation or suspension of licenses~~[-]~~;**
16 **penalties.** (a) In addition to any other actions authorized by
17 law, any license to engage in the practice of acupuncture
18 medicine or practice of advanced acupuncture medicine under this
19 chapter may be revoked or suspended by the board [~~of~~
20 ~~acupuncture~~] at any time in a proceeding before the board for



1 any cause authorized by law, including but not limited to the
2 following:

- 3 (1) Obtaining a fee on the assurance that a manifestly
4 incurable ailment can be permanently cured;
- 5 (2) The use of false, fraudulent, or deceptive advertising
6 and making untruthful and improbable statements;
- 7 (3) ~~[Habitually using]~~ Using any [habit-forming]
8 intoxicant or controlled substance~~[, such as opium or~~
9 ~~any of its derivatives, morphine, heroin, or cocaine,]~~
10 that impairs or compromises a licensee's duties, as
11 determined by rule;
- 12 (4) Procuring a license through fraud, misrepresentation,
13 or deceit;
- 14 (5) Professional misconduct ~~[or]~~, gross ~~[carelessness]~~
15 negligence, ethics violations, or manifest incapacity
16 ~~[in the practice of acupuncture,]~~ as determined by
17 rule; or
- 18 (6) Violating any rules adopted under this chapter.

19 (b) Any person who practices, treats, or instructs in any
20 phase of acupuncture medicine, or uses any word or title to
21 induce the belief that the person is engaged in the practice of



1 any type of acupuncture medicine, without a license or permit
2 issued by the board, shall be guilty of a misdemeanor and
3 subject to a fine of no less than \$1,000 for each day of
4 violation. The board may also seek all legal and equitable
5 remedies available to it for the enforcement of the provisions
6 of this chapter, including injunctive relief."

7 SECTION 11. Section 436E-5, Hawaii Revised Statutes, is
8 repealed.

9 [~~"§436E-5 Qualifications for examination. (a) No person~~
10 ~~shall be licensed to practice acupuncture unless the person has~~
11 ~~passed an examination and has been found to have the necessary~~
12 ~~qualifications as prescribed in the rules adopted by the board~~
13 ~~pursuant to chapter 91.~~

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



- 1 ~~(1) A formal program in the science of acupuncture~~
2 ~~(traditional oriental medicine) at an institute or~~
3 ~~school approved by the board that:~~
- 4 ~~(A) Shall be for a period of not less than two~~
5 ~~academic years (not less than six hundred hours);~~
6 ~~and~~
- 7 ~~(B) Shall result in the award of a certificate or~~
8 ~~diploma; and~~
- 9 ~~(2) One clinical year in a clinical internship program~~
10 ~~(not less than twelve months and not less than nine~~
11 ~~hundred hours) supervised by a licensed acupuncturist;~~
12 ~~provided that the nine hundred hours of the clinical~~
13 ~~internship program may be obtained from the institute~~
14 ~~or school awarding the certificate or diploma or may~~
15 ~~be obtained under the supervision of a licensed~~
16 ~~acupuncturist not affiliated with an institute or~~
17 ~~school.~~
- 18 ~~(c) Students who started training prior to December 31,~~
19 ~~1984, in a school approved by the board prior to December 31,~~
20 ~~1984, and who complete their training by December 31, 1989, and~~



1 ~~who file an application with the board before September 1, 2000~~
2 ~~shall:~~

- 3 ~~(1) Not lose their rights of continued education, and~~
4 ~~earned or accumulated credits; and~~
- 5 ~~(2) For the purposes of this chapter, meet requirements~~
6 ~~for examination and licensure as provided in chapter~~
7 ~~436D and rules adopted by the board as they existed on~~
8 ~~December 31, 1984; provided that the school has not~~
9 ~~altered its program so as to lower the standards for~~
10 ~~completion of the program. These students may qualify~~
11 ~~for examination if they submit evidence of having~~
12 ~~completed:~~

13 ~~(A) At least eighteen months (not less than five~~
14 ~~hundred seventy-six hours) of academic training,~~
15 ~~and~~

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

20 ~~(d) Notwithstanding subsections (b) and (c), effective~~
21 ~~September 1, 2000, before any applicant shall be eligible to~~



1 ~~take the licensing examination, the applicant shall furnish~~
2 ~~satisfactory proof to the board that the applicant has completed~~
3 ~~a formal acupuncture program and has received a total of at~~
4 ~~least two thousand, one hundred seventy-five hours of academic~~
5 ~~and clinical training consisting of an academic program of at~~
6 ~~least one thousand, five hundred fifteen hours in the science of~~
7 ~~acupuncture (traditional oriental medicine) and a clinical~~
8 ~~training program of at least six hundred sixty hours under the~~
9 ~~supervision of a licensed acupuncturist, which shall result in~~
10 ~~the award of a certificate or diploma. For applicants who~~
11 ~~graduated from an institute, school, or college located in the~~
12 ~~United States or any territory under the jurisdiction of the~~
13 ~~United States, the institute, school, or college shall be~~
14 ~~accredited or recognized as a candidate for accreditation by any~~
15 ~~acupuncture or oriental medicine accrediting body recognized by~~
16 ~~the United States Department of Education. For applicants who~~
17 ~~graduated from a foreign institute, school, or college with a~~
18 ~~formal program in the science of acupuncture, the applicant, at~~
19 ~~the applicant's own expense, shall have the applicant's~~
20 ~~transcripts and curriculum evaluated by a board approved and~~
21 ~~designated professional evaluator who shall make a determination~~



1 ~~whether the transcripts and curriculum are at least equivalent~~
2 ~~to that of the United States accredited acupuncture program, and~~
3 ~~that the foreign institute is licensed, approved, or accredited~~
4 ~~by the appropriate governmental authority or an agency~~
5 ~~recognized by a governmental authority in the respective foreign~~
6 ~~jurisdiction and whose curriculum is approved by the board."]~~

7 SECTION 12. Section 436E-12, Hawaii Revised Statutes, is
8 repealed.

9 ~~["**[S436E-12] Penalty.** (a) Any person except a person~~
10 ~~licensed under this chapter who practices, treats, or instructs~~
11 ~~in any phase of acupuncture without a license or permit issued~~
12 ~~by the board, or uses any word or title to induce the belief~~
13 ~~that they are engaged in the practice of any type of~~
14 ~~acupuncture, shall be guilty of a misdemeanor and subject to a~~
15 ~~fine of not less than \$50 nor more than \$1,000 for each~~
16 ~~violation.~~

17 ~~(b) Any person, except a licensed acupuncturist, who:~~
18 ~~(1) Practices or attempts to practice acupuncture;~~
19 ~~(2) Buys, sells, or fraudulently obtains any diploma or~~
20 ~~license to practice acupuncture whether recorded or~~
21 ~~not;~~



1 ~~(3) Uses the title "acupuncturist", "D.Ac." or "D.O.M." or~~
2 ~~any word or title to induce the belief that the person~~
3 ~~is engaged in the practice of acupuncture without~~
4 ~~complying with this chapter; or~~

5 ~~(4) Violates this chapter;~~
6 ~~shall be penalized as provided in subsection (a). The~~
7 ~~department may also seek all legal and equitable remedies~~
8 ~~available to it for the enforcement of the provisions of this~~
9 ~~chapter, including seeking injunctive relief."]~~

10 SECTION 13. Section 436E-13, Hawaii Revised Statutes, is
11 repealed.

12 ~~["**5436E-13 Use of titles.** (a) A licensee who has been~~
13 ~~awarded a license to practice acupuncture by the board in this~~
14 ~~State may use the title of "Licensed Acupuncturist" or~~
15 ~~designation "L.Ac." with the licensee's name in an advertisement~~
16 ~~for acupuncture or announce or append the designation to the~~
17 ~~licensee's name.~~

18 ~~(b) A licensee who has been awarded an earned doctoral~~
19 ~~degree may use the designation "Ph.D." in an advertisement for~~
20 ~~acupuncture or announce or append the designation to the~~
21 ~~licensee's name if the degree was granted from a university or~~



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1 ~~college recognized by a regional or national accrediting body~~
2 ~~recognized by the United States Department of Education. A~~
3 ~~Ph.D. recognized by the board under this subsection shall~~
4 ~~designate a nonpractitioner as opposed to a practitioner or~~
5 ~~"doctor" of acupuncture as provided in subsection (c).~~

6 ~~(c) A licensee who has been approved by the board to use~~
7 ~~the doctor of acupuncture title, may use the title "Doctor of~~
8 ~~Acupuncture" or designation of "D.Ac.", after the licensee's~~
9 ~~name, or the term "Doctor" or prefix "Dr." provided that the~~
10 ~~word "Acupuncturist" immediately follows the licensee's name if~~
11 ~~the term "Doctor", or the prefix "Dr." is used alone.~~

12 ~~(d) Before any licensee shall be eligible to use the~~
13 ~~doctor of acupuncture title, the licensee shall furnish~~
14 ~~satisfactory proof to the board that the licensee has been~~
15 ~~awarded an earned doctoral degree in acupuncture (traditional~~
16 ~~oriental medicine). For licensees who graduated from an~~
17 ~~institute, school, or college located in the United States or~~
18 ~~any territory under the jurisdiction of the United States, the~~
19 ~~institute, school, or college shall be accredited or recognized~~
20 ~~as a candidate for accreditation by a regional or national~~
21 ~~accrediting body that is recognized by the United States~~



1 ~~Department of Education for the accreditation or~~
2 ~~pre-accreditation ("candidacy") of professional post-graduate~~
3 ~~doctoral programs in acupuncture and oriental medicine. For~~
4 ~~licensees who graduated from a foreign institute, school, or~~
5 ~~college, the licensee, at the licensee's own expense, shall have~~
6 ~~the licensee's transcripts and curriculum evaluated by a board~~
7 ~~approved and designated professional evaluator who shall make a~~
8 ~~determination on whether the transcripts and curriculum are at~~
9 ~~least equivalent to the United States recognized doctoral~~
10 ~~program of study in acupuncture and oriental medicine, and that~~
11 ~~the foreign institute is licensed, approved, or accredited by~~
12 ~~the appropriate governmental authority or an agency recognized~~
13 ~~by a governmental authority in the respective foreign~~
14 ~~jurisdiction and whose curriculum is approved by the board.~~

15 ~~(c) Except as provided in this section, use of other~~
16 ~~titles, prefixes, or designations shall not be permitted."}]~~

17 SECTION 14. Section 436E-14, Hawaii Revised Statutes, is
18 repealed.

19 ~~["**[§436E-14] Foreign school curricula and standards.** The~~
20 ~~board of acupuncture shall not recognize and approve an earned~~
21 ~~doctoral degree from a foreign university or college whose~~



1 ~~curricula and standards are not equivalent to or higher than~~
2 ~~institutions in the United States which have been recognized and~~
3 ~~approved by the board in the study or practice of acupuncture."]~~

4 SECTION 15. In codifying the new sections added by section
5 2 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 16. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 17. This Act shall take effect on July 1, 2023.

11

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'J. J. J.', is written over a horizontal line.

S.B. NO. 946

Report Title:

Acupuncture; Acupuncture Practitioners; Acupuncture Medicine Doctors; Licensure; Continuing Education

Description:

Makes comprehensive updates to chapter 436E, Hawaii Revised Statutes, regarding acupuncture practitioners, to reflect modernized scopes of practice, titles, and licensing and renewal requirements. Beginning with the renewal for the licensing biennium commencing 7/1/2025, requires licensees to complete continuing education as determined by the board. Allows the board of acupuncture to issue licenses by reciprocity.

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

