

STAND. COM. REP. NO.

2928

Honolulu, Hawaii

MAR 30 2010

RE: S.R. No. 53
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.R. No. 53
entitled:

"SENATE RESOLUTION URGING THE BOARD OF NATUROPATHIC MEDICINE
TO MAKE RULES CONSISTENT WITH ACT 222, SPECIAL SESSION LAWS
OF HAWAII 2009, TO ALLOW NATUROPATHIC PHYSICIANS TO PERFORM
PARENTERAL THERAPY,"

begs leave to report as follows:

The purpose of this measure is to urge the Board of
Naturopathic Medicine (Board) to adopt administrative rules that
include education and training requirements for parenteral therapy
in accord with Act 22, Special Session Laws of Hawaii 2009, so
that naturopathic doctors may resume the practice of parenteral
therapy.

Your Committee received testimony in support of this measure
from one individual. Testimony in opposition to this measure was
submitted by the Board of Naturopathic Medicine. Testimony
commenting on this measure was submitted by the University of
Hawai'i John A. Burns School of Medicine and the Hawaii Medical
Association. Written testimony presented to the Committee may be
reviewed on the Legislature's website.

Your Committee finds that it was not the Legislature's intent
to prohibit naturopathic doctors from performing parenteral
therapy by passing Act 22, Special Session Laws of Hawaii 2009.
Your Committee notes that the delayed effective date of the
prohibition of parenteral therapy in Act 22 was intended to

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provide the Board with sufficient time to establish the necessary administrative rules to ensure uninterrupted parenteral care regimens by naturopathic doctors. The current interruption of ongoing health care to patients previously receiving legal parenteral therapy from licensed naturopaths was unnecessary.

Your Committee hopes that the Board of Naturopathic Medicine will remedy this situation by immediately adopting rules that grandfather parenteral therapy for all persons licensed under chapter 455, Hawaii Revised Statutes, prior to January 1, 2010. Your Committee further anticipates that the Board will speedily develop and pass administrative rules permitting naturopathic doctors to practice parenteral therapy thereby effecting the intent of Act 22, Special Session Laws of 2009.

Your Committee has amended this measure by:

- (1) Including more detailed background information of the history of parenteral therapy as practiced by naturopathic doctors in Hawaii and across the nation;
- (2) Noting that there have been no complaints or malpractice insurance claims filed regarding parenteral therapy provided by a naturopathic doctor in Hawaii or nationally;
- (3) Noting that licensing examinations for naturopathic doctors including parenteral therapeutics have previously been accepted by the State of Hawaii;
- (4) Referencing H.B. No. 1155, a bill previously passed by the Legislature but vetoed by the Governor which clarified that naturopathic physicians have the authority to administer natural medicines by injection, as an example of the legislature's intent to allow naturopathic doctors to perform parenteral therapy;
- (5) Explicitly referencing that the effective date of the section 3, Act 22, Hawaii Revised Statutes, regarding the prohibition of parenteral therapy by naturopathic doctors without governing administrative rules, was delayed until January 1, 2010, whereas the mandate to the Board to develop those administrative rules took effect immediately, demonstrating the Legislature's

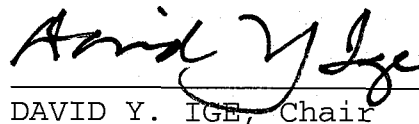


intent that there was to have been no break in parenteral therapy by naturopathic doctors; and

(6) Amending the title to correct an erroneous reference.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 53, as amended herein, and recommends that it be referred to the Committee on Commerce and Consumer Protection, in the form attached hereto as S.R. No. 53, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Health,



DAVID Y. IGE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SR 53</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">HTH, CPN</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">3-19-2010</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
GREEN, M.D., Josh (VC)				✓
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
HEMMINGS, Fred				✓
TOTAL	4	—	—	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">Rosalyn H. Baker</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes