

JAN 21 2022

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# 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 scopes  
17 of practice and licensing requirements.



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

**"§436E-A Requirements for new licensure applications. (a)**

To qualify for licensure after January 1, 2023, an applicant shall submit evidence satisfactory to the board that the applicant meets the following educational and examination requirements:

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

(2) All new applications shall pass examinations and be certified by the National Certification Commission for Acupuncture and Oriental 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 institutions in the United States, which have been  
5        recognized and approved by the board. The board may contract  
6        with a third-party agency to determine equivalency, at cost to  
7        the applicant.

8        §436E-B Legacy exemptions. Any current acupuncture  
9        licensees in the State as of January 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 January 1, 2023, lapses and  
13       is not restored within two years of its expiration date, the  
14       licensee will be subject to the new licensure requirements  
15       pursuant to section 436E-A."

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

18       "[~~f~~]§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 for public health, safety, and welfare[, and  
6 ~~therefore there is a necessity that individuals practicing~~  
7 ~~acupuncture be subject to regulation and control] ."~~

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

10 1. By adding five new definitions to be appropriately  
11 inserted and to read:

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

16 "Acupuncture medicine" means the evidence-based medicine  
17 rooted in traditional theories and practices, integrated with  
18 modern biomedical theories and practices.

19 "Acupuncture medicine physician" means an acupuncture  
20 practitioner engaged in the practice of advanced acupuncture  
21 medicine.



1       "Practice of advanced acupuncture medicine" means the  
2 practice of acupuncture medicine and the use of advanced  
3 diagnostics, specialties, and therapeutics, based on additional  
4 traditional and biomedical internal medicine training, as  
5 further determined by administrative rules.

6       "Practice of acupuncture medicine" means the practice of  
7 acupuncture with adjunctive therapies, including but not limited  
8 to manual, mechanical, electrical, light, sound,  
9 electromagnetic, thermal therapy, herbal and nutraceutical  
10 medicines, lifestyle and nutritional counseling, movement, and  
11 other traditional and modern techniques as further determined by  
12 administrative rules."

13       2. By amending the definition of "acupuncture  
14 practitioner" to read:

15       "Acupuncture practitioner" means a person engaged in the  
16 practice of acupuncture[-] medicine."

17       3. By amending the definition of "practice of acupuncture"  
18 to read:

19       ~~"Practice of acupuncture" means [stimulation of a certain~~  
20 ~~acupuncture point or points on the human body for the purpose of~~  
21 ~~controlling and regulating the flow and balance of energy in the~~



1 ~~body. The practice includes the techniques of piercing] the~~  
2 integrative examination, evaluation, diagnosis, prevention, and  
3 treatment of a physical, mental, or emotional disease in the  
4 patient by stimulating tissue by puncturing the skin [by  
5 ~~inserting needles and point stimulation by the use of~~  
6 ~~acupressure, electrical, mechanical, thermal, or traditional~~  
7 ~~therapeutic means.] with a needle approved by the United States~~  
8 Food and Drug Administration to various depths or utilizing  
9 other means to achieve a response."

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

12 "~~§436E-3 [License required.]~~ Licensure. Except as  
13 otherwise provided by law, no person shall practice acupuncture  
14 or acupuncture medicine or use the title "acupuncturist" in this  
15 State, either gratuitously or for pay, [or shall offer to so  
16 ~~practice, or shall announce themselves either publicly or~~  
17 ~~privately as prepared or qualified to so practice any method of~~  
18 ~~acupuncture] without having [a valid unrevoked license or] first~~  
19 obtained an acupuncture medicine intern permit [from the State,  
20 ~~provided that the requirement for a permit shall not be enforced~~  
21 ~~until the board has initially adopted rules] pursuant to section~~



1 436E-3.6[-] or either of the following license designations from  
2 the State:

3 (1) "Licensed acupuncturist" is an acupuncture  
4 practitioner who has complied with all educational and  
5 professional examination requirements as determined by  
6 the board and whose license remains in good standing  
7 with the board, utilizing the license designation  
8 "L.Ac."; or

9 (2) "Licensed doctor of acupuncture" is an acupuncture  
10 medicine physician who has complied with all  
11 educational and professional examination requirements  
12 as determined by the board and whose license remains  
13 in good standing with the board, utilizing the license  
14 designation "D.Ac.". "

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 practice acupuncture or**  
19 **acupuncture medicine shall be subject to licensing under this**  
20 **chapter."**



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

"[~~§~~436E-3.6[~~§~~] Acupuncture medicine intern permit required. [~~(a) Except as otherwise provided by law, no~~] No person shall practice [~~as an~~] acupuncture or acupuncture medicine as an intern in this State, either gratuitously or for pay, [~~without having first obtained a permit from the board.~~ This permit shall entitle the applicant to engage in the practice of acupuncture for a period of four years under the immediate supervision of a licensed acupuncturist duly licensed under this chapter.

~~(b) An acupuncture intern permit may be reissued once, for a period not to exceed one year, upon written request to the board and payment of the required fee.~~

~~(c) The board shall adopt rules pursuant to chapter 91 defining the functions of an acupuncture intern, establishing the requirements to be met by an applicant for an acupuncture intern permit, and specifying the procedures for the immediate supervision of the acupuncture intern by a licensed acupuncturist.] unless the intern:~~





- 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        physician who is licensed in the State and contracted  
9        or employed through an accredited acupuncture medicine  
10       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 doctors of acupuncture, as defined in section 436E-3.

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 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-7, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§436E-7 Powers and duties of the board. In addition to  
9 any other powers and duties authorized by law, the board shall:

10 (1) Adopt rules in accordance with chapter 91 to carry out  
11 the purposes of this chapter, with special emphasis on  
12 the health and safety of the public;

13 (2) [~~Develop~~] Define and clarify ongoing standards for  
14 licensure;

15 (3) Define and clarify standards and practices for license  
16 renewal, including continuing education requirements;

17 [~~+3+~~] (4) Prepare, administer, and grade examinations,  
18 provided that the board may contract with a testing  
19 agency to provide those services;

20 [~~+4+~~] (5) Issue, renew, suspend, and revoke licenses;

21 [~~+5+~~] (6) Register applicants or holders of a license;



1       ~~[(6)]~~ (7) Investigate and conduct hearings regarding any  
2               violation of this chapter and any rules of the board;

3       ~~[(7)]~~ (8) Maintain a record of its proceedings; ~~[and]~~

4       ~~[(8)]~~ (9) Do all things necessary to carry out the  
5               functions, powers, and duties set forth in the  
6               chapter~~[-]~~;

7       (10) Define and clarify reciprocity for acupuncture  
8               licensees from other jurisdictions visiting the State  
9               for purposes of education and instruction, within a  
10              limited scope of time; and

11       (11) Define and clarify standards for reciprocity for  
12              licensees from other jurisdictions who have:

13              (A) Completed their education prior to the year 2000;

14              (B) Maintained their license; and

15              (C) Maintained their certification with the National  
16              Certification Commission for Acupuncture and  
17              Oriental Medicine."

18       SECTION 10. Section 436E-9, Hawaii Revised Statutes, is  
19       amended to read as follows:

20       "~~[(1)]~~ §436E-9~~[(1)]~~ Biennial renewal~~[-]~~; continuing education.

21       (a) Every person holding a license under this chapter shall



1 register with the board and pay a biennial fee on or before  
2 June 30 of each odd-numbered year. Failure to pay the biennial  
3 fee shall constitute a forfeiture of the license as of the date  
4 of expiration. Any license so forfeited may be restored within  
5 ~~[one year]~~ two years after the expiration upon filing of an  
6 application and payment of a restoration fee.

7 (b) Beginning with the renewal for the licensing biennium  
8 commencing July 1, 2023, and every biennial renewal thereafter,  
9 all licensees in the State shall be in compliance with  
10 continuing acupuncture medicine education requirements, as  
11 approved by the board, by obtaining at least thirty credit  
12 hours, which shall include at least two credit hours of ethics  
13 and at least two credit hours of safety. Licensees shall hold a  
14 current and valid cardiopulmonary resuscitation certification as  
15 a condition of license renewal."

16 SECTION 11. Section 436E-10, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§436E-10 Revocation or suspension of licenses[-];  
19 penalties. (a) In addition to any other actions authorized by  
20 law, any license to practice acupuncture or acupuncture medicine  
21 under this chapter may be revoked or suspended by the board of



1 acupuncture at any time in a proceeding before the board for any  
2 cause authorized by law, including but not limited to the  
3 following:

4 (1) Obtaining a fee on the assurance that a manifestly  
5 incurable ailment can be permanently cured;

6 (2) The use of false, fraudulent, or deceptive advertising  
7 and making untruthful and improbable statements;

8 (3) ~~[Habitually using]~~ Using any [habit forming]  
9 intoxicant or controlled substance[, such as opium or  
10 any of its derivatives, morphine, heroin, or cocaine,]  
11 that impairs or compromises a licensee's duties, as  
12 further defined by administrative rules;

13 (4) Procuring a license through fraud, misrepresentation,  
14 or deceit;

15 (5) Professional misconduct ~~[or]~~ , gross carelessness,  
16 ethics violations, or manifest incapacity ~~[in the~~  
17 ~~practice of acupuncture,]~~ as defined by administrative  
18 rules; or

19 (6) Violating any rules adopted under this chapter.

20 (b) Any person except a person licensed under this chapter  
21 who practices, treats, or instructs in any phase of acupuncture



1 or acupuncture medicine without a license or permit issued by  
2 the board, or uses any word or title to induce the belief that  
3 the person is engaged in the practice of any type of acupuncture  
4 or acupuncture medicine, shall be guilty of a misdemeanor and  
5 subject to a fine of not less than \$1,000 for each day of  
6 violation. The department may also seek all legal and equitable  
7 remedies available to it for the enforcement of the provisions  
8 of this chapter, including seeking injunctive relief."

9 SECTION 12. Section 436E-4, Hawaii Revised Statutes, is  
10 repealed.

11 [~~"§436E-4 Exemptions. A licensed acupuncturist of another~~  
12 ~~state or country for demonstrations or lectures to be given at~~  
13 ~~acupuncture or medical society meetings or at acupuncture~~  
14 ~~schools shall be exempt from licensing procedures set forth in~~  
15 ~~this chapter."~~]

16 SECTION 13. Section 436E-5, Hawaii Revised Statutes, is  
17 repealed.

18 [~~"§436E-5 Qualifications for examination. (a) No person~~  
19 ~~shall be licensed to practice acupuncture unless the person has~~  
20 ~~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) Prior to September 1, 2000, and except as provided in  
subsection (c), before any applicant shall be eligible for the  
examination, 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 not less than two  
academic years (not less than six hundred hours);  
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~~



1 ~~or school awarding the certificate or diploma or may~~  
2 ~~be obtained under the supervision of a licensed~~  
3 ~~acupuncturist not affiliated with an institute or~~  
4 ~~school.~~

5 ~~(c) Students who started training prior to December 31,~~  
6 ~~1984, in a school approved by the board prior to December 31,~~  
7 ~~1984, and who complete their training by December 31, 1989, and~~  
8 ~~who file an application with the board before September 1, 2000~~  
9 ~~shall:~~

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

12 ~~(2) For the purposes of this chapter, meet requirements~~  
13 ~~for examination and licensure as provided in chapter~~  
14 ~~436D and rules adopted by the board as they existed on~~  
15 ~~December 31, 1984, provided that the school has not~~  
16 ~~altered its program so as to lower the standards for~~  
17 ~~completion of the program. These students may qualify~~  
18 ~~for examination if they submit evidence of having~~  
19 ~~completed.~~





1           ~~(A) At least eighteen months (not less than five~~  
2                   ~~hundred seventy six hours) of academic training,~~  
3                   ~~and~~

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

8           ~~(d) Notwithstanding subsections (b) and (c), effective~~  
9           ~~September 1, 2000, before any applicant shall be eligible to~~  
10           ~~take the licensing examination, the applicant shall furnish~~  
11           ~~satisfactory proof to the board that the applicant has completed~~  
12           ~~a formal acupuncture program and has received a total of at~~  
13           ~~least two thousand, one hundred seventy five hours of academic~~  
14           ~~and clinical training consisting of an academic program of at~~  
15           ~~least one thousand, five hundred fifteen hours in the science of~~  
16           ~~acupuncture (traditional oriental medicine) and a clinical~~  
17           ~~training program of at least six hundred sixty hours under the~~  
18           ~~supervision of a licensed acupuncturist, which shall result in~~  
19           ~~the award of a certificate or diploma. For applicants who~~  
20           ~~graduated from an institute, school, or college located in the~~  
21           ~~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  
jurisdiction and whose curriculum is approved by the board."~~

SECTION 14. Section 436E-12, Hawaii Revised Statutes, is  
repealed.

~~["§436E-12] Penalty. (a) Any person except a person  
licensed under this chapter who practices, treats, or instructs  
in any phase of acupuncture without a license or permit issued  
by the board, or uses any word or title to induce the belief~~



1 ~~that they are engaged in the practice of any type of~~  
2 ~~acupuncture, shall be guilty of a misdemeanor and subject to a~~  
3 ~~fine of not less than \$50 nor more than \$1,000 for each~~  
4 ~~violation.~~

5 ~~(b) Any person, except a licensed acupuncturist, who:~~

6 ~~(1) Practices or attempts to practice acupuncture;~~

7 ~~(2) Buys, sells, or fraudulently obtains any diploma or~~  
8 ~~license to practice acupuncture whether recorded or~~  
9 ~~not;~~

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

14 ~~(4) Violates this chapter;~~

15 ~~shall be penalized as provided in subsection (a). The~~  
16 ~~department may also seek all legal and equitable remedies~~  
17 ~~available to it for the enforcement of the provisions of this~~  
18 ~~chapter, including seeking injunctive relief."]~~

19 SECTION 15. Section 436E-13, Hawaii Revised Statutes, is  
20 repealed.



1       ~~["§436E-13 Use of titles. (a) A licensee who has been~~

2       ~~awarded a license to practice acupuncture by the board in this~~

3       ~~State may use the title of "Licensed Acupuncturist" or~~

4       ~~designation "L.Ac." with the licensee's name in an advertisement~~

5       ~~for acupuncture or announce or append the designation to the~~

6       ~~licensee's name.~~

7       ~~(b) A licensee who has been awarded an earned doctoral~~

8       ~~degree may use the designation "Ph.D." in an advertisement for~~

9       ~~acupuncture or announce or append the designation to the~~

10       ~~licensee's name if the degree was granted from a university or~~

11       ~~college recognized by a regional or national accrediting body~~

12       ~~recognized by the United States Department of Education. A~~

13       ~~Ph.D. recognized by the board under this subsection shall~~

14       ~~designate a nonpractitioner as opposed to a practitioner or~~

15       ~~"doctor" of acupuncture as provided in subsection (c).~~

16       ~~(c) A licensee who has been approved by the board to use~~

17       ~~the doctor of acupuncture title, may use the title "Doctor of~~

18       ~~Acupuncture" or designation of "D.Ac.", after the licensee's~~

19       ~~name, or the term "Doctor" or prefix "Dr." provided that the~~

20       ~~word "Acupuncturist" immediately follows the licensee's name if~~

21       ~~the term "Doctor", or the prefix "Dr." is used alone.~~



~~(d) Before any licensee shall be eligible to use the doctor of acupuncture title, the licensee shall furnish satisfactory proof to the board that the licensee has been awarded an earned doctoral degree in acupuncture (traditional oriental medicine). For licensees 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 a regional or national accrediting body that is recognized by the United States Department of Education for the accreditation or pre-accreditation ("candidacy") of professional post graduate doctoral programs in acupuncture and oriental medicine. For licensees who graduated from a foreign institute, school, or college, the licensee, at the licensee's own expense, shall have the licensee's transcripts and curriculum evaluated by a board approved and designated professional evaluator who shall make a determination on whether the transcripts and curriculum are at least equivalent to the United States recognized doctoral program of study in acupuncture and oriental medicine, and that the foreign institute is licensed, approved, or accredited by~~



1 ~~the appropriate governmental authority or an agency recognized~~  
2 ~~by a governmental authority in the respective foreign~~  
3 ~~jurisdiction and whose curriculum is approved by the board.~~

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

6 SECTION 16 Section 436E-14, Hawaii Revised Statutes, is  
7 repealed.

8 ~~["~~§436E-14~~ Foreign school curricula and standards. The~~  
9 ~~board of acupuncture shall not recognize and approve an earned~~  
10 ~~doctoral degree from a foreign university or college whose~~  
11 ~~curricula and standards are not equivalent to or higher than~~  
12 ~~institutions in the United States which have been recognized and~~  
13 ~~approved by the board in the study or practice of acupuncture."]~~

14 SECTION 17. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 18. This Act shall take effect on July 1, 2022.

17  
INTRODUCED BY:

*Carolyn H. Bok*



# S.B. NO. 2276

**Report Title:**

Acupuncture; 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, including thirty hours of continuing education per licensing biennium.

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

