

A Bill for an Act Relating to the Practice of Osteopathy.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 460-1, Hawaii Revised Statutes, is amended by amending the first paragraph to read as follows:

“License to practice. No person shall practice as an osteopathic physician or surgeon either gratuitously or for pay, or shall offer to so practice, or shall advertise or announce himself, either publicly or privately, as prepared or qualified to so practice, or shall append the letters ‘DR.’ or the letters ‘D.O.’ to his name, with the intent thereby to imply that he is a practitioner as an osteopathic physician or osteopathic physician and surgeon, without having a valid unrevoked license, obtained from the board of osteopathic examiners, in form and manner substantially as hereinafter set forth.”

SECTION 2. Section 460-3, Hawaii Revised Statutes, is amended to read as follows:

“Board of osteopathic examiners. No person shall be licensed by the board to practice as an osteopathic physician or as an osteopathic physician and surgeon unless the applicant has been duly examined and found to be possessed of the necessary qualifications, or found to be otherwise qualified as herein provided.”

SECTION 3. Section 460-4, Hawaii Revised Statutes, is amended by amending the first sentence of the second paragraph to read as follows:

“The board shall examine all applicants for licenses to practice as osteopathic physicians or as osteopathic physicians and surgeons.”

SECTION 4. Section 460-9, Hawaii Revised Statutes, is amended in the following respects:

A. The first paragraph down to the colon is amended to read as follows:

“Foreign license. The board of osteopathic examiners, may, in its discretion, issue a license, without examination, to a practitioner who has been licensed in any country, state, territory, or province, upon the following conditions:”

B. The first two paragraphs immediately following item (4) are amended to read as follows:

“The board may also, in its discretion, accept the examination of the national board of examiners for osteopathic physicians and surgeons in lieu of its own examination and may issue a license to an applicant presenting a certificate from the national board of examiners for osteopathic physicians and surgeons upon the basis of the examination of the national board provided the applicant otherwise meets the requirements of the laws of this State.

The board may also, in its discretion, issue a license, without examination, to an osteopathic physician who is a graduate of an approved osteopathic college in good standing and who has passed an examination for admission into the medical corps of the United States army, United States navy, or the United States public health service.”

SECTION 5. Section 460-12, Hawaii Revised Statutes, is amended by amending the first paragraph down to the colon to read as follows:

“Refusal and revocation of license. The board may refuse to issue a license, or may suspend or revoke any license at any time in a proceeding before the board upon any one or more of the following grounds:”

SECTION 6. Section 460-13, Hawaii Revised Statutes, is hereby repealed.

SECTION 7. Section 460-14, Hawaii Revised Statutes, is amended to read as follows:

“Notice of charges; hearing. In any proceedings before the board for the revocation or suspension of a license under this chapter, upon any of the grounds listed in section 460-12, the person whose license is sought to be re-

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voked or suspended shall be given, pursuant to chapter 91, reasonable written notice of the charge or charges upon which the proceeding is based and of the time and place where a hearing will be held and shall be given reasonable opportunity to be heard and present evidence in his defense.

In any such proceeding, the board may subpoena, administer oaths to, and examine witnesses on any relevant matter in such proceeding. The person whose license is sought in such proceeding to be revoked or suspended shall be entitled to require the board or any member thereof to subpoena and to administer oaths to any witness or witnesses who may be able to present evidence relevant in such proceeding, and shall be entitled to examine any such witness and any other witness in such proceeding. The circuit court of the circuit in which the proceeding is held shall have power to enforce by proper proceeding the attendance and testimony of witnesses in such proceeding.

If any person called before the board as a witness in such proceeding, whether under subpoena or otherwise, except as privileged by law, refuses to answer any question which is relevant to the proceeding and is put to him by the board, a member thereof or the person whose license is sought to be revoked or suspended in such proceeding, or disobeys any order of the circuit court relating to the proceeding, the board shall report the matter in writing to any judge of the circuit court of the circuit in which such proceeding is held and such person shall be cited to appear before the circuit judge to show cause why he should not be punished for contempt of court under chapter 729.

Any person who wilfully and knowingly makes, under oath, any false statement in connection with any such proceeding before the board shall be guilty of perjury and shall be subject to the penalty prescribed by law for perjury. Whenever the board is satisfied that a witness has committed perjury in any proceeding before the board, it shall report the same to the prosecuting officer of the county in which the perjury took place, who shall prosecute the witness for perjury."

SECTION 8. Section 460-15, Hawaii Revised Statutes, is amended to read as follows:

"Restoration of license. At any time following the suspension or revocation of a license, the board may restore such license with all of its original rights and privileges."

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.*

SECTION 10. This Act shall take effect July 1, 1969.

(Approved June 27, 1969.)

* Edited accordingly