

A Bill for an Act Relating to the Licensing of Acupuncture Practitioners.

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

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
ACUPUNCTURE PRACTITIONERS**

**Sec. -1 Practice of acupuncture defined.** For the purposes of this chapter the practice of acupuncture means insertion of needles into the human body by piercing the skin of the body for the purpose of controlling and regulating the flow and balance of energy in the body.

**Sec. -2 License required.** Except as otherwise provided by law, no person shall practice acupuncture in the State 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, without having a valid license obtained from the board of acupuncture.

**Sec. -3 Qualifications for examination.** No person shall be licensed to practice acupuncture unless he has passed an examination and has been found to be possessed of the necessary qualifications as prescribed in the rules adopted by the board of acupuncture in accordance with chapter 91.

Before any applicant shall be eligible for such examination he shall furnish satisfactory proof to the board that:

- (1) He is a resident of the State;
- (2) He is of good moral character; and
- (3) He has completed a course in acupuncture and received a certificate or diploma from an institute or a private tutorship approved by the board of acupuncture. The training received in the art of acupuncture shall be for a period of not less than two years.

**Sec. -4 Board of acupuncture; appointment, removal, qualifications.**

There shall be a board of acupuncture who shall be appointed by the governor in accordance with section 26-34, whose duty it shall be to examine all applicants for license to practice acupuncture.

The board shall consist of five persons; two shall be private citizens and three shall be acupuncturists licensed in accordance with this chapter except those acupuncturists first appointed to the board need not be licensed but shall be persons who would qualify for licensing under this chapter. The members of the board shall serve without pay but shall be reimbursed for actual expenses incurred in the discharge of their duties. A majority of the board shall constitute a quorum.

**Sec. -5 Powers and duties of the board.** The board of acupuncture shall:

- (1) Adopt rules in accordance with chapter 91 to carry out the purposes of this chapter, with special emphasis on the health and safety of the public;
- (2) Develop standards for licensure;
- (3) Prepare and administer examinations;
- (4) Issue, renew, suspend, and revoke licenses;
- (5) Register applicants of holders of a license;
- (6) Investigate and conduct hearings regarding any violation of this chapter and any rules of the board;
- (7) Maintain a record of its proceedings; and
- (8) Do all things necessary to carry out the functions, powers, and duties set forth in this chapter.

**Sec. -6 Fees and expenses.** No applicant shall be examined under this chapter until he has paid to the board of acupuncture a fee of \$60. Every person holding a license under this chapter shall reregister with the board each year, not later than January 31, and for such registration shall pay a fee of \$10. Failure to do so shall constitute a forfeiture of license, which may be restored only upon written application therefor and payment to the board of a fee of \$30. All such fees shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund.

**Sec. -7 Revocation or suspension of licenses.** Any license to practice acupuncture issued under this chapter may be revoked or suspended by the board of acupuncture at any time in a proceeding before the board for any one or more of the following acts or conditions on the part of the holder of such a license:

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

- (2) Making any untruthful and improbable statement in advertising one's acupuncture practice or business;
- (3) False, fraudulent, or deceptive advertising;
- (4) Being convicted, whether on a plea of nolo contendere or otherwise and whether or not sentence or the imposition or execution of sentence has been suspended, of any felony, or of a misdemeanor involving moral turpitude;
- (5) Being habitually intemperate;
- (6) Habitually using any habit-forming drug such as opium or any of its derivatives, morphine, heroin, cocaine, or any other habit-forming drug;
- (7) Procuring a license through fraud, misrepresentation, or deceit;
- (8) Professional misconduct or gross carelessness or manifest incapacity in the practice of acupuncture.

If any license is revoked or suspended by the board for any act or conditions listed in this section, the holder of the license shall be notified in writing by the board of the revocation or suspension. Any license to practice acupuncture may be restored by the board of examiners for the practice of acupuncture as provided by rule.

**Sec. -8 Hearings; procedure.** Any proceeding before the board of acupuncture for the revocation or suspension of a license to practice shall be conducted in accordance with chapter 91.

**Sec. -9 Witnesses; subpoenas issued.** The board shall have the power to subpoena witnesses, administer oaths to, and examine witnesses on any relevant matter in proceedings before the board. The person whose license is sought in such proceedings to be revoked or suspended shall be entitled to require the board to subpoena and to administer oaths to any witness or witnesses who may be able to present evidence relevant in such proceedings, and shall be entitled to examine any such witness and any other witness in such proceedings. The circuit court of the circuit in which the proceeding is held may enforce by proper procedure the attendance and testimony of witnesses in such proceedings.

**Sec. -10 Recalcitrant witnesses; contempt.** If any person called before the board as a witness in any 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 of the board, 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 the 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 section 710-1077 of the Hawaii Penal Code.

**Sec. -11 Perjury.** 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 pre-

scribed by law for perjury. Whenever the board is satisfied that the 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.

**Sec. -12 Penalty.** Any person who violates the provisions of this chapter shall be guilty of a petty misdemeanor.”

SECTION 2. Any person licensed under chapters 448 and 453, Hawaii Revised Statutes, shall be exempt from the provisions of this Act.

SECTION 3. Any person engaged in the practice of acupuncture in the State at the time of the effective date of this Act shall continue to practice acupuncture; provided such person shall be subject to the licensing requirements of this Act when such requirements are established by the board of acupuncture.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1, or so much thereof as may be necessary, for the purposes of this Act including staffing and hiring employees. The sum appropriated shall be expended by the department of regulatory agencies for the purposes of this Act.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 12, 1974.)