

ACT 162

H.B. NO. 2385-78

A Bill for an Act Relating to the Board of Examiners in Naturopathy.

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

SECTION 1. Sec. -4 of Section 2, Act 70, Session Laws of Hawaii 1977, is amended to read as follows:

“Sec. -4 **Repeal dates.** (a) The following chapters are hereby repealed effective December 31, 1978:

- (1) Chapter 438, Hawaii Revised Statutes (Board of Barbers)
- (2) Chapter 448A, Hawaii Revised Statutes (Escort Agencies)
- (3) Chapter 452, Hawaii Revised Statutes (Board of Massage)
- (4) Chapter 462, Hawaii Revised Statutes (Board of Photography)
- (5) Chapter 463E, Hawaii Revised Statutes (Podiatry)

(b) The following chapters are hereby repealed effective December 31, 1979:

- (1) Chapter 437, Hawaii Revised Statutes (Motor Vehicle Industry Licensing Board)
- (2) Chapter 440, Hawaii Revised Statutes (Boxing Commission)
- (3) Chapter 443, Hawaii Revised Statutes (Collection Agencies Board)
- (4) Chapter 446D, Hawaii Revised Statutes (Degree Granting Institutions)
- (5) Chapter 448H, Hawaii Revised Statutes (Elevator Mechanics Licensing Board)
- (6) Chapter 467A, Hawaii Revised Statutes (Rental Agencies)

(c) The following chapters are hereby repealed effective December 31, 1980:

- (1) Chapter 436, Hawaii Revised Statutes (Board of Examiners for Abstract Makers)
  - (2) Chapter 439, Hawaii Revised Statutes (Board of Cosmetology)
  - (3) Chapter 447, Hawaii Revised Statutes (Dental Hygienists)
  - (4) Chapter 463, Hawaii Revised Statutes (Board of Private Detectives and Guards)
  - (5) Chapter 468J, Hawaii Revised Statutes (Travel Agencies)
  - (6) Chapter 471, Hawaii Revised Statutes (Board of Veterinary Examiners)
- (d) The following chapters are hereby repealed effective December 31, 1981:
- (1) Chapter 441, Hawaii Revised Statutes (Cemetery Board)
  - (2) Chapter 451A, Hawaii Revised Statutes (Board of Hearing Aid Dealers and Fitters)
  - (3) Chapter 457B, Hawaii Revised Statutes (Board of Examiners of Nursing Home Administrators)
  - (4) Chapter 458, Hawaii Revised Statutes (Board of Dispensing Opticians)
  - (5) Chapter 459, Hawaii Revised Statutes (Board of Examiners in Optometry)
  - (6) Chapter 465, Hawaii Revised Statutes (Board of Certification for Practicing Psychologists)
  - (7) Chapter 468E, Hawaii Revised Statutes (Board of Speech Pathology and Audiology)
- (e) The following chapters are hereby repealed effective December 31, 1982:
- (1) Chapter 436D, Hawaii Revised Statutes (Board of Acupuncture)
  - (2) Chapter 437B, Hawaii Revised Statutes (Motor Vehicle Repair Industry Board)
  - (3) Chapter 442, Hawaii Revised Statutes (Board of Chiropractic Examiners)
  - (4) Chapter 448E, Hawaii Revised Statutes (Board of Electricians and Plumbers)
  - (5) Chapter 464, Hawaii Revised Statutes (Board of Registration of Professional Engineers, Architects, Surveyors and Landscape Architects)
  - (6) Chapter 466, Hawaii Revised Statutes (Board of Public Accountancy)
  - (7) Chapter 467, Hawaii Revised Statutes (Real Estate Commission)
- (f) The following chapters are hereby repealed effective December 31, 1983:
- (1) Chapter 444, Hawaii Revised Statutes (Contractors License Board)
  - (2) Chapter 448, Hawaii Revised Statutes (Board of Dental Examiners)
  - (3) Chapter 453, Hawaii Revised Statutes (Board of Medical Examiners)
  - (4) Chapter 457, Hawaii Revised Statutes (Board of Nursing)
  - (5) Chapter 460, Hawaii Revised Statutes (Board of Osteopathic Examiners)
  - (6) Chapter 461, Hawaii Revised Statutes (Board of Pharmacy)
- (g) The following chapters are hereby repealed effective December 31,

1984:

- (1) Chapter 455, Hawaii Revised Statutes (Board of Examiners in Naturopathy)."

SECTION 2. Section 455-6, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 455-6 Powers and authority of the board.** The state board of examiners in naturopathy may:

- (1) Adopt and use a seal to be affixed to all official acts of the board;
- (2) Revoke or suspend any license issued to any person to practice naturopathy upon any of the following causes:
  - (A) Procuring, or aiding or abetting in procuring, a criminal abortion;
  - (B) Employing any person to solicit patients for him;
  - (C) Obtaining a fee on the assurance that a manifestly incurable disease can be permanently cured;
  - (D) Wilfully betraying a professional secret;
  - (E) Making any untruthful and improbable statement in advertising one's naturopathic practice or business;
  - (F) False, fraudulent, or deceptive advertising;
  - (G) Being habituated to the excessive use of drugs or alcohol; or being addicted to, dependent on, or an habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, or other drug having similar effects;
  - (H) Practicing naturopathic medicine while the ability to practice is impaired by alcohol, drugs, physical disability, or mental instability;
  - (I) Procuring a license through fraud, misrepresentation, or deceit or knowingly permitting an unlicensed person to perform activities requiring a license;
  - (J) Professional misconduct or gross carelessness or manifest incapacity in the practice of naturopathy;
  - (K) Conduct or practice contrary to recognized standards of ethics of the naturopathic profession;
  - (L) Consistently utilizing medical service or treatment which is inappropriate or unnecessary.

The board may not suspend or revoke a license, however, for any of these causes unless the person accused has been given at least twenty days' notice, in writing, and a public hearing in conformity with chapter 91.

The board may compel the attendance of witnesses and the production of relevant books and papers for the investigation of matters that may come before them and the presiding officer of the board may administer the requisite oaths.

In case any license is revoked for any of the causes named in this section, the holder thereof shall be immediately notified of the revocation, in writing, by the board. Licenses to practice naturopathy may be restored by the board.

The board shall adopt, pursuant to chapter 91 and 92, rules setting forth standards of ethics of the naturopathic profession and may adopt such other rules as are reasonably necessary to implement this chapter."

SECTION 3. Section 455-7, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 455-7 Examinations.** The state board of examiners in naturopathy shall conduct examinations not less than twice in each year in the following subjects: anatomy; histology and embryology; chemistry and toxicology; physiology; bacteriology; hygiene and sanitation; pathology; diagnosis or analysis, including clinical, physical, x-ray, symptomatology, dermatology, and mental diseases; naturopathic theory and practice; obstetrics and gynecology; jurisprudence; clinical practice; biochemistry; therapeutics, including physiotherapy, hydrotherapy, electrotherapy, heliotherapy, phytotherapy, orthopedics; and such other subjects as the board may require. The examination shall be conducted in writing, but it may be supplemented by oral examinations, and by demonstrations or other practical tests as the board may require. If the applicant receives a general average of seventy-five per cent he shall be considered as having passed the examination."

SECTION 4. Section 455-8, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 455-8 License to practice; biennial registration.** Licenses to practice naturopathy shall be issued by the board in such form as the board determines, to those who qualify according to this chapter. Naturopathy physicians licensed under this chapter shall observe and be subject to all state regulations relative to reporting births and deaths and all matters pertaining to the public health with equal rights and obligations as physicians, surgeons, and practitioners of other schools of medicine. Every person holding a license to practice in the State shall reregister with the state board of examiners in naturopathy on or before December 31 of each odd-numbered year and shall pay a reregistration fee of \$200. The failure to so reregister and pay the reregistration fee constitutes a forfeiture of license; provided that the license shall be reinstated upon written application therefor together with payment of all delinquent fees and the sum of \$75.

SECTION 5. Section 455-9, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 455-9 Penalty.** Any person except a licensed naturopath who practices or attempts to practice naturopathy, or any person who buys, sells, or fraudulently obtains any diploma or license to practice naturopathy whether recorded or not, or any person who uses the title "natureopath", "naturopath", or "N.D.", or any word or title to induce the belief that he is engaged in the practice of naturopathy without complying with this chapter, or any person who violates this chapter, shall be fined a sum of not less than \$500 nor more than \$10,000 for each violation, which sum shall be collected in a civil action brought by the attorney general or the director of the office of consumer protection on behalf of the State."

SECTION 6. The state board of examiners in naturopathy shall submit to the legislature twenty days prior to the regular session of 1979, the rules it has been mandated to adopt or in the alternative, a report of the efforts it has made

thereto.

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 8. This Act shall take effect upon its approval.

(Approved June 1, 1978.)

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\*Edited accordingly.