

ACT 93

S.B. NO. 184

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 to read as follows:

**“§460-1 License to practice.** No person shall practice as an osteopathic physician or osteopathic physician and surgeon either gratuitously or for pay, or shall offer to so practice, or shall advertise or announce [himself], either publicly or privately, [as] that the person is prepared or qualified to so practice, or shall append the letters [“DR.”] “Dr.” or the letters “D.O.” to [his] the person’s name, with the intent thereby to imply that [he] the person 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.

Nothing herein applies to any osteopathic physician or osteopathic physician and surgeon from another state who is in actual consultation with a licensed physician of this State if the physician from another state is licensed to practice in the state in which [he] the physician resides; provided, that the physician from another state shall not open an office, or administer treatment to any patient except in actual temporary consultation with a resident licensed physician of the State.”

SECTION 2. Section 460-4, Hawaii Revised Statutes, is amended to read as follows:

**“§460-4 Board; appointment, powers and duties.** The governor shall appoint and may remove in the manner prescribed in section 26-34 a board of osteopathic examiners, consisting of five persons, three of whom shall be osteopathic physicians or osteopathic physicians and surgeons licensed under the laws of the State and two shall be public members.

The board [shall] may examine all applicants for licenses to practice as osteopathic physicians or as osteopathic physicians and surgeons. Examinations shall be held quarterly at a time and a place to be fixed by the board, of which examinations all applicants shall be notified in writing. Subject to chapter 91 and with the approval of the governor and the director of [regulatory agencies,] commerce and consumer affairs, the board may make, amend, and repeal all necessary

rules [and regulations] relating to the enforcement of this chapter and not inconsistent therewith. The members of the board shall serve without pay."

SECTION 3. Section 460-5, Hawaii Revised Statutes, is amended to read as follows:

**"§460-5 Fees.** (a) License fee. No applicant for a license to practice as an osteopathic physician or as an osteopathic physician and surgeon shall be examined until [he] the applicant has paid to the board of osteopathic examiners a fee of \$50.

(b) Renewal fees. Section 460-2 and any other provisions of this chapter to the contrary notwithstanding, there shall be paid to the board by every person licensed to practice as an osteopathic physician or an osteopathic physician and surgeon, biennially in each even-numbered year on or before June 30, a renewal fee in the amount of \$15. Failure of any licensee to pay any renewal fee shall work a forfeiture of [his] the license. Licenses forfeited by this section shall be reissued upon payment of a penalty of \$5 and all fees which the licensee would have paid if [he] the licensee had continuously renewed [his] the license.

(c) Disposition of fees. All fees collected by the board shall be deposited by the director of [regulatory agencies] commerce and consumer affairs with the director of finance to the credit of the general fund."

SECTION 4. Section 460-6, Hawaii Revised Statutes, is amended to read as follows:

**"§460-6 Application for license.** Each applicant for a license provided for in this chapter shall comply with the following requirements:

- (1) Make application on blank forms prepared and furnished by the board of osteopathic examiners;
- (2) Submit evidence verified on oath and satisfactory to the board that the applicant is eighteen years of age, or over, is of good moral character, and is a graduate of a school or college of osteopathy which is approved by the American Osteopathic Association; and
- (3) Designate on [his] the application whether [he] the applicant desires to practice as an osteopathic physician or as an osteopathic physician and surgeon."

SECTION 5. Section 460-7, Hawaii Revised Statutes, is amended to read as follows:

**"§460-7 Osteopathic physician and surgeon distinguished.** In addition to the requirements specified in section 460-6, the applicant for a license to practice as an osteopathic physician and surgeon shall submit satisfactory evidence to the board of osteopathic examiners:

- (1) That [he] the applicant has served an internship of at least one year in a hospital approved by the American Osteopathic Association and the American College of Osteopathic Surgeons, or the equivalent of the requirement as determined by the board, if the applicant graduated prior to and including 1942; and
- (2) In addition to the year of internship, certified evidence that [he] the applicant has served at least one year as an assistant to a qualified surgeon or surgeons."

SECTION 6. Section 460-8, Hawaii Revised Statutes, is amended to read as follows:

**"§460-8 License issued.** Each applicant who successfully passes the examination shall be entitled to a license. The following kinds of license shall be issued:

- (1) To practice as an osteopathic physician in accordance with the teachings of legally chartered and approved colleges of osteopathy in good standing, with the following rights, among others, to wit: to practice obstetrics; to practice surgery other than major surgery; and to administer anesthetics, antiseptics, germicides, parasiticides, biologicals, narcotics, and antidotes; or
- (2) To practice as an osteopathic physician and surgeon. This license confers unlimited surgical rights, as well as the right to practice in all other respects as an osteopathic physician."

SECTION 7. Section 460-9, Hawaii Revised Statutes, is amended to read as follows:

**"§460-9 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:

- (1) That the applicant is of good moral character;
- (2) That the applicant shall designate in [his] the application whether [he] the applicant desires to practice as an osteopathic physician, or as an osteopathic physician and surgeon;
- (3) That the requirements for a license in the country, state, territory, or province in which the applicant is licensed, are deemed by the board of osteopathic examiners to have been practically equivalent to the requirements for a license in force in the State at the date of the license; and
- (4) That the applicant has practiced [his] the profession as an osteopathic physician for three years prior to the date of [his] the application.

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.

The fee for [such] the licenses shall be \$100 and shall be paid to the board at the time of application. In case the application is not approved by the board the fee shall be returned to the applicant."

SECTION 8. Section 460-10, Hawaii Revised Statutes, is amended to read as follows:

**"§460-10 Display license.** Every holder of a license shall display it in a conspicuous place in [his] the licensee's principal place of business or employment."

SECTION 9. Section 460-14, Hawaii Revised Statutes, is amended to read as follows:

**"§460-14 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 revoked 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] the person's defense.

In [any such] the proceeding, the board may subpoena, administer oaths to, and examine witnesses on any relevant matter in [such] the proceeding. The person whose license is sought in [such] the 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] the proceeding, and shall be entitled to examine [any such] the witness and any other witness in [such] the 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] the proceeding.

If any person called before the board as a witness in [such] the 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] the person by the board, a member thereof or the person whose license is sought to be revoked or suspended in [such] the 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] the proceeding is held and [such] the person shall be cited to appear before the circuit judge to show cause why [he] the person 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 10. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 11. This Act shall take effect upon its approval.

(Approved May 21, 1983.)