

A Bill for an Act Relating to Chiropractic.

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

SECTION 1. Section 442-9, Hawaii Revised Statutes, is amended to read as follows:

**“§442-9 License refusal, revocations, suspension, fine, limitation, restriction, probation, reissuance.** (a) The board of chiropractic examiners shall refuse to issue or may order any license issued under this chapter to be revoked, suspended, limited, restricted, or placed under probation at any time in a proceeding before the board [upon] or fine a licensee for any one or more of the following grounds:

- (1) Procuring or aiding or abetting in procuring a criminal abortion;
- (2) Employing what is popularly known as a “capper” or “steerer”;
- (3) Obtaining a fee on the assurance that a manifestly incurable disease can be permanently cured;
- (4) Wilfully betraying a professional secret;
- (5) Making any untruthful statement in advertising one’s practice or business under this chapter;
- (6) False, fraudulent, or deceptive advertising;
- (7) Advertising directly or indirectly, or in substance upon any card, sign, newspaper advertisement, or other written or printed sign of advertisement that the holder of [such] a license or [his] the licensee’s employer or employee will treat, cure, or attempt to treat or cure any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, lost manhood, sexual weakness, or sexual disorder or any disease of the sexual organs;
- (8) Being habitually intemperate;
- (9) Habitually using any habit-forming drug, such as opium, or any of its derivatives, morphine, heroin, cocaine, or any other habit-forming drug;
- (10) The advertising of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed;
- (11) Procuring a license through fraudulent misrepresentation or deceit;
- (12) Professional misconduct or gross carelessness or manifest incapability in the practice of chiropractic;
- (13) Violating section 453-2[.]; and

(14) Knowingly recording, registering, or filing, or offering for recordation, registration, or filing, with the department of commerce and consumer affairs any written statement which has been falsely made, completed, or altered, or in which a false entry has been made, or which contains a false statement or false information.

(b) At any time following the suspension, [revocation,] fine, limitation, restriction, or placement under probation of a license, the board may restore the license with all of its original rights and privileges. Any person to whom these rights have been restored shall pay [to the secretary] a restoration fee upon the [issuance of a new license.] reissuance of the license.

(c) Any person making application for reinstatement or restoration of a license or the original rights and privileges to practice under a license which has been [revoked,] suspended, restricted, limited, or placed under probation may be required, as part of the relief granted, to complete an approved course of continuing education or to complete such study or training as the board may require.

(d) Any person who violates this chapter or the rules adopted pursuant thereto shall be fined not more than \$1,000."

SECTION 2. Section 442-19, Hawaii Revised Statutes, is amended to read as follows:

**"§442-19 Violations, penalty.** Any person who practices or attempts to practice chiropractic, or any person who buys, sells, or fraudulently obtains a license to practice chiropractic, whether recorded or not, or who uses the title "chiropractor" or "D.C.," or any word or title to induce, or tending to induce belief that [he] the person is engaged in the practice of chiropractic, without first complying with this chapter; or any licensee under this chapter who uses the word "doctor" or the prefix "Dr." without the word "chiropractor" or "D.C." immediately following [his] the licensee's name, or uses the letter "M.D." or the words "doctor of medicine", or the term "surgeon", or the term "physician", or the term "osteopath", or the letters "D.O.", or any other letters, prefixes, or suffixes, the use of which would indicate that [he was] the licensee is practicing a profession for which [he] the licensee holds no license from the State, or any person who violates any of the provisions of this chapter, shall be fined not [less than \$50 nor] more than [\$200,] \$1,000, or imprisoned not [less than thirty days nor] more than ninety days, or both."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 27, 1986.)