

ACT 150

S.B. NO. 2689

A Bill for an Act Relating to the Licensure Law for Chiropractic.

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

SECTION 1. Section 442-6, Hawaii Revised Statutes, is amended to read as follows:

“§442-6 Examinations. (a) The board of chiropractic examiners shall [meet as a board of examiners for the purpose of conducting examinations on the first Tuesday following the second Monday of April and October of each year, and the board shall meet otherwise regularly on the Thursday nearest the 15th day of March, May, September, and November, and at other times and places as may be found necessary for the performance of its duties.] schedule examinations at least two times each year. The office of the board shall be in Honolulu.

(b) Each applicant shall be designated by a number instead of the name, so that the applicant’s identity will not be disclosed to the examiners until the papers are graded.

(c) The applicant shall be required to pass parts I and II of the National Board of Chiropractic Examiners' written examination and the written clinical competency examination in order to qualify for the state chiropractic examination. The state chiropractic examination shall be designed to ascertain the fitness and qualifications of the applicant to practice chiropractic. The board may contract with professional testing services to prepare, administer, and grade the state chiropractic examination. The state chiropractic examination may include both a practical demonstration and a written examination. A license shall be granted to any applicant who attains a numerical score of seventy-five or higher in all subjects and sections of the state chiropractic examination. Any applicant failing to make the required grade may be reexamined at the next regular examination upon payment of a reexamination fee. Any person seeking licensure under this chapter, including approval to use physiotherapy modalities, shall demonstrate to the satisfaction of the board that the person has received training in the use of physiotherapy modalities at an accredited institution and passed the physiotherapy portion of the National Board of Chiropractic Examiners' examination. [The board may require an applicant to complete a practical demonstration examination which shall include an examination of the applicant's performance in using physiotherapy treatment techniques and equipment.]

(d) No person licensed to practice chiropractic in this State shall use physiotherapy modalities without receiving approval by the board to do so.

The board shall adopt rules for granting approval for the use of physiotherapy modalities by persons holding valid, current licenses under this chapter on June 4, 1984. The board may require any licensed chiropractor to take and pass a written or practical examination before granting approval to use physiotherapy modalities.

(e) For each year of actual practice as a licensed chiropractor in another state the applicant shall be given a credit of one-half point up to twenty years maximum to be added to each score for each subject area."

SECTION 2. Section 442-7, Hawaii Revised Statutes, is amended to read as follows:

"§442-7 Time and place of examination. The board of chiropractic examiners shall give [public] notice of the time and place of all examinations to be held under this chapter. The notice shall be given in such manner as the board deems expedient and in ample time to allow all candidates to comply with this chapter."

SECTION 3. Section 442-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(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 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;] patient confidentiality;
- (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 a license or 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."

SECTION 4. Section 442-11, Hawaii Revised Statutes, is amended to read as follows:

"§442-11 Biennial [registration;] renewal; fees; failure to [register.] renew. Every person holding a license to practice chiropractic in the State shall [reregister] submit a renewal application with [the secretary of] the board of chiropractic examiners on or before December 31 of each odd-numbered year and shall pay a [reregistration] renewal fee. If the board has established continuing education requirements for [reregistration, no person holding a] renewal, the license shall not be [reregistered] renewed unless proof of compliance with the requirements is submitted [to the secretary. The secretary of the board, on or before November 30 of each odd-numbered year, shall mail to the last known address of all licensed chiropractors a notice thereof]. A renewal notice shall be mailed to the last known address of all licensed chiropractors on or before November 30 of each odd-numbered year.

The failure, neglect, or refusal of any person holding a license to practice chiropractic to [reregister] renew the license or to pay the [reregistration] renewal fee, after thirty days of delinquency, constitutes a forfeiture of the license; provided that the license shall be restored upon written application therefor together with proof of compliance with the continuing education requirements, if any, and a payment of all delinquent fees and a penalty fee, if the application and payments are made within a period of one year from the date of the inception of the [delinquency.] forfeiture. In the event, however, the [delinquency] forfeiture is permitted to continue over a period of one year, in addition to the foregoing requirements, the person [shall] may be required to submit to reexamination and successfully pass [a] the reexamination [written or oral, conducted by the board at its regular meetings]."

SECTION 5. Section 442-12, Hawaii Revised Statutes, is amended to read

as follows:

“§442-12 Display of license [and reregistration] certificate. Every holder of a license shall display the holder’s license certificate in a conspicuous place in the holder’s principal place of business or place of employment. [Every reregistration certificate shall be displayed in connection with the original license.]”

SECTION 6. Section 442-14, Hawaii Revised Statutes, is amended to read as follows:

“§442-14 Change of residence. Every holder of a license who leaves to reside outside the State, shall immediately notify [the secretary of] the board of chiropractic examiners of the change in writing and the change shall be noted in the [secretary’s registry book.] board records. Failure to do so constitutes a violation and [works] results in a forfeiture of the license, and it shall not be restored except upon the written application therefor and a payment to the board of a penalty fee.”

SECTION 7. Section 442-16, Hawaii Revised Statutes, is amended to read as follows:

“§442-16 Board records. The board shall keep for public inspection[, in a book provided for that purpose, a complete list and description of the licenses recorded. When any such license is issued, there shall be stamped upon the face thereof a memorandum of the date of issuance.] a record of all licenses issued containing: the name, license number, effective and expiration dates of the license, and status of the license of the person to whom the license to practice chiropractic is issued.”

SECTION 8. Section 442-15, Hawaii Revised Statutes, is repealed.

SECTION 9. Statutory material to be repealed is bracketed.¹ New statutory material is underscored.

SECTION 10. This Act shall take effect upon its approval.

(Approved June 4, 1992.)

Note

1. Edited pursuant to HRS §23G-16.5.