

ACT 222

S.B. NO. 2577

A Bill for an Act Relating to Naturopathic Physicians.

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

SECTION 1. Section 455-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Continuing education courses” means courses approved by a professional association or organization representing a licensed profession whose program objectives are related to naturopathic medicine; provided that the professional association or organization is approved by the board.”

SECTION 2. Section 455-8, Hawaii Revised Statutes, is amended to read as follows:

“§455-8 License to practice; biennial registration[-]; continuing education.

(a) Licenses to practice naturopathic medicine shall be issued by the board to those who qualify according to this chapter. Naturopathic physicians licensed under this chapter shall observe and be subject to all state requirements relative to reporting births and all matters pertaining to the public health with equal rights and obligations as physicians, surgeons, and practitioners of other schools of medicine. These equal rights shall apply to all matters of public health, including the performance of medical examinations and evaluations.

(b) Every licensee shall renew the licensee’s license on or before December 31 of each odd-numbered year. Failure to renew the license on or before December 31 of each odd-numbered year shall automatically constitute a forfeiture of the license; provided that the license shall be restored upon written application therefor together with payment of the renewal fee, all delinquent fees, ~~and~~ a penalty fee[-], ~~and, beginning with the December 31, 2017, renewal, satisfactory proof of compliance with the continuing education requirements set forth in this section.~~

(c) Beginning with the December 31, 2017, renewal and prior to every biennial renewal thereafter, each licensee shall complete at least thirty-five hours of continuing education courses within the two-year period preceding the renew-

al date, including a minimum of fifteen hours of continuing education courses in pharmacology within every licensing biennium.

(d) A licensee who graduated from a school, university, or college of naturopathic medicine pursuant to section 455-3 within one year of the licensee's first renewal period shall not be subject to the continuing education requirement for the first license renewal.

(e) Each licensee shall be responsible for maintaining the licensee's continuing education records, including but not limited to certificates of completion of the continuing education courses.

(f) Prior to December 31 of each odd-numbered year, each licensee shall:

- (1) Complete the renewal form prescribed by the board and certify that the licensee has complied with the continuing education requirement of this section for the applicable renewal period; and
- (2) Submit evidence of completion of the continuing education courses taken during the applicable renewal period to the board, including but not limited to certificates of completion. At a minimum, documentation shall contain the following information:
 - (A) Name of the licensee;
 - (B) Title of the continuing education course taken;
 - (C) Date that the continuing education course was taken;
 - (D) Name of the professional association or organization that approved the continuing education course;
 - (E) Number of hours for the course; and
 - (F) Number of hours for the course in pharmacology."

SECTION 3. Section 455-11, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In addition to any other actions authorized by law, the board shall have the power to deny, revoke, suspend, or refuse to renew any license to practice naturopathic medicine applied for or issued by the board in accordance with this chapter, and to fine or otherwise discipline a licensee for any cause authorized by law, including but not limited to the following:

- (1) Failing to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license;
- ~~[(1)]~~ (2) Procuring, or aiding or abetting in procuring, a criminal abortion;
- ~~[(2)]~~ (3) Employing any person to solicit patients;
- ~~[(3)]~~ (4) Obtaining a fee on the assurance that a manifestly incurable disease can be permanently cured;
- ~~[(4)]~~ (5) Betraying a patient's confidence;
- ~~[(5)]~~ (6) Making any untruthful and improbable statement in advertising one's naturopathic practice or business;
- ~~[(6)]~~ (7) False, fraudulent, or deceptive advertising;
- ~~[(7)]~~ (8) 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;
- ~~[(8)]~~ (9) Practicing naturopathic medicine while the ability to practice is impaired by alcohol, drug, physical disability, or mental instability;
- ~~[(9)]~~ (10) Procuring a license through fraud, misrepresentation, or deceit or knowingly permitting an unlicensed person to perform activities requiring a license;
- ~~[(10)]~~ (11) Professional misconduct or gross carelessness or manifest incapacity in the practice of naturopathic medicine;

- ~~[(11)]~~ (12) Conduct or practice contrary to recognized standard of ethics of the naturopathic profession;
- ~~[(12)]~~ (13) Using medical service or treatment which is inappropriate or unnecessary;
- ~~[(13)]~~ (14) Submitting to or filing with the board any notice, statement, or other document required under this chapter which is false or untrue or contains any material misstatement of fact; including any false certification of compliance with the continuing education requirement specified under section 455-8;
- ~~[(14)]~~ (15) Failure to report to the board any disciplinary action taken against the licensee in another jurisdiction within thirty days after the disciplinary action becomes final;
- ~~[(15)]~~ (16) Using the title “physician” without clearly identifying oneself as being a naturopathic physician;
- ~~[(16)]~~ (17) Prescribing, administering, and dispensing naturopathic formulary that are not included in the formulary established by the board under section 455-6; and
- ~~[(17)]~~ (18) Violation of any provision of this chapter or rules adopted under this chapter.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved July 7, 2014.)