

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 88

NATUROPATHS

Subchapter 1 General Provisions

- §16-88-1 Objective
- §16-88-2 Definition
- §16-88-3 Notification and filing of names, addresses, and changes
- §16-88-4 Biennial renewal
- §16-88-5 Automatic forfeiture of license
- §16-88-6 Restoration of forfeited license
- §16-88-7 Display of wall certificate

Subchapter 2 Applications

- §16-88-8 Repealed
- §16-88-9 Applications
- §16-88-10 Application for reexamination

Subchapter 3 Examination

- §16-88-12 Repealed
- §16-88-12.1 Examination requirements for licensure
- §16-88-13 Repealed
- §16-88-14 Repealed
- §16-88-14.1 Passing score
- §16-88-14.2 Reexamination

Subchapter 4 Hearings

- §16-88-15 Denial
- §16-88-16 Demand for a hearing
- §16-88-17 Proceedings upon demand for a hearing

§16-88-1

§16-88-18 Administrative practice and procedure

Subchapter 5 Oral Testimony

§16-88-20 Oral testimony

Subchapter 6 Repealed

§16-88-21 Repealed

§16-88-22 Repealed

§16-88-23 Repealed

§16-88-24 Repealed

§16-88-25 Repealed

§16-88-26 Repealed

§16-88-27 Repealed

Subchapter 7 Fees

§16-88-31 Fees

Subchapter 8 Repealed

§16-88-35 Repealed

§16-88-36 Repealed

§16-88-37 Repealed

§16-88-38 Repealed

§16-88-39 Repealed

§16-88-40 Repealed

§16-88-41 Repealed

SUBCHAPTER 1

GENERAL PROVISIONS

§16-88-1 Objective. This chapter is intended to clarify and implement chapter 455, Hawaii Revised Statutes, to the end that the provisions thereunder may be best effectuated and the public interest most effectively protected. [Eff 6/11/79; am and ren §16-88-1, 6/22/81; am and comp 4/28/88; comp 7/10/91; comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §455-6)

§16-88-2 Definition. As used in this chapter:

"Board" means the board of examiners in naturopathy. [Eff 6/11/79; am and ren §16-88-2, 6/22/81; am and comp 4/28/88; comp 7/10/91; am and comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §455-6)

§16-88-3 Notification and filing of names, addresses, and changes. Every licensee shall file the licensee's mailing address with the board and shall notify the board in writing of any and all changes within thirty days of the change. [Eff 6/11/79; am and ren §16-88-3, 6/22/81; am and comp 4/28/88; comp 7/10/91; comp 10/13/94] (Auth: HRS §455-6) (Imp: §455-6)

§16-88-4 Biennial renewal. Renewal fees paid by mail shall be considered as paid when due if the envelope bears the postmark of December 31 or earlier of each odd-numbered year. [Eff 6/11/79; am and ren §16-88-4, 6/22/81; am and comp 4/28/88; am and comp 7/10/91; comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §455-8)

§16-88-5 Automatic forfeiture of license. A licensee's license shall be automatically forfeited if:

- (1) The licensee fails to pay the renewal fee on or before December 31 of each odd-numbered year;
- (2) The licensee pays the renewal fee by check which is not honored due to insufficient funds; or
- (3) For any other reason, the renewal fee shall be considered not paid. [Eff and comp 4/28/88; am and comp 7/10/91; comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §455-8)

§16-88-6 Restoration of forfeited license. A license which is forfeited pursuant to section 16-88-5, may be restored upon:

- (1) Application for renewal on a form approved by the board and payment of a renewal fee;
- (2) Payment of all delinquent fees; and
- (3) Payment of a penalty fee. [Eff and comp 4/28/88; comp 7/10/91; am and comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §455-8)

§16-88-7

§16-88-7 Display of wall certificate. The wall certificate shall be conspicuously displayed in the place of business. [Eff and comp 4/28/88; comp 7/10/91; comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §455-8)

SUBCHAPTER 2

APPLICATIONS

§16-88-8 Repealed. [R 4/28/88]

§16-88-9 Applications. (a) An application for a license by examination shall be filed at least sixty days, but not more than one hundred eighty days before the date of examination and shall be accompanied by the required application and examination fees.

(b) An application for a license may be filed at anytime by an applicant who has already registered for or who has taken the examinations identified in section 16-88-12.1 and shall be accompanied by the required application fee. The applicant shall be responsible for having the testing contractor verify, directly to the board, the passing scores of the examinations as required in section 16-88-14.1.

(c) An application filed with the board shall be prepared in accordance with the application forms and instructions provided by the board and shall be accompanied by:

- (1) A photostat or certified copy of the applicant's diploma; or
- (2) A photostat or certified copy of the applicant's certificate of graduation; or
- (3) A certified copy of an official transcript.
- (d) The application fee shall not be refunded.

(e) The board may delegate to the board's executive secretary the authority to determine the sufficiency of qualifications for admission to examination and the authority to issue a license upon verification of the successful passage of the examinations identified in section 16-88-12.1. [Eff and comp 4/28/88; am and comp 7/10/91; am and comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §455-2)

§16-88-10 Application for reexamination. An application for reexamination shall be filed at least sixty days before the date of the examination

and accompanied by the required examination fee. [Eff and comp 4/28/88; am and comp 7/10/91; comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §455-2)

SUBCHAPTER 3

EXAMINATION

§16-88-12 Repealed. [R 4/28/88]

§16-88-12.1 Examination requirements for licensure. Each applicant shall be required to take and pass the following examinations:

- (1) All parts of the clinical examination series of the Naturopathic Physicians Licensing Examination (NPLEX); and
- (2) Examination on homeopathy. [Eff and comp 4/28/88; comp 7/10/91; am and comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §455-7)

§16-88-13 Repealed. [R 4/28/88]

§16-88-14 Repealed. [R 4/28/88]

§16-88-14.1 Passing score. The passing score, which shall be verified directly to the board by the testing contractor, shall be a converted score of seventy-five on each part of the clinical examination series of the NPLEX examination and on the examination on homeopathy. [Eff and comp 4/28/88; am and comp 7/10/91; am and comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §455-7)

§16-88-14.2 Reexamination. An applicant who fails any of the examinations identified in section 16-88-12.1 shall be required to be reexamined only on the part or parts of the examination in which the applicant received a converted score of less than seventy-five. [Eff and comp 4/28/88; comp 7/10/91; comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §455-7)

SUBCHAPTER 4

HEARINGS

§16-88-15 Denial. If an application for a license, renewal of a license, or restoration of a license is denied by the board the applicant or licensee, as the case may be, shall be notified by letter of the board's action which shall include a concise statement of the reasons for denial and a statement informing the applicant or licensee, as the case may be, of the right to a hearing. [Eff 6/11/79; am and ren §16-88-15, 6/22/81; am and comp 4/28/88; comp 7/10/91; comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §§455-6, 455-11)

§16-88-16 Demand for a hearing. Any person whose application for a license, renewal of a license, or restoration of a license has been denied by the board may petition for hearing relief pursuant to chapter 16-201, administrative practice and procedure, provided that the petition for hearing relief is filed with the board within sixty days of the date of the denial of the application. [Eff 6/11/79; am and ren §16-88-16, 6/22/81; am and comp 4/28/88; comp 7/10/91; comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §§455-6, 455-11, 91-13.1)

§16-88-17 Proceedings upon demand for a hearing. If a demand for a hearing is filed pursuant to section 16-88-16, the board shall order a hearing pursuant to chapter 16-201, administrative practice and procedure. [Eff 6/11/79; am and ren §16-88-17, 6/22/81; am and comp 4/28/88; comp 7/10/91; comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §§455-6, 455-11)

§16-88-18 Administrative practice and procedure. The rules of practice and procedure shall be as provided in chapter 16-201, the rules of practice and procedure of the department of commerce and consumer affairs as adopted, and as may subsequently be amended, which are incorporated by reference and made a part of this chapter. [Eff and comp 4/28/88; comp 7/10/91; am and comp 10/13/94] (Auth: HRS §§455-6, 91-2) (Imp: §§455-6, 91-2)

SUBCHAPTER 5

ORAL TESTIMONY

§16-88-20 Oral testimony. (a) The board shall accept oral testimony on any item which is on the board's agenda, provided that the testimony shall be subject to the following conditions:

- (1) Each person seeking to present oral testimony is requested to notify the board not later than forty-eight hours prior to the meeting, and at that time shall state the item on which testimony is to be presented;
- (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;
- (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;
- (4) Persons presenting oral testimony shall, at the beginning of the testimony, identify themselves and the organization, if any, that they represent;
- (5) The board may limit oral testimony to a specified time period but in no case shall the period be less than five minutes, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
- (6) The board may refuse to hear any testimony which is irrelevant, immaterial, or unduly repetitious to the agenda item on which it is presented.

(b) Nothing in this section shall require the board to hear or receive any oral or documentary evidence from a person on any matter which is the subject of another proceeding pending subject to the hearings relief, declaratory relief, or rule relief provisions of chapter 16-201.

(c) Nothing in this section shall prevent the board from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the board on any particular matter on the board's agenda. [Eff and comp 4/28/88; comp 7/10/91; am and comp 10/13/94] (Auth: HRS §455-6) (Imp: HRS §92-3)

§16-88-21

SUBCHAPTER 6

§16-88-21 Repealed. [R 7/10/91]

§16-88-22 Repealed. [R 7/10/91]

§16-88-23 Repealed. [R 7/10/91]

§16-88-24 Repealed. [R 7/10/91]

§16-88-25 Repealed. [R 4/28/88]

§16-88-26 Repealed. [R 7/10/91]

§16-88-27 Repealed. [R 7/10/91]

SUBCHAPTER 7

FEES

§16-88-31 Fees. The fees for the board shall be as provided in chapter 16-53 relating to boards and commissions. [Eff 11/7/64; am and ren §16-88-31, 6/22/81; am and comp 4/28/88; comp 7/10/91; comp 10/13/94] (Auth: HRS §92-28) (Imp: HRS §§92-28, 26-9(j))

SUBCHAPTER 8

§16-88-35 Repealed. [R 7/10/91]

§16-88-36 Repealed. [R 7/10/91]

§16-88-37 Repealed. [R 7/10/91]

§16-88-38 Repealed. [R 7/10/91]

§16-88-39 Repealed. [R 7/10/91]

§16-88-40 Repealed. [R 7/10/91]

§16-88-41 Repealed. [R 7/10/91]

Amendments to and compilation of chapter 16-88, Hawaii Administrative Rules, on the Summary Page dated May 25, 1994, were adopted on May 25, 1994, following a public hearing held on the same date, after public notices were given in The Honolulu Advertiser, Hawaii Tribune-Herald, Maui News, West Hawaii Today, and the Kauai Times on April 24, 1994.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Michael Traub, N.D.

MICHAEL L. TRAUB, N.D., Chairperson
Board of Examiners in Naturopathy

APPROVED AS TO FORM: Date 8/19/94

/s/ Deborah Day Emerson

Deputy Attorney General

APPROVED: Date 9/20/94

/s/ Clifford K. Higa

CLIFFORD K. HIGA, Director
Commerce and Consumer Affairs

APPROVED: Date 10/3/94

/s/ John Waihee

JOHN WAIHEE
Governor
State of Hawaii

October 3, 1994

Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendments and Compilation of Chapter 16-88
Hawaii Administrative Rules

May 25, 1994

SUMMARY

1. §16-88-2 is amended.
2. §16-88-6 is amended.
3. §16-88-9 is amended.
4. §16-88-12.1 is amended.
5. §16-88-14.1 is amended.
6. §16-88-18 is amended.
7. §16-88-20 is amended.
8. Chapter 88 is compiled.