

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 88

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SUBCHAPTER 1

GENERAL PROVISIONS

§16-88-1 Objective. This chapter is intended to clarify and implement chapter 455, HRS, 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; comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §455-6)

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

"Board" means the board of naturopathic medicine. [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; comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §§455-4, 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 calendar 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; comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §455-6)

§16-88-4 Payment of renewal fees. 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; comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §455-8)

§16-88-5

§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; comp 1/21/10; comp 2/14/11] (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) Submitting an 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; comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §455-8)

§16-88-7 Display of wall certificate. A wall certificate issued by the board shall be conspicuously displayed in the licensee's place of business. [Eff and comp 4/28/88; comp 7/10/91; comp 10/13/94; am and comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §455-8)

§16-88-7.5 Use of titles. A person licensed under chapter 455, HRS, and this chapter:

- (1) Shall clearly identify him or herself as being a naturopathic physician;
- (2) May use the titles "natureopath", "naturopath", "doctor of naturopathy", "doctor of naturopathic medicine", "naturopathic healthcare", "naturopathic physician", "naturopathic medicine", "naturopathy", "naturopathic doctor", and "N.D.";
- (3) Shall not use any title to induce the belief that the person is licensed as a physician or an osteopathic physician in this State; and

- (4) Shall not use the title "naturopathic medical doctor" or the acronym "N.M.D."; provided that this prohibition shall not apply to a naturopathic physician who is licensed as a physician or an osteopathic physician in this State. [Eff and comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §§455-9, 455-11)

## SUBCHAPTER 2

### APPLICATIONS

§16-88-8 Repealed. [R 4/28/88]

§16-88-9 Application for licensure. (a) An application for licensure 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) The required application fees, which shall not be refunded;
- (2) A certified copy of an official transcript;
- (3) Passing scores of the examinations as required in section 16-88-14.1. The applicant shall be responsible for having the professional testing agency verify, directly to the board, the passing scores of the examinations as required in section 16-88-14.1; and
- (4) Any other documents deemed necessary by the board.

(b) The board may delegate to the board's executive officer the authority to issue a license upon verification that an applicant has met the education and examination requirements of this chapter and chapter 455, HRS. [Eff and comp 4/28/88; am and comp 7/10/91; am and comp 10/13/94; am and comp 1/21/10; comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §§455-2, 455-3, 455-7)

§16-88-10 Application for examination and reexamination. An application for examination and reexamination shall be filed directly with the professional testing agency contracted with the board. [Eff and comp 4/28/88; am and comp 7/10/91; comp 10/13/94; am and comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §§455-2, 455-7)

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 Naturopathic Physicians Licensing Examinations (NPLEX):

- (1) Part I of the NPLEX;
- (2) Part II of the NPLEX; and
- (3) Examination on homeopathy; provided that after February 2007, the examination on homeopathy will no longer be a separate examination as it will be incorporated into the Part II of the NPLEX. [Eff and comp 4/28/88; comp 7/10/91; am and comp 10/13/94; am and comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §455-7)

§16-88-12.2 Educational requirements for licensure. The naturopathic medical education program shall be a minimum of four academic years, with in-residence curriculum in basic science and clinical didactic studies, as well as clinical training. [Eff and comp 1/21/10; comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §455-3)

§16-88-13 Repealed. [R 4/28/88]

§16-88-14 Repealed. [R 4/28/88]

§16-88-14.1 Passing score. (a) The passing score, which shall be verified directly to the board by the professional testing agency, for each examination or each part of the examinations specified in section 16-88-12.1 shall be a converted score of at least seventy-five or a result of "P" or "pass"; provided that the score report of "P" or "pass" is equivalent to a converted score of at least seventy-five.

(b) The professional testing agency shall grade and score the examinations. [Eff and comp 4/28/88; am and comp 7/10/91; am and comp 10/13/94; am and comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §455-7)

§16-88-14.2 Reexamination. (a) An applicant who fails any part of Part I of the NPLEX shall be required to retake all failed parts during the same administration of the NPLEX examination and shall attain a converted score of at least seventy-five on all parts of the examination that the applicant had failed and had retaken; provided that:

- (1) An applicant who fails more than two parts of Part I of the NPLEX shall retake the entire Part I of the NPLEX; and
- (2) An applicant who fails to pass all parts of Part I of the NPLEX within four attempts shall retake the entire Part I of the NPLEX. An applicant who has not passed all five parts of Part I of the NPLEX prior to August 2009, shall retake the entire Part I of the NPLEX. After February 2009, an applicant who fails any part of the Part I of the NPLEX shall retake the entire examination.

(b) An applicant who fails any part of Part II of the NPLEX shall retake the entire examination. [Eff and comp 4/28/88; comp 7/10/91; comp 10/13/94; am and comp 1/21/10; am and comp 2/14/11] (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 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; comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §§455-6, 455-11)

§16-88-16

§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; provided that the petition for hearing relief is filed with the board within sixty calendar 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; am and comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §§91-13.1, 455-6, 455-11)

§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. [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; am and comp 1/21/10; am and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §§455-6, 455-11)

§16-88-18 Administrative practice and procedure. The rules of practice and procedure provided in chapter 16-201, as amended, shall be followed for administrative hearings, and are hereby incorporated into and made a part of this chapter. [Eff and comp 4/28/88; comp 7/10/91; am and comp 10/13/94; comp 1/21/10; am and comp 2/14/11] (Auth: HRS §§91-2, 455-6) (Imp: §§91-2, 455-6)

## 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; comp 1/21/10; comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §§92-3, 455-6)

#### 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

§16-88-26 Repealed. [R 7/10/91]

§16-88-27 Repealed. [R 7/10/91]

## SUBCHAPTER 7

### FEES

§16-88-31 Fees. All fees under chapter 455, HRS, and this chapter shall be specified 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; comp 1/21/10; am and comp 2/14/11] (Auth: HRS §92-28) (Imp: HRS §§26-9, 92-28)

## 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]

SUBCHAPTER 9

PARENTERAL THERAPY

§16-88-56 Authorization to use parenteral therapy required. (a) For the purposes of this chapter, parenteral therapy is limited to subcutaneous, intramuscular, and intravenous injection.

(b) Only a naturopathic physician licensed under chapter 455, HRS, who meets the education and training requirements of this subchapter shall be authorized to administer parenteral therapy in the naturopathic physician's practice. [Eff and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §§455-1, 455-6, 455-11)

§16-88-57 Education and training requirements for parenteral therapy.

(a) To qualify to administer parenteral therapy in the naturopathic physician's practice, a naturopathic physician shall submit an application and applicable fees to the board and demonstrate that the naturopathic physician has:

- (1) A current naturopathic physician's license in this State; and
- (2) Completed a qualifying course on parenteral therapy from an approved course provider as provided in this section.

(b) The qualifying course shall consist of a minimum of thirty classroom hours on parenteral administration through injection of applicable naturopathic formulary substances.

- (1) At a minimum, the qualifying course shall have covered all of the following topics:
  - (A) Current and historical research on parenteral therapy;
  - (B) Indications and contraindications of parenteral therapy;
  - (C) Parenteral therapy side effects and toxicity, nutrient/drug interactions;
  - (D) Parenteral therapy and practical application, vein selection, and insertion techniques;
  - (E) Intravenous solutions, equipment, supplies, catheters, and pic lines;
  - (F) Initial evaluation and treatment monitoring requirements;
  - (G) Frequency of parenteral treatments;
  - (H) Charting requirements, standards of care, office procedures, consent to treat, nutrition and lifestyle recommendations during treatment, errors and adverse reactions; and

- (I) Practicum on mixing and administering parenteral solutions, including observation of intravenous set up and administration (the licensee shall have observed at least ten of these); and successful completion of intravenous set up (the licensee shall have completed at least ten of these).
  - (2) The licensee shall have successfully completed a written examination developed and administered by the course provider, and the practicum described in subparagraph (b)(1)(I). The written examination shall consist of at least fifty questions that are relevant to the topics set forth in this subsection. Successful completion of the written examination shall be a passing score of at least seventy-five percent or its equivalent.
  - (3) One classroom hour is defined as fifty minutes out of each sixty minute segment and may include time devoted to examinations.
  - (4) No credit shall be granted for distance education, including but not limited to correspondence courses, internet courses, or video or remote television offerings.
- (c) Schools, universities, or colleges that meet the requirements of section 455-3, HRS, and schools, universities, or colleges that are accredited by a regional or national accrediting body recognized by the United States Department of Education, shall automatically be approved course providers. The dean of these approved course providers shall certify to the board that the qualifying course and licensee met the requirements of subsection (b).
- (d) Course providers that are not automatically approved pursuant to subsection (c) shall submit an application and applicable fees, course description and outline, and course instructor qualifications to the board for approval.
- (1) Course instructors shall have had at least one year of experience teaching parenteral therapy at a school, university or college as described in 16-88-57(c), and at least five years' experience and training combined in parenteral therapy.
  - (2) These course providers shall:
    - (A) Provide attendees within sixty days of completion of the course or the examination, completion certificates which shall include information regarding the number of classroom hours and, whether there was successful passage of the course examination; and
    - (B) Keep attendance records for a minimum of seven years.
  - (3) Completion certificates shall be issued only if the attendee physically attended the course.

- (4) Attendees may take no more than one make-up examination; provided that the examination is taken within ninety days after the end date of the course. [Eff and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §§455-3, 455-6, 455-11)

§16-88-58 Disapproval of course providers, courses, and instructors. (a) Course providers, courses, and instructors may be disapproved when:

- (1) The instructor or administrators of the course provider have had any disciplinary action imposed against them in any jurisdiction; or
  - (2) The course provider, course, or instructor fails to meet the requirements in section 16-88-57.
- (b) Course approval may be withdrawn for cause after notification to the course provider by the board or the board's authorized designee. [Eff and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §455-6)

§16-88-59 Standards to administer parenteral therapy. (a) To protect the general public, every licensee authorized to administer parenteral therapy in the licensee's practice shall make a good faith effort to comply with the standards set forth in this section. These standards are designed to be a systematic process to improve professional performance, a measurable tool for implementation and disciplinary action, and a statement of level of practice for the best outcome in patient care. Standard of practice guidelines for parenteral therapy are not intended to replace professional clinical judgment in individual cases, but rather to establish patient care parameters for safe and effective patient care.

- (b) Standards of care summary:
- (1) General and intravenous specific history and physical examination;
  - (2) Appropriate laboratory evaluations;
  - (3) Referrals: assessment of referral from other provider and necessity for potential referral from your facility;
  - (4) Prevention and intervention: assessment of need for prevention of adverse events specific to the patient's history and condition and intervention in the plan to address these assessments;
  - (5) Follow up evaluation: evaluate the patient at the end of treatment and on discharge;

- (6) Stated assessment on weekly, monthly, quarterly, or yearly basis: the original plan should have treatment goals and intervals for follow up assessment;
  - (7) Therapeutic options: address other options (additional to the original plan) as the need arises;
  - (8) Self management education: assure that patient follow-up instruction is given and patient care at home is addressed; and
  - (9) Note appropriate details of treatment in a patient's record.
- (c) A written intravenous order shall include the following information:
- (1) Patient: name and date;
  - (2) Type of carrier solution and amount;
  - (3) Type and amount of medication added to the carrier solution;
  - (4) Rate of infusion;
  - (5) Route solution is given (e.g., intravenous, intramuscular, etc.); and
  - (6) Type of access device used: catheter, butterfly, or central venous access device.
- (d) The following procedure is required prior to providing initial or new intravenous therapy to patients:
- (1) The written order for intravenous therapy shall be issued by a licensed naturopathic physician who is authorized to administer parenteral therapy;
  - (2) Each patient shall read and sign an informed consent form for intravenous therapy;
  - (3) For patients that have been referred to the clinic by another physician for intravenous therapy, ensure that the desired intravenous treatment is clearly described and that any questions or concerns are addressed with the referring physician prior to the patient visit;
  - (4) Review patient history;
  - (5) Perform the required physical examination and vital signs;
  - (6) Evaluate other considerations relative to intravenous therapy from the intake form;
  - (7) Perform appropriate laboratory tests;
  - (8) Compliance with the professional standards of the Centers for Disease Control and Prevention and Occupational Safety and Health Administration for the prevention of contamination and infection control;

- (9) Utilize sterile and hygienic techniques at all times during the procedure, from preparation of the intravenous solution to cleansing the injection site and attention to maintaining the sterile field throughout the procedure; and
- (10) Document a Procedure/Alternatives/Risks/Questions (PARQ) communication with the patient during the first consultation regarding intravenous therapy:
  - (A) Procedure: explain the procedure;
  - (B) Alternatives: inform the patient about alternatives to the procedure;
  - (C) Risks: assess and address the risks involved; and
  - (D) Questions: answer the patient's questions and concerns.  
[Eff and comp 2/14/11] (Auth: HRS §455-6) (Imp: HRS §§455-6, 455-11)

## SUBCHAPTER 10

### MINOR OFFICE PROCEDURES

#### §16-88-70 Authorization to perform minor office procedures required.

(a) Only a naturopathic physician licensed under chapter 455, HRS, who meets the examination requirements of this section shall be authorized to perform minor office procedures in the naturopathic physician's practice.

(b) To qualify to perform minor office procedures in the naturopathic physician's practice, a naturopathic physician shall submit an application and applicable fees to the board and demonstrate that the naturopathic physician has a current naturopathic physician's license in this State, and:

- (1) Successfully passed the NPLEX Clinical Elective Minor Surgery Examination; or
- (2) Licensees who were licensed prior to the establishment of the NPLEX may provide evidence of successful passage of a minor surgery examination that was administered by another licensing jurisdiction and required to allow the licensee to practice minor surgery in that licensing jurisdiction. The licensee shall be responsible for having the other licensing jurisdiction verify, directly to the board, the successful passage of the minor surgery examination and that passage of that examination was required to allow the licensee to practice minor surgery in that licensing

§16-88-70

jurisdiction. [Eff and comp 2/14/11] (Auth: HRS §455-6) (Imp:  
HRS §§455-1, 455-6, 455-11)

Amendments to and compilation of chapter 16-88, Hawaii Administrative Rules, on the Summary page dated January 10, 2011, were adopted on January 10, 2011, following a public hearing held on January 10, 2011, after public notice was given in the Pacific Business News on December 3, 2010, and The Garden Island, The Maui News, West Hawaii Today, and Hawaii Tribune-Herald on December 5, 2010.

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

/s/ Michael L. Traub, N.D.  
MICHAEL L. TRAUB, N.D., Chairperson  
Board of Naturopathic Medicine

APPROVED AS TO FORM:           Date 1/19/11

/s/ Rodney J. Tam  
Deputy Attorney General

APPROVED:                           Date 1/27/11

/s/ Keali`i S. Lopez  
KEALI`I S. LOPEZ, Interim Director  
Commerce and Consumer Affairs

APPROVED:                           Date 2/1/11

/s/ Neil Abercrombie  
NEIL ABERCROMBIE, Governor  
State of Hawaii

February 3, 2011  
Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment and Compilation of Chapter 16-88  
Hawaii Administrative Rules

January 10, 2011

SUMMARY

1. §16-88-1 is amended.
2. §16-88-2 is amended.
3. §16-88-3 is amended.
4. §16-88-4 is amended.
5. §16-88-6 is amended.
6. §16-88-7 is amended.
7. §16-88-7.5 is amended.
8. §16-88-10 is amended.
9. §16-88-12.1 is amended.
10. §16-88-14.1 is amended.
11. §16-88-14.2 is amended.
12. §16-88-15 is amended.
13. §16-88-16 is amended.
14. §16-88-17 is amended.
15. §16-88-18 is amended.

This material can be made available for individuals with special needs. Please call the Program Specialist, Professional and Vocational Licensing Division, DCCA, at 586-2692 to submit your request.

Effective 02/14/11

16. §16-88-31 is amended.
17. A new §16-88-56 is added.
18. A new §16-88-57 is added.
19. A new §16-88-58 is added.
20. A new §16-88-59 is added.
21. A new §16-88-70 is added.
22. Chapter 88 is compiled.