

SB3012

Measure Title:
RELATING TO MOTOR VEHICLE INSURANCE.

Report Title:
Motor Vehicle Insurance; PIP; Therapeutic Massage

Description:
In determining motor vehicle insurance policy personal injury protection benefits, imposes the same limitations on the number of visits, charge per visit, and combined total visits for therapeutic massage treatments as are imposed on naturopathic, chiropractic, and acupuncture treatments.

Package:
Governor

Companion:
HB3090

Introducer(s):
HANABUSA (BR)

Current Referral:
HTH, CPH



Hawaii State Chiropractic Association

P.O. Box 22668 Honolulu, HI 96823-2668

ph: (808) 926-8883 fx: (808) 926-8884

February 11, 2008

THE SENATE

COMMITTEE ON HEALTH

Sen. David Ige, Chair

Sen. Carol Fukunaga, Vice Chair

HEARING

Wednesday, February 13, 2008

1:15 pm

Conf. Rm 016

Dear Chair Ige and members of the committee:

Thank you for the opportunity to testify on this bill. I am Dr. Gary Saito, a chiropractor in practice in Hawaii and the President and Executive Director of the Hawaii State Chiropractic Association. **The HSCA opposes SB 3012.**

This bill is an attempt by the insurance companies to strip away the rights of injured claimants by severely limiting their access to appropriate and necessary treatments. Year after year, the carriers have demonstrated an unwillingness to provide medical treatments to injured claimants by placing artificial limits on their access to care.

The statutes now require that insureds be offered no less than \$10,000 of medical care if they are injured in an auto-related accident. Because the overwhelming majority of cases resolve without reaching this limit, there appears to be no rational need to take away benefits. This bill clearly is aimed to increase insurers' profit-taking at the expense of their policyholders.

We urge you to defer SB 3012. Thank you for your consideration of our position.

Gary Saito, DC
President, HSCA

testimony

From: Olivia Nagashima [onagashima@hawaii.rr.com]
Sent: Tuesday, February 12, 2008 8:09 AM
To: testimony
Subject: TESTIMONY FOR FEB 13, 2008

**TESTIMONY TO THE COMMITTEE ON HEALTH, Senator David Ige, Chair
TESTIMONY TO THE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND
AFFORDABLE HOUSING, Senator Russell Kokubun, Chair**

For the Senate hearing on Wednesday, February 13, 2008, 1:15 P.M.

**by Olivia Nagashima, President
American Massage Therapy Association-Hawaii Chapter
P.O. Box 464
Kailua, HI 96734
Cell: 255-5234**

Opposing SB3012, relating to Motor Vehicle Insurance

**To Chairperson Senator David Ige, Chairperson Senator Russell Kokubun, and members of
the committees,**

**On behalf of the American Massage Therapy Association-Hawaii Chapter, thank you for
this opportunity to provide testimony regarding SB3012. The American Massage Therapy
Association-Hawaii Chapter **strongly opposes** SB3012.**

**SB3012 limits the patient's choice of care for recovery from a motor vehicle accident. 30
treatments may not be sufficient to address soft tissue damage such as whiplash, back pain
and other pain syndromes which could resurface for years. While drug therapies may
seem cost efficient, many patients prefer to avoid simply numbing and disguising the
pain. The patients I have seen want to be rehabilitated through modalities that encourage
the body's own healing abilities. Each individual heals at their own rate. While some
individuals require a few treatments, capping the massage treatments to 30 visits is simply
not acceptable.**

**In regards to compensation, it is unfair to compare massage therapy to other modalities
such as chiropractic, acupuncture or physical therapy. While other therapies can treat more
than one patient per hour, massage treatments are limited to one-on-one sessions. Many
therapists find the job of treating the no fault patient to be a daunting task. For the massage
therapists, accepting no fault case means doing the therapy, documenting the treatment,
billing for the treatment, following up to make sure the payment is received, then sometimes
appealing the bill that is denied. It is much more than one hour of follow up work per
session. We are allowed to bill at the Medicare fee schedule for good reason. Capping the
treatment to \$75.00 is not fair.**

**As a practicing therapist for over 11 years, many of my clients have experienced one, two
or more motor vehicle accidents. All of them have indicated that massage therapy had
brought them the most relief from their pain and discomfort compared to other modalities
and prescription drugs; and has also given them the ability to control their fear and anxiety**

as a result of their accidents. For those who have the misfortune of being in a car accident in the future, they too would deserve to have the choice of modalities for their rehabilitation.

I believe that providing massage therapy as a motor vehicle accident rehabilitation is reasonable and effective. I urge you to oppose SB3012. Please feel free to contact me if I can provide any other information. Thank you for your consideration.

Respectfully yours,

Olivia Nagashima
President, AMTA-HI Chapter
Em: onagashima@hawaii.rr.com

testimony

From: Pualani [pualanig@hawaii.rr.com]
Sent: Tuesday, February 12, 2008 11:50 AM
To: testimony
Subject: Testimony on SB3012

TESTIMONY TO THE COMMITTEE ON HEALTH, Senator David Ige, Chair
TESTIMONY TO THE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND
AFFORDABLE HOUSING, Senator Russell Kokubun, Chair
For the Senate hearing on Wednesday, February 13, 2008, 1:15 P.M.

by S. Pualani Gillespie RN,LMT, 1st Vice President
American Massage Therapy Association-Hawaii Chapter
P.O. Box 253
Kealahou, HI 96750
Cell: 808-756-2124
Opposing SB3012, relating to Motor Vehicle Insurance

To Chairperson Senator David Ige, Chairperson Senator Russell Kokubun, and members of the committees,

On behalf of the American Massage Therapy Association-Hawaii Chapter, thank you for this opportunity to provide testimony regarding SB3012. The American Massage Therapy Association-Hawaii Chapter **strongly opposes** SB3012.

SB3012 limits the patient's choice of care for recovery from a motor vehicle accident. 30 treatments may not be sufficient to address soft tissue damage such as whiplash, back pain and other pain syndromes which could resurface for years. While drug therapies may seem cost efficient, many patients prefer to avoid simply numbing and disguising the pain. The patients I have seen want to be rehabilitated through modalities that encourage the body's own healing abilities. Each individual heals at their own rate. While some individuals require a few treatments, capping the massage treatments to 30 visits is simply not acceptable.

In regards to compensation, it is unfair to compare massage therapy to other modalities such as chiropractic, acupuncture or physical therapy. While other therapies can treat more than one patient per hour, massage treatments are limited to one-on-one sessions. Many therapists find the job of treating the no fault patient to be a daunting task. For the massage therapists, accepting no fault case means doing the therapy, documenting the treatment, billing for the treatment, following up to make sure the payment is received, then sometimes appealing the bill that is denied. It is much more than one hour of follow up work per session. We are allowed to bill at the Medicare fee schedule for good reason. Capping the treatment to \$75.00 is not fair.

As a practicing therapist for over 10 years, many of my clients have experienced one, two or more motor vehicle accidents. All of them have indicated that massage therapy had brought them the most relief from their pain and discomfort compared to other modalities and prescription drugs; and has also given them the ability to control their fear and anxiety as a result of their accidents. For those who have the misfortune of being in a car accident in the future, they too would deserve to

have the choice of modalities for their rehabilitation.

I believe that providing massage therapy as a motor vehicle accident rehabilitation is reasonable and effective. I urge you to oppose SB3012. Please feel free to contact me if I can provide any other information. Thank you for your consideration.

Respectfully yours,

S. Pualani Gillespie 1st Vice- President, AMTA-HI Chapter
Em: pualanig@hawaii.rr.com

testimony

From: Dustin Ebesu and Kyle Ino [handart@hawaiiantel.net]
Sent: Tuesday, February 12, 2008 2:51 AM
To: testimony
Cc: matahmatters@yahoo.com; pacificmassage4u@yahoo.com
Subject: Opposition to SB3012

February 12, 2008

TESTIMONY TO THE COMMITTEE ON HEALTH, Senator David Ige, Chair
TESTIMONY TO THE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND
AFFORDABLE HOUSING, Senator Russell Kokubun, Chair

For the Senate hearing on Wednesday, February 13, 2008, 1:15 P.M.

by Dustin Ebesu, President
Massage Therapists Association of Hawaii
P.O. Box 23409
Honolulu, HI 96823-3409
cellular phone : 225-7822

Opposing SB3012, relating to Motor Vehicle Insurance

To Chairperson Senator David Ige, Chairperson Senator Russell Kokubun, and members of the committees,

On behalf of the Massage Therapists Association (MATAH), thank you for this opportunity to provide testimony regarding SB3012. The Massage Therapists Association of Hawaii **strongly opposes** SB3012.

SB3012 limits the patient's choice of care for recovery from a motor vehicle accident. 30 treatments may not be sufficient to address soft tissue damage such as whiplash, back pain and other pain syndromes which could resurface for years. While drug therapies may seem cost efficient, many patients prefer to avoid simply numbing and disguising the pain. The patients I have seen want to be rehabilitated through modalities that encourage the body's own healing abilities. Each individual heals at their own rate. While some individuals require a few treatments, capping the massage treatments to 30 visits is simply not acceptable.

In regards to compensation, it is unfair to compare massage therapy to other modalities such as chiropractic, acupuncture or physical therapy. While other therapies can treat more than one patient per hour, massage treatments are limited to one-on-one sessions. Many therapists find the job of treating the no fault patient to be a daunting task. For the massage therapists, accepting no fault case means doing the therapy, documenting the treatment, billing for the treatment, following up to make sure the payment is received, then sometimes appealing the bill that is denied. It is much more than one hour of follow up work per session. We are allowed to bill at the Medicare fee schedule for good reason.

Capping the treatment to \$75.00 is not fair.

As a consumer, I have had motor vehicle accidents. I have fortunately recovered from ill effects through regularly receiving massage therapy, chiropractic care and diligent self care. For those who have a misfortunate car accident in the future, they too would deserve to have the choice of modalities for their rehabilitation.

I believe that providing massage therapy as a motor vehicle accident rehabilitation is reasonable and effective. I urge you to oppose SB3012. Please feel free to contact me if I can provide any other information. Thank you for your consideration.

Respectfully yours,

Dustin Ebesu, 2008 President
Massage Therapists Association of Hawaii
matahmatters@yahoo.com

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-

TIMOTHY M. DAYTON, CPCU, GENERAL MANAGER

711 Kapiolani Blvd., Suite 300 ■ Honolulu, HI 96813-5238 ■ Email: tdayton@geico.com

Direct: (808) 593-1875 ■ FAX (808) 593-1876 ■ Cell: (808) 341-9252

TESTIMONY

SENATE COMMITTEE ON HEALTH
Senator David Y. Ige, Chair
Senator Carol Fukunaga, Vice Chair

Wednesday, February 13, 2008
1:15 p.m.

SB 3012

Chairman Ige, Vice Chair Fukunaga, and members of the Senate Health Committee, I am Tim Dayton, General Manager for Hawaii's largest motor vehicle insurer. GEICO supports SB 3012. In 2007, GEICO was billed approximately \$1.5 million for massage treatment covered under Hawaii PIP.

I would like to share some legislative history on the limitation of alternative treatments under Hawaii's Personal Injury Protection (PIP):
In 1997, Conference Committee Report 171 proposed major reforms to Motor Vehicle Insurance which became Act 251 stating: "The purpose of this bill is to reduce no-fault insurance premiums and to preserve adequate protection of the rights of drivers." One reform was to tie PIP benefits to prepaid health plans for description of coverage only with a special designation to allow up to

30 chiropractic treatments. In subsequent years, Acupuncture and Naturopathic were added to the treatment limitation. Neither of the two major prepaid health plans included massage therapy as a regular benefit back in 1997 or include it as a regular benefit now.

In 1998, Conference Committee Report 117 described additional reforms to Motor Vehicle Insurance. "The purpose of this bill is to continue the trend of decreasing automobile insurance rates for our driving public, and to that end, has focused on clarifying existing provisions and making technical corrections to Act 251." Specifically, Report 117 stated: "Physical Therapy and therapeutic massage are restricted and available by prescription from a medical doctor to further reduce costs. It is intended that the addition of a medical doctor as a gatekeeper for these ancillary medical services will serve to prevent abuses and excessive treatment." The gatekeeper function works well with some doctors and is abused by others, some of whom have financial interests in the massage clinic they refer patients to.

I urge your favorable consideration of SB 3012 and greatly appreciate the opportunity to submit this testimony.



Timothy M. Dayton, CPCU

**SENATE COMMITTEE ON
HEALTH**

February 13, 2008

Senate Bill 3012 Relating to Motor Vehicle Insurance

Chair Ige and members of the Senate Committee on Health, I am Rick Tsujimura, representing State Farm Insurance Companies, a mutual company owned by its policyholders.

State Farm supports Senate Bill 3012 Relating to Motor Vehicle Insurance and urges its passage.

Thank you for the opportunity to present this testimony.

testimony

From: Cindyogata@aol.com
Sent: Tuesday, February 12, 2008 9:37 AM
To: testimony
Subject: SB3012

There are two bills, SB3012 (SB is Senate Bill) and HB3090 (House Bill) that propose changing the no fault treatments from the present (about \$100/treatment, and limit on number of treatments by prescriptions from the referring physician) to 30 treatment maximum and a cap of \$75.00 per treatment.

Hearing on the SB3012 is February 13, Wed, 1:15 pm in conference rm 016 at the state capitol.

I am opposed to SB3012 that proposed changes to the no fault treatments from the present to put a limit on 30 treatment maximum and cap of \$75. per treatment.

There are a SMALL percent of clients that may run over the 30 treatment who can testify that massage is the only thing that gives them relief from the pain they received from the auto accident. Sometimes an injury may result from a very serious accident that totaled the car. I have a client that has been a quadriplegic for over 20 years due to a car accident... I have been seeing him weekly for about a year as it helps him with circulation/lymphatic system and eventually we got him off the machine he needed to remove the pus from his bed sore. He pays me cash for his massage treatment. I understand this is an extreme end but to say ALL clients can be well in just 30 massage visits does not do justice for those in serious accidents.

Currently massage therapist bill approximately \$100/hour of massage. This bill is asking us to reduce our fees to \$75. I am oppose to this as well. Auto insurance company group us with chiropractors, physical therapist and acupuncturist that can see multiple clients in the same hour. We have hands on our client the whole hour, then must process the paper work at another time. I have seen chiropractors who service 5 clients in one hour, acupuncturist that have two rooms going during the same hour or physical therapist who work on the client for part of the hour and then have the client use their machine the remainder so they can service another client during the second part of the hour. I am asking that we keep our fees the same to match what we get paid for workman's comp. To do insurance work requires additional orthopedic training that does cost us money and time. I am being paid for my expertise and skills and would appreciate the respect in that manner.

Thank you for taking time to consider my thoughts as you vote.

Sincerely,

Cindy Ogata, LMT
222-5898
Therapeutic Touch of Health
www.cindyogata.com

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testimony

From: Mary Lynn Mahana Byington [mahanalmt@yahoo.com]
Sent: Tuesday, February 12, 2008 2:09 PM
To: testimony
Cc: matah; massage therapists; M L B; Dustin Ebesu and Kyle Ino; Cindy Ogata; Gary Saito; Graham Hadley; lyna; rochelle featheran; Joe Morelli
Subject: Oppose SB3012, Feb13, 1:15pm Health Committee

Re:SB3012 Health Committee, Weds 2/13/08 115pm Rm 016

To:Honorable Senator David Ige, Chair Health Committee

Honorable Senator Carol Fukunaga, Vice Chair Health Committee

Re SB3012 Relating to Motor Vehicle - Massage Therapy

Dear Chair Ige, Vice Chair Fukunaga and committee members,

My name is Mary Lynn "Mahana" Byington, LMT
Past President of MATAH, The Massage Therapists Association of Hawaii.

Thank you for the opportunity to testify today. I am sorry I am unable to attend the hearing.

I strongly oppose SB3012. There are numerous consumer issues in choice of care and healing when one is involved in an auto accident.

I stand by the testimony of MATAH's President, Dustin Ebesu, LMT.

In addition to his comments, I would also like to add that combining all the professions to share 30 visits total will not help the consumer to heal from injuries sustained in an accident. At best, since massage is referral dependent by a medical doctor, only a few massage treatments might be realized once the other providers have seen the patient. That will not benefit anyone.

Since the consumer (all of us) pays the premium, we should decide on our path to recovery and the choice.

I would propose instead to allot at least 30 visits per provider, reimbursed at the Medicare fee schedule plus 20%.

May I suggest that the interested parties involved meet in the interim of the session, as has been done in the past, to better the inadequacies the 1998 reform created

Please place SB3012 on hold and thank you for the opportunity to testify in opposition to this bill,

Sincerely,

Mary Lynn "Mahana" Byington, Licensed Massage Therapist
ph 351-8098

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2/12/2008

testimony

From: Pwttsfmly@aol.com
Sent: Tuesday, February 12, 2008 3:35 PM
To: testimony
Subject: oppose bill SB3012 and my testimony

To whom it may concern:

I am opposed to the Bill # SB3012 and HB 3090 that proposes to change the Medical fee schedule on No Fault and Workmen's Comp. treatments

As a Massage therapist for the past 5 years I have worked with Physcial Therapist and Chiropractors and I believe their work is just as vauable as ours but I must say that we as Massage Therapist are the most "HANDS ON" and the most Physically demanding than any of the other treatment. What I mean by "HANDS ON" is we physically manipulate with our hands muscle and tissue and have great results with massage therapy treatment. Our massage therapy treatmeants are very physically demanding on the therapist and last a full one hour. Because of the Physical Demands on the Therapist and the full one hour "HANDS ON" treatment I oppose changing the Fee Schedule from \$107 to \$75.

I also oppose capping the number of treatments. Most of my clients are healed with in 30 treatments but some of the more serious injuries need more treatments. I feel that as long as we show progress in the treatment and we are in contact with the Physician it should be up to the Physician as to when treatment is discontinued. Coming into the business I knew, we "Massage Therapist" have to show progress with the patient to continue treatments and with the patients that have not shown progress they have been discontinued.

I would also like to point out to you that with my own experience I have seen patient after patient reduce or eliminate taking prescription medication because of Massage Therapy treatment. I have seen depression and tiredness disappear with Massage Therapy treatments and I have seen patients recover quicker and happier with Massage Therapy treatments.

Please consider the Hands On, Hard working Massage Therapist when you vote

Sincerely,

Patricia Watts, LMT
722-5182
"Got Quality Massage?"

The year's hottest artists on the red carpet at the Grammy Awards. [AOL Music takes you there.](#)

testimony

From: Donna Thomas [pacmsg@gmail.com]
Sent: Tuesday, February 12, 2008 3:46 PM
To: testimony
Subject: Senate Bill 3012 Opposition

**Donna J. Thomas, LMT
Pacific Massage Services
PO Box 6126 ~ Kamuela, Hawaii 96743
Waimea Town Plaza ~ 64-1061 Mamalahoa Hwy. Suite 110
Phone/Fax: 808-885-4459**

TESTIMONY TO THE COMMITTEE ON HEALTH, Senator David Ige, Chair
TESTIMONY TO THE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND
AFFORDABLE HOUSING, Senator Russell Kokubun, Chair

Opposing Senate Bill 3012, relating to Motor Vehicle Insurance

Submitted by:

Donna J. Thomas, Licensed Massage Therapist, State of Hawaii: since 1978.

- Owner of Pacific Massage Services, a massage therapy clinic specializing in Medical Massage Therapy and Injury Rehabilitation, Honolulu and Kamuela, HI: 1981-present. Provide treatment services; clinic administration; supervise therapy staff; train and supervise apprentice massage therapists.
- Consulting Medical Staff Member, North Hawaii Community Hospital, Kamuela, HI: 1993-2004. Developed nationally recognized protocols for hospital-based massage therapy; provided massage therapy to medical, surgical and maternity inpatients.
- Principal Massage Therapist: Physical Therapy Dept. North Hawaii Community Hospital: 1995-2003. Provided injury rehab massage care for Workers Compensation and Motor Vehicle Accident patients.
- Instructor and Vice Principal: Honolulu School of Massage, Honolulu, HI: 1981-1992.
- Infant Massage Instructor, The Queen's Medical Center, Honolulu, HI: 1987-1991. Taught infant massage techniques to parents and caregivers of normal and medically-challenged infants.
- Active member: American Massage Therapy Association: 1982 –present.
- Community Outreach Services, Kamuela, HI: Provide free and low-cost massage care to low income elderly and disabled persons; donate services to local school athletic teams: 1993-present.

Mailing Address: Pacific Massage Services

PO Box 6126

Kamuela, HI 96743

Business Location: Waimea Town Plaza

2/12/2008

64-1061 Mamalahoa Hwy. Suite 110

Kamuela, HI 96743

Phone/Fax: 808-885-4459

Sirs:

Thank you for the opportunity to provide testimony regarding SB3012. I strongly oppose this bill. I am writing to testify against SB 3012, relating to motor vehicle insurance policy personal injury protection benefits, specifically the proposed reduction of fees paid to Licensed Massage Therapists for injury care treatments provided to motor vehicle accident patients; and also relating to the proposed limit on the number of treatments a motor vehicle accident patient may receive.

Regarding the Proposal to Reduce Treatment Fee for Massage Therapy

As a Licensed Massage Therapist since 1978, I have nearly 30 years experience in treating motor vehicle accident patients. The training, expertise and experience required to effectively treat these patients deserves not only a higher fee than proposed, but even higher than is currently being paid. The injuries sustained by such patients, primarily whiplash injury, can be serious, painful and of long duration. Whiplash injury involves many signs and symptoms, both subtle and obvious, at multiple sites throughout the body. Patients with this injury often take months or even years to heal. Without proper treatment, the injuries often do not heal fully or properly, and can result in painful and debilitating conditions that can last throughout the person's entire life, affecting their work, their everyday activities and their ability to enjoy a normal life, free of pain and dysfunction.

This type of injury requires experienced therapists who are specifically trained for injury rehab therapy. The proposed fee reduction is considerably less than most experience therapists charge for non-insurance treatments. It is also less than the current market value for a general relaxation massage given by an entry level massage therapist working in a resort spa or beauty salon. This fee is inadequate for the amount of work and experience required for an effective injury rehab treatment.

In most cases, trained and experienced therapists will not accept vehicle injury cases if the allowable fees become lower than we are currently receiving for our services. This will result in injured patients being treated by newly licensed, untrained and inexperienced therapists, who will accept low fees in order to build their fledgling client base. In such a scenario, the injured patients will not receive the specialized type of skilled care that their injuries require for an effective outcome, but instead will receive a basic relaxation-type rubdown by an untrained or inexperienced massage technician. The ultimate outcome for such inadequate treatment is incomplete healing of injured tissue, leaving the patient with pain and dysfunction for years to come. There is also the distinct possibility of further injury, as there are documented cases of inexperienced therapists unwittingly inflicting injury on accident patients.

The fee that is paid for massage therapy for motor vehicle accident cases not only reimburses the therapist for hands-on treatment time, but also represents payment for many hours of paperwork, including treatment documentation, reports to physicians, communication with insurance claims representatives and preparation and submission of invoices. In addition, therapists often must wait

2/12/2008

weeks or even months for reimbursement, as well as the time involved to appeal when a claim is denied or paid less than billed. Each hour of treatment requires an additional hour of administrative duties, so the fee is actually for two hours of work, not merely one hour of treatment time.

As a consumer, I was involved in a car accident in September 2005, suffering a severe whiplash injury from a rear-end collision. I was able to fully recover from my injuries through regularly receiving massage therapy, chiropractic care and diligent self-care as instructed by my massage therapist. My medical doctor had no help or advice for my care, only a prescription for narcotic pain medications. My treatment plan involved more than 30 massage treatments. If the visits had been limited to 30, I would not have made a full recovery and would possibly still be experiencing the pain, dysfunction and loss of work time that resulted from my injuries. But because I had the option to receive effective treatment, I was able to recover fully, without worrying about adverse reactions to narcotics medication.

As both a consumer and a professional care provider, I strongly believe that anyone injured in a car accident should have the right to choose what kinds of treatments are used for their care and rehabilitation.

There is also an economic impact to consider, regarding the livelihood of therapists who provide this treatment. Personally, I have adequately supported myself and my family as a single parent of three sons for many years, by providing expert and effective care to injury patients. While I live a comfortable lifestyle, I have not gotten rich doing this work for the current fees. I rent my home, I do not own it. I drive an older model used car. I seldom eat in restaurants. I buy my clothing and household goods in thrift stores and discount stores. I am happy and stable in my profession and in my lifestyle. I find it personally satisfying to provide comfort, relief and healing to people in pain. If my income is reduced by the proposed changes, my job satisfaction as well as the comfort and stability of my family and my career will be threatened. I will be forced to live a more meager lifestyle, as will the many other therapists who have dedicated our lives to ease the pain and suffering of auto accident patients. This reduced income will, in turn, have a negative effect on our contribution to the economy of the State of Hawaii.

Regarding the Proposal to Limit the Number of Treatments per Patient

The proposed limit of 30 treatments per case is inadequate because not all injuries require the same number of treatments. SB3012 limits the patient's choice of care for recovery from a motor vehicle accident. Massage Therapy is a treatment that works best in cooperation with other healthcare modalities and with the cooperation of the patient. As each patient has her/his own particular rate of recovery, it may sometimes take more time to achieve complete recovery from an accident. 30 treatments may not be sufficient to address soft tissue damage such as whiplash, back pain and other pain syndromes which could resurface for years. While responsible massage therapists try to achieve maximum pain reduction and healing of injured tissue in the shortest possible amount of time, many patients require more than 30 treatments to reach maximum improvement. To limit their number of treatments would necessitate terminating treatment before complete healing of their injuries has been achieved.

Whiplash is a sprain injury. Sprains involve the ligaments (connecting bone to bone at the joints) and tendons (connecting muscle to bone). Ligaments are secondary only to nerve tissue in the amount of time required for healing. Unlike bone and muscle (which heal relatively quickly), ligament and tendon tissue have no direct blood flow to supply the oxygen and nutrients required for healing, so progress is slower with these particular structures. Sprains can create joint laxity, leading to a cycle of instability, further over-stretching and repeated sprains of the ligaments. If ligament sprain is not corrected, the patient may require surgery and long-term physical therapy to stabilize the joint, at much greater expense than an adequate number of massage therapy treatments.

As to treatment frequency and expected outcome of whiplash and other injuries inflicted in a vehicle accident (such as sprained wrists, shoulders, ankles and knees), please consider the following: Initially after an accident, frequent treatment will address the edematous and inflammatory processes (swelling and inflammation) that occur in the initial acute and early subacute stages after an injury. This generally consists of 2-3 treatments per week for 3-4 weeks. Thus, half of the proposed number of treatments will be used up just for initial intervention, leaving approximately half of the allowed visits for more than half of the treatment necessary for complete resolution of symptoms. This is generally followed by 1 to 12 months of weekly treatments, depending on the diagnosis and prognosis, which are based on multiple factors (such as severity of injury, location(s) of injury(ies), age, pre-existing conditions, previous injuries, general health, medications, compliance with treatment, self-care program and other therapies utilized).

So obviously, a cap of 30 treatments, while adequate for some patients, is unrealistic across the board for all patients. Frequency and duration of treatment needs to be determined on a case-by-case basis, in order to provide optimum care for each and every patient.

Trained and experienced massage therapists are skilled in making the assessment as to treatment frequency, based both on their objective observations and palpations, as well as the patient's subjective reports regarding pain reduction and increased function. Inexperienced therapists, insurance claims adjusters and legislators lack the training, skills and experience necessary to make this determination.

I believe that massage therapy as a care option for motor vehicle injury rehabilitation is reasonable and effective. I respectfully request and urge that you oppose SB3012. Please carefully consider the consequences to patients' well-being in determining and deciding the fees and frequency of treatment for motor vehicle accident patients. After all, you could possibly be the next patient affected by your decision. Would you rather have your treatment provided by an untrained, inexperienced therapist or by an experienced therapist who has been trained in injury care? Would you rather have your injury care cut short at 30 treatments or continue until your symptoms are resolved and you are able to resume your normal activities, pain-free and fully functional?

Please contact me if you need additional information on this matter. Thank you for considering my testimony.

Respectfully submitted by:

Donna J. Thomas, LMT

-

Say Goodbye to Pain & Tension...Say Hello to Comfort & Relief!

Health Committee

I'm announcing my opposition
to Bill # SB3012.

Do not allow it.

my name is Louella Vidinha
my ph # is 488-2221.

On behalf of all those who
truly receive the healing benefits
of massage therapy.

Louella Vidinha

testimony

From: Roxanne [getroxy@hawaiiintel.net]
Sent: Tuesday, February 12, 2008 1:08 PM
To: testimony
Subject: Hearing on the SB3012 is February 13, Wed, 1:15 pm in conference rm 016 at the state capitol.

February 12, 2008

TESTIMONY TO THE COMMITTEE ON HEALTH, Senator David Ige, Chair
TESTIMONY TO THE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND AFFORDABLE HOUSING, Senator Russell Kokubun, Chair

For the Senate hearing on Wednesday, February 13, 2008, 1:15 P.M.

by Roxanne Schneider, Immediate Past President, Massage Therapists Association of Hawaii (MATAH)
& Active Member of the American Massage Therapy Association (AMTA)
& Owner of Creative Body Works, Massage Therapy Practice that Specializes in Treatment and Resolution Massage Therapy
& Past Executive Board Member of Hawaii Healing Arts College (HHAC), Massage Therapy School
& Nationally Certified (NCTMB) Massage and Body Work Professional
& Principle Massage Therapist at Queen's Womens' Health Center
& Massage Therapist at the Honolulu Club

1609 Alapai Street
Honolulu, HI 96813
cellular phone : 630-6552

Opposing SB3012, relating to Motor Vehicle Insurance

To Chairperson Senator David Ige, Chairperson Senator Russell Kokubun, and members of the committees,

On behalf of the above stated organizations we would like to thank you for this opportunity to provide testimony regarding SB3012. The therapists and members of these organizations oppose SB3012.

SB3012 limits the patient's choice of care for recovery from a motor vehicle accident. Because Massage Therapy is a treatment that works best in cooperation with other healthcare with the cooperation of the Patient and that of the patient's body, it may sometimes take more time to have an overall complete recovery from an accident. 30 treatments may not be address soft tissue damage such as whiplash, back pain and other pain syndromes which could resurface for years. Alternative Healthcare has come a long way over the last 20 years drug therapies may seem cost efficient, many patients prefer to avoid simply numbing and disguising the pain as well as the negative effects of the side-effects of those drug remedies patient a long term alternative to restoring and even improving their health by allowing their bodies to be a part of the whole recovery process. Each individual heals at their own rate individuals require a few treatments, capping the massage treatments to 30 visits is simply not acceptable.

In regards to compensation, it is unfair to compare massage therapy to other modalities such as chiropractic, acupuncture or physical therapy. As therapists we pride ourselves on One attention to our clients. This starts from the moment they walk into our door, evaluating their situation, making contact with their providers, their other healthcare practitioners, the companies and their case managers. Compiling all the information necessary just to submit a claim takes time and we have not yet begun to work with the client. Many therapists find treating the no fault patient to be a daunting task. The billing process for therapists is time consuming and involves a great deal of documentation, follow-up and re-evaluation, most instances, practitioners wait for anywhere from 3 weeks to 6 months to receive payments for their services. For the massage therapists, accepting no fault case means doing the therapy, documenting the treatment, billing for the treatment, following up to make sure the payment is received, then sometimes appealing the bill that is denied. It is much more than follow up work per session. We are allowed to bill at the Medicare fee schedule for good reason. Capping the treatment to \$75.00 is not fair.

As a consumer, I have had motor vehicle accidents. I have fortunately recovered from ill effects through regularly receiving massage therapy, chiropractic care and diligent self care this option, I was able to recover fully, without the worries of adverse reactions to medication, unnecessary visits to the doctor's offices to figure out why my body was in pain. The human amazing machine, if we just learn to get out of its way and put ourselves into a position where it can heal itself, the results are astonishing. Sometimes, a little time, a little manipulation is all that is needed for the body to re-engage its healing forces. For those who have a unfortunate car accident in the future, they too would deserve to have the choice of modalities their rehabilitation.

I believe that providing massage therapy as a motor vehicle accident rehabilitation is reasonable and effective. I urge you to oppose SB3012. Please feel free to contact me if you need other information. Thank you for your consideration.

Respectfully yours,

Roxanne Schneider, 2007 Immediate Past President
Massage Therapists Association of Hawaii
getroxy@hawaiiintel.net

God, grant me the serenity to accept the things I cannot change; courage to change the things I can; and the wisdom to know the difference.

-Reinhold Niebuhr

Roxanne La'akea Schneider, LMT, NCTMB
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2/12/2008

Amy Herchig

Page 1

2/12/2008

Testimony against SB3012 and HB 3090 for the State of Hawai'i

February 12, 2008

TESTIMONY TO THE COMMITTEE ON HEALTH, Senator David Ige, Chair
TESTIMONY TO THE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
AND AFFORDABLE, Senator Russell Kokubun, Chair
For the Senate Hearing on Wednesday, February 13th, 2008, 1:15pm.

By Amy Herchig, BA, LMT, NCTMB.

*Active Member of American Massage Therapy Association**National Certification for Therapeutic Massage and Bodywork (NCTMB)**President of Amy's Haven, Inc. Specializing in Therapeutic Massage and Bodywork*

Amy's Haven, Inc.

2357 S. Beretania, unit B

Honolulu, HI 96826

808-951-5959

info@amyshaven.com

Opposing SB3012 and HB3090: Relating to motor Vehicle Insurance -- that all Alternative and complementary therapies (Chiropractic, Naturapathy, Acupuncture, Massage Therapy) should bill at the same rate of \$75 per visit and that there a combined total of 30 sessions for all of the aforementioned therapies.

By reading the bills for both the House (HB3090) and Senate (SB3012) it is clear that those proposing this bill are uninformed regarding the practices of massage therapy. First and foremost, massage therapy requires a large concentration of time from the therapist. The other forms of complementary and alternative care do not require the same demand on time. After the initial lengthy visit for Chiropractic, Acupuncture and Naturapathy, the follow up sessions are incredibly short.

For example a follow-up chiropractic session may take no longer then 5 minutes. It may take 15 to 20 minutes for a follow-up acupuncture and naturapathy appointment. In those cases \$75 dollars for compensation seems an appropriate amount for a 5 to 20 minute visit, especially when one considers the considerable paperwork required in a no fault claim and the delay in payment that results. (Indeed most claims take 30 days or more for payment to the provider). Chiropractors can take 4-10 clients in one hour. That is \$300-\$750 per hour at the \$75 rate!! An Acupuncturist can perform treatments on about 4 clients within the same 15-20 minutes. That is \$300 per 20 minutes at the \$75 rate. An acupuncturist can treat approximately 12 people in an hour and make about \$900 dollars in one hour at the \$75! A Naturapathic physician can take care of approximately 3-4 people in an hour. So a Naturapath can make about \$225-\$300 or more per hour at the \$75 rate.

Amy Herchig

Page 2

2/12/2008

Testimony against SB3012 and HB 3090 for the State of Hawai'i

A massage therapist takes up to two hours with a client on the first visit. At the \$75 dollar per visit rate this amounts to \$37.50 dollars per hour. Each visit after the initial massage therapy visit is an hour and then add approximately 30 minutes or more for paperwork. The 90 minutes of concentrated time with the client per visit results in \$56.25 of payment at the \$75 rate. This is unacceptable when one thinks about the time, energy, effort and physical wear and tear on the massage therapist. The current \$100 or so per visit billing rate does not cover the many investments of time that the massage therapist makes to treat a client. When one considers that amount of time and money that must go into creating a clinical treatment environment for massage therapy as well as continuing education, etc. \$75 per hour does not even begin to cover it!

Indeed, personal injury protection insurance utilizes massage therapy more often because it is most effective for the patient. Nervous system trauma and the resulting post-traumatic stress for whip lash injury and other injuries associated with car accidents respond extremely well to massage therapy. Not only does massage therapy alleviate traumatized muscles tissue, it sedates the nervous system and mitigates the impact of post-traumatic stress. People use massage therapy because it works!

Physician's prescribe massage therapy because it works! Let the physician's determine when therapeutic care should be terminated. Thirty sessions for all four complementary modalities is not enough and seems ineffective when thinking about a well-rounded treatment protocol. Often, multiple therapies are needed for appropriate recovery. There is research on this in major medical journals!

I am opposed to this bill because it will not only affect massage therapists, it will limit the effective help available for those who need it most WHEN they need it most. It seems that this bill cares more about insurance companies then those that have been severely injured in a motor vehicle accident!

Thank you for your time,

Amy Herchig, B.A., LMT, NCTMB
President, Amy's Haven, Inc.

testimony

From: Bill Seemann [bill.seemann@gmail.com]
Sent: Tuesday, February 12, 2008 5:51 PM
To: testimony
Subject: Opposition of Bill SB3012

To: Chairperson Senator David Ige,
:Chairperson Senator Russell Kokubun, and members of the committees,

Aloha, my name is Bill Seemann and I am a Hawaii Licenced (MAT-6052), as well as a nationally certified (NCBTMB)

Massage Therapist and I am writing you regarding SB3012. I have concerns regarding this bill. Limiting the number of treatments an injured person can receive, especially when combining massage treatments with that of chiropractor and acupuncture, decreases the chances of the injured person of completely recovering from their soft-tissue injuries. Unlike soft tissue problems that come from "over-doing it", which may entail resting for a few days and applying ice packs, etc., injuries sustained in an automobile accident often times take months to heal. Muscle tissue, and more specifically the fascia that surrounds the muscle tissue must be reintegrated time as after time. In a traumatic injury situation such as an automobile accident, muscles go into spasm and/or become over-contracted. The fascia that surrounds these muscles becomes thick and hard, requiring soft-tissue manipulation (massage) to lengthen and release it back to normal length and function. Typically this must be done repeatedly until the person achieves pain-free movement. By placing a 30 treatment limit for the combined therapies of massage, acupuncture and chiropractic, injured persons will be inadequately treated.

As for reducing the reimbursement for massage to \$75.00 an hour, many massage therapists may stop billing no-fault plans completely. A massage therapist may expect to only be reimbursed for approximately 80% of treatment provided. With a reimbursement rate of \$75.00, the actual rate will only be about \$60.00 over-all. After lease/rent, insurance, taxes, and other overhead, massage therapists will hardly cover expenses. Reducing the reimbursement rates for massage benefit only one entity: the insurance companies.

Please consider this bill carefully and at the very least, HOLD the bill from being introduced.

Thank you for you time.

Bill Seemann, LMT/NCTMB
Medical Massage Therapist.

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE CONSUMER
LAWYERS OF HAWAII (CLH) IN OPPOSITION TO S.B. NO. 3012**

February 13, 2008

To: Chairman David Ige and Members of the Senate Committee on Health:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Consumer Lawyers of Hawaii (CLH) in strong opposition to S.B. No. 3012.

Hawaii's automobile insurance law was amended in 1997 and 1998 to repeal former no-fault provisions and replace it with personal injury protection (PIP) coverage for medical treatment. A major part of the revision included the separation of chiropractic/alternative medicine treatments and conventional medical treatments. Chiropractic, naturopathic and acupuncture treatments were grouped together and limited to a combined total of 30 visits. Therapeutic massage was grouped with traditional medical treatment and limited to treatments prescribed by an M.D. Supervision by an M.D. was required to serve as a gate keeping restriction.

Therapeutic massage is recognized as a vital component of an effective physical therapy program to allow optimum rehabilitation for the type of soft tissue injuries commonly sustained in automobile accidents. This bill will group therapeutic massage with chiropractic, naturopathic and acupuncture treatments so that all four will be limited to a combined total of 30 visits – or 7½ visits each. There are many instances where 7½ therapeutic massage treatments are inadequate for severe injuries. The current procedure requiring a prescription by an M.D. for continued therapeutic massage is working well in the vast majority of instances. If there are occasional questions regarding the appropriateness of continued therapeutic massage treatments,

those should be addressed by insurance companies using available procedures to review and challenge treatments believed to be excessive or inappropriate.

The current system is working well as the report of the Insurance Commissioner submitted this legislative session shows that auto insurance companies are making a gross profit of \$42 million on premiums of \$87 million and claims payments of \$45 million. The National Association of Insurance Commissioners (NAIC) report issued on November 20, 2007, reports that Hawaii auto insurance is once again the most profitable in the nation with a return on net worth of 23.3% against a national average of 10.5%.

CLH appreciates this opportunity to testify in opposition to S.B. No. 3012.

testimony

From: Charlie Chang [creationexistence@yahoo.com]
Sent: Tuesday, February 12, 2008 10:10 PM
To: testimony
Subject: Opposing SB3012

To:
Honorable Senator David Ige
Honorable Senator Russell Kokubun

From:
LMT Mr. Charlie Chang
Rep. MATAH Massage Therapist Association
Phone: 808-255-3811

OPPOSING SB3012, relating to Motor Vehicle Insurance

I work at PT Hawaii, Kapolei Clinic where there is many people who have been in a car accident. As a massage therapist, I take into consideration the assessment I need to do prior to starting the session with a patient. With much pain from neck to the lower extremities, knowing what part of the body to start the session is a critical issue towards rehabilitation. Knowing the human anatomy and the procedure of massage will help bring a quicker healing process towards the patient. I was in two car accident in one year. Attending a program with Physical and Massage Therapy has made it possible for me to recover quickly without any further expense. I strongly believe supporting the community with the Massage Therapy Profession would be more efficient to all. If we should limit ourselves to a Massage Professional Care Insurance, we have lost the will to better ourselves as a whole. We will spend more money and time for healing a patient injuries without a massage therapy program being introduce in such a way to support the community. We need to support the Massage Therapy Program so we all may have a healthier life style.

Thank you so much for your attention towards this testimony. I ask in prayer that you may oppose SB3012 so we as LMT Massage Therapist may continue to support our community and the State of Hawaii with the best of interest. We look forward to continuing serving you and the public. If you should have any questions, please feel free to call me or email me at creationexistence@yahoo.com. Take care and stay healthy. God bless.

Respectfully Yours,
Mr. Charlie Chang

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Facsimile (808) 525-5879

Alison Powers
Executive Director

TESTIMONY OF ALISON POWERS

SENATE COMMITTEE ON HEALTH
Senator David Y. Ige, Chair
Senator Carol Fukunaga, Vice Chair

Wednesday, February 13, 2008
1:15 p.m.

SB 3012

Chair Ige, Vice Chair Fukunaga, and members of the committee, my name is Alison Powers, Executive Director of Hawaii Insurers Council. Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately 60% of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **supports** SB 3012. This bill will include massage therapy within the limitations on the total amount of the other alternative treatments: chiropractic, acupuncture, and naturopathic.

This proposal appears to be good public policy, giving massage therapy equal treatment under motor vehicle Personal Injury Protections (PIP) benefits with that accorded other treatments. Most prepaid health plans consider chiropractic, acupuncture and massage therapy to all be alternative treatments and either exclude or limit their treatment.

The rehabilitative benefits of massage therapy are almost impossible to measure objectively and as such, massage therapy is very susceptible to abuse when the treatments are both unlimited and paid by PIP. SB 3012 appears to balance the preference of some consumers to obtain massage therapy treatment with the overall objective of keeping the cost of motor vehicle insurance affordable for Hawaii consumers.

Thank you for the opportunity to testify in support of SB 3012.

**TESTIMONY TO THE COMMITTEE ON HEALTH, Senator David Ige, Chair
TESTIMONY TO THE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND
AFFORDABLE HOUSING, Senator Russell Kokubun, Chair**

For the Senate hearing on Wednesday, February 13, 2008, 1:15 P.M.

By Conchita Cadiz, RN, CRRN, LMT
Kapolei Healthcare Massage LLC
92-338 Akaula Street
Kapolei, HI 96707
Telephone: 808-672-9309
Cellular phone: 808-372-9321

Opposing SB3012, relating to Motor Vehicle Insurance

To Chairperson Senator David Ige, Chairperson Senator Russell Kokubun, and members of the committees.

Thank you for the opportunity to provide testimony regarding SB3012. As a practicing licensed massage therapist I strongly oppose the SB3012.

I would like to present three major points as to why this bill is strongly opposed:

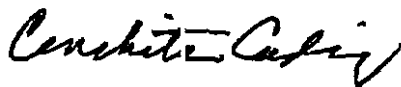
SB3012 limits the clients' choices of care for recovery from a motor vehicle accident. Each client varies in recovering from a major motor vehicle accident and this may be due to the complex nature of co-morbidity factors besides the impact of the trauma caused by a motor vehicle accident. It may take a little longer for an individual to recover because of the aging factor. I have been a nurse for 43 years and a licensed massage therapist for 19 years. The elderly patient takes a bit longer in recovery than a younger man. By limiting the number of massage therapy treatments, this may affect the opportunity for the client to maximize a much-needed treatment. Clients suffer from severe to mild pain; pain that could be sharp, burning, achy, short term (acute) and long term (chronic). Pain that causes debilitation and limits productivity, whether at home or at work. Massage therapy has helped individuals in increasing mobility, flexibility and reducing or eliminating pain in a more conservative approach. By limiting the number of treatments, this could reduce the opportunity for individuals for better care.

SB3012 decreases the compensation for the licensed massage therapist to receive appropriate compensation for work being delivered. The licensed massage therapist has preliminary work before the client actually receives the first treatment - checks the prescription, clarifies the prescription with the physician, contacts the insurance claim adjuster, and assesses the client. Massage therapy is then delivered, documentation of each treatment, billing of treatments, following up to make sure the payment is received, then sometimes appealing the bill that is denied. All in all, the total amount of time spent is more than the actual time being charged since the amount billed is specific to the massage therapy being delivered. Therefore, by decreasing the rates for massage therapy service, the licensed massage therapist is not fairly being compensated.

SB3012 affects both the licensed massage therapist and the consumer. I believe that providing massage therapy, as a motor vehicle accident rehabilitation is reasonable and effective. I urge you to oppose SB3012. Quality of life for clients would be experienced and the licensed massage therapist would be a valued health practitioner in our community.

Thank you for your consideration

Respectfully yours,



Conchita Cadiz, RN, CRRN, LMT
Email: www.kapoleihealthcaremassage.com

testimony

From: Chock, Sylvianne [schock@honolulu.gov]
Sent: Wednesday, February 13, 2008 7:36 AM
To: testimony
Subject: OPPOSITION TO SB 3012

Good morning,

In the last seven months I have received massage therapy for an automobile accident. Without these treatments, it would be impossible for me to work a full-time schedule. My massage therapist has had to exceed the normal one-hour schedule and maintain a consistent schedule of treatments to relieve much of the pain. In my case it takes an intense massage for greater relief. Due to the treatments, over time the massage therapy has been a resulted in a significant reduction in pain.

For these reasons I **oppose** the reduction of the fee schedule and the capping of the number of treatments for massage therapy.

2/13/2008