

SB 1527

LATE TESTIMONY

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 8:28 AM
To: HWN Testimony
Cc: kblake@mac.com
Subject: Testimony for SB1527 on 2/7/2011 2:45:00 PM

Testimony for HWN/CPN 2/7/2011 2:45:00 PM SB1527

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Keith Blake
Organization: Individual
Address: Kapaa, Hi
Phone:
E-mail: kblake@mac.com
Submitted on: 2/7/2011

Comments:

This bill is overall a great addition. However, I strongly caution giving too much power to the overseeing panel for test criteria. Different practitioners do things differently for their own reasons, their ways are not right or wrong, but still effective. Do not take the individuality out of the practitioner.

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 8:30 AM
To: HWN Testimony
Cc: kilo.akama@gmail.com
Subject: Testimony for SB1527 on 2/7/2011 2:45:00 PM
Attachments: Testimony_SB1527(Kilo Akama).doc; SB1527_.pdf

Testimony for HWN/CPN 2/7/2011 2:45:00 PM SB1527

Conference room: 224
Testifier position: support
Testifier will be present: No
Submitted by: Kilo Akama
Organization: Individual
Address: 527 Lauiki st. Honolulu, HI
Phone: 808.647.0434
E-mail: kilo.akama@gmail.com
Submitted on: 2/7/2011

Comments:

LATE

**Testimony Presented Before the
Committee on Commerce and Consumer Protection and Hawaiian Affairs**

February 7, 2011

2:45 p.m.

State Capitol, Conference Room 224

by

Marisa M. Wriston

Student of La'au Lapa'au at the University of Hawai'i at Manoa

SB 1527- RELATING TO NATIVE HAWAIIAN HEALERS

Senate Commerce and Consumer Protection Committee: Rosalyn Baker (chair), Brian Taniguchi (vice chair), Brickwood Galuteria, Josh Green, Clarence Nishihara, Malama Solomon, and Sam Slom

Senate Hawaiian Affairs Committee: Brickwood Galuteria (chair), Pohai Ryan (vice chair), Kalani English, Clayton Hee, Gilbert Kahele, Michelle Kidani, Malama Solomon, and Sam Slom

My name is Marisa Wriston, undergraduate student of la'au lapa'au under the teachings of Kumu Levon Ohai at the University of Hawai'i at Manoa.

I appreciate the opportunity to provide testimony in strong support of SB 1527.

And these are the reasons why:

I strongly believe that la'au lapa'au and the practice of herbal medicine should be easily accessible to people. There are a number of illnesses which can be easily cured through the use of la'au lapa'au and those who wish to take that route in their healing process should be

able to find practitioners easily and achieve their optimum health. In my limited experience thus far, I have seen incredible healing and I believe this should be shared. I do not believe that things should be disrupted for traditional practitioners and wish this process to occur with the utmost sensitivity and aloha. My hope is that we are given the opportunity to provide people with true healing applied with love, and care.

Thank you very much for the opportunity to share with you these thoughts, and provide this supporting testimony.

Aloha,

Marisa Wriston

LATE



Papa Ola Lokahi
Nana I Ka Pono Na Ma

Papa Ola Lokahi
894 Queen Street
Honolulu, Hawaii 96813

Phone: 808.597.6550 ~ Facsimile: 808.597.6551

Papa Ola Lokahi

non-profit Native Hawaiian organization founded in 1988 for the purpose of improving the health and well-being of Native Hawaiians and other native peoples of the Pacific and continental United States.

Board of Directors
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Hui Na Ke Ola Pono

Hui Malama Ola Na Ohiwi

NU LIKE

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University of Hawaii

Hawaii State Department of Health

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Office of Hawaiian Affairs

Ex-Officio Members

Hawaii Primary Care Association

Ke Alaala

Executive Director

Hardy Spoehr

TESTIMONY: SB 1527, Relating to Native Hawaiian Healers

SENATE COMMITTEE ON HAWAIIAN AFFAIRS

Sen. Brickwood Galuteria, Chair

Sen. Pohal Ryan, Vice Chair

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Sen. Rosalyn Baker, Chair

Sen. Brian Taniguchi, Vice Chair

Monday, February 7, 2011

2:45 pm

Conference Room 224

State Capitol

Hardy Spoehr, Executive Director

Aloha Chairs Galuteria and Baker, Vice Chairs Ryan and Taniguchi and Members of the Senate Committee on Hawaiian Affairs and on Commerce and Consumer Protection. Papa Ola Lokahi (POL) strongly opposes this measure.

You will hear today the many reasons why it is inappropriate for the State of Hawai'i to regulate traditional Native Hawaiian practices. We would argue that this is solely a right given to the Native Hawaiian community in the State Constitution. Our guidance at POL on the matter of this bill comes from the Kahuna Statement issued by Hawai'i's senior Native Hawaiian healer practitioners at Kailua-Kona on October 31, 1998. The State Legislature asked POL to call them together and to get their mana'o on licensure (Act 162-July 14, 1998). A report along with their mana'o was filed with the State Legislature. They stated in part:

We, the Undersigned Kupuna Practitioners of Hawaiian healing have counseled and agree:

- (1) That we are only instruments in the healing process and that the true source of healing comes from the Almighty, known as Akua, Io, or God. It is this source that gives us our calling to practice;
- (2) That the Legislature of the State of Hawai'i is not knowledgeable in the healing traditions of the Hawaiian people; and
- (3) That while we are grateful that the Legislature has passed SB 1946, the blood quantum, licensure, and certification issues raised in the legislation are inappropriate and culturally unacceptable for government to ascertain. These are the kuleana of the Hawaiian community itself through kupuna who are performing these practices.

The bill being heard today is flawed legally and culturally.

Four major legal failings of this legislation include:

- (1) This legislation usurps the rights of the Native Hawaiian community and seeks to regulate Native Hawaiian traditional healing practices by virtue of the Administrative procedures Act. Under existing law, health care costs and compensation are determined and provided for under the structure of kupuna councils and some have affiliated with the Native Hawaiian Health Care Systems and community health centers in unique arrangements by agreement. Most importantly the existing law clearly upholds traditional healing practices at the highest level constitutionally possible in the State of Hawai`i;
- (2) This legislation sets up two classes of healers; those who would be licensed with college degrees and those who would not. Yet, those who fall in the latter category are generally Native Hawaiian kupuna practitioners who hold the knowledge and, by this law, could not be called Native Hawaiian healers. There is also confusion in the use of these defining terms for these classes as many probably will be Native Hawaiian ancestry and others will not be of Hawaiian ancestry but defining terms seem to be used inconsistently;
- (3) This legislation is not consistent with federal statutes which already define "Traditional Native Hawaiian Healer"; and
- (4) This legislation has no administrative penalty or penalties indicated for those who practice but do not meet the requirements of the legislation.

Culturally, the failings of this legislation are, from our perspective, more damaging and are of just as great concern:

- (1) In the drafting of this legislation there was no prior discussion with those individuals and entities which have been part of developing the current certification system. The current system has been in existence for almost ten years and has worked well. To our knowledge, not one of the initiators of this legislation contacted any of the POL board members, members of existing kupuna councils outside of Kaua`i, or Native Hawaiian practitioners, outside of Kaua`i, who have been actively practicing and have been at the forefront of providing traditional healing services for many years. The leading Native Hawaiian group of la`au practitioners headed up by Po`okela Aunty Marie Place was never given the courtesy of discussion nor was the advocate organization for traditional healing practices for more than twenty five years, the Native Hawaiian organization, E Ola Mau. The University of Hawai`i's John A. Burns School of Medicine offers its medical students some training in traditional Native Hawaiian healing practices. To our knowledge, those involved with this effort were also not given the courtesy of discussion about this legislation;

- (2) The basis for this legislation is culturally flawed. From our understanding, it is being proposed because some individuals wish to be compensated financially for their services. While this, in and of itself, may be a part of the discussion, it can not be the basis for modifying a traditional system. There is no restriction for receiving any financial compensation under the current system. If billing for services is a desired end result, then that is a discussion with health plans, not the State legislature. Under the existing system billing for services is allowed; and
- (3) Traditional healing practices have a strong spiritual component. Traditional Native Hawaiian healing practices have adopted, in most cases, a strong Christian component. Our political system separates church and state; thus, the critical spiritual nature and its associated values can not be integrated into this legislation, nor any board of examiners related to this legislation.

These are some of our concerns raised by this legislation. We strongly feel that this legislation does not reflect the overall will of the Native Hawaiian community in regards to its traditional Native Hawaiian healing practices and the vast majority those who have continued on these practices throughout Hawai'i.

From: Michael F Bernardini [mfbernar@hawaii.edu]
Sent: Monday, February 07, 2011 9:18 AM
To: HWN Testimony; Sen. Roz Baker; Sen. Brian Taniguchi; Sen. Brickwood Galuteria; Sen. Pohai Ryan
Subject: In support of Kumu Ohai's Certification and Licensure Proposal

Aloha,

My name is Michael Bernardini and I am writing the Senate in support of Kumu Levon Ohai's Certification and Licensure Proposal for Laau Lapaau. I have been a student of Kumu Ohai's for the last 4 years and in the last four years Kumu Ohai has been without question been the largest influence in my spiritual and physical life helping to create a foundation to stand on and move forward from stronger and with more purpose then I could have before studying under Kumu Ohai. In my humble opinion the health of Lahui is of the utmost importance for without the health of people physically and spiritually we cannot move forward in a strong positive manner. With that being said there is no way insure the health of Lahui without giving the people whats necessary to help themselves and by accepting Kumu Ohai's proposal the Hawaii State Senate will be at forefront in this fight to help Hawaii become the model of physical and spiritual health for the world to follow. In closing I would like say, using Kumu Ohai's favorite metaphors the kumu aalii (aalii tree), by accepting Kumu Ohai proposal the Senate will be establishing a root system for the people of Hawaii so that they can stand strong like the Aalii in face of the strongest winds and harshest weather. He '*a'ali'i*' ku makani mai au, 'a'ohe makani nana e kula'i.

Mahalo nui loa,
Michael Bernardini

Feb. 7, 2011

To Whom It May Concern:

Regarding, proposal SB1527 (HB1618), I am in favor of the Bill. As a third-generation islander and a student of Kumu Ohai at the University of Hawai'i, I've been opportuned to learn more about our aina and the medicinal properties of plants easily within our reach.

I'd like to testify to the effectiveness of the herbs. Last October my Kumu Hula was diagnosed with a heart condition and told he needed to have four bypasses. Having just turned 70 years old, the news was quite traumatic. He brought it up to our halau, that he would have to be leaving us to rest and to see what would happen.

I introduced him to Kumu Ohai who prescribed one month of a disciplined herbal program. My Kumu Hula followed the prescriptions for preparing the herbs and taking them faithfully for the whole month. His only failure to the regiment was in eating kalua pig and steak on a couple of occasions and not following the dietary intake that would have allowed the herbs to work most fully.

Nonetheless, when he did go in for surgery in December, he had only three bypasses, and the doctors were impressed that his heart was stronger.

On a personal note, instead of taking xopenex (asthmatic inhaler) when I climbed down and up from topside Molokai to Kalaupapa two years ago, I kept intaking an herbal tincture- formula Kumu Ohai had taught us in class. It naturally helped to keep my lungs open to breathe easier under the elevation changes and strenuousness of the hike.

We need to get more La'au Lapa'au practitioners licensed and out in the public domain, that they can serve the population better, naturally, in the way this land of aloha was created to provide—healing, harmony, aloha.

Sincerely,
Malia Wong

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 9:49 AM
To: HWN Testimony
Cc: mano1@hawaii.rr.com
Subject: Testimony for SB1527 on 2/7/2011 2:45:00 PM

Testimony for HWN/CPN 2/7/2011 2:45:00 PM SB1527

Conference room: 224
Testifier position: oppose
Testifier will be present: No
Submitted by: Joan K. Paglinawan
Organization: Individual
Address: 47-710 Ahuimanu Road Kaneohe, HI
Phone: 808-239-8945
E-mail: mano1@hawaii.rr.com
Submitted on: 2/7/2011

Comments:

I am in opposition to this bill as written, specifically with section 6. In section 6, Qualifications for examination, the applicant shall have been awarded a Bachelor's degree in Hawaiian Studies or an equivalent degree and includes an accredited course of study in native Hawaiian healing from an accredited college or university but does not take into account a traditional healer's training and practice that did not come from a University or western class. This is the only qualification for examination? This will exclude traditional healers who do not have a degree. And is the only experts in Native Hawaiian Health found in a accredited college or university? Thank you for the opportunity to share my opinion and view.

Joan Ka'ai'ai Paglinawan, LSW

From: Joseph Cadiz [jacadiz@hawaii.edu]
Sent: Monday, February 07, 2011 10:20 AM
To: HWN Testimony
Subject: Testimony

Aloha,

My name is Joey Cadiz. I have been in the Hawaiian Studies program at the University of Hawaii at Mānoa for four (4) years now. I have just entered my senior year as a student and have completed every single Laꞑau Lapaꞑau class that Kumu Ohai has made available in my time as a UH student. I can honestly say that his classes are by far the most applicable classes I have ever taken. Each and every lesson I have been able to apply to various situations of my life not only to help myself, but to help others also. You honestly donꞑt get this type of knowledge anywhere else on campus! I have complete trust and faith in the practice and know that it WILL help save lives and continue to allow the Hawaiian Culture to flourish!!!

Mahalo,
Joey Cadiz

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 10:54 AM
To: HWN Testimony
Cc: makana@makanachai.com
Subject: Testimony for SB1527 on 2/7/2011 2:45:00 PM

Testimony for HWN/CPN 2/7/2011 2:45:00 PM SB1527

Conference room: 224
Testifier position: oppose
Testifier will be present: No
Submitted by: Makana Chai
Organization: Individual
Address: P. O. Box 1835 Kailua, HI
Phone: 808-282-2743
E-mail: makana@makanachai.com
Submitted on: 2/7/2011

Comments:

As the editor/researcher of the Bishop Museum book on lomilomi, hāhā, and la'au lapa'au, I am aware of the long history of ancient Hawaiian medicine and the current practitioners of traditional healing. The Hawai'i Legislature during the monarchy, Territorial and statehood days has frequently sought to license traditional practitioners as set out in my book, Na Mo'olelo Lomilomi, Chapter 7. In every instance, such regulations have forced traditional practitioners underground and limited the numbers of kanaka maoli who can be served. At this time when this precious knowledge is being made more available and is coming to the aid of the people who need it, nothing could be worse than the Legislature determining who is and who is not allowed to practice. Therefore, I oppose this legislation. Sincerely, Makana Risser Chai

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 11:23 AM
To: HWN Testimony
Cc: acutabovehi@aol.com
Subject: Testimony for SB1527 on 2/7/2011 2:45:00 PM

Testimony for HWN/CPN 2/7/2011 2:45:00 PM SB1527

Conference room: 224
Testifier position: oppose
Testifier will be present: No
Submitted by: Pamela
Organization: Individual
Address: 3133 B Brokaw st. Honolulu, Hawaii
Phone: 808 9468085
E-mail: acutabovehi@aol.com
Submitted on: 2/7/2011

Comments:
SB. 1527:
Relating to Native Hawaiian Healers

To the chairpersons, HWN/CPN committees:

I am Pamela Kanae Matsuda, Traditional Practitioner of Spiritual Healing. I am a member of Kupuna Laau Lapaau O Hawaii and Naleihulu O Ke Ola Mamo.

I oppose SB 1527.

My Kupuna was Edna Mahinakeokeo Kelley who was a Hawaiian Traditional Healer and Practitioner, I learned from her over 30 years of oral and on the spot training. We did Spiritual Blessings for People Places, Land in the State of Hawaii. We did with Calabash and led by the Bible for the pilikia. She taught me first first ye seek the kingdom of God and all will fall in place. that we are only instruments that are godly gifts flow from. She belonged to Kupuna Laau Lapaau O Hawaii and Kupuna Councils.

Please reconsider, I strongly urge this bill SB1527 be held in committee. It will have a negative impact on the state of Hawaii and future generations to come.

Mahalo<<
Pamela K. Matsuda

LATE

February 7, 2011

To: HWN/CPN Committee
Re: SB 1527 Relating to Hawaiian Healers

From: Patricia Fifita

Dear Chairs & Committee Members:

I, Patricia Fifita, would like to submit a testimony in support of SB 1527. This bill acknowledges the importance of Native Hawaiian healing practitioners and the value of the Hawaiian medical and botanical knowledge systems in modern society. I believe it is important to recognize how indigenous knowledge and wisdom can be bridged with Western science and biomedicine to provide better and more culturally grounded and appropriate options for healthcare, healing, and well-being. This measure will encourage the preservation and perpetuation of traditional Hawaiian medicine by acknowledging its function and relevancy within the dominant biomedical system. This measure recognizes the right of Native Hawaiian healers to be respected not only for their knowledge and expertise as cultural practitioners, but also as medical professionals. By allowing Kahuna La'au Lapa'au to practice alongside other licensed and certified medical professionals, this measure will not only extend the network of health care providers, but will also increase access to healthcare particularly among Native Hawaiians and other Pacific Islanders who face disproportionately high rates of illness and disease.

I passionately support this bill. I am a Polynesian that comes from a long line of traditional healers. I have learned both from the wisdom of my ancestors and as a doctoral student in medical anthropology at UH Manoa how important it is to respect both modern and traditional approaches to health and healing. I believe this bill will do exactly so.

I appreciate the opportunity to submit a testimony in support of this important bill.

Respectfully Yours,

Patricia Fifita
PhD Candidate
Medical Anthropology Program
University of Hawaii, Manoa
pfifita@hawaii.edu

galuteria1 - Ikaika

From: dafna epstein [rootsofhawaii@gmail.com]
Sent: Monday, February 07, 2011 11:53 AM
To: HWN Testimony
Subject: SB 1527

Aloha

This is regarding the bill for licensing of herbal healers.

It is important to pass this bill in order to preserve Hawaiian culture and knowledge. the studies of La'au Lapa'au hold great potential for the future of Hawaiians and those living in Hawaii.

The knowledge is not only of healing but also of staying healthy, licensing of La'au practitioners will provide us with less dependency on our health insurance and hospitals leaving more money on the islands, and provide an alternative for those who western medicine does not help.

licensing will also motivate more farmers to grow native plants, help in preserving the Islands Aina. In growing a crop that is native there is no price competition from mainland or china, creating a market that can only grow.

licensing will also provide Hawaiian people and mostly keiki with a pride in their culture, a pride they were stripped of by missionaries when they were not allowed to speak the language and practice the beliefs. A pride they deserve to get back.

Please vote for this bill.

Mahalo
Dafna Epstein

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Roots of Hawaii
Hawaiian natural products
MAKANA MA'I AINA- GIFTS OF NATURE

LATE

**Dr. Agnes Kalaniho'okaha Traditional Hawaiian Healing Center
86-260 Farrington Highway
Waianae, Oahu, Hawaii 96792**

**Council of Elders Position on a new 2011 Bill For An Act
Native Hawaiian Healers**

The Council of Elders Agnes K. Cope, Joseph Kepa Hart, James 'Ace' Kaleohano, Herbert Kalena Hew Len, Janice Keonaona Kalua and Vincezia Midge Eli, on January 17, 2011 at 10:00 a.m. met in a special Council meeting called by Kamaki Kanahele, Director of the Kalaniho'okaha Traditional Hawaiian Healing Center (KTHHC) to discuss and share their mana'o on this Bill that has been submitted to Senator Suzanne Chun-Oaklands office by Levon Ohai from the island of Kauai. After careful review and discussion of the Bill, the Council of Elders is in opposition and states their position as follows:

1. Position is to not support this bill.

The list below also states other positions they have proposed:

2. The Council will challenge the credibility of the University of Hawaii Department of Hawaiian Studies teachings of traditional culture.
3. Inform all Healers/Kupuna Councils statewide to oppose this bill.
4. Do not support tuition waivers for Hawaiian Studies at UH Manoa; but support the waivers for the Hilo Campus.
5. Take a position to support the Hawaiian Studies program at the UH Hilo campus, not at UH Manoa Hawaiian Studies

LATE

S.B. 1527 Relating to Native Hawaiian Healers

Chairpersons Galuteria, Baker & Members of the HWN/CPN Committees:

I am Loretta O. Hussey, of Waikele, Hawaii, a Native Hawaiian Retired Public Health Nurse from the State Department of Health, as well as a Board member of E Ola Mau, and Papa Ola Lokahi, and selected spokesperson for Kupuna Laau Lapaau O Hawaii, a Statewide Organization of Traditional Healers, whose mission it is to perpetuate the art of their traditional healing practices with integrity. The Pookela, or head of this organization is Kupuna Aunty Marie Place of Molokai, her kakoo is Bobby Alcain, also of Molokai, the Vice Chair is Kupuna Kaohu Monfort Chang, of Milolii, Hawaii, Secretary is Kupuna Dane Silva of Hawaii, Treasurer is Kupuna Alapai Kahuena of Waianae, Hawaii.

Kupuna Laau Lapaau O Hawaii strongly oppose S.B. 1527: Relating to Native Hawaiian Healers, as an organization, as well as individually.

Please read POL's Interim Report to the State Legislature in Regards to Act 162, Relating to the Practice of Medicine (January 1999). The Report summarizes the October 1998 meeting of the 5 respected Kahuna, wherein Kupuna Papa Henry Auwae served as Chairperson and spokesperson to the legislature. POL convened the kahuna laau lapaau to discuss the question of recognition and certification of practitioners of traditional Hawaiian healing practices, thus their response or Kahuna Statement is as follows:

We, the undersigned Kupuna Practitioners of Hawaiian Healing have counseled and agree:

- 1) That we are only instruments in the healing process and that the true source of healing comes from the Almighty, known as Akua, 'lo, or God. It is this source that gives us our calling to practice;
- 2) That the Legislature of the State of Hawaii is not knowledgeable in the healing traditions of the Hawaiian people; and
- 3) That while we are grateful that the Legislature has passed SB 1946, the blood quantum, licensure, and certification issues raised in the legislation are inappropriate and culturally unacceptable for the government to ascertain. These are the kuleana of the Hawaiian community itself through kupuna who are perpetuating these practices.

Thus again, I reiterate that we strongly oppose this measure, S.B. 1527, as truly issues related to Hawaiian healing practices is the kuleana of the Hawaiian community and the practicing traditional practitioners.

On behalf of Kupuna Laau Lapaau O Hawaii, I extend a mahalo for allowing us the opportunity to respond to this measure.