

SB 1527



NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

335 MERCHANT STREET, ROOM 310

P.O. Box 541

HONOLULU, HAWAII 96809

Phone Number: 586-2850

Fax Number: 586-2856

www.hawaii.gov/dcca

KEALI'I S. LOPEZ
INTERIM DIRECTOR

EVERETT KANESHIGE
DEPUTY DIRECTOR

**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS

AND

TO THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

Monday, February 7, 2011
2:45 p.m.

**TESTIMONY ON SENATE BILL NO. 1527, RELATING TO NATIVE HAWAIIAN
HEALERS.**

TO THE HONORABLE BRICKWOOD GALUTERIA, CHAIR, AND
TO THE HONORABLE ROSALYN H. BAKER,
AND MEMBERS OF THE COMMITTEES:

My name is Celia Suzuki, Acting Licensing Administrator of the Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to testify on Senate Bill No. 1527, Relating Native Hawaiian Healers.

Senate Bill No. 1527 creates a new chapter to regulate Native Hawaiian healers. Section 26H-6, Hawaii Revised Statutes, requires that new regulatory measures being

considered for enactment be referred to the Auditor for a sunrise analysis before any measure is enacted. The statute further requires that the analysis shall set forth the probable effects of regulation, assess whether its enactment is consistent with the legislative policies of the Hawaii Regulatory Licensing Reform Act, and assess alternative forms of regulation.

Therefore, the Department strongly supports a sunrise study on this measure, as mandated by law, before regulating Native Hawaiian healers. Thank you for the opportunity to testify on Senate Bill No. 1527.

Submitted Testimony of
Pökā Laenui,
86-226 Farrington Hwy.
Wai`anae, HI 96792

Testimony on Legislation relating to regulating Native Hawaiian Healing

Senate Bill 1527

Aloha members of the Senate Committees on Hawaiian Affairs and on Consumer Protection:

I oppose this bill on two fundamental grounds:

- a) the elevation of Western academics above native practices; and,
- b) the contradiction to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which was recently approved by the U.S. administration of President Barak Obama.

On Western academics, the bill provides, inter alia,

§ -6 Qualifications for examination. Before any applicant shall be eligible for examination under this chapter, the applicant shall furnish satisfactory proof to the board that the applicant has been awarded a bachelor's degree or higher degree in Hawaiian studies or an equivalent degree, as determined by the board pursuant to rules adopted under chapter 91, that includes an accredited course of study in native Hawaiian healing from an accredited college or university.

§ -7 Board of native Hawaiian healing. There shall be a board of native Hawaiian healing consisting of five members appointed by the governor pursuant to section 26-34 which shall be attached to the department for administrative purposes only. Of the board members, three shall be native Hawaiian healers licensed under this chapter, and two shall be private citizens.

If the impact upon native Hawaiian practices were not so serious, the proposal in the above sections would be hilarious. Especially when dealing with the practice of La`au Kahea, Puke (or Paipala) Wehiwehi, Noho, Oki, etc. a Western degree is not seen as the basis of one's competence in the practice.

On the UNDRIP, consultation with the native people affected should first be done before any governmental action is taken in this area. This bill makes no reference to such consultation.

This bill should not be passed in its present form.

Mahalo,

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 9:56 AM
To: HWN Testimony
Cc: gabrielhawaiiiki@yahoo.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: Yes
Submitted by: gabriel monaghan
Organization: Individual
Address: P.O. Box 789 HI
Phone: 808 652-9639
E-mail: gabrielhawaiiiki@yahoo.com
Submitted on: 2/5/2011

Comments:

I would like to see Hawaiian Herbal Healing to be practicable legally with credentials and license. I want to practice professionally and have this be a viable economical opportunity for graduates of higher education.

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 10:02 AM
To: HWN Testimony
Cc: lohai@hawaii.edu
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: Yes
Submitted by: Levon Ohai
Organization: University of Hawaii - Center for Hawaiian Studies
Address: 3645 Dole St. Rm 209A Honolulu, HI 96822
Phone: 8089730989
E-mail: lohai@hawaii.edu
Submitted on: 2/5/2011

Comments:

Our mission is to improve, perfect and perpetuate both the art and science of healing through study, research and practice, preparing the student majors who have chosen to become full time practitioners of contemporary Hawaiian herbal medicine, justifying licensure and thereby establishing a true measure of perfection.

This bill is very important in improving, upgrading and refining our students in preparing them to be licensed so they can be qualified to treat the sick and afflicted on a full time basis. This bill will also serve as an alternative to bridge the gap between Western medicine and Hawaiian herbal medicine giving people a choice to choose their method of healing.

Levon A. Ohai

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 10:52 AM
To: HWN Testimony
Cc: ciera.banta@gmail.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: Ciera Banta
Organization: Individual
Address: 19 Gazo Ave Burlington, VT
Phone: (802) 864-4953
E-mail: ciera.banta@gmail.com
Submitted on: 2/5/2011

Comments:

I support this bill. I have had a friend go from constant chemotherapy treatments to living a healthy, happy lifestyle with herbal medicines. People should be given the amazing choice to actually choose what kind of health care they want when they're not well.

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 11:10 AM
To: HWN Testimony
Cc: iseeintoyourheart@gmail.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: Steven Young
Organization: Individual
Address:
Phone:
E-mail: iseeintoyourheart@gmail.com
Submitted on: 2/5/2011

Comments:

I can think of no bill in hawaii today more important to passing into law than this one SB1527 I propose that the changes to this bill include Chinese, Japanese and Tibetan herbal and energy healing methods as well!

I thank you kindly Ladies and Gentlemen, Our O'hana; the Legislature of our State of Hawaii

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 1:56 PM
To: HWN Testimony
Cc: hotpinkannie@hotmail.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: Annie Downey
Organization: Individual
Address:
Phone:
E-mail: hotpinkannie@hotmail.com
Submitted on: 2/5/2011

Comments:

My daughter has a lifelong illness, and was able to get off chemo through a raw diet and herbal remedies. I believe herbal plants/tinctures that are native to Hawaii and have been used by the Polynesian people for centuries and herbalists and other healing professionals who are proficiently schooled in using native plant species to bring forth healing to populations otherwise without cure to their illness and disease have tremendous potential to create sustainable and local alternatives to the healing arts.

Testimony Submitted in Support of SB1527

By Carolyn Blake of Kapaa, HI

Today you are faced with a choice, a decision that could turn back the clock for the people of Hawaii. It does not take a statistical analysis to see the affliction spread amongst the people of the Islands. It is a sickness not only of the body, but of the heart, soul and minds of the people-- a sickness that pervades our communities. It takes shape in many forms: physical and mental disease, drug-use and violence. Western allopathic medicine can save lives, but it can also confuse and alienate many people in need of something more, something different. It is not a one-size-fits-all approach to life, health, healing or medicine. Today you have a chance to change things. A chance to save lives; lives that would otherwise slip through the cracks. Say yes to SB 1527 and help restore a knowledge and practice that is desperately needed and in danger of disappearing completely.

My fiancé's mother was a healer on Kauai, taught in the traditional ways of her ancestors. She raised 10 strong and healthy children to adulthood. She cared for and healed many others in her community, always taking into their own home those who were in need. People say she had a gift and left deep and lasting effect on those around her. She loved dearly by all whose lives she touched.

Sadly, none of her children or grandchildren inherited the full grasp of her knowledge. The passage of time and the quickening pace of the modern era have all but erased the place of the healer from our lives. It is true that there are still traditional practitioners of the healing arts to be found throughout the islands, but they are a dying breed. (Note: The writer applauds and acknowledges the bill's much needed and praiseworthy exemption and in Section 1 Subsection 12.) The light they carry is but a glimmer compared to the brightly shining torch it once was. Say yes and help to restore that light, which guided the great people of these lands, in hopes that it is not too late. Say yes not only to preserve what remains, but also to protect it in perpetuity. A light for all the world to see.

galuteria1 - Ikaika

From: Elbereth Walker [elbereth.walker@gmail.com]
Sent: Saturday, February 05, 2011 3:34 PM
To: HWN Testimony
Subject: Senate Bill 1527: Native Hawaiian Healers (In support)

February 5, 2011

The Honorable Brickwood Galuteria, and Rosalyn H. Baker.

Hawaiian Affairs and Commerce and Consumer Protection

Re: In support for Senate Bill 1527, Native Hawaiian Healers

Mr. Brickwood Galuteria, Madam Rosalyn H. Baker, and Members of the Committees:

Thank you for the chance to provide my testimony in support for bill 1527, Native Hawaiian Healers. I am a transfer student from Oregon who came to the University of Hawai'i at Manoa to study Botany because of the amazing opportunity this unique island chain provides with such diverse fauna and flora. What I did not expect to find was that I would also learn and love the traditional cultural and healing practices. I have been taking La'au Lapa'au classes for the past three years and feel that it has made a huge impact in my life on physical, mental and spiritual levels. When I explore the ocean or mountains for recreational or scientific purposes I am unable to separate my intimate knowledge of the importance the plants, animals and resources have to the Native Hawaiians in terms of health, genealogy, spirituality and livelihood.

What might seemed to have been lost in terms of the language and culture of Hawai'i I see is clearly still present and needed amongst the younger generations. People have pushed to keep the language, dance, arts and other cultural Hawaiian practices alive. This bill extends that ability to those who want to practice Hawaiian healing arts.

Hawai'i is a beautiful place full of a richness that connects with people from all backgrounds. Although I am not native, I see a positive place for the Hawaiian Healing arts in the community that does not compete with native practitioners or medical practitioners, but rather provides yet another opportunity for healthy living and cultural expression.

Thank you for your time,
Elbereth Walker

1430 Alexander St. #21
Honolulu, HI 96822
(503)704-0870

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 3:56 PM
To: HWN Testimony
Cc: downeyiris@gmail.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: Iris Downey
Organization: Individual
Address:
Phone:
E-mail: downeyiris@gmail.com
Submitted on: 2/5/2011

Comments:

This bill is a very important subject in my life. I am a true survivor, 21 years old and because of Hawaiian Medicinal herbs I was cured of Lupus, and survived chemotherapy and steroid prescriptions. Instead of living a hollow, sick life I am now happy, vital and inspired to get more people the healing help they need. Pass this bill. Save lives. Thank you.

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 4:43 PM
To: HWN Testimony
Cc: dz8454@ship.edu
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: Danica Zirkle
Organization: Individual
Address:
Phone:
E-mail: dz8454@ship.edu
Submitted on: 2/5/2011

Comments:
Hawaii should lead the way for other states in the support of homeopathic medicine and their practitioners!

galuteria1 - Ikaika

From: NFN Medrakanoeonapua [kanoeona@hawaii.edu]
Sent: Saturday, February 05, 2011 5:07 PM
To: HWN Testimony
Subject: SB 1527 Licensure for Native Hawaiian Healers

To whom it may concern:

I am been involved in learning about the healing qualities and powers of certain plants for many years. It is important for the health and welfare of all people to be helped and for people to have that option of keeping themselves and their families well. It is also important to acknowledge the few master that are still alive who are teaching others the proper methods of healing. As a senior I have sought alternatives in my own health care to insure that I can stay healthy for a long time and I have witness and still see the positive and beneficial results of many healings that have taken place. It is also very important that the Hawaiian culture continue well into the future. Mahalo, Medrakanoeonapua

current student of Ohai at UH

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 5:45 PM
To: HWN Testimony
Cc: lohussey@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: Loretta O Hussey
Organization: Individual
Address: 94378 Lumiauau St. V106 Waipahu, HI 96797
Phone: 8086778943
E-mail: lohussey@hawaii.rr.com
Submitted on: 2/5/2011

Comments:

On Oct. 31, 1998, a Council of Master practitioners met and selected Kupuna Henry Auwae to serve as chair of this council and to address issues re: legislation concerning practitioners and agree:

1) That they are only instruments in the healing process and 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

3) That while we are grateful that the Legislature has passed SB1946, 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 perpetuating these practices.

Thus I totally oppose this SB 1527, as again and again and again, these are the kuleana, or responsibility of the Hawaiian community itself through kupuna who are perpetuating these traditional practices, individually with their ohana, or associated with such organizations, such as E Ola Mau, Papa Ola Lokahi, Kupuna Laau Lapaau O Hawaii, and all the Kupuna Councils associated with Health Centers and the Native Hawaiian Health Care Systems on each moku!

galuteria1 - Ikaika

From: Nathan [Nathan@gogaliher.com]
Sent: Saturday, February 05, 2011 5:56 PM
To: HWN Testimony
Attachments: Kahuna Statment.PDF

**Alapa'i Kahu'ena Po'okela
Na Lei Hulu No Ke Ola Mamo
1505 Dillingham Blvd.
Honolulu, HI 96817**

I, Alapa'i Kahu'ena, Po'okela of Na Lei Hulu No Ke Ola Mamo oppose SB 1527. As a Traditional Native Hawaiian Practitioner I believe, "The State of Hawai'i *IS NOT* the keeper of Native Hawaiian Traditional knowledge and practices." Attached is the "Kahuna Statement" from Kailua-Kona, October 31, 1998.

galuteria1 - Ikaika

From: Nelson M Crabbe [ncrabbe@hawaii.edu]
Sent: Saturday, February 05, 2011 7:22 PM
To: HWN Testimony
Subject: SB 1527 (Native Hawaiian Healers)

Aloha,

My name is Nelson Crabbe and I am writing in regards to SB 1527. This bill will be a way for Native Hawaiian Healer to practice our healing practices here in Hawaii. I feel this bill is long overdue that native healers will be recognized here in our own land. The mission for us is to heal the sick and afflicted legally here in the state. The passing of this bill will open doors for many people who are seeking Hawaiian Medicine. We do not wish to interfere with any ones practices or buisness all we want is to fullfill our calling as healers. Please help do the right thing and help to pass this bill.

Mahalo,
Nelson Crabbe
91-305 Ewa Beach Rd.
Ewa Beach, HI 96706

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 1:13 AM
To: HWN Testimony
Cc: aipohaku@hotmail.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: Vince Dodge
Organization: Individual
Address: 86-557 Hakalina Road Wai`anae, HI
Phone: 808 478-6492
E-mail: aipohaku@hotmail.com
Submitted on: 2/6/2011

Comments:

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 6:58 AM
To: HWN Testimony
Cc: tlcbodyworks@yahoo.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: Tamara Leonard
Organization: Individual
Address:
Phone:
E-mail: tlcbodyworks@yahoo.com
Submitted on: 2/6/2011

Comments:

TESTIMONY AGAINST SB1527 RE: Native Hawaiian Healers

Dear Hon. Legislators

I am Terry Shintani, MD, JD, MPH, President of the Hawaii Health Foundation and Associate Chair of the Dept of Complementary and Alternative Medicine at the John A. Burns School of Medicine. I speak here only for myself and the Hawaii Health Foundation. I am one of the main authors of Act 304 of 2001 which created the "Certification" for the exemption from HRS 453-1 which has worked to currently allow Traditional Hawaiian Healers to practice their art. I am in opposition to SB 1527 Re: Native Hawaiian Healers and any companion bill in the House. Here are some of my concerns about this bill.

1. I suggested that this be run by the healers' kupuna councils before it was drafted. This would be in keeping with Traditional Hawaiian protocol. It appears that this was not done - so now there is resistance. Part of the problem is that Certification/Licensing seems disjointed and ignores the sitting Kupuna Councils. In doing so, it is becoming a divisive issue. This is unfortunate at a time when there is no energy to waste on battles. Instead, all the energy should be focused on elevating the healing arts and making progress based on what has already been done. The proposed bill does not build on the current system as Alyce Dodge suggests. If that were true, they would have consulted with people in the current Certification system and created a joint approach starting with the current Councils as the basis of Certification/Licensing.
2. The argument about the future generations employment doesn't hold water. The current system allows for employment of future generations right now. That was part of the intent of the original Act 304 of 2001 - that created the Certification. A young person could be Certified and open a practice right now. In addition, if they did so at a community health center, they could have Federal Tort Claims coverage for malpractice. If the concern is reimbursement, licensing is not the answer. Currently licensed practices such as Acupuncture and Naturopaths is generally not reimbursed anyway. Despite this they can make a fine living. I believe a more sensible answer is getting the insurance companies to reimburse Certified healers under the existing system - or in the alternative bringing Certification to be the criterion for "Licensing". This would be better for neighbor island practitioners who then would not have to fly to Oahu for classes. They could be Certified by their own local Kupuna Councils.
3. The original Certification bill (Act 304 of 2001 SB 1390 or its predecessor) I believe has regulations in place (I believe in committee notes) about the setting of and continuation of the Councils that are similar to those proposed. Why create a new set?
4. I think the best approach is to use the current Kupuna Councils and their Certification as the basis of licensing rather than reinventing the wheel. You could simply refer the sections on the requirements of licensing to the Kupuna Council and Certification process and the system would be in place right now. If you want reimbursement, just get reimbursement for individuals who are Certified or convert the Certification process into the Licensing process and get reimbursement for that form of licensing based on what is already in place.

with my aloha and best wishes

Terry Shintani, MD, JD, MPH
President, Hawaii Health Foundation

galuteria1 - Ikaika

From: Lyons Naone [kumuao@mauigateway.com]
Sent: Sunday, February 06, 2011 1:34 PM
To: HWN Testimony
Subject: *****SPAM***** Committee On Hawaiian Affairs, SB 1527

To: the Committee On Hawaiian Affairs

Re: SB 1527 - Relating to Native Hawaiian Healers

Hearing: Monday, February 07, 2011 at 2:45 p.m., Conference Room 224

Aloha Chairman Brickwood Galuteria

I write in **opposition** to SB 1527.

We, Kupuna and Hawaiian Traditional Practitioner Council members of Hui No Ke Ola Pono, Maui, have been working long and hard since the 1980's to bring Hawaiian traditional practices to where they are today. Practitioners set a tone and direction that legitimized the practice and brought honor and integrity to the process in line with traditional practices. State laws were passed during the Cayetano and Lingle administrations to legitimize those standards.

The licensure of Hawaiian Studies students in any traditional practice cannot be compared equally with the schools of Architecture, Engineering, Law, and Medicine. For the promoters of this process to say that "...la'au lapa'au in Hawaii has always been and is still looked upon as mere quackery, surrounded by ritual..." is a reckless statement and a devastating blow to many of us that have practiced for decades and have strived to enlighten others and our own people about the legitimacy of who we are, what we practice, and the ancestors we truly represent.

SB 1527 basically destroys all that work and effort and takes our practice out of the cultural and into the Western arena. This is a very serious undertaking that must be brought to the Hawaiian people, the traditional practitioners and kupuna for input. We need to have consensus among the Hawaiians or this will create a double standard and again divide us as Hawaiians.

Any accreditation program must go far beyond just the development of course content in Hawaiian Studies and a review by a curriculum committee. This legislation is calling for the creation of licensed professionals and its standards and code of conduct must be reviewed by experts and others of much higher wisdom and experience. Why is the curriculum, research and practice not published for proper scrutiny and review by kupuna, the Hawaiian people, and appropriate practitioners? Why are only "...qualified practitioners through the University

system..." and not the traditional practitioners included in setting standards and screening applicants? As we kupuna always say, why does this process **not pass the smell test** and seem "**kapulu**"?

This law is seriously flawed and must be defeated and sent back to the Hawaiian people for review. There is no need to rush this bill through the legislative process without taking a very serious look at how it will affect thousands of years of practice as well as an entire culture. We can work on this bill together and come back next year with a more appropriate and culturally correct bill if needed.

I speak on behalf of our Kupuna practitioner council, Hawaiian traditional practitioners on Maui and on behalf of myself as a student and practitioner for over 50 years.

E kala mai, I am traveling and lecturing on Hawaiian healing and culture in Austria and cannot make my plea in person.

Kahu/Kupuna Kapi'ioho Lyons Naone

Chairman of the Hawaiian Traditional Practitioner Committee of Maui, and
Hawaiian Traditional Practitioner in Kipahulu, Maui

galuteria1 - Ikaika

From: Kendall Percich [kpercich@hawaii.edu]
Sent: Sunday, February 06, 2011 1:50 PM
To: HWN Testimony
Subject: SB 1527 Testimony

To Whom it May Concern:

My name is Kendall Percich and I am a 22 year old senior at the University of Hawai'i at Manoa. I am writing this letter in response to SB 1527, which is taking place Monday, February 7, 2011 at 2:45 p.m. I am majoring in Health and Wellness and am therefore enrolled in Professor Ohai's Hawaiian Herbal Healing class. **I strongly believe obtaining a license in native Hawaiian healing would greatly benefit the individual, the community, and one day, the world.**

Personally, I have always believed in homeopathic and natural healing. Although some believe it does not work when compared to Western medicine, I believe passing this bill would convince non-believers to give it a try. I am convinced that anyone who has an open mind to this type of healing, will greatly benefit from it. Hawaiian herbal healing is the healthiest and best way to treat many conditions, from itchy insect bites to fibromyalgia arthritis.

I have been in college for five years now and have taken over 140 credits. Hawaiian Herbal Healing is by far the most important and valuable class I have taken in my entire college career. I find it shocking that one cannot be licensed in Hawaiian herbal healing. It would benefit an array of individuals by treating their problems naturally. I look forward to the day when I can obtain my license in Hawaiian Herbal Healing and help people with the variety of problems they may have. Passing SB 1527 would lead to a healthier and happier individual, community, and world.

Sincerely,
Kendall Marion Percich

galuteria1 - Ikaika

From: Naalii [naalii@aol.com]
Sent: Sunday, February 06, 2011 2:59 PM
To: HWN Testimony
Subject: Testimony on SB 1527 relating to Native Hawaiian Healers

TO: COMMITTEE S ON HAWAIIAN AFFAIRS; COMMERCE & CONSUMER PROTECTION
Senate : Twenty-Sixth Legislature, Regular Session of 2011

FROM: Gerald N.Y.C. Lam, Esq.
Native Hawaiian Traditional Healing Practitioner

DATE: February 6, 2011

RE: TESTIMONY on SB 1527 1675 – Relating To Native Hawaiian Healers

DELIVERED: EMAIL HWNTestimony@Capitol.hawaii.gov FAX (808) 586-6659

HEARING DATE: Monday, February 7, 2011

HEARING TIME: 2:45 p.m.

PLACE: Conference Room 224, State Capitol

TESTIMONY IN OPPOSITION TO S.B. 1527

I am Gerald Nalikorokalanike' alohilanikikaupe'aokalanikapahupineakaleikoakeopuhiwa-a-Paki Yun Chin Lam. I am a Traditional Native Hawaiian healing practitioner trained through genealogical priesthood in laau lapaau by my grandmother Alina Paki and grand aunt Luka Kinolau from 1955 – 1987; and, through uniki in November 2000 by Papa Henry Auwae. I have been a recognized Native Hawaiian practitioner of traditional Hawaiian healing arts in Hawaii since 2001. Born and raised in Honolulu, I have been a practicing attorney since 1976 and served as a jurist in District Court, First Circuit from 1982 - 1988. I served as President of the Native Hawaiian Health Care System (Papa Ola Lokahi) and as President of O'ahu's Native Hawaiian Health Care System (Ke Ola Mamo). **I strongly oppose SB 1527 relating Native Hawaiian Healers and strongly urge that SB 1527 be held in Committee for the following reasons:**

1. **The practices created under Senate Bill 1527 are not traditional native Hawaiian healing practices but, instead, a new Western medical profession that directly violate previous State legislation.**
Traditional native Hawaiian healing practices are long recorded by the Legislature as authorized solely by Ke Akua (God) pertinent to Act 162 of 1998 and ensuing legislative amendments in 1999, 2001 and 2005. Practice under SB 1527 in "*personal health care of individuals based on traditional native Hawaiian practices*" is not by definition traditional Native Hawaiian healing practice. Therefore, the SB 1527 "*Hawaiian healer*" cannot be presumed to be a "*Native Hawaiian healer who practices native Hawaiian healing.*" By previous legislative reference, no human induced vehicle can substitute or usurp God's divine authority through legislative definition of our sacred practices. SB 1527 definition "*Practice of native Hawaiian healing means personal health care of individuals based on traditional native Hawaiian practices*" can never equate to laau lapaau, laau kahea, lomilomi, ho'oponopono or any other traditional Native Hawaiian cultural healing practice. SB 1527 legally fails considering Hawaii State Constitution Article 12, Section 7, Act 162 of 1988, Act 153 of 2005, and Hawaii Revised Statutes 453-2(c). Statutory professions based upon otherwise genuine culture are Frankensteins polluting traditional indigenous practices. Failure to *first clearly establish* a compelling need to protect against imminent public danger violates the State constitutional rights of all Native Hawaiian healing practitioners.
2. **SB 1527 proposes a consumer fraud.** Government licensing is irrelevant, immaterial and currently nonexistent in traditional Hawaiian healing practices. Hawaiian healing arts and practices are not amenable to Western scholarship or science. This is established in the Legislative Comments and history pertinent to Act 162 of 1998 and ensuing amendments. Our indigenous cultural healing practices can neither be defined and regulated by a State Board, nor qualified by secular exams presuming to categorize and quantify a universal standard among priestly traditional practitioners. SB 1527 self-authenticates itself as "*native Hawaiian healing,*" but, in fact, is not the traditional native Hawaiian practice to which it refers. SB 1527 merely disguises a Western profession as "*based on*" genuine traditional native Hawaiian practices. Therefore, an entirely new practice of medicine is proposed that induces a false presumption in consumers. SB 1527 licenses college graduates to practice priestly arts even though a secular college is not competent to certify divinity and prayers.
3. **Collegiate academics are not proper venues for producing Native Hawaiian priests and priestesses called by God to publicly practice sacred arts.** A secular university or college may produce historians, but not priestly culturalists. A secular college is not competent to train and produce sacred traditional healing practitioners. Hawaii healing is a priesthood calling from God alone through genealogical qualifications not congruent with the Western notion of meritocracy. Where it is proper for colleges to study about our sacred cultural practices, it is not acceptable for colleges to employ in our traditional sacred practices. As law, SB 1527 proposes the complete absence of any Native Hawaiians on the Board of native Hawaiian healing. Self-determination by Native Hawaiians will give way to the competing outcry of unconstitutional racism assuring genocide of Hawaii's indigenous culture.

4. State licensing of native Hawaiian healing defrauds native Hawaiians of their intellectual property. Native Hawaiians view the issue of self-determination as a political rather than racial matter. Native Hawaiians fight the genocide that they believe is assured through Western control over cultural practices that define their indigenous identity. Licensing of sacred cultural practices is a matter for an indigenous Hawaiian sovereign entity. SB 1527 is prematurely reckless in proposing a new practice of medicine (as chiropractic, acupuncture, and naturopathic have historically) based on indigenous cultural practices. SB 1527 can as easily be based on Ayurvedic healing practices from India through the University of Hawaii.
5. The enactment of SB 1527 will divide Hawaiians and add a third division of non-Hawaiians disputing priesthood rights. SB 1527 restricts practice as a “*Native Hawaiian healer*” to college graduates in Hawaiian studies determined by a prospective board of non- Native Hawaiians. Not even the native Hawaiian masters of traditional practices and oral traditions across generations qualify as “*Native Hawaiian healers.*” Baccalaureate Hawaiians without priesthood birthright will claim entitlement over Hawaiians of birthright training. And, the colonization of Native Hawaiian resources by migrant baccalaureates will become a presumed protection under the U.S Constitution. SB 1527 promotes the position that Native Hawaiian self-determination is a racial rather than political matter.
6. Prohibitions upon “*traditional practitioners*” violate constitutional fairness. SB 1527 usurps every semantic, cultural reference, term and description concerning every sacred traditional healing practice, and, then, places restricts upon all traditional practitioners who default into its statutory exemption. Traditional healers are unconstitutionally deprived of their preexisting rights. Currently, traditional Hawaiian healing practitioners are not prohibited from representing the nature, qualifications and qualities of their capacity. Current laws guarantee traditional Native Hawaiian practitioners autonomy against unreasonable government regulation.

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 3:53 PM
To: HWN Testimony
Cc: mdblake@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: Michelle Blake
Organization: Individual
Address: 1489 Kanepoonui Road Kapaa, HI 96746
Phone:
E-mail: mdblake@mac.com
Submitted on: 2/6/2011

Comments:

Please support Native Hawaiian healers and traditional practitioners. We need to preserve Hawaiian culture and practices and have them be legal.

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 4:28 PM
To: HWN Testimony
Cc: alyce.dodge@gmail.com
Subject: Testimony for SB1527 on 2/7/2011 2:45:00 PM
Attachments: testimony SB 1527 #2 word.doc

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

Conference room: 224
Testifier position: support
Testifier will be present: Yes
Submitted by: Alyce Dodge and Kawika Malina
Organization: Individual
Address:
Phone: 383-9108
E-mail: alyce.dodge@gmail.com
Submitted on: 2/6/2011

Comments:

Mahalo ke Akua, source of all knowing, all love, always present, and in whose hands we all are. You know when our children surpass us that gives us hope for the future. To want the next generation, our children, to reach beyond where we are now is a dream we can share. That doesn't mean having our youth surpass us in illness and suffering, in materialism, in shame and in unemployment. No. The young are destined to surpass us in Spirit, in pono living, in knowledge, in service, in peace and dignity.

Our world, our nation, our community is not there yet. Things cannot go on the way that they have. Nor can we go back to ancient days. The times require us to move forward with courage and vision, just as the early voyagers left Kahiki. Like today, I'm sure there were some who said out of deep love and concern, "don't do it, don't go on ahead - you may be lost, it is dangerous, you may forget the old ways." The time has come when we are called to move beyond the way things have been done for a while.

Our children are like voyagers to new places taking the knowledge, the hard earned wisdom of our predecessors with them as they go ahead, building on that knowledge as new challenges and new resources are encountered. The students whose testimony you are hearing would like to practice full time, in cooperation with medical doctors and hospitals, and serve the community openly. They are willing to apply themselves to rigorous study and shoulder all the responsibilities and rights that come with licensure. We cannot hold the children to our times; this is a new time with new challenges. We are already seeing new afflictions in the world, and the youth will have to face things none of us ever have faced before. We want blessings and safe passage for those coming up next.

The process of licensure should be in place to allow healing knowledge to be brought forth. Every effort should be made to make this happen to benefit the sick and those who wish to help them.

We have a leader with vision and courage, teaching the youth with love and encouragement that all flows from Akua, opening their world to new possibilities, meeting the challenges of this day with contemporary tools and know-how. Here is a vision that encompasses health, education, jobs, sustainability, and service to our community and to the world. It is a vision that requires the licensing of Hawaiian herbalists in order to take their place among the other healing professions. What we are trying to do is pono. Perhaps the language of this bill does not fully reflect the intention and vision behind it. Help us to amend it. Hopefully this will make clear that while we honor the traditional La'au Lapa'au practitioners, we are forging a new path alongside the old, a path that is not in any way disrespectful or in competition. But please do not let these young people down; do not postpone their dream.

Now is the time to get together and move forward and for the sake of the youth. We will need Akua's help and all our strength and reserve. Let us provide our children with way of life and a way to make a living, with a way of health and a way to serve, with a respected profession recognized around the world.

Let us give our opio a hope and a future.

galuteria1 - Ikaika

From: acutabovehi@aol.com
Sent: Sunday, February 06, 2011 4:43 PM
To: HWN Testimony;
senate@committee.on.hawaiian.affairs.and.commerce.and.consumer.protection.feb.7; 2011
@smtp1.pauspam.net
Subject: SBill 1527 Relating to Native Hawaiian Healers

I Pamela Matsuda, member of Naleihulu O Ke Ola Mamo and Kupuna Laau Lapaau O Hawaii oppose Senate bill 1527.

My teacher was Edna Mahinakeo keo Kelley, who was a Hawaiian Spiritual Healer. I am the only student from her Halau, trained 30 years ago from oral and on the spot training on Blessings of homes, businesses, properties, people and other places. Also on Spiritual Healing which came from the bible for the source of pilikia. We are just instruments that god spiritual gifts flow from.

Therefore the state is not the keeper of native hawaiian knowledge and healing practices.

I strongly urge this bill 1527 be held in committee.

Mahalo,
Pamela matsuda
Traditional practitioner

Sent via BlackBerry from T-Mobile

To the the Hawaiian Affairs and Consumer Protection Committee Members:

I would like to testify in support of SB1527. I am a member of the University of Hawaii (Mānoa) Laʻau Lapaʻau class. I am interested in and supportive of Hawaiian Herbal Medicine, personally, for several reasons. First, I respect the knowledge of the ʻāina and its plants and their uses that the Hawaiian culture and its kūpuna have gained over hundreds of years. This is a priceless and irreplaceable gift to us all. It is also important to me that I have an alternative to drug companies and their products. They can be of benefit of course, but I want to have the option to use something that is closer to nature. For instance, when you harvest and use a plant you get more than one active ingredient. Each plant comes with many different components. These components, working synergistically, give a result that is more balanced so that there are fewer side effects than with medicines manufactured to provide one unopposed ingredient. Also, when you harvest and use your own plants you know where they came from, how they were grown, and how they are processed. It is reassuring to me and also better for the Earth.

On a larger scale, it is important to give younger people the opportunity to use this medicinal wisdom to practice healing in an open and respected way. They should have the chance to practice their calling and be able to make their living as well. It is also important that the community be provided with alternative healing options that are based on a solid foundation of healing practices that have been proven effective by the test of time.

This bill has been constructed to allay concerns in the Laʻau Lapaʻau community. It has provided an exemption for traditional healers so they can continue to practice as they have been taught without being forced to be licensed. It also has provided for a Board of Hawaiian Healing which will oversee the licensing and practice of traditional healers. Since the majority of members will be traditional healers themselves, this will provide the necessary knowledge to assure that licensing and practice are held to the proper standards.

Thank you for the opportunity to share my views.

Sherryl Royce

Senate HWN/CPN Committees
February 7, 2011
2:45 PM
Conference Room 224

S.B. 1527: Relating to Native Hawaiian Healers

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

I am Sunny Alonzo Greer from Kahana, Oahu. I am a practitioner of traditional Native Hawaiian healing as taught to me by my kumu & kupuna, the late Pookela Laau Lapaau Papa Henry Auwae. I am also a member of Na Lei Hulu No Ke Ola Mamo & the Kupuna Council of Koolauloa Community Health and Wellness Center, two kupuna councils recognized by Papa Ola Lokahi (POL).

I strongly OPPOSE S.B. 1527: Relating to Native Hawaiian Healers.

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 5 respected kahuna, wherein my kupuna served as its Chairman. POL convened the kahuna to "discuss the question of "recognition" and "certification" of practitioners of traditional Hawaiian healing practices as part of the concern for uniform professional standards associated with the respective healing arts."

According to the Report:

It was uniformly felt that it was not state government's role or responsibility to 'recognize' or 'certify' practitioners of traditional Hawaiian healing practices. All of the kahuna who have public programs instructing individuals in the traditional healing practices have certification and recognition processes in place ... From the days of the Kingdom, then Territory, and now State, the various governments have attempted licensure of practitioners of traditional Hawaiian healing practices, and all efforts have failed (emphasis added).

By its very nature, this bill disrespects the fundamental teachings of traditional Native Hawaiian healing practices. Spirituality and one's genealogy are fundamental tenets in our practice, not Western-based selection, education and examination. This bill is an affront to the customs and rituals of true traditional practitioners, as it elevates Western processes and denounces traditional Native Hawaiian protocols.

This bill proposes to usurp cultural kuleana handed down from generation to generation and transfer it to an appointed government board. This means that a government board is deemed more knowledgeable in traditional Native Hawaiian healing practices rather than traditionally-trained practitioners. In 1948, a Board of Examiners for Hawaiian herbalists denied a license to noted kahuna Luka G. Kinolau of Laie, Oahu because she did not know the botanical names of the plants she used. Will this happen again? Aue!

This bill also requires a "bachelor's degree or higher degree in Hawaiian studies or an equivalent degree" in order for all applicants to qualify for licensure. Under this bill, NONE of the respected kahuna convened in 1998 by POL would be qualified to even apply. This bill essentially renders invisible the *true* practitioners of traditional Native Hawaiian healing practices. I suspect this bill is an attempt to define and legitimize the practices of those who aren't.

I urge you to please hold SB 1527 in Committee.

galuteria1 - Ikaika

From: Mikahala Roy [mukahala_roy@yahoo.com]
Sent: Sunday, February 06, 2011 9:27 PM
To: HWN Testimony
Subject: Kamakahonu Declaration
Attachments: Kamakahonu.pdf

Testimony Pertaining To:

HB 1618
SB 1527

Ladies and Gentlemen of the Hawaii Legislature:

Aloha Kakou. I am Mikahala Roy, Kahu of Ahu'ena Heiau at Kamakahonu, Hawaii. Kamakahonu is the first Capital of the Hawaiian Islands unified by Kamehameha the Great and Ahu'ena Heiau served as his personal Heiau.

My testimony today is wholeheartedly against HB 1618 and SB 1527. There exists no rightful avenue for the State of Hawaii to attempt the exertion of control upon Native Healers of Hawaii -- no more than it has rightful means to do so over sacred temples, burial grounds -- in short, upon all of Sacred Hawai'i. The State has no right at all to involve itself or its regulatory parties in the Sacred Religious Practices of Hawai'i.

Attached please find the **DECLARATION OF KAMAKAHONU**.

The Declaration of Kamakahonu gives fuel & energy to a cohesive **VOICE** that Hawaii is the domain of Akua (Divine Creator). It states:

- 1) The State has no say in the worship, continuity and evolution of the first faith of the lands of Hawaii. By state laws, the separation of church and state is clear.
- 2) By the Freedom of Religions Act passed in 1978, the State is obligated to not only recognize religions but to protect religious freedom. This applies to lands they lawfully own and those they illegally occupy such as Hawaii.
- 3) 'Oiwī have the right to challenge construction plans that disturb Hawaiian burial sites as confirmed by the Hawaii Supreme Court ruling of August 2010.
- 4) Temples of worship and burial grounds are ultimate religious domains.

E nana 'ia ka pulapula i ka la'a kea i ka la'a uli,
May the descendants be cared for in times of light and in times of misfortune.

Holopapa ka pono (*righteousness prevail*),

Mukahala Roy

Kahu, Ahu'ena Heiau
Kamakahonu

galuteria1 - Ikaika

From: Philip & Ethel Mau [maussage@hawaii.rr.com]
Sent: Sunday, February 06, 2011 10:16 PM
To: HWN Testimony

SB #1527 Native Hawaiian Healers

Name: Ethel Mau
E-mail - Maussage@hawaii.rr.com
Phone #808-839-9413
Address: 1235 Ala Amoamo Street
Honolulu, Hawaii 96819-1704

I do support Bill SB #1527 - Native Hawaiian Healers

The reason that I feel we should have this bill pass is because there are so many sick people out there that do not know who to turn to other than their doctor which is not always the right way because they should be told about the different alternatives that are out there. This information should be available to anyone and everyone who is looking for something other than Western Medicine. There are so many side effects from the Western Medicine drugs that when the doctor says the disease is in remission and I have saved you what has he saved you from. Cancer is an example: the side effects from chemotherapy after they have so call saved you is that it will be with you for the rest of your life and that is not good. The health of the body will never go back to total good health. Numbness in fingers and toes. Loss of hair which at times does not grow back the way it was. Muscle pain in neck shoulders, and arms because they had to cut off a breast. Pain that comes back every couple of weeks. So is this the help that we want for our families and friends or should there be more alternatives for us to seek. Give us this chance to put this help out there for all people and not just a few because they knew who to call. It is time for us to try and save all people to have a better life with natural ingredients. Thank you. Yes, I will be at the hearing.

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 11:17 PM
To: HWN Testimony
Cc: scimeca@hawaii.edu
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: Maya Scimeca
Organization: Individual
Address: 1618 10th Avenue Honolulu, HI
Phone: 808 383-9315
E-mail: scimeca@hawaii.edu
Submitted on: 2/6/2011

Comments:

I have tried many of the Hawaiian herbal remedies and medicines. They have all been successful for me. If this bill is passed, I would definitely go to see a licensed Hawaiian herbal healer.

galuteria1 - Ikaika

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 6:03 AM
To: HWN Testimony
Cc: romihawaii@gmail.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: wesley Sen
Organization: Individual
Address: P.O.Box 2939 Kailua Kona, Hawaii
Phone: 310 383 0615
E-mail: romihawaii@gmail.com
Submitted on: 2/7/2011

Comments:

I support this bill, it does not apply to those practitioners of Hawaiian Lomi Lomi massage since we are licensed under the State Board of Massage and pay fees for the license every two years. We are required to have 570 hours of training and pay to take a test.