

SCR 31

Measure Title: REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE LICENSURE AND REGULATION OF HERBAL THERAPISTS.

Report Title: Sunrise Analysis; Herbal Therapists

Description:

Companion:

Package: None

Current Referral: CPN, WAM

Introducer(s): CHUN OAKLAND, SHIMABUKURO, Baker, Ihara



NEIL ABERCROMBIE
GOVERNOR

SHAN S. TSUTSUI
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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KEALI'I S. LOPEZ
DIRECTOR

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DEPUTY DIRECTOR

PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

TWENTY-SEVENTH STATE LEGISLATURE
REGULAR SESSION, 2014

FRIDAY, MARCH 21, 2014
9:30 A.M.

TESTIMONY ON SENATE CONCURRENT RESOLUTION NO. 31
REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE
LICENSURE AND REGULATION OF HERBAL THERAPISTS

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND TO THE HONORABLE BRIAN T. TANIGUCHI, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on Senate Concurrent Resolution No. 31, Requesting the Auditor to Conduct a Sunrise Review of the Licensure and Regulation of Herbal Therapists. My name is Daria Loy-Goto, Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). RICO offers the following testimony in support of the concurrent resolution.

Testimony on Senate Concurrent Resolution No. 31
March 21, 2014
Page 2

Senate Concurrent Resolution No. 31 requests a sunrise review by the Auditor on the licensure and regulation of herbal therapists as proposed in Senate Bill No. 195. RICO supports a sunrise review in accordance with §26H-6, Hawaii Revised Statutes.

RICO notes that Senate Bill No. 195 seems to create a conflict between the authority of the new Board of Herbal Therapy and the Department's Director and does not contain disciplinary or enforcement language typical in most licensing chapters. RICO believes that the Auditor's sunrise review will address these issues, as needed.

Thank you for this opportunity to testify on Senate Concurrent Resolution No. 31. I will be happy to answer any questions that the members of the Committee may have.



NEIL ABERCROMBIE
GOVERNOR

SHAN S. TSUTSUI
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KEALI'I S. LOPEZ
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

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

**TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION**

**TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014**

Friday, March 21, 2014
9:30 a.m.

**TESTIMONY ON SENATE CONCURRENT RESOLUTION NO. 31, REQUESTING
THE AUDITOR TO CONDUCT A SUNRISE REVIEW AND REGULATION OF
HERBAL THERAPISTS.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, Licensing Administrator for the Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to offer comments on S.C.R. No. 31.

The concurrent resolution requests that the Auditor perform a sunrise analysis pursuant to section 26H-6, Hawaii Revised Statutes ("HRS"), on the licensure and regulation of herbal therapists, as proposed in Senate Bill No. 195, introduced during

Testimony on Senate Concurrent Resolution No. 31
Friday, March 21, 2014
Page 2

the Regular Session of 2013. The Auditor's analysis would set forth the probable effects of the proposed regulatory measure, assess whether its enactment is consistent with the purposes of section 26H-2, HRS, and assess alternate forms of regulation. The Department agrees with the concurrent resolution that the Auditor should conduct a sunrise review of the licensure of herbal therapists.

Thank you for the opportunity to offer comments on S.C.R. No. 31.

SCR31

Submitted on: 3/20/2014

Testimony for CPN on Mar 21, 2014 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Moses	A'ali'i Group	Support	No

Comments:

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THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Rosalyn Baker, Chair
Senator Brian Taniguchi, Vice Chair

RE: SCR 31 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF
THE
LICENSURE AND REGULATION OF HERBAL THERAPISTS

DATE:

Friday, March 21, 2014

TIME:

9:30am

PLACE:

Conference Room 229

State Capitol

415 South Beretania Street

Aloha, my name is Andrew Gerren. I am testifying in support of Senate Concurrent Resolution 31 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE LICENSURE AND REGULATION OF HERBAL THERAPISTS.

I am both a student and teacher of Herbal Medicine. I have been studying for the past four years and teaching for six years. In 2010, I enrolled in college after a couple of years learning from herbalists, gardeners, farmers, wild edible plant experts, botanists and ethnobotanists. I am currently studying a dual degree in Ethnobotany and Interdisciplinary studies in Natural Medicine; with that in mind I have been inspired by many great people to pursue a Doctorate degree in Naturopathic Medicine. I would like to eventually be able to open a practice.

Additionally, I have been helped with Herbal Therapy and traditional medicine practices. Knowledgeable and experienced practitioners deserve respect and compensation. In the same way, I have helped many people regain their health through Herbal Therapy, and know of people who have been benefited immensely by other specialists in healing after all other avenues were exhausted. Others could be helped too, if this therapy were available to all. As a student/teacher continuing to learn new avenues of healing, particularly through Hawaiian Medicine, I think it's important to not just preserve tradition but to instill a positive sense of well-being into the community where people have the choice to seek alternative therapy. For example, on March 10, 1998, The Canadian Medical Association Journal noted that doctors in Germany routinely prescribe herbal products and have annual sales that have surpassed \$2 billion dollars. This rise in popularity has been influenced by German patients, who began demanding herbal alternatives. Seemingly, medical schools responded by reintroducing

lessons on a topic that had been “phased out of the medical curriculum” and now physicians are also trained in Herbal Medicine.

Furthermore, The National Institutes of Health published an article by the University of Heidelberg stating that Herbal Medicine is often provided by nonmedical practitioners. “They have to pass an exam on basic medical knowledge to obtain a state license but have no formal training” on Complementary Alternative Medicine or Herbal Medicine specifically. They also mentioned that Herbal medicine is one of the most widely used Complementary and Alternative Medicine (CAM) therapies throughout the world. It is therefore advisable and desirable that practitioners of Herbal Medicine be able to acquire licensing by demonstrating proper knowledge and be tested before ministering to the public.

This is my life’s passion, along with many other students, practitioners, and teachers here in Hawaii and around the world. I believe the state of Hawaii would benefit tremendously as well as its members of the community with Herbal Therapy Licensing. I would choose to see an Herbalist, if my health insurance covered this. However, we have been told that licensing is required for this to be an option.

For these reasons, I support SCR 31.

Thank you,

Andrew Gerren
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THE SENATE

THE TWENTY-SEVENTH LEGISLATURE

REGULAR SESSION OF 2014

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn Baker, Chair
Senator Brian Taniguchi, Vice Chair

RE: SCR 31 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE
LICENSURE AND REGULATION OF HERBAL THERAPISTS

DATE:Friday, March 21, 2014

TIME:9:30am

PLACE:Conference Room 229

State Capitol

415 South Beretania Street

Aloha mai kākou,

My name is Emmalani Makepa-Foley. I am testifying in support of Senate Concurrent Resolution 31 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE LICENSURE AND REGULATION OF HERBAL THERAPISTS.

I am a student, practitioner, and teacher of Lā'au Lapa'au and have been studying Hawaiian medicine/Herbal medicine since 2008 under Kumu Levon Ohai. Levon Ohai is a well respected Kahuna Lā'au Lapa'au from the island of Kaua'i. He taught on Kaua'i as well as at the University of Hawai'i at Mānoa, an accredited University for over 10 years. I have witnessed amazing health improvements and recoveries throughout my learning and I am continuously amazed by the benefits that herbal medicine offers.

As a practitioner I want the option to open my own practice to provide service to my community. As a member of the Hawaiian community I want access to quality health care for my family, friends and loved ones. With the high incidence of chronic disease in Hawai'i, the public should have choice in their treatment and have access to alternative health care providers. Historically licenses have been issued in the state of Hawai'i. It is time to once again license herbal practitioners. Standards must be made to ensure protection of the community as well as the protection of the practitioners. By issuing licenses these standards will be met, upheld and regulated by well respected, knowledgeable members of the Herbal community. Experienced practitioners deserve respect and compensation, and the public deserves quality health care. I am continuing my study and refining my practice so that I can make this calling my profession.

For these reasons I support SCR 31

Ke Aloha Nui,

Emmalani Makepa-Foley
emf@hawaii.edu

THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Rosalyn Baker, Chair
Senator Brian Taniguchi, Vice Chair

RE: SCR 31 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE
LICENSURE AND REGULATION OF HERBAL THERAPISTS

DATE: Friday, March 21, 2014
TIME: 9:30am
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

Aloha! My name is Sister Malia Wong.

I am testifying in support of Senate Concurrent Resolution 31 REQUESTING THE AUDITOR
TO CONDUCT A SUNRISE REVIEW OF THE LICENSURE AND REGULATION OF HERBAL
THERAPISTS.

As a la'au lapaau - Hawaiian herbal medicine student of Kumu Ohai Levon at the University of Hawaii, Department of Hawaiian Studies for 6 years, I am grateful for the knowledge gained that I was able to use to help others where Western medicine had failed, after a long period of time, to produce beneficial results. I would like to see that the knowledge and experience of other teachers and practitioners like Kumu Ohai Levon be acknowledged for the solid, tried and proven over generations of wisdom elders, medicinal path they do offer that other generations may be able to benefit from the medicine of the land over the chemicals of the laboratory.

On one hand, I brought my Kumu Hula to see Kumu Ohai when he expressed his fear over an upcoming surgery with four blocked arteries. Kumu Ohai sat down with him, went through a set of protocols and then wrote a prescription of herbs which included the dosages, preparation and length of time for their consummation. When time for the surgery did come, my Kumu Hula shared that the doctors were surprised that they only needed to work on three arteries, and that the procedure went more quickly than expected. In addition, his recovery time was speedier than that of others of his same age and procedure had experienced. Today, he is well and still actively involved with the Hawaii Civic Clubs.

On the other hand, when I was on mission in the Philippines, I noticed one nun with a 2 ½" x 3" gaping black hole in her foot. I was shocked to see the open wound. The caregiver said that the doctors have given her medicine for three months now- internal and a salve, but nothing has been working to heal the wound. The next morning I gathered herbs I was familiar with and daily applied them for the two weeks I was there. The wound gradually turned pink and one could see on the sides of the wound new flesh growing in. That was only in a two week period. Everyone, including her doctor was amazed.

On a personal note, I was diagnosed with two types of cancer and an immune system that had gone down to the negative numbers in 2007. With the choice of chemotherapy and radiation before me, I

declined saying that I wanted to heal naturally. With Kumu Ohai's assistance and my classmates gathering fresh herbs and making juices and other formulas for me, it was a long road. But, with herbal medicine, it is not only about the illness and the prescription, it is about one's whole being-mind, body and spirit that needs to be brought back into harmony for healing to take place. July 7, 2009 I rejoiced with a new leg on life.

There are many more people I have taken my herbal knowledge to, to offer assistance. A long time ago, before the first chemicals were formed into pills, capsules, or liquid form, our ancestors depended upon the properties of plant life to nourish and nurture our natural life. There are times, due to the different toxins in our environment that Western medicine may be needed as they are formulated to work faster. But, more often than not, this quicker route is met with damage to other internal organs through the unnatural recognition of synthetics in the bloodstream.

As my Kumu Ohai has passed, along with Aunty Alapaki and other great la'au lapaau teachers, it is important that for this generation that they be able to carry on the service to humankind through offering herbal remedies, and be able to sustain their life through such dedication of work. I would choose to see an Herbalist, if my health insurance covered this.

For these reasons, I support SCR 31.

Thank you,

Sister Malia Wong

Sister Malia Wong
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THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Senator Rosalyn Baker, Chair
Senator Brian Taniguchi, Vice Chair

RE: SCR 31 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE
LICENSURE AND REGULATION OF HERBAL THERAPISTS

DATE: Friday, March 21, 2014

TIME: 9:30am

PLACE: Conference Room 229, State Capitol, 415 South Beretania Street

Aloha,

My name is Leina'ala Bright, I am testifying in support of Senate Concurrent Resolution 31 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE LICENSURE AND REGULATION OF HERBAL THERAPISTS.

I am a 2nd year graduate student at University of Hawai'i at Mānoa, Kamakakūokalani Center for Hawaiian Studies. I am a licensed massage therapist/lomilomi practitioner for over 25 years now and have been studying/teaching la'au lapa'au for 6 years. I would like to be able to add herbal medicine to my current practice.

My research at UH Mānoa bridges Hawai'inuiakea School of Hawaiian Knowledge and College of Tropical Agricultural and Human Resources involving the propagation, cultivation and processing methods of our Hawaiian medicinal plants, both endemic and introduced. Currently my focus has been on developing the best methods for growing, harvesting, and processing of the 'ōlena or turmeric (*Curcuma longa L.*) plant. My goal is to enhance the quality and bioavailability of its healing agents (curcuminoids). 'Ōlena is a Polynesian introduction used by Native Hawaiians and other indigenous peoples for medicine, spiritual protection, cleansing and strengthening, dietary supplementation and as a natural dye. This polyphenolic compound has been reported to possess anti-oxidative, anti-inflammatory, anti-mutagenic and anti-carcinogenic properties.

The next step as a Native Hawaiian Lā'au Lapa'au Practitioner is to be able to outreach to our Hawaiian communities as a licensed herbal practitioner offering unique research and understanding of our herbal medicines to strengthen the health and well-being of our families.

For these reasons, I support SCR 31. If you have any questions you may contact me at (808) 429-9470.

Mahalo,

Leina'ala Bright, LMT

SCR31

Submitted on: 3/18/2014

Testimony for CPN on Mar 21, 2014 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Alyce Dodge	Individual	Support	Yes

Comments: THE SENATE THE TWENTY-SEVENTH LEGISLATURE REGULAR SESSION OF 2014 COMMITTEE ON COMMERCE AND CONSUMER PROTECTION Senator Rosalyn Baker, Chair Senator Brian Taniguchi, Vice Chair RE: SCR 31 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE LICENSURE AND REGULATION OF HERBAL THERAPISTS DATE: Friday, March 21, 2014 TIME: 9:30am PLACE: Conference Room 229 State Capitol 415 South Beretania Street Senator Rosalyn Baker, Chair Commerce and Consumer Protection Committee Aloha, my name is Alyce Dodge. I am testifying in support of Senate Concurrent Resolution 31 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE LICENSURE AND REGULATION OF HERBAL THERAPISTS. I have been a student of Herbal Therapy, taught by an extraordinary teacher. Levon Ohai was a recognized Kahuna La'au Lapa'au and Kumu who healed many in the community, including Native Hawaiians, immigrants, military veterans, the young and the elderly. Herbal Therapy has helped me stay healthy too. There are many people in our communities who could benefit from such treatment, but have no access to a knowledgeable, competent Herbalist. You cannot find Herbal Therapy listed in the phone book. There are many who would opt to go to a professional Herbalist, if this alternative was covered by their health insurance. We have been told by health insurance companies that they will only cover a licensed Herbal Therapist. Herbal Therapy predates modern medicine by thousands of years. You might ask why then do we need licensing? As the law stands now, only a few recognized traditional Native Hawaiian practitioners are allowed to practice, with the condition that advertising and monetary payment are prohibited. Otherwise it is illegal to practice medicine without a license.¹ It was my teacher's dream that a younger generation of practitioners would be able to serve their communities and support themselves in a legal and responsible way as Herbal Therapists. At the same time, it could be detrimental to the public if just anyone could practice Herbal Therapy without proper knowledge and training. Future Herbal Therapy practitioners must be able to meet high standards and requirements to provide the best of care. SCR 31 and the accompanying bill can help create a path for professional Herbal Therapists. This deserves a close look and investigation. Please conduct a Sunrise Review of the Licensure and Regulation of Herbal Therapists; please pass SCR 31. Thank you for your attention and consideration, Alyce Dodge alyce.dodge@gmail.com 383-9108

¹ For the purpose of the offense of practicing medicine without a license, the "practice of medicine" means "the diagnosis, treatment, prevention, cure, or relieving of a human disease, ailment, defect, complaint, or other physical or mental condition, by attendance, advice, device, diagnostic test, or other means, or offering, undertaking, attempting to do, or holding oneself out as able to do,

any of these acts." If you actually perform medical treatments, it is not necessary for you to receive any kind of compensation to be convicted of this crime, nor do your actions have to result in harm to the patient. Breaking this law can be punished by fines and/or imprisonment. from: Medical License Law in Hawaii

<http://statutes.laws.com/hawaii/volume-10/title-25/chapter-453/hrs-0453-0002-htm>

<http://www.criminaldefenselawyer.com/resources/practicing-medicine-without-a-license.htm> <http://answers.yahoo.com/question/index?qid=20130318115710AAava56>,
Laws on Practicing Without a License

<http://www.criminaldefenselawyer.com/crimepenalties/federal/Practicing-without-license.htm>

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Multicultural herbal healing is practiced in parens in Hawaii, but without formal licensing, standards, and regulation. Basically there are no safety guidelines to protect both the client and the practitioner. Therefore I am in support SCR 31 REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE LICENSURE AND REGULATION OF HERBAL THERAPISTS.

Allopathic medicine and herbal healing can complement each other and enhance wellness options.

Shirley H. Yamada

SCR31

Submitted on: 3/19/2014

Testimony for CPN on Mar 21, 2014 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
rustyann	Individual	Support	No

Comments: Kako'o i ka la'au lapa'au. Eo mai e Lonopuha.

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SCR31

Submitted on: 3/20/2014

Testimony for CPN on Mar 21, 2014 09:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mayling Chung	Individual	Support	No

Comments:

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