

SB1034

Measure Title: RELATING TO HEALTH.

Report Title: Motor Vehicle Insurance; Personal Injury Protection Benefits; Naturopathic, Chiropractic, and Acupuncture Treatments

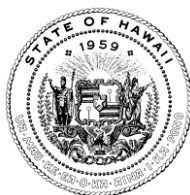
Description: Increases the authorized benefit for naturopathic, chiropractic, and acupuncture treatments allowed under personal injury protection benefits provided through motor vehicle insurance.

Companion:

Package: None

Current Referral: CPH, WAM

Introducer(s): GREEN, Espero



DAVID Y. IGE
GOVERNOR
SHAN S. TSUTSUI
LT. GOVERNOR

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TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Friday, February 5, 2016
9:00 a.m.

TESTIMONY ON SENATE BILL NO. 1034 – RELATING TO HEALTH.

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

My name is Gordon Ito, State Insurance Commissioner, testifying on behalf of the Department of Commerce and Consumer Affairs (“Department”). The Department takes no position on this bill, and submits the following comments:

S.B. 1034 would lift the combined thirty-visit cap for chiropractic, naturopathic and acupuncture treatments allowed as personal injury protection (PIP) benefits provided through motor vehicle insurance to allow up to thirty visits each for chiropractic, naturopathic and acupuncture treatments.

The Department believes that the expansion of PIP benefits may increase the cost of motor vehicle insurance coverage.

We thank this Committee for the opportunity to present testimony on this matter.

TESTIMONY OF ALISON UEOKA

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION & HEALTH
Senator Rosalyn H. Baker, Chair
Senator Michelle N. Kidani, Vice Chair

Friday, February 5, 2016
9:00 a.m.

SB 1034

Chair Baker, Vice Chair Kidani, and members of the Committee on Commerce, Consumer Protection and Health, my name is Alison Ueoka, President of Hawaii Insurers Council. Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately thirty-six percent of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **opposes** this bill that increases PIP utilization of chiropractic, naturopathic, and acupuncture treatment to three times what it is today. The law currently provides for thirty combined treatments while this proposal increases that to ninety visits.

Any increase in utilization from today would increase underlying costs in motor vehicle insurance in the following coverage areas: PIP, Bodily Injury liability, UM and UIM. These costs will eventually be reflected in motor vehicle insurance rates. We believe one of the primary reasons Hawaii's uninsured motorist population has steadily decreased over the last two decades is that the cost of insurance has decreased and stabilized.

For these reasons, we ask that you hold this bill. Thank you for the opportunity to testify.



Testimony in support of SB1034, with revisions, to CPH/EDU

The Hawaii Society of Naturopathic Physicians (HSNP) supports the intent of this bill, but would prefer to have Naturopathic Doctors (NDs) categorized as Primary Care Physicians (PCPs) rather than Complementary and Alternative Medicine (CAM) providers, so we respectfully request a revision of this bill to reflect the following points:

Although HSNP members support increasing Personal Injury Protection (PIP) benefits for Motor Vehicle Accident (MVA) claims to 30 visits per provider listed, we more strongly believe that NDs should not be categorized as CAM providers such as Chiropractors (DCs) or Acupuncturists (LAcS). NDs in Hawaii have been licensed to provide Primary Care for decades, so this recognition alongside Medical Doctors (MDs) and Osteopathic Doctors (DOs) is long overdue by insurance companies.

Several representatives of HSNP's Insurance Committee are currently working closely with Administrators and Medical Directors at HMSA, Hawaii's largest health insurer, to finalize the process of credentialing NDs as PCPs within their network. Similar efforts are also underway with Medicaid.

This distinction as PCPs should allow PIP claimants as many office visits to NDs as deemed medically necessary, rather than limiting the benefits to 30 visits.

I am a Naturopathic Doctor who is also a licensed Physical Therapist (PT) in Hawaii. As a PT, I am not held to a cap in the number of office visits with PIP claimants, but rather the medical necessity for ongoing treatment (supported by a referring physician), and the monetary limitations in the PIP coverage. I don't understand the logic of limiting me to 30 visits as a ND after having completed four additional years of medical education and training, plus 2 years of Naturopathic Medical Residency, beyond my Bachelor of Science in PT. Needless to say, I bill my MVA claims as a PT, not as a ND since most of the patients I see having had MVAs need many months of rehabilitation that can require more than 30 visits. My patients find this limitation with me as a ND both odd and frustrating, since they then have to get a referral from another physician in order to see me as a PT!

Thank you for this opportunity to testify on behalf of Hawaii Society of Naturopathic Physicians.

Dr Karen Frangos
President and Legislative Committee Chair,
Hawaii Society of Naturopathic Physicians
P.O. Box 941
Kihei, HI 96753



- Government Employees Insurance Company
- GEICO General Insurance Company
- GEICO Indemnity Company
- GEICO Casualty Company

TIMOTHY M. DAYTON, CPCU, GENERAL MANAGER

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Senate Committee on Commerce, Consumer Protection and Health
Conference Room 229 State Capitol
Wednesday, February 5, 2015, 9:00 a.m.
SB 1034 – Relating to Health

Chair Baker, Vice-Chair Kidani and Members of the Senate Committee on
Commerce, Consumer Protection and Health:

My name is Tim Dayton and I am General Manager for GEICO, Hawaii's
largest insurer of motor vehicles. **GEICO opposes SB 1034** which increases the
number of treatments and maximum amount reimbursable under Personal Injury
Protection Benefits (PIP) for naturopathic, chiropractic and acupuncture treatment.

SB1034 as drafted is inaccurate. In 1997, benefits for acupuncture were
eliminated under PIP as a cost saving measure for mandatory motor vehicle
insurance; acupuncture was included in a new optional coverage along with Faith
Healing and Naturopathy. A year later, acupuncture was added back into coverage
under PIP and grouped under the maximum number of treatments and maximum
amount reimbursable that had been implemented for chiropractic. The Conference
Committee Report (#117 dated May 1, 1998) noted that the Hawaii State Actuary
has stated that the inclusion of acupuncture will not increase the cost of basic PIP
because of it being included with chiropractic. Making PIP benefits available for

Naturopathic Treatment was added a few years later. SB 1034 now proposes to increase the amount of treatment and the reimbursement per treatment for all three forms of treatment under PIP. There currently is no shortage of providers for either Acupuncture or Chiropractic available and willing to treat for the reimbursement currently available under PIP. This Legislation is not needed.

Almost all chiropractic and acupuncture treatment is for soft tissue injury. These are the so called whiplash treatment that legislative measures in 1992, 1993, 1997 and 1998 sought to rein in in order to make auto insurance affordable for Hawaii drivers. These efforts were largely successful. A change of the proposed magnitude would also necessitate revisiting the \$5,000 threshold that defines a serious injury and permits soft tissue injuries to make a tort recovery. The low price of gas and low unemployment has led to more driving both nationally and in Hawaii and claim volumes are rising. An unnecessary increase in claims costs will accentuate increases to the cost of auto insurance in Hawaii.

GEICO believes that the vast majority of our 155,000 policyholders would prefer not to have the cost of their auto insurance increased in order to allow for more treatment and higher reimbursement levels and we respectfully request that SB 1034 be held. Thank you for the opportunity to submit this testimony.



Timothy M. Dayton, CPCU

**SENATE COMMITTEE
ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH**

February 5, 2016

Senate Bill 1034 Relating to Health

Chair Baker, Vice-Chair Kidani, members of the Senate Committee on Commerce, Consumer Protection, and Health, I am Rick Tsujimura, representing State Farm Mutual Automobile Insurance Company (State Farm).

State Farm offers the following comments about Senate Bill 1034 Relating to Health, and more specifically, naturopathic, chiropractic, and acupuncture treatments allowed under personal injury protection (PIP) benefits provided through motor vehicle insurance. Current law limits the total visits for these types treatment to thirty; this bill would increase this to **thirty per type of treatment**.

The original PIP statute, enacted in 1997, was an effort to contain automobile insurance costs. From the beginning the legislature recognized a need to prevent non-medical treatments from consuming the \$10,000 PIP limits: it created a dichotomy separating chiropractic from other injury treatments by capping the fees for individual treatments and limiting the total number. The intent was that no more than \$2,250 would be paid for chiropractic care, leaving the remaining limits for necessary medical treatment.

In 1998, this section was amended to include acupuncture within the cap and to add the limitation on chiropractic x-rays. In 2004, naturopathy was added. The legislature's clear intent was to limit all chiropractic, naturopathic, and acupuncture treatments, plus chiropractic x-rays, to a maximum \$2,500. Allowing thirty visits for each of these types of treatments would increase to \$7,000 the amount depleted from the PIP limits. The current limit does not prevent patients from acquiring the treatment they need; it just prevents practitioners from shuttling them back and forth and raising the average amount paid for PIP claims. Increasing the limit to 30 visits per type of treatment will result in higher insurance costs, defeating the purpose of the PIP program.

Thank you for the opportunity to present this testimony.

Michael Traub, ND
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Testimony in support of SB1034

February 4, 2016

To: COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Dear Senator Rosalyn H. Baker, Chair, Senator Michelle N. Kidani, Vice Chair, and Committee members:

In your deliberations regarding SB1034, **please consider amending the bill to include naturopathic physicians in the motor vehicle law in the same category as medical doctors and osteopathic physicians**, rather than in the current category with chiropractors and acupuncturists.

Naturopathic physicians serve as attending physicians for Workers Compensation Claims.

Naturopathic physicians are in the process of being credentialed by HMSA as participating primary care physicians.

Naturopathic physicians are in the process of being approved by MedQuest as eligible primary care providers.

The Nondiscrimination provision of the Affordable Care Act (Section 2706) states; “a health insurance issuer offering group or individual health insurance coverage shall not discriminate with respect to participation under the plan or coverage against any health care provider who is acting within the scope of that provider's license or certification under applicable State law.”

Thank you for your consideration of this suggested amendment.

Sincerely,

Michael Traub ND

Kailua Acupuncture Clinic

Dr. Joni Kroll, D.Ac.
320 Uluniu Street, Suite 2
Kailua, Hawaii 96734
Phone: 808-262-4550 Fax: 808-261-7770



February 3, 2016

RE: SB 1034

RELATING TO HEALTH: Increases the authorized benefit for naturopathic, chiropractic, and acupuncture treatments allowed under personal injury protection benefits provided through motor vehicle insurance

Dear Senators,

I am strongly in support of SB1034. I have been in private practice in Kailua for 27 years and I was chair of the Hawaii Acupuncture Association's legislative committee during the years of Motor Vehicle Insurance Law reforms. I am very aware that the intention of Act 251 was to relieve the insurance premium increases as well as curb inappropriate billing by a few bad apples. As a Hawaii citizen, I have benefited by stable rates and manageable auto insurance rate increases over the years.

However, I have also acutely felt the negative impact to my patients and my practice by having acupuncture treatments lumped in with chiropractic benefits in the thirty visit limit.

Acupuncture is often sought as a last resort by patients that have not responded to western medications and interventions. As such, I have had countless patients injured in car accidents turn to acupuncture after trying physical therapy, chiropractic and multiple medications. Too often, they have exhausted or nearly exhausted their 30 visits by the time they get to me and thus have to pay out of pocket for their injuries. Given that our largest insurers in the state don't offer an acupuncture benefit, there is no private insurance to turn to when their auto coverage is exhausted.

Allowing acupuncturist to have a 30 visit cap separate of other providers would improve the care licensed acupuncturists can deliver. Patients wouldn't have to drop out of care because they can no longer afford it. They wouldn't have to consider filing a lawsuit for which practitioners would be asked to accept on a lien, often taking years to get paid on services and rarely at our allowable rate.

Sincerely,

Dr. Joni Kroll, D.Ac, L.Ac.

From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: kabba@hawaii.rr.com
Subject: Submitted testimony for SB1034 on Feb 5, 2016 09:00AM
Date: Thursday, February 04, 2016 11:00:31 AM

SB1034

Submitted on: 2/4/2016

Testimony for CPH on Feb 5, 2016 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
kabba anand	Individual	Support	No

Comments: RE: SB 1034 RELATING TO HEALTH: Increases the authorized benefit for naturopathic, chiropractic, and acupuncture treatments allowed under personal injury protection benefits provided through motor vehicle insurance. Dear Senators, I strongly support SB1034. I have been in private practice in Hawaii for 30 years. Act 251 relieved insurance premium increases and curbed inappropriate billing by a few doctors. We have all benefited from manageable auto insurance rates over the years. However, patients often have exhausted or nearly exhausted their 30 visits by the time they seek acupuncture. Acupuncture should not be bundled with chiropractic or other therapies. consumers deserve the right to choose and access the care that they prefer, and that best addresses their health needs. Please support SB 1034, and increase the authorized benefit for acupuncture in Hawaii. Dr. Kabba Anand, D. Ac., L. Ac. Maui

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Testimony in support of SB1034, with revisions to CPH/EDU

I am a Naturopathic Doctor (ND) licensed and practicing in Oahu. I support the intent of this bill, but I believe that due to my training as a Primary Care Provider (PCP) any PIP claimants should be allowed as many office visits to NDs as deemed medically necessary. The current version of this bill categorizes NDs as CAM providers such as Chiropractors or Acupuncturists, however as PCPs there should not be a limit to the number of visits and it should be on par with Medical Doctors (MDs) and Osteopathic Doctors (DOs). Please consider a revision of this bill to reflect the fact that NDs should be included as Primary Care Providers under PIP claims and therefore allowed as many office visits as deemed medically necessary.

Dr. Kristen Coles

February 4th, 2016

The Honorable Chair Baker, Vice Chair Kidani and members of the Commerce, Consumer Protection, and Health committee

Re: SB1034 – in support with revisions

Testimony in support of SB1034, with revisions to CPH/EDU

I am Landon Oponui, ND, a naturopathic physician in private practice in Honolulu for the past 2 years. I support the intent of this bill, but would request to have Naturopathic Doctors (NDs) categorized as Primary Care Physicians (PCPs) which is how NDs are trained and licensed in the State of Hawaii rather than Complementary and Alternative Medicine (CAM) providers as the current law limits my profession. I respectfully request a revision of this bill to reflect the following points:

Naturopathic medicine, Acupuncture and Chiropractic medicine are models of medicine and healing with deep tradition that is supported by evidence. Individuals who have been injured in a motor vehicle accident should have reasonable access to each of these modalities to achieve optimal clinical outcomes. Benefits of these therapies are limited under the current law because of the 30 visit limit shared amongst provider types. Personal Injury Protection (PIP) benefits for Motor Vehicle Accident (MVA) claims need to be changed.

In addition, I also strongly believe that NDs should not be categorized as CAM providers such as Chiropractors (DCs) or Acupuncturists (LAc) because NDs are licensed as PCPs in the State of Hawaii.

As am a member of the Hawaii Society of Naturopathic Physicians Insurance Committee, my colleagues and I am currently working closely with Administrators and Medical Directors at HMSA, Hawaii's largest health insurer, to finalize the process of credentialing NDs as PCPs within their network. Similar efforts are also underway with MedQuest.

This distinction as PCPs should allow PIP claimants as many office visits to NDs as deemed medically necessary as per other non-ND PCPs, rather than limiting the benefits to 30 visits that are shared amongst NDs, DCs and LAc.

For these reasons, I support SB1034 with amendments.

Mahalo,
Landon Oponui, ND

From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: mariyakai@gmail.com
Subject: *Submitted testimony for SB1034 on Feb 5, 2016 09:00AM*
Date: Wednesday, February 03, 2016 9:25:21 PM

SB1034

Submitted on: 2/3/2016

Testimony for CPH on Feb 5, 2016 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Mariya Gold	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: windwardqi@yahoo.com
Subject: *Submitted testimony for SB1034 on Feb 5, 2016 09:00AM*
Date: Tuesday, February 02, 2016 8:44:33 AM

SB1034

Submitted on: 2/2/2016

Testimony for CPH on Feb 5, 2016 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Samantha Preis	Individual	Support	No

Comments:

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