

Below is my testimony. Yes, it is for HB235 HD1 being heard in the Senate Consumer Protection Committee as part of crossover.

LATE

March 13, 2017

RE: SUPPORT FOR HB235 HD1

RELATING TO HEALTH. Increases the authorized benefit for acupuncture treatments allowed under personal injury protection benefits provided through motor vehicle insurance

Dear Senator Baker and Members of the Committee,

I am writing today representing AcuPlan Hawaii and the Hawaii Oriental Medicine and Acupuncture Association. As you know, it has been nearly 20 years since licensed acupuncturists have had any increase in our reimbursement rate when treating Hawaii citizens injured in motor vehicle accidents. We are in strong support of HB235 HD1 *with modifications*.

We ask that instead of stating a specific dollar amount, that our reimbursement be tied to the Hawaii Worker's Compensation Fee Schedule. We realize that attaching ourselves to potential changes with the DLIR is unpredictable compared to setting a specific fee, but are willing to take that risk as it creates a possible long term solution to our problem that won't require the legislature addressing this issue year after year.

We also ask that acupuncturists be removed from the 30 visit combined total with chiropractors and naturopaths so we have our own 30 visit total. Please keep in mind that we are a non-opioid method of pain management and healing and in cases of severe injury, patients may require months if not even years of therapy. Acupuncture is not an alternative form of medicine. It is a safe, effective method of treatment that is endorsed by the American College of Physicians, the NIH and the WHO. We are an active part of the solution to opioid addiction.

We are not cost drivers, making up less than 1% of medical costs under PIP. Please put us in our own category with our own cap so that we can avoid the scenario where patients have exhausted all other avenues of care and are finally decide to brave needles only to find that they only have a few visits left.

Below is the wording we are hoping to see as the final outcome:

SECTION 2. Section 431:10C-103.6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Acupuncture treatments shall be allowed for no more than thirty visits [~~at no more than \$75 a visit~~]. The charges for acupuncture treatments under this section shall be tied to the charges, and any subsequent increases in charges, permissible under the workers' compensation supplemental medical fee schedule."

SECTION 3. Section 431:10C-103.6, Hawaii Revised Statutes, is amending subsection (e) to read as follows:

(e) The combined total of naturopathic and [~~7~~] chiropractic [~~, and acupuncture~~] treatments may not exceed thirty visits.

Lastly, please consider that the entry level educational requirement to obtain an acupuncture license in Hawaii is a Master's Degree. Many practitioners have gone on to obtain doctorates. **Compare our six years Masters to the 570 hours for massage therapists. Yet under the existing law, massage therapists have been paid nearly twice per hour what acupuncturists are paid.**

It is clearly time for fair compensation.

P.S. Please be aware that only 3 professions can legally diagnose you medically, and collect insurance benefits for it. Medical Doctor, M.D., Naturopathic Doctor N.D. and a Licensed Acupuncturist. Even a Doctor of Chiropractic or a Dr. of Dentistry cannot do this.

Mahalo
Steve McLaughlin, Professor, Masters of Science of Oriental Medicine
Zenyokai Martial Arts Medicine and Wellness Clinic

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION IN PART TO H.B.
235, HD1**

March 14, 2017
9:00 a.m.
Conf. Rm. 229

LATE

To: Chairwoman Rosalyn H. Baker and Members of the Senate Committee on Commerce,
Consumer Protection and Health.

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in opposition In part to H.B. 235, HD1 relating to Health. This opposition relates only to the proposed Section 3, Subsection (e), on page 3.

H.B. 235, HD1 increases the fee schedule for acupuncture treatment and services rendered under personal injury protection benefits provided through motor vehicle insurance. It has become increasingly difficult to find acupuncturists willing to accept patients injured in motor vehicle accidents, due to the low reimbursement amount. HAJ supports making adequate medical and palliative care available to patients injured in motor vehicle collisions by treating acupuncture fees similarly to most other services governed by the Medical Fee Schedule.

However H.B. 235, HD1, also includes language that limits the combined total reimbursement for naturopathic, chiropractic, and acupuncture treatments to \$2,250. Raising the reimbursement for acupuncture but capping total reimbursement for acupuncture, chiropractic and naturopathic treatments lowers the reimbursement rates available for chiropractic and naturopathic treatments. This provision could seriously limit the availability of needed chiropractic and naturopathic treatment that the injured people may require. We therefore request that the proposed subsection (e) of Section 3, on page 3, be deleted. This would result in Chiropractic and naturopathic treatments retaining their current \$75 per visit

reimbursement while maintaining a maximum of 30 visits for all chiropractic, naturopathic and acupuncture treatments.

Thank you for allowing me to testify in support of this measure. Please feel free to contact me should you have any questions or desire additional information.

**DR. JAYNE TSUCHIYAMA,
D.A.O.M.,DIPL.OM, D.AC.**

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LATE

RE: SUPPORT FOR HB235 HD1

RELATING TO HEALTH. Increases the authorized benefit for acupuncture treatments allowed under personal injury protection benefits provided through motor vehicle insurance

Dear Senator Baker and Members of the Committee,

It has been nearly 20 years since licensed acupuncturists have had any increase in our reimbursement rate when treating Hawaii citizens injured in motor vehicle accidents. I am in strong support of HB235 HD1 and in agreement with Acuplan's and HOMAA position and modifications as follows:

"We ask that instead of stating a specific dollar amount, that our reimbursement be tied to the Hawaii Worker's Compensation Fee Schedule. We realize that attaching ourselves to potential changes with the DLIR is unpredictable compared to setting a specific fee, but are willing to take that risk as it creates a possible long term solution to our problem that won't require the legislature addressing this issue year after year.

We also ask that acupuncturists be removed from the 30 visit combined total with chiropractors and naturopaths so we have our own 30 visit total. Please keep in mind that we are a non-opioid method of pain management and healing and in cases of severe injury, patients may require months if not even years of therapy. Acupuncture is not an alternative form of medicine. It is a safe, effective method of treatment that is endorsed by the American College of Physicians, the NIH and the WHO. We are an active part of the solution to opioid addiction.

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Below is the wording we are hoping to see as the final outcome:

SECTION 2. Section 431:10C-103.6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

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a visit]. The charges for acupuncture treatments under this section shall be tied to the charges, and any subsequent increases in charges, permissible under the workers' compensation supplemental medical fee schedule."

SECTION 3. Section 431:10C-103.6, Hawaii Revised Statutes, is amending subsection (e) to read as follows:

(e) The combined total of naturopathic and [~~r~~] chiropractic [~~r~~ and acupuncture] treatments may not exceed thirty visits.

Please join us in support of this bill.

Sincerely,

Dr. Jayne Tsuchiyama

D.O.A.M., Dipl. OM, D.Ac.

Liberata J. Orallo, LAc, LMT
444 Nahua Street #1805
Honolulu, Hawaii 96815-2977

SENATE COMMITTEE ON CONSUMER PROTECTION AND HEALTH

March 14, 2017

**Testimony in Support of HB 235 HD1
Relating to Health**

LATE

Senator Rosalyn Baker, Chair
Senator Clarence Nishihara, Vice Chair
Members of the Senate Committee on CPH

Chair Baker, Vice Chair Nishihara and Members of the Senate Committee on CPH,

Though I am writing in support of HB 235 HD1 that would increase reimbursement for acupuncture treatment under Personal Injury Protection (PIP) benefits provided through motor vehicle insurance, I feel that the language passed by the Senate in SB 399 SD1 better addresses the needs of the community of Acupuncturists.

Therefore, I respectfully urge the Committee to amend HB 235 HD1 by inserting the wording of SB 399 SD1.

Act 251 was the demise of Licensed Acupuncturists throughout the State of Hawaii as it froze reimbursement rates for the past 20 years. Conversely, the rates increased for other alternative provider services. It is time that this discriminatory Act end. Not only has the cost of living increased, but also the cost of doing business and continuing education, yet for 20 years, we still have the same rate of reimbursement. Interestingly enough, the net profits of insurance companies such as State Farm and Geico have increased substantially (*2015 State Farm Annual Report; Insurance Journal 2014*). What is wrong with this picture?

It has been proven scientifically and medically from various organizations such as Harvard Health, the Centers for Disease Control and Prevention, the National Institute of Health et al, that acupuncture is a drug-free approach to pain treatment in light of the dangers of opioids (morphine, Percocet, Vicodin, and OxyContin) overdose that is now an epidemic. This itself should be considered a cost saving approach to insurance companies.

Thank you for the opportunity to testify.

Liberata J. Orallo, LAc, LMT

baker2 - Heath

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 6:56 AM
To: CPH Testimony
Cc: otab83@gmail.com
Subject: Submitted testimony for HB235 on Mar 14, 2017 09:00AM

LATE

HB235

Submitted on: 3/14/2017

Testimony for CPH on Mar 14, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Ota, D. Ac.	Individual	Comments Only	No

Comments: acupuncture is not alternative care, it is primary care and should be reimbursed as such

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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baker2 - Heath

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 6:18 PM
To: CPH Testimony
Cc: chickswhorip808@yahoo.com
Subject: Submitted testimony for HB235 on Mar 14, 2017 09:00AM

LATE

HB235

Submitted on: 3/13/2017

Testimony for CPH on Mar 14, 2017 09:00AM in Conference Room 229

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

Comments: I support this bill with amendments to follow the workers comp fee schedule.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 8:59 PM
To: CPH Testimony
Cc: drshapiro@msn.com
Subject: Submitted testimony for HB235 on Mar 14, 2017 09:00AM

LATE

HB235

Submitted on: 3/13/2017

Testimony for CPH on Mar 14, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
David Shapiro	Individual	Support	No

Comments: I am in SUPPORT of HB235 HD1 that would increase reimbursement for acupuncture treatment under PIP benefits according to the workers' compensation supplemental medical fee schedule. Acupuncture is far more cost-effective than medical treatment which includes pharmaceuticals and surgery. 1. Please remove the "alternative care" descriptor from this bill when describing acupuncture. 2. Remove the \$2,250 limit on combined acupuncture, chiropractic and naturopathic benefit. Treat and reimburse each distinctive modality separately. Reimburse up to 30 justified acupuncture visits in full. 3. Pass the bill to reflect the language of SB399 SD1 stipulating the fairness in compensation and tied to any subsequent increases in charges, permissible under the workers' compensation supplemental medical fee schedule. Thank you for your time. Sincerely, Dr. David Shapiro

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baker2 - Heath

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 8:53 PM
To: CPH Testimony
Cc: juliekaneshiro@gmail.com
Subject: Submitted testimony for HB235 on Mar 14, 2017 09:00AM

LATE

HB235

Submitted on: 3/13/2017

Testimony for CPH on Mar 14, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Julienne Kaneshiro	Individual	Support	No

Comments: I am in SUPPORT of HB235 HD1 that would increase reimbursement for acupuncture treatment under PIP benefits according to the workers' compensation supplemental medical fee schedule. Acupuncture is far more cost-effective than medical treatment which includes pharmaceuticals and surgery. 1. Please remove the "alternative care" descriptor from this bill when describing acupuncture. 2. Remove the \$2,250 limit on combined acupuncture, chiropractic and naturopathic benefit. Treat and reimburse each distinctive modality separately. Reimburse up to 30 justified acupuncture visits in full. 3. Pass the bill to reflect the language of SB399 SD1 stipulating the fairness in compensation and tied to any subsequent increases in charges, permissible under the workers' compensation supplemental medical fee schedule. Thank you for your time. Sincerely, Julienne Kaneshiro

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