

SB399

Measure Title: RELATING TO HEALTH.

Report Title: Motor Vehicle Insurance; Personal Injury Protection Benefits; Acupuncture Treatments

Description: Increases the authorized benefit for acupuncture treatments allowed under personal injury protection benefits provided through motor vehicle insurance. Ties increases in payments for acupuncture treatments in with annual increases, if any, to the medicare economic index.

Companion:

Package: None

Current Referral: CPH, WAM

Introducer(s): BAKER, ENGLISH, S. Chang, Espero, Nishihara, K. Rhoads



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

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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CATHERINE P. AWAKUNI COLÓN
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TO THE SENATE COMMITTEE ON COMMERCE,
CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Tuesday, January 31, 2017
9:00 a.m.

TESTIMONY ON SENATE BILL NO. 399 – RELATING TO HEALTH.

TO THE HONORABLE ROSALYN H. BAKER, CHAIR, 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 opposes this bill and provides the following comments.

A companion to H.B. 235, this bill would increase to \$105.70 the current \$75 per acupuncture treatment reimbursable under Personal Injury Protection (“PIP”) benefits and thereafter annually adjust the rate based on the Medicare economic index.

According to section 431:10C-103.6, Hawaii Revised Statutes (“HRS”), the \$75 rate of compensation per acupuncture treatment is the same as that for chiropractic and naturopathic treatments, and the combined total of the three types of treatment is capped at thirty visits. These “precise charges and utilization rates shall be as those contained in the workers’ compensation schedules provided under section 431:10C-308.5.” See § 431:10C-308.5(a), HRS.

An increase in PIP payments to one member of this trio of health care providers would likely lead to across-the-board increases to all, and thus increase costs to all

Senate Bill No. 399
DCCA Testimony of Gordon Ito
Page 2

policyholders. Presently, each policyholder may purchase optional additional coverage to add nonmedical remedial care, or to increase the number of acupuncture or chiropractic or naturopathic treatments. See § 431:10C-302(a)(10) and (11), HRS.

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

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

January 31, 2017

Senate Bill 399 Relating to Health

Chair Baker, Vice-Chair Nishihara, 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 these comments about Senate Bill 399 Relating to Health, and more specifically, acupuncture treatments permitted under motor vehicle insurance, personal injury protection (PIP) coverage. Current law limits the total visits for these treatments to thirty, and the cost to \$75 per visit; this bill would increase this to \$105.70 per visit, and increase them in December each year by the percentage of increase, if any, of the Medicare economic index.

The original 1997 PIP statute was passed to contain automobile insurance costs. Because it recognized a need to prevent non-medical treatments from consuming the \$10,000 PIP limits, the legislature separated chiropractic from other treatments by capping fees for individual visits and limiting the total number. This way, 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 in 2004, naturopathy was added. The treatment limit for all of these practitioners is \$75 per visit. The legislature's clear intent was to limit all chiropractic, naturopathic, and acupuncture treatments, plus chiropractic x-rays (five at \$50 each), to \$2,500 maximum. This does two things: preserves the rest of the \$10,000 PIP limit for necessary medical treatment, and contains PIP coverage costs. Increasing the per treatment limit to \$105.70 will increase the amount paid on individual claims, and drive up the cost of auto insurance, which has been remarkably stable in Hawaii compared to other statesⁱ. It will exhaust the \$10,000 PIP limit faster, reducing the amount available for other care. In addition, there is no reason for acupuncture treatments to be paid at a code different than chiropractic or naturopathic treatments; if this bill is passed we will surely see efforts to increase chiropractic and naturopathic treatments as well, compounding the impact on claims costs and insurance rates. The current limit does not prevent patients from acquiring the treatment they need.

We also wish to point out that the current bill title may be defective. The bill is entitled health and not insurance, specifically auto insurance. We believe that this defect to the title and the underlying substance requires that the measure be held.

Thank you for the opportunity to present this testimony.

ⁱ See, <http://www.iii.org/fact-statistic/auto-insurance>. This links to the Insurance Information Institute website, and a page analyzing the cost of insuring a car. Particularly relevant is a chart entitled "Average Expenditures For Auto Insurance By State, 2009-2013." From 2009 -2013, Hawaii had the most stable insurance rates in the country, with a net decrease of -6.0%, or \$47.07 per year, compared to increases in nearly all other states. The national average increase during that time period is 6.9%. Source: © 2016 National Association of Insurance Commissioners (NAIC).

TESTIMONY OF MICHAEL TANOUE

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION & HEALTH
Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

Tuesday, January 31, 2017
9:00 a.m.

SB 399

Chair Baker, Vice Chair Nishihara, and members of the Committee on Commerce, Consumer Protection and Health, my name is Michael Tanoue, counsel for the 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 forty percent of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **opposes** this bill that increases the reimbursement rate for acupuncture treatment by 41% from \$75 to \$105.70. In addition, the bill contains an automatic increase tied to the medicare economic index.

These cost increases would affect 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.

Kailua Acupuncture Clinic

Dr. Joni Kroll, D.Ac.

320 Uluniu Street, Suite 2

Kailua, Hawaii 96734

Phone: (808) 262-4550 Fax: (808) 261-7770



January 30, 2017

RE: SUPPORT FOR SB 399

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 Committee Members,

I am in strong support of SB 399. I have been in private practice in Kailua for 28 years and I was chair of the Hawaii Acupuncture Association's legislative committee during the years of No-Fault reform. 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, the net effect of Act 251 was an **unprecedented discriminatory bill that froze the reimbursement rates for licensed acupuncturists for 20 years**. Locking the rate has not allowed reimbursements to keep up with even basic inflation, let alone the actual increased costs of providing the care.

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 therapist are paid nearly twice per hour what acupuncturists are paid.**

Our cost of administering acupuncture is also higher than that of other providers given our cost of needle purchase and proper needle disposal as well as maintaining the sterile conditions in which we treat. We also must properly manage biohazard waste.

The high cost of doing business in Hawaii is no surprise to anyone. In the twenty eight years I have been in practice in Kailua, my clinic rent for the same space has nearly tripled. The cost of the health insurance I pay my staff has gone from \$50 per month to \$350 month. My cost of needle disposal has gone from free to \$150 per month. Overall, my cost to see a patient, before any profit, has more than doubled. Yet my reimbursement to treat a no-fault patient has not changed. Actually, it has gone down, because certain insurers such as State Farm are now refusing to pay the GET tax saying it is included in the \$75 cap.

I recommend increasing the cap to reflect the increases that other providers in Hawaii have received by being tied to the Medicare Fee Schedule. If our \$75 cap had increased each year according to the **Medicare Economic Index**, then our fee would now be at **\$108.25**. Below is an excel spread sheet for your reference.

I also recommend the law include **annual increases** based on the Medicare Economic Index so that we do not have to revisit this again years down the road.

Finally, I recommend that it be clarified that **General Excise Tax** is not included in the cap and may be charged and collected in addition to the cap.

It should be noted that the \$108.25 is still lower (by 12-15%) than the fee schedule approved for acupuncture under Federal Worker’s Compensation and Veterans Administration and 35% lower than the DLIR’s proposed under Hawaii Worker’s Compensation.

Sincerely,
Dr. Joni Kroll, D.Ac.

MEDICARE FEE SCHEDULE INCREASES 1997-2017*

Year	\$ Cap	Medicare Economic Index Change	\$ Increase
1997	75.00	2.0%	\$ 1.50
1998	76.50	2.2%	\$ 1.68
1999	78.18	2.3%	\$ 1.80
2000	79.98	2.4%	\$ 1.92
2001	81.90	2.1%	\$ 1.72
2002	83.62	2.6%	\$ 2.17
2003	85.79	3.0%	\$ 2.57
2004	88.37	2.9%	\$ 2.56
2005	90.93	3.1%	\$ 2.82
2006	93.75	2.8%	\$ 2.63
2007	96.38	2.1%	\$ 2.02
2008	98.40	1.8%	\$ 1.77
2009	100.17	1.6%	\$ 1.60
2010	101.77	1.2%	\$ 1.22
2011	102.99	0.4%	\$ 0.41
2012	103.41	0.6%	\$ 0.62
2013	104.03	0.8%	\$ 0.83
2014	104.86	0.8%	\$ 0.84
2015	105.70	1.2%	\$ 1.27
2016	106.97	1.2%	\$ 1.28
2017	108.25		

Table 6 of <http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/SustainableGRatesConFact/downloads/sgr2015p.pdf>

MEI For 2017

<https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNMattersArticles/Downloads/MM9829.pdf><http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/SustainableGRatesConFact/downloads/sgr2015p.pdf>

Workers Compensation Proposed changes to Fee Schedule

<http://labor.hawaii.gov/dcd/main/2016publichearing/>



Property Casualty Insurers
Association of America

Advocacy. Leadership. Results.

To: The Honorable Rosalyn Baker, Chair
The Honorable Clarence K. Nishihara Vice Chair
Senate Committee on Commerce, Consumer Protection and Health

From: Mark Sektnan, Vice President
Property Casualty Insurers Association of America

Re: **SB 399 – Relating to Health**
PCI Position: OPPOSE

Date: Tuesday, January 31, 2017
9:00 a.m., Room 229

Aloha Chair Baker, Vice Chair Nishihara and Members of the Committee:

The Property Casualty Insurers Association of America (PCI) opposes SB 399 which will increase the authorized benefit for acupuncture treatments allowed under personal injury protection benefits provided through motor vehicle insurance. PCI is a national trade association that represents over 1,000 property and casualty insurance companies. In Hawaii, PCI member companies write approximately 42.3 percent of all property casualty insurance written in Hawaii. PCI member companies write 44.7 percent of all personal automobile insurance, 65.3 percent of all commercial automobile insurance and 76.5 percent of the workers' compensation insurance in Hawaii.

In the mid-1990's, the state Legislature took steps to lower the cost of auto insurance in Hawaii. One of the steps was the elimination of benefits for acupuncture under the personal injury protection (PIP) benefits. When acupuncture benefits were added back in the next year, these benefits were grouped under the maximum treatment and maximum reimbursements for chiropractic care. This was done to ensure that the addition of acupuncture benefits did not increase the cost of motor vehicle insurance. Increasing the cost of any one treatment, including acupuncture, may result in higher costs for automobile insurance.

For these reasons, PCI asks the committee to hold this bill. Thank you for the opportunity to provide comments.

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Website: <http://www.pciaa.net/>



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

TIMOTHY M. DAYTON, CPCU, GENERAL MANAGER

711 Kapiolani Blvd., Suite 300 ■ Honolulu, HI 96813-5238

Direct: (808) 593-1875

■ FAX (808) 593-1876

■ Email: tdayton@geico.com

■ Cell: (808) 341-9252

Senate Committee on Commerce, Consumer Protection and Health
Conference Room 229, State Capitol
Tuesday, January 31, 2017, 9:00 a.m.
SB 399 – Relating to Health

Chair Baker, Vice-Chair Nishihara, 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 399** which increases the authorized benefit for acupuncture treatments allowed under Personal Injury Protection Coverage (PIP). GEICO would be supportive of the higher reimbursement under the optional Alternative Care and Treatment Coverage which is a mandated offer but optional for customers; attached is GEICO's policy form.

SB399 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. SB 399 now proposes to increase the amount of reimbursement per treatment for acupuncture treatments under PIP. There is no shortage of acupuncture providers available and willing to treat for the reimbursement currently available under PIP. This Legislation is not needed.

Almost all acupuncture treatment is for soft tissue injury. Acupuncture is one of the so called whiplash treatments 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 higher reimbursement levels, and **we respectfully request that SB 399 be held.**

Thank you for the opportunity to submit this testimony.



Timothy M. Dayton, CPCU

GEICO

Policy Number:

Your policy is amended to provide **Alternative Care and Treatment** Benefits coverage subject to the provisions of this amendment and to all policy provisions except as changed by this amendment.

ALTERNATIVE CARE AND TREATMENT BENEFITS

DEFINITIONS

The definition of **you** in Section I of the policy applies to this coverage. In addition, the definitions of the following terms in Section II of the policy apply to this coverage:

1. **"Accidental Harm"**
2. **"Criminal Conduct"**
3. **"Insured Auto"**
4. **"Motor Vehicle"**
5. **"Motor Vehicle Accident"**
6. **"Occupying"**
7. **"Operation, Maintenance or Use"**
8. **"Owner"**
9. **"Person"**
10. **"Temporary Loaner Vehicle"**

The following special definitions apply:

1. **"Alternative Care and Treatment"** means appropriate and reasonable treatment for naturopathic, acupuncture and nonmedical remedial care and treatment rendered in accordance with the teachings, faith or belief of any group which relies upon spiritual means through prayer for healing.
2. **"Eligible Injured Person"** means:
 - (a) **you** or a **relative** injured in a **motor vehicle accident**:
 - (i) while **occupying a motor vehicle**; or
 - (ii) as a pedestrian or other non-occupant, but not including any operator or passenger of a motorcycle or motor scooter, when struck by a **motor vehicle**.
3. **"Relative"** means:
 - (a) any **person**, other than **you**, living in **your** household who is related to **you** by blood, marriage or adoption;
 - (b) a minor in **your** custody or in the custody of any person residing in **your** household who is related to **you** by blood, marriage or adoption, whether or not the minor in custody is temporarily residing elsewhere; or
 - (c) **your** resident reciprocal beneficiary as defined by Hawaii statute.

Alternative Care and Treatment Amendment - Hawaii

"Relative" does not include any **person** who is a named insured under any other contract providing Hawaii **alternative care and treatment** benefits.

PAYMENTS WE WILL MAKE

We will pay, in accordance with the Hawaii motor vehicle insurance law for **alternative care and treatment** benefits for **accidental harm** to an **eligible injured person** caused by an accident arising out of the **operation, maintenance or use** of a **motor vehicle**.

LIMIT OF LIABILITY

Regardless of the number of **persons** insured, policies or self-insurance available, claims made or **insured autos** to which this coverage applies, our liability for all **alternative care and treatment** benefits to or for any **eligible injured person** suffering **accidental harm** in any one **motor vehicle accident** shall be an aggregate total among and between the types of alternative service providers of 30 visits at no more than \$75 per visit plus no more than five x-rays at no more than \$50 each. Acupuncture treatments shall be allowed for no more than thirty visits at no more than \$75 a visit. The combined total of chiropractic and acupuncture treatments may not exceed thirty visits. If there is more than one office visit in a day it will be considered as one visit.

EXCLUSIONS

1. There is no coverage for **accidental harm** sustained by the operator or a passenger of a motorcycle or motor scooter.
2. There is no coverage for **accidental harm** to **you** or a **relative** while **occupying a motor vehicle** of which **you** or any **relative** is the **owner** or which is regularly furnished for the use of **you** or any **relative** and which is not an **insured auto**.
3. There is no coverage for **accidental harm** suffered by any person while engaged in **criminal conduct** or while trying to avoid lawful seizure or arrest.
4. There is no coverage for **accidental harm** suffered by any **person** while using or operating a **motor vehicle** with the specific intent of causing harm to himself or others.
5. There is no coverage for **accidental harm** suffered by any **person** while operating a **motor vehicle** taken for his use without a good faith belief that he is legally entitled to the operation or use.

6. There is no coverage for **accidental harm** suffered by any **person** if suffered while loading or unloading a **motor vehicle**, unless suffered in the immediate area of the vehicle.
7. There is no coverage for **accidental harm** suffered by any **person** arising from conduct in the course of a business of repairing, servicing, or otherwise maintaining vehicles unless the conduct occurs off the business premises.
8. There is no coverage for **accidental harm** to any **person**, other than **you** or a **relative**, suffered outside of Hawaii if the harm arises out of the **operation, maintenance or use** of any vehicle regularly used to carry passengers or goods for hire if the vehicle is one of five or more vehicles under common ownership.
9. There is no coverage for **accidental harm** resulting from the hazardous properties of nuclear material.

OBLIGATION OF COOPERATION

In order to provide promised benefits in a timely, accurate and efficient manner, it is necessary that **you**, the **insured**, fully cooperate in the processing of **your** claims under this coverage. In many cases, **alternative care and treatment** claims will be ongoing over an extended period of time. We are entitled to adequate substantiation of every element of **your** claim.

By entering into this contract of insurance, **you** and **your** legal representative agree to cooperate by providing in a timely manner (normally 20 days) pertinent and relevant information requested by us bearing upon the merit of **your** claim.

We may request information regarding whether the injuries or illnesses for which **you** claim **alternative care and treatment** benefits were caused by the accident for which this coverage is claimed. This may include information and medical records for periods of time prior to the accident from which this claim arose. We also may require information regarding the treatment **you** have received as a result of the accident. As provided elsewhere in this policy, **you** may be required to undergo reasonable independent medical evaluations by physicians or other medical care providers engaged by us and submit to a statement under oath. Other information pertinent to **your** claim may be requested.

CONDITIONS

1. NOTICE

As soon as practicable after an accident, written notice must be given by or on behalf of each **eligible injured person** to us or our authorized agent stating:

- (a) the time, place and details of the accident;
- (b) the names and addresses of the **eligible injured persons**; and
- (c) a description of injuries or illnesses attributable to the accident known to the **eligible injured person** at the time notice is given.

If an **eligible injured person**, his legal representative or his survivor files suit against a third party to recover damages, he must provide us with a copy of the pleadings within 30 days of the filing of the suit.

2. ACTION AGAINST US

No action shall lie against us unless there has been full compliance with all the terms of this coverage. No action may be brought against us more than two years after:

- (a) the date of the accident on which the claim is based; or
- (b) the last payment of any **alternative care and treatment** benefits under this coverage; or
- (c) the entry of a final order in arbitration; or
- (d) the entry of a final judgment in, or dismissal with prejudice of, a tort action arising out of a **motor vehicle accident**, where a cause of action for insurer bad faith arises out of the tort action; whichever is the last to occur.

3. REIMBURSEMENT AND TRUST AGREEMENT

The Reimbursement and Trust Agreement contained in Section II (Personal Injury Protection Benefits) of **your** policy applies to Alternative Care and Treatment Benefits coverage.

4. NON-DUPLICATION OF BENEFITS; PRIORITY OF PAYMENTS; OTHER INSURANCE

No **eligible injured person** may recover twice for the same elements of loss under this or similar insurance, including self-insurance. If the **eligible injured person** has other insurance, including self-insurance applicable to the accident, the maximum amount payable will not be more than the amount that would have been payable under the insurance with the highest dollar limit. We will not be liable for a greater part of any loss under this coverage than our limit of liability bears to the total limit of liability under all applicable insurance.

5. ARBITRATION

If we and the **person** making claim for **alternative care and treatment** benefits do not agree on any matter relating to the claim, either shall have the option of demanding arbitration of the dispute, following the procedure set out by the Hawaii motor vehicle insurance law.

6. PROOF OF CLAIM; MEDICAL REPORTS

As soon as practical, the **eligible injured person**, or his legal representative, shall give us written proof of claim, under oath if required. The proof of claim must contain details of the injuries and treatment received and contemplated and must advise us of all prior injuries and/or treatment that is or could be related or is of a similar nature to injuries or treatment claimed. The **eligible injured person** or his repre-

sentative shall authorize us to obtain medical reports. The **eligible injured person** and his legal representative shall give us, upon request, all other information helpful to us in determining the amount payable including but not limited to medical records for injuries or illnesses suffered prior to the accident which may relate to medical treatment received after the accident.

The **eligible injured person** shall submit to examination at our expense, by doctors chosen by us, as we reasonably require. The **eligible injured person** or his legal representative shall respond promptly to all such requests for examination. The **eligible injured person** and his medical providers shall cooperate fully with the medical provider who is authorized by us, as we may reasonably require. Upon request, the **eligible injured person** will submit to the taking of a statement under oath regarding the proofs provided in support of any claim under this coverage.

7. SUBROGATION

To the extent provided for by law and/or regulation, if we make a payment under this coverage, we have the right to sue or otherwise recover the loss from anyone else who may be held responsible. Any **person** to whom we make payment must help us enforce this right of recovery and do nothing after the loss to prejudice this right.

8. FRAUDULENT CLAIMS

We may be allowed an award of a reasonable sum as attorney fees for time spent, and all reasonable costs of suit for our defense against a **person** making claim against us where the claim was fraudulent. Any attorney fees and costs so awarded may be treated as an offset against any benefits due or to become due to that **person**. Such an award will be made at the discretion of a court of competent jurisdiction.

We affirm this amendment.



J. C. Stewart
Secretary



O. M. Nicely
President

• GOVERNMENT EMPLOYEES INSURANCE COMPANY •

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 1:01 PM
To: CPH Testimony
Cc: justin_hays@hotmail.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Hays	Maui Acupuncture	Support	No

Comments: As the current owner of Maui Acupuncture, which has provided acupuncture to West Maui for more than 20 years, I currently do not accept workers comp or no-fault auto because the fees are too low, the paperwork too extensive, the adjusters are too frustrating to deal with, and the claims are frequently rejected. In fact WC / NF claims may not pay the practitioner at all resulting in an average rate of pay that is well below \$75. Because Hawaii is living in the stone age with regards to paying acupuncture practitioners, the result is that here in West Maui patients who need acupuncture care under their WC / NF coverage may not be able to find it. After all my cash rates are \$120 first visit, so why would I want to accept a WC/NF case that may or MAY NOT pay a measly \$75 for my services? I hope the state of Hawaii will join the rest of us here in the 21st century, but until then I guess people here in West Maui need to pay out of pocket. Perhaps that is exactly what the state has had in mind all along?

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2017 11:33 AM
To: CPH Testimony
Cc: windwardqi@yahoo.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/27/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

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

Comments: Hello I am a licensed acupuncturist for the state of Hawaii. I am writing in regards to Senate Bill 399. The bill is stated to increase the cost of billing for the No Fault Auto Claims which is currently capped at \$75. With the cost of running a clinic in Hawaii it is difficult to manage my business. The cap has not been increased in almost 20 years while the cost of living and maintaining a business has. Please vote in favor of Senate Bill 399. Thank you, Samantha Preis, L.Ac.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



Maire Cahoon, L.Ac.
1145 Bishop Street
Honolulu, Hawaii 96813
Phone: (808) 216-3333
Email: malahealingarts8@gmail.com

January 30, 2017

RE: SUPPORT FOR SB 399, RELATING TO HEALTH.

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

Dear Senator Baker,

I am in strong support of SB 399. I am a newly licensed practitioner of Chinese Medicine and have recently opened up my first business as an acupuncturist in August of 2016.

It has come to my attention that Act 251 is a bill that has frozen the reimbursement rates for licensed acupuncturists for 20 years. Continuing this bill is not realistic for practitioners because locking the rate has not allowed reimbursements to keep up with basic inflation, let alone the actual increased costs of providing the care.

The educational requirement to obtain an acupuncture license in Hawaii is a Master's Degree, which takes between 4 to 6 years. In comparison, only 570 hours are required by massage therapists to obtain licensure. This does not justify that under the existing law, massage therapists are paid nearly twice per hour what acupuncturists are paid.

The costs of administering acupuncture are also higher than that of other providers. Costs include, and are not limited to, purchasing of needles, proper needle disposal and maintaining the sterile conditions in which we treat. We must also properly manage biohazard waste.

I recommend increasing the cap to reflect the increases that other providers in Hawaii have received by being tied to the Medicare Fee Schedule. If our \$75

cap had increased each year according to the Medicare Economic Index, then our fee would now be at \$108.25. Below is an excel spread sheet for your reference.

I also recommend the law include annual increases based on the Medicare Economic Index so that we do not have to revisit this again years down the road.

Finally, I recommend that General Excise Tax is not included in the cap and may be charged and collected in addition to the cap.

It should be noted that the \$108.25 is still lower (by 12-15%) than the fee schedule approved for acupuncture under Federal Worker's Compensation and Veterans Administration and 35% lower than the DLIR's proposed under Hawaii Worker's Compensation.

Sincerely,
Maire Cahoon, LAc

MEDICARE FEE SCHEDULE INCREASES 1997-2017*			
Year	\$ Cap	Medicare Economic Index Change	\$ Increase
1997	75.00	2.0%	\$ 1.50
1998	76.50	2.2%	\$ 1.68
1999	78.18	2.3%	\$ 1.80
2000	79.98	2.4%	\$ 1.92
2001	81.90	2.1%	\$ 1.72
2002	83.62	2.6%	\$ 2.17
2003	85.79	3.0%	\$ 2.57
2004	88.37	2.9%	\$ 2.56
2005	90.93	3.1%	\$ 2.82
2006	93.75	2.8%	\$ 2.63
2007	96.38	2.1%	\$ 2.02
2008	98.40	1.8%	\$ 1.77
2009	100.17	1.6%	\$ 1.60
2010	101.77	1.2%	\$ 1.22
2011	102.99	0.4%	\$ 0.41
2012	103.41	0.6%	\$ 0.62
2013	104.03	0.8%	\$ 0.83
2014	104.86	0.8%	\$ 0.84
2015	105.70	1.2%	\$ 1.27
2016	106.97	1.2%	\$ 1.28
2017	108.25		

Table 6 of <http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/SustainableGRatesConFact/downloads/sgr2015p.pdf>

MEI For 2017

<https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNMattersArticles/Downloads/MM9829.pdf>

Workers Compensation Proposed changes to Fee Schedule

<http://labor.hawaii.gov/dcd/main/2016publichearing/>

Hello my name is Randall E Corpuz. I am a student at the Institute of Clinical Acupuncture and Oriental Medicine in Chinatown Honolulu (or state School you are currently attending). I am writing to you in hopes that you will vote in support of Senate Bill 399. With the high cost of living in Hawaii and the price of rent for a clinical space it will be next to impossible for me to start a business of my own. This means that I may have to move out of state in order to practice. SB399 creates much needed changes to ACT251 for billing no fault auto claims. Other medical practitioners make twice as much for the same billing. Please consider voting in favor of SB399. Thank you.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 9:03 PM
To: CPH Testimony
Cc: pulermq@gmail.com
Subject: *Submitted testimony for SB399 on Jan 31, 2017 09:00AM*

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
RuthMarie Quirk	Individual	Support	No

Comments:

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Sent: Thursday, January 26, 2017 6:03 PM
To: CPH Testimony
Cc: aculyna@gmail.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lyna Morimoto	Individual	Support	No

Comments: I have been a health care provider for nearly 30 years. It's about time that the WC fee schedule is being addressed. I implore you to please pass Bill 399. Mahalo for serving our communities. Lyna Morimoto, Doctor of Acupuncture.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 5:59 PM
To: CPH Testimony
Cc: molokaiwellness@gmail.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Michele Jones	Individual	Comments Only	No

Comments: Hello I am a licensed acupuncturist for the state of Hawaii. I am writing in regards to Senate Bill 399. The bill is stated to increase the cost of billing for the No Fault Auto Claims which is currently capped at \$75. With the cost of running a clinic in Hawaii it is difficult to manage my business. The cap has not been increased in almost 20 years while the cost of living and maintaining a business has. Please vote in favor of Senate Bill 399. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 5:09 PM
To: CPH Testimony
Cc: otab83@icloud.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Ota	Individual	Support	No

Comments: Hello I am a licensed acupuncturist for the state of Hawaii. I am writing in regards to Senate Bill 399. The bill is stated to increase the cost of billing for the No Fault Auto Claims which is currently capped at \$75. With the cost of running a clinic in Hawaii it is difficult to manage my business. The cap has not been increased in almost 20 years while the cost of living and maintaining a business has. Please vote in favor of Senate Bill 399. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 4:37 PM
To: CPH Testimony
Cc: dr.ha_clinic@ymail.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
jungaeha	Individual	Comments Only	No

Comments: I agree to this change.

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Dr. Kabba Anand, D.Ac.
OHANA-HALE ACUPUNCTURE, INC.
81 Makawao Ave., #112
Pukalani, HI. 96768
(808) 572-9862

January 26, 2017

RE: SUPPORT FOR **SB 399**

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

Dear Senator Baker,

Thank you so much for sponsoring **SB 399**. It has the potential to insure the best quality of care for injured motorists in Hawaii.

I have been in private practice on Maui for 30 years, and am an Allied Health Staff member at Maui Memorial Medical Center. Years ago, when No-Fault reform occurred, Act 251 attempted to slow insurance premium increases. However, the collateral damage was that it froze the reimbursement rates for licensed acupuncturists, not allowing them to keep up with inflation or the increased cost of providing care.

The cost to run a private acupuncture practice is high, given the cost of needles, needle disposal, providing sterile conditions, and properly managing biohazard waste. Rent for commercial office space on Maui has tripled in the past 20 years, yet I am reimbursed less now than I was before for the same service.

I urge you to support increasing the cap to reflect the increases that other providers in Hawaii have received by being tied to the Medicare Fee Schedule. If our \$75 cap had increased each year according to the Medicare Economic Index (MEI), then our fee would now be **\$108.25**. I also recommend that the law include annual increases based on the MEI, and that General Excise Tax is not included in the cap, and thus may be charged in addition to the cap.

The proposed reimbursement of \$108.25 (plus tax) is still lower than the fee schedule currently being used by Federal Worker's Compensation and the Veterans Administration.

Your support for this Bill is greatly appreciated and will allow licensed acupuncturists in Hawaii to provide the best quality service to injured motorists. Mahalo.

Sincerely,
Dr. Kabba Anand, D.Ac.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 3:29 PM
To: CPH Testimony
Cc: christine@iaoacupuncture.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
christine asuncion	Individual	Support	No

Comments: Hello I am a licensed acupuncturist for the state of Hawaii. I am writing in regards to Senate Bill 399. The bill is stated to increase the cost of billing for the No Fault Auto Claims which is currently capped at \$75. With the cost of running a clinic in Hawaii it is difficult to manage my business. The cap has not been increased in almost 20 years while the cost of living and maintaining a business has. Please vote in favor of Senate Bill 399. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 2:01 PM
To: CPH Testimony
Cc: spalacure@gmail.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
sakiko kobayashi	Individual	Support	No

Comments: Hello I am a licensed acupuncturist for the state of Hawaii. I am writing in regards to Senate Bill 399. The bill is stated to increase the cost of billing for the No Fault Auto Claims which is currently capped at \$75. With the cost of running a clinic in Hawaii it is difficult to manage my business. The cap has not been increased in almost 20 years while the cost of living and maintaining a business has. Please vote in favor of Senate Bill 399. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 1:46 PM
To: CPH Testimony
Cc: agold@me.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Goldstein	Individual	Support	No

Comments: Hello I am a licensed acupuncturist for the state of Hawaii. I am writing in regards to Senate Bill 399. The bill is stated to increase the cost of billing for the No Fault Auto Claims which is currently capped at \$75. With the cost of running a clinic in Hawaii it is difficult to manage my business. The cap has not been increased in almost 20 years while the cost of living and maintaining a business has. Please vote in favor of Senate Bill 399. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 1:18 PM
To: CPH Testimony
Cc: songkh316@yahoo.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Clara K Song	Individual	Support	No

Comments: Hello my name is Clara Song. I am a student at the Institute of Clinical Acupuncture and Oriental Medicine in Chinatown Honolulu. I am writing to you in hopes that you will vote in support of Senate Bill 399. With the high cost of living in Hawaii and the price of rent for a clinical space it will be next to impossible for me to start a business of my own. This means that I may have to move out of state in order to practice. SB399 creates much needed changes to ACT251 for billing no fault auto claims. Other medical practitioners make twice as much for the same billing. Please consider voting in favor of SB399. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 12:13 PM
To: CPH Testimony
Cc: megblaser@hotmail.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Blaser	Individual	Support	No

Comments: Hello I am a licensed acupuncturist for the state of Hawaii. I am writing in regards to Senate Bill 399. The bill is stated to increase the cost of billing for the No Fault Auto Claims which is currently capped at \$75. With the cost of running a clinic in Hawaii it is difficult to manage my business. The cap has not been increased in almost 20 years while the cost of living and maintaining a business has. Please vote in favor of Senate Bill 399. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 7:09 AM
To: CPH Testimony
Cc: chickswhorip808@yahoo.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

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

Comments: I support this bill and it is a fair for all acupuncturists practicing in Hawaii.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 1:55 AM
To: CPH Testimony
Cc: joel_hrdng@yahoo.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Joel Harding	Individual	Support	No

Comments: Aloha my name is Joel Harding. I am a student at the Institute of Clinical Acupuncture and Oriental Medicine in Chinatown Honolulu. I am writing to you in hopes that you will vote in support of SB399. With the high cost of living in Hawaii and the price of rent for a clinical space it will be next to impossible for me to start a business of my own. This means that I will have to move out of state in order to practice. SB399 creates much needed changes to ACT251 for billing no fault auto claims. Other medical practitioners make twice as much for the same billing. Please consider voting in favor of SB399. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2017 12:49 PM
To: CPH Testimony
Cc: darciei@gmail.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/29/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
darcie iki	Individual	Support	No

Comments: Hello my name is Darcie Iki. I am a student at the Institute of Clinical Acupuncture and Oriental Medicine in Chinatown Honolulu. I am writing to you in hopes that you will vote in support of Senate Bill 399. With the high cost of living in Hawaii and the price of rent for a clinical space it will be next to impossible for me to start a business of my own. This means that I may have to move out of state in order to practice. SB399 creates much needed changes to ACT251 for billing no fault auto claims. Other medical practitioners make twice as much for the same billing. Please consider voting in favor of SB399. Thank you.

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RE: SUPPORT FOR SB 399

Dear Senator Baker,

My name is Mai Wang. I am currently working as Professor of Materia Medica and School Clinic Director in Institute of Clinical Acupuncture and Oriental Medicine (ICAOM) in Honolulu. **I support SB 399** for the following reasons:

1. An acupuncture treatment for acute injury, such as a car accident, very often involves more than one procedures: for example, it could involve examination, needling (i.e. acupuncture, sometimes with electric stimulation), moxibustion, cupping and tui na (acupressure massage). Therefore, it is unreasonable to put a \$75 CAP for the payment.
2. Acupuncture has helped many people in Hawaii for more than 20 years. However, as the cost of living and running business continue to rise, more and more practitioners have chosen to move to the mainland. I believe it is time for us to put a stop to this drain.
3. Why should government care about this industry? Well, research shows that the effectiveness of acupuncture has been recognized by the Americans since 1970s, especially in treating acute and chronic musculoskeletal problems. In fact, compare to the conventional medicine, such as surgery, acupuncture is safer and more cost effective, therefore the existence of acupuncture will definitely help government lower the healthcare spending.

These are the reasons why I support SB 399. Thank you very much for your attention.

Sincerely,

Mai Wang, DAOM, Lac

Professor and School Clinic Director

Institute of Clinical Acupuncture and Oriental Medicine

100 N. Beretania Street, Suite 203B, Honolulu, HI 96817

P: 808.521.2288 www.orientalmedicine.edu

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 28, 2017 2:11 PM
To: CPH Testimony
Cc: jessie@rejuvenationfacial.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/28/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jessie Brader	Individual	Support	No

Comments: Hello I am a licensed acupuncturist since 1994 for the state of Hawaii. I am writing in regards to Senate Bill 399. The bill is stated to increase the cost of billing for the No Fault Auto Claims which is currently capped at \$75. With the cost of running a clinic in Hawaii it is difficult to manage my business. The cap has not been increased in almost 20 years while the cost of living and maintaining a business has. Please vote in favor of Senate Bill 399. Thank you.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 28, 2017 7:45 AM
To: CPH Testimony
Cc: aliciayang808@gmail.com
Subject: Submitted testimony for SB399 on Jan 31, 2017 09:00AM

SB399

Submitted on: 1/28/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Alicia Yang	Individual	Support	No

Comments: Aloha, I am a licensed acupuncturist for the state of Hawaii. I am writing in regards to Senate Bill 399. The bill is stated to increase the cost of billing for the No Fault Auto Claims which is currently capped at \$75. With the cost of running a clinic in Hawaii it is difficult to manage my business. The cap has not been increased in almost 20 years while the cost of living and maintaining a business has. Please vote in favor of Senate Bill 399. Thank you. Sincerely, Alicia Yang, L.Ac.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 26, 2017 9:57 PM
To: CPH Testimony
Cc: siyoungkim747@gmail.com
Subject: *Submitted testimony for SB399 on Jan 31, 2017 09:00AM*

SB399

Submitted on: 1/26/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Alex kim	Citizen	Support	Yes

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 1:47 PM
To: CPH Testimony
Cc: mariyakai@gmail.com
Subject: *Submitted testimony for SB399 on Jan 31, 2017 09:00AM*

SB399

Submitted on: 1/30/2017

Testimony for CPH on Jan 31, 2017 09:00AM in Conference Room 229

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

Comments:

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