

Testimony of the Board of Acupuncture

Before the
Senate Committee on Commerce and Consumer Protection
Tuesday, February 22, 2022
10:00 a.m.
Via Videoconference

On the following measure:
S.B. 2276, S.D. 1, RELATING TO ACUPUNCTURE

Chair Baker and Members of the Committee:

My name is Risé Doi, and I am the Executive Officer of the Board of Acupuncture (Board). The Board supports this bill.

The purpose of this bill is to make comprehensive updates to Hawaii Revised Statutes chapter 436E, regarding acupuncture practitioners, to reflect modernized scopes of practice, titles, and licensing and renewal requirements, including thirty hours of continuing education per licensing biennium beginning July 1, 2023.

The Board supports this measure because it modernizes the statutes to align with the current professional standards and activities provided by licensed acupuncturists.

In consultation with the Department of Commerce and Consumer Affairs' Professional and Vocational Licensing Division (Division), the Board requests the following amendments to section 9 of the bill:

(b) Beginning with the renewal for the licensing biennium commencing July 1, 2025, and every biennial renewal thereafter, all licensees shall be in compliance with continuing education requirements, as approved by the board, by obtaining at least thirty credit hours, which shall include at least two credit hours of ethics and at least two credit hours of safety. The board shall adopt rules relating to the requirements and standards that continuing education programs shall meet to obtain recognition and approval from the board.

(c) To determine compliance with the continuing education requirement under subsection (b), the board may conduct a random audit of licensees continuing education documentation. A licensee selected for audit shall be notified by the board. Within sixty

days of notification, the licensee shall provide the board documentation to verify compliance with the continuing education requirements.

(d) Licensees shall hold a current and valid cardiopulmonary resuscitation certification."

The requested amendments will allow the Board to: (1) provide ample notice to affected licensees of the CE requirement and time for licensees to meet the CE requirement prior to license renewal; (2) promulgate rules to define the parameters of the CE courses; and (3) conduct a random audit for compliance of the CE requirement.

The Board would also like to express its appreciation that the Senate Committee on Health's acknowledgement of its concerns regarding the amendments to section 9, powers and duties of the board, in that the additional enumerated language included in numbers (10) and (11) go beyond the typical language associated with this section. However, the Board's intent with its comments were to only notate that language regarding reciprocity should not be placed in the provision regarding a board's powers and duties. Instead, language regarding reciprocal language should be its own separate and distinct section. Accordingly, the original language regarding the powers and duties of the board should be reinserted as follows:

"§436 E-7 Powers and duties of the board. In addition to any other powers and duties authorized by law, the board shall:

- (1) Adopt rules in accordance with chapter 91 to carry out the purposes of this chapter, with special emphasis on the health and safety of the public;
- (2) Develop standards for licensure;
- (3) Prepare, administer, and grade examinations provided that the board may contract with a testing agency to provide those services;
- (4) Issue, renew, suspend, and revoke licenses;
- (5) Register applicants or holders of a license;
- (6) Investigate and conduct hearings regarding any violation of this chapter and rules of the board;
- (7) Maintain a record of its proceedings; and

(8) Do all things necessary to carry out the functions, powers, and duties set forth in this chapter."

If it is the Committee's intent to create a provision to address licensure by reciprocity, then the Board requests that the following amendments be made to the bill:

"§436E- Reciprocity. (a) The board may issue a license by reciprocity to an acupuncturist if:

(1) The applicant:

(A) Files an application and pays fees as prescribed by the board;

(B) Holds a current, unencumbered, active license in a U.S. state or territory that requires qualifications equivalent to or greater than the qualifications for licensure in this State as specified in section 436E-A; and

(C) Hold a current certification with the National Certification Commission for Acupuncture and Oriental Medicine, or its successor entity.

(b) For applicants who graduated prior to September 1, 2000, the board may issue a license by reciprocity to an acupuncturist if:

(1) The applicant:

(A) Files an application and pays fees as prescribed by the board;

(B) Holds a current, unencumbered, active license in a U.S. state or territory; and

(C) Hold a current certification with the National Certification Commission for Acupuncture and Oriental Medicine, or its successor entity. "

Lastly, the Board respectfully requests that section 11 of the Senate Draft 1 that provides for the removal of the exemption in section 436E-4 be deleted from the bill so the current law remains intact. This language allows visiting acupuncturists who are not performing services on Hawaii patients to be exempt from the licensure requirements.

Thank you for the opportunity to testify on this bill.

SB-2276-SD-1

Submitted on: 2/19/2022 9:51:58 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Maire Cahoon	Testifying for Mala Healing Arts	Support	No

Comments:

I support this bill to keep Licensed Acupuncturists up to date with practice, titles, and licensing and renewal requirements and continuing education requirements.



AcuPlan Hawaii

Oriental Medicine...5000 years of quality healthcare

February 19, 2022

From: Samantha Preis, L.Ac., Dipl. O.M.

President, Acuplan Hawaii
46-005 Kawa St., Suite 304
Kaneohe, HI 97644
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(808) 247-9800

RE: Support of SB2276 Acupuncture Scope of Practice Update

To the Honorable Chair Senator Baker, Vice Chair Chang, and members Commerce and Consumer Protection Committee,

I am writing to you on behalf of Acuplan Hawaii, an organization of over 50 acupuncturists in Hawaii that seek to promote the professional status of acupuncture by connecting with medical professionals and increasing availability of acupuncture through insurance coverage. We contract as exclusive providers for University Health Alliance (UHA) and Hawaii Medical Assurance Association (HMAA) and Hawaii-Western Management Group (HWMG). **We are in strong support of SB2276.**

HMSA, Kaiser, The Veteran's Administration and many medicare supplement plans all cover acupuncture in some or all of their plans. These insurance companies can determine reimbursement based on what is allowed under our scope of practice. Right now, our scope leaves a lot of room for confusion which results in rejected claims. As evidence for acupuncture grows, coverage will grow and clear language in the scope of practice will be crucial. Compensation for essential services such as evaluations and adequate treatment time must be appropriate and recognized.

The profession of acupuncture is evolving as we now have both Master's and Doctorate degrees. We must evolve along with it. Updating the scope of practice will allow acupuncturists to practice in Hawaii to our fullest potential and bring Hawaii up to the national standards of competency and safety. It will better protect the public against unlicensed and unqualified individuals who may pose a danger to public safety by practicing without a license.

Hawaii Acupuncture Association directors have made efforts to consult with the members of the various segments of the acupuncture community in Hawaii on the wording and crafting of these changes. We have all lent our support to this update and hope it will pass this legislative session to elevate us all.

Respectfully,

Samantha Preis, L.Ac., Dipl. O.M.

SB-2276-SD-1

Submitted on: 2/19/2022 1:47:40 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dr. Michelle Hill, DC, LAc	Testifying for Windward Wellness	Support	No

Comments:

I support this bill.

Senate Committee on Commerce and Consumer Protection

Honorable Chair Senator Rosalyn H. Baker

Honorable Vice Chair Senator Stanley Chang

Hawaii Acupuncture Association

Board of Directors and Members

haamember@aol.com

Hearing Date: Tuesday, February 22, 2022, 10:00am

Via Videoconference/online testimony

Position on SB2276 SD1: SUPPORT

Dear Honorable Chair Senator Baker, Honorable Vice Chair Senator Chang and Honorable Commerce and Consumer Protection Committee Members,

We, the Board of Directors of the Hawaii Acupuncture Association, represent our members and colleagues, as well as our patients and citizens of Hawaii in testifying today in support of measure SB2276 SD1.

Regulated medical professions require safety of the public and access to care to be of primary importance. Acupuncture has been one of the fastest growing segments in American healthcare due to increased access for the public via medical insurance and Medicare inclusion, as well as its demand as the primary alternative to opioid prescriptions and other medical conditions. The increase in scientific data has verified acupuncture medicine's efficacy in a range of health conditions. Simultaneously with increasing demand and evidence in efficacy, the educational, certification and continuing education standards have improved nationally. Since changes over the last twenty years have not been made to the Hawaii acupuncture medicine scope of practice, the statute must be updated now to represent the current state.

We want our profession to be able to serve the citizens in Hawaii safely and knowledgably. We want to integrate in hospitals, rehabilitation centers, nursing homes, hospice, and other care settings to provide the highest standard of care. As we integrate acupuncture medicine with allopathic medicine and within the health care delivery system in Hawaii, we want patients to be assured of evidence-based, evidence-informed medicine that is understandable and current.

To provide Hawaii's current and future medical and social needs, statutory updates must accurately reflect the standards of practice for our industry.

We note a possible inadvertent removal of the Board of Acupunctures' Powers and Duties and respectfully ask that this section be added into a revised draft of this bill to include:

"§436 E-7 Powers and duties of the board. In addition to any other powers and duties authorized by law, the board shall:

1. Adopt rules in accordance with chapter 91 to carry out the purposes of this chapter, with special emphasis on the health and safety of the public;
2. Develop standards for licensure;
3. Prepare, administer, and grade examinations provided that the board may contract with a testing agency to provide those services;
4. Issue, renew, suspend, and revoke licenses;
5. Register applicants or holders of a license;
6. Investigate and conduct hearings regarding any violation of this chapter and rules of the board;
7. Maintain a record of its proceedings; and
8. Do all things necessary to carry out the functions, powers, and duties set forth in this chapter."

We do agree with the Board of Acupuncture recommendation that the requirements for Reciprocity licensure should have its own statutory section, reading as follows:

§436E-C Reciprocity. (a) The board may issue a license by reciprocity to an acupuncturist if the applicant:

(1) Files an application and pays fees as prescribed by the board;

(2) Holds a current, unencumbered, active license in another state or territory that requires qualifications equivalent to or greater than the qualifications for licensure in the State as specified in section 436E-A; and

(3) Holds a current certification with the National Certification Commission for Acupuncture and Oriental Medicine, or its successor entity.

(b) For applicants who graduated before September 1, 2000, the board may issue a license by reciprocity to an acupuncturist if the applicant:

(1) Files an application and pays fees as prescribed by the board;

(2) Holds a current, unencumbered, active license in another state or territory; and

(3) Holds a current certification with the National Certification Commission for Acupuncture and Oriental Medicine, or its successor entity."

These recommendations, along with the following, reflect what Hawaii Acupuncture Association sees as necessary standards of practice for our industry in the State of Hawaii:

- Legacy exemptions are defined
- Expand and clarify upon the concepts of the two existing license designations: LAc, DAc in line with national trends
- Simplify and rename application for licensure to eliminate outdated requirements while implementing current national standards for education, national board certification, and continuing education
- New definitions aligned with current medical terminology, education, training, and skills practiced by acupuncturists, while maintaining and preserving the traditions of this complete medical system
- Reciprocity inclusive of applicants who have maintained licensure and certifications in other jurisdictions wanting to be licensed in the state of Hawaii

We ask for your support for SB2276 SD1 ensuring that this profession provides an educated and safe health care delivery system in Hawaii. Thank you for this opportunity to testify in SUPPORT of SB2276 SD1.

Respectfully,

Barbara Ota, DACM, DAc
President, Hawaii Acupuncture Association

Jeffrey A. Tice, DACM, DAc
Vice President, Hawaii Acupuncture Association

Senate Committee on Consumer Protection and Commerce
Honorable Chair Senator Rosalyn H. Baker
Honorable Vice Chair Senator Stanley Chang

Denice Murphy, L.Ac, Dipl.Ac, MSOM
Malama I ke Ola Holistic Health Center
denicemurphy@mac.com

Hearing Date: February 22, 2022
Time: 10:00am
Via Videoconference/online testimony
Position on SB2276, SD1: SUPPORT

Dear Honorable Chair Senator Baker, Honorable Vice Chair Senator Chang,
and Consumer Protection Committee Members,

I am a licensed Acupuncture Practitioner (L.Ac) for over 30 years, and an active member (Director), of the Hawaii Acupuncture Association. I reside in Kailua Kona and practice acupuncture medicine in Holualoa, on the Big Island of Hawaii. I am writing this testimony in SUPPORT of SB2276.

Regulated medical professions require safety of the public and access to care to be of primary importance. Acupuncture medicine has been one of the fastest growing segments in American healthcare and with this the profession has seen standardization of education, national certifications, and the formation of both Master and Doctoral degrees. Hawaii's existing statute, which hasn't been updated in over 20 years, has become outdated in its language, as well as deficient in its standards. The proposed Scope of Practice addresses these issues, while also improving the structure of the Bill for future updates. Below are the highlights:

- Expand and clarify upon the concepts of the two existing license designations (436E-3): LAc, DAC. in line with national trends.
- Simplify and rename application for licensure to eliminate outdated requirements while implementing current national standards for education and national board certification. Add continuing education requirements for license renewal.
- Legacy exemptions are defined.
- New definitions (436E-2) aligned with the current medical terminology, education, training and skills practiced by acupuncturists, while maintaining and preserving the traditions of this complete medical system.
- Expand and clarify upon the concepts of the two existing license designations (436E-3): LAc, DAC. in line with national trends

- Reciprocity inclusive of applicants who have maintained licensure and certifications in other jurisdictions wanting to be licensed in the state of Hawaii.

It is time for Hawaii, with its long history of acupuncture, along with the highest per capita Acupuncture Practitioners of any state, to integrate the profession into Hawaii's healthcare delivery system with the highest standard and care for the citizens of Hawaii. I respectfully ask you to please support this SB2276 SD1.

I extend to you and your esteemed colleagues our Aloha, and thank you for your time and consideration.

Respectfully,

Denice Murphy, L.Ac, Dipl.Ac, MSOM



Dr. Joni Kroll, D.Ac.
Dr. Mariya Gold, D.Ac.
320 Uluniu Street Suite 2
Kailua, Hawaii 96734
808-262-4550
855-594-5059 (fax)

Senate Committee on Commerce and Consumer Protection

S.B. 2276 S.D.1, RELATING TO ACUPUNCTURE

Hearing Date: February 22, 2022, 10:00am

RE: SUPPORT OF SB2276

Dear Honorable Chair Baker and Members of the Committee,

I have been a licensed acupuncturist in Hawaii for 32 years. I have been a very active member of my profession from past president of Hawaii Acupuncture Association (HAA), Co-Founder of the non-profit AcuPlan Hawaii, RICO advisor and six years on the Board of Acupuncture, serving as the Chair for the past two years.

I am in full support of SB2276 as it comprehensively updates and modernizes our statute, bringing it into alignment with current national standards in education and training as well as recognizing the advancements in research and integration into medical systems that our profession has experienced over the past thirty years.

I also fully support the addition of minimal Continuing Education Standards and find that 30 hours every two years is necessary, in line with national standards, and not a burden given how many courses can be taken online at very little cost.

To provide for Hawaii's current and future medical and social needs, statutory updates must accurately reflect the Acupuncture Medicine industry's education and continue to meet current best standards of practice and care for the safest medicine for all patients in the state of Hawaii.

Sincerely,
Dr. Joni Kroll, D.Ac., L.Ac
Dipl Acup (NCCAOM)
Dipl Acup Orthopedics (NBAO)
Chair, Hawaii Board of Acupuncture



Senate Committee on Commerce and Consumer Protection
Honorable Chair Senator Rosalyn H. Baker
Honorable Vice Chair Senator Stanley Chang

Tuesday February 22, 2022 at 10:00 a.m.

Jeffrey A Tice, DACM, DAC
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LongevityHealthMaui.com

Testimony in SUPPORT of SB 2276 SD 1

To the Honorable Chair Baker, Vice Chair Chang, and Committee Members,

My name is Jeffrey Tice, and am a Doctor of Acupuncture in the state of Hawaii (#732). My practice is in Wailuku, Maui where I co-own Longevity Health Center with my wife, Joyce Tamori. I am also vice president of Hawaii Acupuncture Association.

I fully support SB 2276 SD 1 to improve the language in the scope of practice for acupuncture medicine in the State of Hawaii and to elevate the licensure requirements for future generations of Licensed Acupuncturists to serve the people safely and effectively.

Acupuncture and associated modalities historically termed Traditional Chinese Medicine or Oriental medicine, is the oldest continuous, documented medicine on the planet, yet also one of the fastest growing today. It has a long history in Asia (4000+ years) yet is relatively new to the rest of the world (100 years). Hawaii was an early adopter of licensing acupuncture in the United States, predating formal accredited schools and national board certifications. Much has changed in the profession over the last four decades and especially in the last twenty plus years since the current statute, 436E was updated.

Acupuncturists licensed to practice in Hawaii practice under two titles, Licensed Acupuncturist (LAc) and Doctor of Acupuncture (DAc). Although two licenses are uncommon in the United States, the current trend is towards a two-tiered profession with Masters level education as the entry point, often specializing in acupuncture while the accredited Doctoral level for Doctors of Acupuncture Medicine to use a more complete practice of the medicine formerly known as Traditional Chinese Medicine (TCM) or Oriental Medicine (OM). Each of these education and scope of practice levels, LAc and DAc, are justified with education and national certifications in SB 2276 SD 1.

The complete practice of TCM/OM includes whole patient care including musculoskeletal conditions as well as mental and internal medical health. SB2276 SD1 updates historical



diagnostic and treatment languages translated from terms such as Zang-Fu, TaiChi and Qigong into more appropriate and modern English language terms such as internal medicine, exercise and meditation, respectively. The updated nomenclature for Acupuncture Medicine preserves this historically significant practice of medicine and helps it smoothly integrate into the modern healthcare system in Hawaii.

Thank you for the opportunity to testify in support of SB 2276 SD 1.

Jeffrey A Tice, DACM, DAc

Jeffrey A Tice, DACM, DAc
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SB-2276-SD-1

Submitted on: 2/19/2022 2:15:25 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Claudia Henriquez	Individual	Support	No

Comments:

As an acupuncture student I am in full support of this bill. It will help bring the standard of hawaii practice to national standards.

SB-2276-SD-1

Submitted on: 2/19/2022 7:03:40 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nancy and Errol Rubin	Individual	Support	No

Comments:

It is time for Hawaii, with its long history of acupuncture, along with the highest per capita Acupuncture Practitioners of any state, to integrate the profession into Hawaii's healthcare delivery system with highest standard and care for the citizens of Hawaii. I respectfully ask you to please support this SB2276 SD1. Continued education and consistent care practice is essential keep the healing current and integrity for our people and our visitors

SB-2276-SD-1

Submitted on: 2/19/2022 8:37:44 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Steven Rosenblatt, MD, PhD	Individual	Support	No

Comments:

Dear Honorable Senators--

I am a licensed and practicing medical doctor in the state of Hawaii. I am also national board certified in Acupuncture and also certified in Oriental medicine. I served six years as a commissioner on the national Accreditation Commission for Schools of Acupuncture and Oriental Medicine.

This bill will not only strengthen the Acupuncture profession and bring it up to national standards, but will also serve to protect the citizens of the state of Hawaii by assuring high levels of professional medical care and adding important resources to the health care delivery system of the entire state.

Steven Rosenblatt, MD, PhD, LAc

Senate Committee on Commerce and Consumer Protection

Honorable Chair Senator Rosalyn H. Baker

Honorable Vice Chair Senator Stanley Chang

Barbara Ota, DACM, DAc

Otab83@gmail.com

Hearing Date: February 22, 2022

Time:10:00 am

Via Videoconference/online testimony

Position on SB2276 SD1: SUPPORT

Dear Honorable Chair Senator Baker and Honorable Vice Chair Senator Chang and Honorable Commerce and Consumer Protection Committee,

I am Dr. Barbara Ota, a Doctor of Acupuncture and Chinese Medicine, licensed as a Doctor of Acupuncture in Hawaii and am President of Hawaii Acupuncture Association. Accordingly, I am a very active member of the Association.

I reside on the Kohala Coast of the Big Island and practice acupuncture medicine here in Hawaii. I am writing this testimony in SUPPORT of SB2276, SD1.

Regulated medical professions require safety of the public and access to care to be of primary importance. Acupuncture medicine has been one of the fastest growing segments in American healthcare and with this the profession has seen standardization of education, national certifications, and the formation of both Master and Doctoral degrees. Hawaii's existing statute, which hasn't been updated in over 20 years, has become outdated in its language, as well as deficient in its standards. The proposed Scope of Practice addresses these issues, while also improving the structure of the Bill for future updates.

Below are the highlights that I find important:

- Simplify and rename application for licensure to eliminate outdated requirements while implementing current national standards for education, national board certification and continuing education requirements for license renewal.

- Legacy exemptions are defined.
- New definitions aligned with the current medical terminology, education, training and skills practiced by acupuncturists, while maintaining and preserving the traditions of this complete medical system.
- Expand and clarify upon the concepts of the two existing license designations: LAc, DAc. in line with national trends.
- Reciprocity inclusive of applicants who have maintained licensure and certifications in other jurisdictions wanting to be licensed in the state of Hawaii.

It is time for Hawaii, with its long history of acupuncture, along with the highest per capita Acupuncture Practitioners of any state, to integrate the profession into Hawaii's healthcare delivery system with highest standards and care for the citizens of Hawaii. I respectfully ask you to please support this SB2276, SD1.

I extend to you and your esteemed colleagues my aloha. Thank you for your time and consideration.

Respectfully,

Barbara Ota, DACM, DAc

SB-2276-SD-1

Submitted on: 2/20/2022 9:38:43 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Becky Jacobs, DACM, DAC.	Individual	Support	Yes

Comments:

Senate Committee on Commerce and Consumer Protection

Honorable Chair Senator Rosalyn H. Baker

Honorable Vice Chair Senator Stanley Chang

drbeckyjacobs@gmail.com
Hearing Date: February 22, 2022

Time:10:00 am

Via Videoconference/online testimony

Position on SB2276 SD1: SUPPORT

Dear Honorable Chair Senator Baker, Honorable Vice Chair Senator Chang and Honorable Commerce and Consumer Protection Committee,

I am a licensed Doctor of Acupuncture (DAc) and an active member of the Hawaii Acupuncture Association.

I reside on Hawaii island and practice acupuncture medicine in Kamuela. I am writing this testimony in SUPPORT of SB2276 SD1.

Regulated medical professions require safety of the public and access to care to be of primary importance. Acupuncture medicine has been one of the fastest growing segments in American healthcare and with this the profession has seen standardization of education, national certifications, and the formation of both Master and Doctoral degrees. Hawaii’s existing statute, which hasn’t been updated in over 20 years, has become outdated in its language, as well as deficient in its standards. The proposed Scope of Practice addresses these issues, while also improving the structure of the Bill for future updates.

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I extend to you and your esteemed colleagues my aloha. Thank you for your time and consideration.

Respectfully,

Becky Jacobs, DACM, DAc.

SB-2276-SD-1

Submitted on: 2/20/2022 5:15:54 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kerry Dillberg	Individual	Support	No

Comments:

Dr. Kerry L. Dillberg, L.Ac, D.C.

Dillberg4health@gmail.com

To: Senate Committee on Commerce and Consumer Protection

Honorable Chair Senator Rosalyn H. Baker

Honorable Vice Chair Senator Stanley Chang

1.

Date: Tuesday, February 22, 2022. Time:10:00 am

Via Videoconference/online testimony

Position on SB2276 SD1: SUPPORT

Dear Honorable Chair Senator Baker and Honorable Vice Chair Senator Chang and Honorable Commerce and Consumer Protection Committee,

I am a licensed Acupuncture Practitioner (LAc) and active member of the Hawaii Acupuncture Association.

I reside Koloa, Kauai and practice acupuncture medicine in the same location. I am writing this testimony in SUPPORT of SB2276 SD1.

Regulated medical professions require safety of the public and access to care to be of primary importance. Acupuncture medicine has been one of the fastest growing segments in American healthcare and with this the profession has seen standardization of education, national certifications, and the formation of both Master and Doctoral degrees. Hawaii's existing statute, which hasn't been updated in over 20 years, has become outdated in its language, as well as

deficient in its standards. The proposed Scope of Practice addresses these issues, while also improving the structure of the Bill for future updates.

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- Expand and clarify upon the concepts of the two existing license designations: LAc, DAc. in line with national trends.
- Reciprocity inclusive of applicants who have maintained licensure and certifications in other jurisdictions wanting to be licensed in the state of Hawaii.

It is time for Hawaii, with its long history of acupuncture, along with the highest per capita Acupuncture Practitioners of any state, to integrate the profession into Hawaii's healthcare delivery system with highest standard and care for the citizens of Hawaii. I respectfully ask you to please support this SB2276 SD1.

I extend to you and your esteemed colleagues my aloha. Thank you for your time and consideration.

Respectfully,

Dr. Kerry L. Dillberg, L.Ac, D.C.



HAWAII MEDICAL ASSOCIATION

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www.hawaiimedicalassociation.org

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

Date: February 22, 2022

From: Hawaii Medical Association

Roger Kimura MD, AMA Delegate for Hawaii

Bernard Robinson MD, AMA Delegate for Hawaii

Elizabeth Ann Ignacio MD, Chair, HMA Legislative Committee

Re: **SB 2276 SD1 Acupuncture; Licensure; Continuing Education**

Position: **OPPOSE**

HMA has concerns regarding internal medicine training that is included in the "Practice of advance acupuncture medicine" definition in Section 4

"Practice of advanced acupuncture medicine" means the practice of acupuncture medicine and the use of advanced diagnostics, specialties, and therapeutics, based on additional traditional and biomedical internal medicine training, as further determined by rules adopted by the board."

An Internal Medicine residency program requires a minimum of three years of intensive training, easily involving 8,000 hours of training, to qualify for the certification examination as an Internal Medicine physician. It is unlikely that training and licensure requirements for acupuncturists, as specified in the proposed amendments, will be satisfactory as equivalent training. The inclusion of the language regarding the use of internal medicine training may have the unintended consequences of exposing the consumer/public to harm and the certified acupuncturist to legal exposure. The ultimate consequence of the proposed comprehensive update may be a decrease access to acupuncture services for consumers.

RECOMMENDATIONS

1. HMA recommends removal of the language in HRS436 E-1, Section 4 regarding internal medicine training. "...and the use of advanced diagnostics, specialties, and therapeutics, based on additional traditional and biomedical internal medicine training..." so that the proposed language reads:

"Practice of advanced acupuncture medicine" means the practice of acupuncture medicine ~~and the use of advanced diagnostics, specialties, and therapeutics, based on additional~~

HMA OFFICERS

President – Angela Pratt, MD President-Elect – Elizabeth Ann Ignacio, MD
Immediate Past President – Michael Champion, MD Treasurer – Nadine Tenn Salle, MD
Secretary – Thomas Kosasa, MD Executive Director – Marc Alexander



HAWAII MEDICAL ASSOCIATION

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~~traditional and biomedical internal medicine training, as~~
further determined by administrative rules.”

2. The HMA kindly requests review and/or collaboration with the Acupuncture Board and the Hawaii Medical Board which may be impacted by this language.

Thank you for allowing the Hawaii Medical Association to testify on this measure.

REFERENCES AND QUICK LINKS:

<https://policysearch.ama-assn.org/policyfinder/detail/definition%20of%20Physicians?uri=%2FAMADoc%2FHOD.xml-H-405.951.xml>

<https://policysearch.ama-assn.org/policyfinder/detail/Acupuncture?uri=%2FAMADoc%2FHOD.xml-0-1869.xml>

<https://www.medicare.gov/coverage/acupuncture>

HMA OFFICERS

President – Angela Pratt, MD President-Elect – Elizabeth Ann Ignacio, MD
Immediate Past President – Michael Champion, MD Treasurer – Nadine Tenn Salle, MD
Secretary – Thomas Kosasa, MD Executive Director – Marc Alexander

2/22/2022

COMMENTS FOR SB2276SD1, RELATING TO ACUPUNCTURE

To: Senate Committee on Commerce and Consumer Protection
Senator Rosalyn Baker, Chair
Senator Stanley Chang, Vice Chair
Hawaii State Capitol
415 South Berentania Street
Honolulu, HI 96813

From: Le‘a Minton, MSN, APRN, CNM, IBCLC

Time: Thirty-First Legislature Regular Session of 2022
Tuesday, February 22, 2022 at 10:00AM

Dear Senator Rosalyn Baker, Senator Chang and committee members:

Thank you for this opportunity to provide comments on SB2276SD1 relating to acupuncture.

I recognize that there are still some areas of the bill to be worked out in relation to definitions and use of titles. I can appreciate the importance of those discussions and their overall impact on practicing acupuncturists and consumers.

As a licensed advanced practice registered nurse, whose own profession updated their educational requirements over the years from a diploma from a hospital to a minimum of a master’s degree, I agree with the updates to HRS 436E in order to align with current national educational and professional practices. Further, continuing education is a critical component of ensuring professional relevance.

I wanted to acknowledge the Legislature’s statements within SB2276SD1 and comment that these words are a needed reminder when considering this committee's decision making. The statements below from SB2276SD1 clearly lay out the reason why it is important to regulate health professions while also ensuring that a profession stays up to date in order for providers to operate at their fullest scope.

"SECTION 1. The legislature finds that the regulation of medical professionals is important to ensure public safety and promote access to quality care."..."The legislature further finds that a number of state laws regarding acupuncturists have not been updated in over twenty years, despite the growing demand for acupuncturists, changes to standards for national certifications, and expanded accredited educational programs, which now include master's and doctoral level degrees.

Accordingly, the purpose of this Act is to make comprehensive updates to chapter 436E, Hawaii Revised Statutes, regarding acupuncture practitioners to reflect modernized scopes of practice and licensing requirements."

"**[+]§436E-1[+]** **Declaration of necessity for regulation and control.** The legislature hereby finds and declares that acupuncture medicine is an evidence-based medicine rooted in traditional and modern modalities and that the practice of acupuncture medicine includes examination, evaluation, diagnosis, and treatment of the patient, therefore requiring regulation and control for public health, safety, and welfare."

Respectfully,

Le'a Minton, MSN, APRN, CNM, IBCLC

SB-2276-SD-1

Submitted on: 2/21/2022 8:15:49 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Pedro Armington	Individual	Support	No

Comments:

I support this bill

SB-2276-SD-1

Submitted on: 2/21/2022 8:09:19 AM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Janet H. Boyd	Individual	Support	No

Comments:

Senate Committee on Commerce and Consumer Protection
Honorable Chair Senator Rosalyn H. Baker
Honorable Vice Chair Senator Stanley Chang

7seasacupuncture@gmail.com

Hearing Date: January 22, 10:00AM

Via Videoconference/online testimony

Position on SB2276 SD1 SUPPORT

Dear Honorables Chair Senator Baker and Vice Chair Senator Chang and Commerce and Consumer Protection Committee,

I am a licensed Acupuncture Practitioner (LAc) and active member of the Hawaii Acupuncture Association.

I reside In Koloa and practice acupuncture medicine in Koloa, Kapaa, and Lihue. I am writing this testimony in SUPPORT of SB2276 SD1.

Regulated medical professions require safety of the public and access to care to be of primary importance. Acupuncture medicine has been one of the fastest growing segments in American healthcare and with this the profession has seen standardization of education, national certifications, and the formation of both Master and Doctoral degrees. Hawaii’s existing statute, which hasn’t been updated in over 20 years, has become outdated in its language, as well as deficient in its standards. The proposed Scope of Practice addresses these issues, while also improving the structure of the Bill for future updates. Below are the highlights:

Expand and clarify upon the concepts of the two existing license designations (436E-3): LAc, DAc. in line with national trends.

Simplify and rename application for licensure (436E-5) to eliminate outdated requirements while implementing current national standards for education and national board certification, and continue Legacy exemptions are defined. (436E-B)

New definitions (436E-2) aligned with the current medical terminology, education, training and skills practiced by acupuncturists, while maintaining and preserving the traditions of this complete medical system.

Including education requirements for license renewal (436E-9.2).
Reciprocity inclusive of applicants who have maintained licensure and certifications in other jurisdictions wanting to be licensed in the state of Hawaii.

It is time for Hawaii, with its long history of acupuncture, along with the highest per capita Acupuncture Practitioners of any state, to integrate the profession into the modern medical establishment. I respectfully ask you to please support SB 2276 SD1.

I extend to you and your esteemed colleagues my Aloha. Thank you for your time and consideration.

Respectfully,

Janet H. Boyd D.A.C.M., L.Ac



Liberata J. Orallo

DACM, Dipl. Ac (NCCAOM) DAc, LMT
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Senate Committee on Commerce & Consumer Protection

February 22, 2022

Tuesday, 10:00 am (Written Testimony Only)

Testimony in Support of SB 2276 SD1

Relating to Acupuncture

To the Honorable Chair, Senator Rosalyn H. Baker and The Honorable Vice Chair, Senator Stanley Chang, and Members of the Senate Committee on Commerce & Consumer Protection:

My name is Dr. Liberata J. Orallo, a licensed Doctor of Acupuncture in private practice in Honolulu, a Clinic Supervisor for Acupuncture Interns from the Institute of Clinical Acupuncture and Oriental Medicine (ICAOM) at the Acupuncture Clinic of the Rehabilitation Hospital of the Pacific, a member of the Governing Board of ICAOM, and an active member of the Hawai'i Acupuncture Association (HAA).

I stand in support of SB 2276 SD1 which amends Hawaii Revised Statutes 436E, Acupuncture Practitioners. Our current statute is in dire need of being updated to not only reflect our profession's graduate level education and training in the formation of both Master and Doctoral degrees as set forth by the nationally accredited commissions, but also to designate licensing requirements to be in line with stringent national credentialing standards and implement continuing education for renewal. Our standards of practice and current modalities of care must also be addressed while still maintaining and preserving the traditions of our unique medical system.

In that light, it is exciting to report that the 11th revision of the World Health Organization's (WHO) International Statistical Classification of Diseases and Related Health Problems (ICD) will now include Traditional Chinese Medicine (TCM) for the first time. It was adopted in May 2019 and came into effect on January 1, 2022. The ICD11 provides a common language that allows health professionals to share standardized information across the world for diagnosis used in medical billing, epidemiology, research, and cataloguing causes of death. In *Pharmaceutical Medicine (Lam et al, July 2019)*, it states that "ICD-11 will progressively transform the existing healthcare system from a

Western Medicine dominant to an integrative Western Medicine and Traditional Chinese Medicine health care system. The rationale is to include the best practices of both conventional and complementary therapies, uniting these practices into an integrative approach, especially when positive evidence about the efficacy and safety of TCM for certain conditions and diseases is documented.”

The Hawai'i Acupuncture Association (HAA) and the Hawai'i State Board of Acupuncture (BOA) have worked tirelessly to clarify the parameters in the revision of HRS 436E. **However, I would like to request an amendment to re-insert Section 9 of the original SB 2276 which amends the Powers and Duties of the Board.**

Hawai'i has the highest per capita of Acupuncture Practitioners of any State. What is paramount in this measure is ensuring that the health, safety, and welfare of the public has been met. The public deserves no less than competent practitioners. I kindly ask the Committee for the passage of this measure with the suggested amendment.

Thank you for the opportunity to testify on this measure and for your time and consideration.



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COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

February 22, 2022

Testimony Supporting SB 2276 SD1
Relating to Acupuncture

Dear Honorable Chair, Rosalyn Baker
and The Honorable Vice Chair, Stanley Chang
and Members of the Senate CPN Committee:

My Name is Dr. Wai Hoa Low, President/CEO, testifying on behalf of the Institute of Clinical Acupuncture and Oriental Medicine (ICAOM).

We are writing in **Support of SB 2276 SD1** that would make comprehensive updates to chapter 436E, Hawaii Revised Statutes, regarding acupuncture practitioners to reflect modernized scopes of practice, titles, and licensing and renewal requirements, including thirty hours of continuing education per licensing biennium.

Hawaii's consumers and students will appreciate the benefits and protection from this bill that revitalizes HRS 436E which has not been updated for over 20 years. According to the World Health Organization (WHO), Acupuncture treats numerous disorders.

For the first time in history, since its implementation in January 2022, WHO has included Traditional Chinese Medicine (TCM) in their ICD-11 (International Statistical Classification of Diseases and Related Health Problems). This initiative is not only a landmark for the ICD but also a milestone for TCM. It contributes to the integration of TCM with multiple Western medicine-based disciplines and the progressive reform of the world healthcare system.

Our curriculum includes both Western and Eastern internal medicine classes. Current Acupuncture research studies at the National Institutes of Health (NIH) and worldwide universities confirm the benefits of Acupuncture in treating not only pain, but also internal disorders. The Acupuncture profession is tranquil, collaborative, and seeks harmony with other healthcare providers.

However, we kindly request for an amendment to re-insert Section 9 of the original SB2276 that amends and delineates the Powers and Duties of the Board.

Thank you for the opportunity to testify on this measure.

Respectfully,

Dr. Wai Hoa Low, President
DAOM, MBA, D.Ac.



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COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

February 22, 2022

Testimony Supporting SB 2276 SD1
Relating to Acupuncture

LATE

Dear Honorable Chair, Rosalyn Baker
and The Honorable Vice Chair, Stanley Chang
and Members of the Senate CPN Committee:

My Name is Marilyn Allen, vice-president of America Acupuncture Council (AAC), editor of Acupuncture Today, US Representative for World Health Organization (WHO) on Traditional Medicine, Professor of Ethics, Law, and Regulations and Professional development testifying on behalf of the (AAC).

As of January 2020, the WHO has released its updated version of the international classification of disease -11 and the new classification of traditional medicine/acupuncture diagnostic codes for worldwide use. When ICD-11 is adopted in the United States Acupuncture will be able to be integrated into the healthcare system. This needs to be reflected in the Hawaii practice act

1. Traditional medicine codes will provide a worldwide foundation for the practice of acupuncture.
2. The WHO general assembly accepted these codes unanimously.
3. The use of these codes will create and collect data to be used in research to further prove the efficacy of acupuncture.
4. Double coding by practitioners will help to begin to integrate both eastern and western ICD codes. Double coding means the use of a western code, a traditional medicine disorder and the pattern differentiation process.

Currently Medicare is conducting a nationwide research study on low back pain for seniors with acupuncturist's delivering treatment. It is being in conducted in coordination with medical doctors because acupuncturists are not included in Medicare yet. A Medicare bill, HR 4803, has been introduced into the Congress of the United States. This bill simply conveys the message to have the word acupuncturist added into the Social Security act.

The bureau of labor and statistics has collected data for the first time, through the census collection to include Acupuncturists an independent occupation in the United States.

The veterans administration now includes Acupuncture as a part of their healthcare choices for veterans.

We fully support the acupuncture practice act to be updated in your current practice standards for license acupuncturist. The states of Colorado, Arizona, and Minnesota are currently updating their practice acts to reflect the full scope of practice for Acupuncturists. Traditional medicine/Acupuncture must be given as choices and healthcare for the citizens of the great state of Hawaii. Thank you for the opportunity to testify on this measure.

Respectfully,

Marilyn Allen, Vice-President
America Acupuncture Council

LATE

SB-2276-SD-1

Submitted on: 2/21/2022 3:49:25 PM

Testimony for CPN on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Billy Schultze	Individual	Support	No

Comments:

HEARING DATE/TIME: Tuesday, February 22, 2022/10:00AM

SUBJECT: Support SB2276 SD1

FROM: Billy F. Schultze, Acupuncture Medicine Student and Intern

TO: Honorable Chair Senator Rosalyn H. Baker, Honorable Vice Chair Senator Stanley Chang, and the Senate Committee on Commerce and Consumer Protection

I am a U.S. Army Officer (Retired), Acupuncture Medicine student, patient, and active member of the Hawaii Acupuncture Association. I reside and own my home in Makakilo and practice Acupuncture Medicine as an intern at the Institute of Clinical Acupuncture and Oriental Medicine (ICAOM). I am writing this testimony in SUPPORT of SB2276 SD1.

Regulated medical professions require safety of the public and access to care to be of primary importance. Acupuncture Medicine has been one of the fastest growing segments in American healthcare and with this the profession has seen standardization of education, national certifications, and the formation of both Master and Doctoral degrees. Hawaii's existing statute, which hasn't been updated in over 20 years, has become outdated in its language, as well as deficient in its standards. The proposed Scope of Practice addresses these issues, while also improving the structure of the Bill for future updates. Below are the highlights-

- Simplify and rename application for licensure to eliminate outdated requirements while implementing current national standards for education, national board certification and continuing education requirements for license renewal.

- Legacy exemptions are defined.

- New definitions aligned with the current medical terminology, education, training and skills practiced by Acupuncturists, while maintaining and preserving the traditions of this complete medical system.

- Expand and clarify upon the concepts of the two existing license designations: LAc, DAc. in line with national trends.

- Reciprocity inclusive of applicants who have maintained licensure and certifications in other jurisdictions wanting to be licensed in the state of Hawaii.

It is time for Hawaii, with its long history of Acupuncture Medicine, along with the highest per capita Acupuncture Practitioners of any state, to integrate the profession into the modern medical establishment. I respectfully ask you to please SUPPORT this SB2276 SD1.

Of special note, as a career Army Officer and Combat Veteran of the Global War on Terrorism, most specifically the Iraq Campaign, and various other restricted deployments, like the Korean Armistice, I am personally familiar with the seen and unseen wounds that unfortunately occur in service to our country at both peacetime and in war. Acupuncture medicine successfully treats the signs and symptoms of these wounds like tinnitus, hearing loss, insomnia, anxiety, depression, musculoskeletal pains of the back and all joints. More specifically the signs and symptoms of Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI) that predominately occur in war, are also successfully treated with Acupuncture Medicine, of which I can personally testify to as both a patient and intern provider.

I extend to you and your esteemed colleagues my Aloha. Thank you for your time and consideration and any questions you may have please contact me via email at billyschultze@hotmail.com.

LATE

Testimony of the Board of Acupuncture

**Before the
Senate Committee on Commerce and Consumer Protection
Tuesday February 22, 2022
10:00 a.m.
Via Videoconference**

**On the following measure:
S.B. 2276 S.D.1, RELATING TO ACUPUNCTURE**

Chair Baker and Members of the Committee:

My name is Dr. Joni Kroll, D.Ac, and I am the Chair of the Board of Acupuncture (Board). The Board supports this bill.

The purpose of this bill is to make comprehensive updates to Hawaii Revised Statutes chapter 436E, regarding acupuncture practitioners to reflect modernized scopes of practice, titles, and licensing and renewal requirements, including thirty hours of continuing education per licensing biennium.

The Board supports this measure because it modernizes the statutes to align with the current professional standards and activities provided by licensed acupuncturists.

The Board requests the following amendments to section 9 §436E-9 Biennial renewal: continuing education:

The date for implementation under (b) change from July 1, 2023 to July 1, 2025 and add section (c) to read:

(c) To determine compliance with the continuing education requirement under subsection (b), the board may conduct a random audit of licensees continuing education documentation. A licensee selected for audit shall be notified by the board. Within sixty days of notification, the licensee shall provide the board documentation to verify compliance with the continuing education requirements.

The requested amendments will allow the Board to: (1) provide ample notice to affected licensees of the CE requirement and for licensees to meet the CE requirement prior to license renewal; and (2) promulgate rules to define the parameters of the CE courses.

The Board noticed that section 9 §436 E-7 that defines the powers and duties of the board was removed and respectfully requests that the section be added back into into a revised draft of this bill as follows:

“§436 E-7 Powers and duties of the board. In addition to any other powers and duties authorized by law, the board shall:

- (1) Adopt rules in accordance with chapter 91 to carry out the purposes of this chapter, with special emphasis on the health and safety of the public;
- (2) [~~Develop~~] Define and clarify ongoing standards for licensure;
- (3) Prepare, administer, and grade examinations, provided that the board may contract with a testing agency to provide those services;
- (4) Issue, renew, suspend, and revoke licenses;
- (5) Register applicants or holders of a license;
- (6) Investigate and conduct hearings regarding any violation of this chapter and any rules of the board;
- (7) Maintain a record of its proceedings; and
- (8) Do all things necessary to carry out the functions, powers, and duties set forth in the chapter."

Lastly, if it is the Committee’s intent to create a provision to address licensure by reciprocity, then the Board requests that the following amendments be made to the bill:

§436 E- C Reciprocity. (a) The board may issue a license by reciprocity to an acupuncturist if the applicant:

(1) Files an application and pays fees as prescribed by the board;

(2) Holds a current, unencumbered, active license in another state or territory that requires qualifications equivalent to or greater than the qualifications for licensure in the State as specified in section 436E-A; and

(3) Holds a current certification with the National Certification Commission for Acupuncture and Oriental Medicine, or its successor entity.

(b) For applicants who graduated before September 1, 2000, the board may issue a license by reciprocity to an acupuncturist if the applicant:

(1) Files an application and pays fees as prescribed by the board;

(2) Holds a current, unencumbered, active license in another state or territory; and

(3) Holds a current certification with the National Certification Commission for Acupuncture and Oriental Medicine, or its successor entity."

The above verbiage would allow applicants who are currently NCCAOM certified but may have let their certification lapse at some point in their career still be able to apply. Additionally, it makes it easier to determine who is currently certified versus proving that certification was maintained.

Thank you for the opportunity to testify on this bill.

SB-2276-SD-1

Submitted on: 2/22/2022 10:04:58 AM

Testimony for CPN on 2/22/2022 10:00:00 AM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michelle K.	Individual	Oppose	No

Comments:

STRONG OPPOSITION because this bill will create an unnecessary burden on those who have been in practice for many decades in Hawaii in terms of time and cost. Also, licensed acupuncturists who speak a foreign language only will have trouble meeting the continuing education if not offer in their language. Overall, licensed acupuncturists are not making enough to justify additional training. If this bill pass, it should only apply to those graduating from acupuncture school in 2022 and beyond.