

Testimony of the Board of Acupuncture

**Before the
Senate Committee on Health and Human Services
Monday, February 13, 2023
1:00 p.m.
Conference Room 225 & Videoconference**

**On the following measure:
S.B. 845, RELATING TO ACUPUNCTURE**

Chair San Buenaventura 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 purposes of this bill are to (1) make comprehensive updates to Hawaii Revised Statutes (HRS) chapter 436E, regarding acupuncture practitioners, to reflect modernized scopes of practice, titles, and licensing and renewal requirements; (2) require thirty hours of continuing education (CE) per licensing biennium beginning July 1, 2025; and (3) allow the Board of Acupuncture to issue licenses by reciprocity.

The Board supports this measure because it modernizes HRS chapter 436E to align with the current professional standards for licensed acupuncturists.

Given the huge undertaking of this measure and, thus, in consultation with the Department of Commerce and Consumer Affairs' Professional and Vocational Licensing Division (Division), the following is respectfully requested to ensure proper implementation:

1. General fund appropriation to allow the Division:
 - a. To make the appropriate updates to its internal database. In consultation with the Division and its vendor, the required updates may take upwards of 500 support hours. The updates would require the creation new license types and its corresponding requirements; and update the renewal requirements to include the newly added CE requirement. These hours would be added onto the already extensive daily work of the Division's developer, program analyst, and others outside of the Division. Note that these updates would require additional support and maintenance outside of the budget request being made through Department of Commerce and

Consumer Affairs' request. The sum of \$75,000 or so much thereof may be necessary to fund this request.

2. Minimally, a delayed effective date of at least two (2) years to ensure that this measure implemented correctly, updates to the Division's database are made and tested, and applications are created.

Thank you for the opportunity to testify on this bill.



Institute of Clinical Acupuncture and Oriental Medicine

100 N. Beretania Street, Suite 203B
Honolulu, Hawaii 96817
www.orientalmedicine.edu

808.521.2288 Ph
808.521.2271 Fax
info@orientalmedicine.edu

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Henry J.C. Aquino, Vice Chair

Relating to Acupuncture
Testimony Supporting SB 845
Monday, February 13, 2023

Dear Honorable Chair, Joy A. San Buenaventura and the Honorable Vice Chair, Henry J.C. Aquino:

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

We are writing in **Support of SB 845** 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 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. Though we support the measure, we would like to take this opportunity to express our reservations concerning HRS 436-E Section 2 "**§436E-C Reciprocity**". We feel that this new section is a redundancy since all applicants must be treated as initial licensees as stated in Section 2 HRS 436E-A of the bill. In addition, the Hawaii State Board of Acupuncture already has Rules and Regulations in place concerning new applicants. We therefore recommend the following:

RECOMMENDATION:

ICAOM recommends to the Senate Committee on Health and Human Services to **delete Section 2, HRS 436E-C Reciprocity.**

~~["§436E-C Reciprocity. (a) The board may issue a license by reciprocity if the applicant:~~

- ~~(1) Files an application and pays fees as prescribed by the board;~~
 - ~~(2) Holds a current, unencumbered, active license pursuant to the laws of any state or territory of the United States with qualifications for licensure that are equal to or exceed those of 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 if the applicant:~~
- ~~(1) Files an application and pays fees as prescribed by the board;~~
 - ~~(2) Holds a current, unencumbered, active license from any state or territory of the United States; and~~
 - ~~(3) Holds a current certification with the National Certification Commission for Acupuncture and Oriental Medicine, or its successor entity."]~~

The protection of the health and safety of our consumers is paramount. Thank you for the opportunity to testify on this measure.

Respectfully,

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



AcuPlan Hawaii

Oriental Medicine...5000 years of quality healthcare

February 10, 2023

From: Samantha Preis, L.Ac., Dipl. O.M.
President, Acuplan Hawaii
46-005 Kawa St., Suite 304
Kaneohe, HI 97644
windwardqi@gmail.com
(808) 247-9800

RE: Support of SB845 Acupuncture Scope of Practice Update

To the Honorable Chair Senator Joy San Buenaventura and Vice Chair Senator Henry Aquino,

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 SB845.**

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.

Updating our scope elevates the practice of acupuncture in Hawaii, recognizing and respecting the power of this unique and ever-evolving medicine.

Respectfully,

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

Senate Committee on Health & Human Services

Honorable Chair Senator Joy San Buenaventura
Honorable Vice Chair Henry Aquino

Hawaii Acupuncture Medicine Association

Board of Directors and Members

haamember@aol.com

Hearing Date: Monday, Feb 13th, 2023
Time: 1:00 pm

Via Videoconference/online testimony

Position on SB845: SUPPORT

Dear Honorable Chair Senator San Buenaventura, Honorable Vice Chair Senator Henry Aquino, and Honorable Committee Members,

We, the Board of Directors of the Hawaii Acupuncture Medicine Association, represent our members and colleagues, as well as our patients and citizens of Hawaii in testifying today in support of measure SB845.

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, Medicare inclusion, as well as its demand as the primary alternative to opioid prescriptions and other medical conditions. The increases in scientific data verified acupuncture medicine's efficacy in a range of health conditions. Simultaneously with the increasing demand and evidence in efficacy, the education, 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 stands of practice for our industry.

We respectfully request for clarification the following language in section 436E -9 (b) to read:

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 an equal or a greater number of hours than the minimum required under a national standard, which shall include at least two credit hours of ethics and at least two credit hours of safety, as determined by rule. 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.

This recommendation, along with the following, reflect what Hawaii Acupuncture Medicine 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 stands 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 SB845 ensuring that this profession provides and educated and safe health care delivery system in Hawaii. Thank you for this opportunity to testify in SUPPORT of SB845

Respectfully,

Barbara Ota, DACM, DAc
President, Hawaii Acupuncture Medicine Association

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

SB-845

Submitted on: 2/10/2023 6:42:00 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|-------------------------------------------------|---------------------------|------------------------|
| Antonio Provencio | Testifying for East 2 West Integrative Medicine | Support | Written Testimony Only |

Comments:

in SUPPORT of SB 845

I am a licensed acupuncturist (LAc) and a clinic owner with several other acupuncturists who work for me.

It is imperative that our scope of our practice is updated for many reasons.

Updating our scope of practice will help to bring acupuncture and traditional asian medicine closer to mainstream medicine.

This will help with more equal insurance coverage and programs available for patients.

Respectfully,

Dr. [Antonio Provencio](#) L.Ac.



Dr. Mariya Gold, DACM
Kailua Acupuncture Clinic
320 Uluniu Street Suite 2
Kailua, Hawaii 96734
808-262-4550
855-594-5059 (fax)

**Health and Human Services Committee
Chair Senator Joy San Buenaventura
Vice Chair Senator Henry Aquino**

Dr. Mariya Gold, DACM
kailuaacupuncture@gmail.com

Regarding: SB 845
Hearing Date: 2/13/23
Time: 1:00 pm
Via online testimony

Position on SB 845: SUPPORT

Dear Honorable Chair Senator San Buenaventura, Honorable Vice Chair Aquino and Honorable Committee,

I am a Doctor of Acupuncture and Chinese Medicine and have been practicing at Kailua Acupuncture Clinic since 2011. I am active member of the Hawaii Acupuncture Medicine Association, and I am writing this testimony in **SUPPORT of SB 845**.

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 standard and care for the citizens of Hawaii. **I respectfully ask you to please support this SB 845.**

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

Respectfully,

Dr. Mariya Gold, DACM
Kailua Acupuncture Clinic

SB-845

Submitted on: 2/10/2023 7:51:23 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-------------------------------|-------------------------------------|---------------------------|---------------------------|
| Dr. Michelle Hill, DC, LAc | Testifying for Windward Wellness | Support | Written Testimony Only |

Comments:

I support this bill.



1100 W. Town & Country Road, Suite 1400
Orange, CA 92868
(800) 838-0383
Email: info@acupuncturecouncil.com

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair

Relating to Acupuncture
Testimony Supporting SB 845
Monday, February 13, 2023

Dear Honorable Chair, Joy A. San Buenaventura
and The Honorable Vice Chair, Henry J.C. Aquino
and Members of the Senate HHS 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 veteran's 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. However, I have reservations concerning 436-E New Section 2 "436E-C Reciprocity". I recommend to the Senate Committee on Health and Human Services to **delete Section 2, 436E-C Reciprocity**.

Traditional medicine/Acupuncture must be given as choices and healthcare for the citizens of the great state of Hawaii.

Respectfully,

Marilyn Allen, Vice-President
America Acupuncture Council

SB-845

Submitted on: 2/10/2023 9:27:08 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------------|--------------------------------------|---------------------------|------------------------|
| Nancy and Errol Rubin | Testifying for Rubin Enterprises.llc | Support | Written Testimony Only |

Comments:

We need to be known for the best health care in the nation, and it begins with education and accountability. This bill will create a standard scope that can allow that to happen.

SB-845

Submitted on: 2/10/2023 9:33:50 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-------------------------------|---------------------------------------------|---------------------------|---------------------------|
| Steven Rosenblatt, MD, PhD | Testifying for OceanMed Clinic, Kawaihae | Support | Written Testimony Only |

Comments:

I strongly support this measure, SB 845.

Education and public safety are important to ensure the continued and future effectiveness of the health care delivery system in the State of Hawaii.

Steven Rosenblatt, MD, PhD, LAc

Commissioner NCCAOM

Health and Human Services Committee
Chair Senator Joy San Buenaventura
Vice Chair Senator Henry Aquino

(855)462-5642

Hearing Date: February 13, 2023
Time: 1:00pm HST

Via Videoconference/online testimony

Position on SB 845: SUPPORT

Dear Honorable Chair Senator San Buenaventura, Honorable Vice Chair Aquino
and Honorable Committee,

I am a licensed Acupuncture Practitioner, Arina Liza Van Dine, DACM, L.Ac., and active member of the Hawaii Acupuncture Medicine Association.

I reside at 75-5660 Kopiko St Ste C7 #468 Kailua Kona, HI 96740 and practice acupuncture medicine at 75-127 Lunapule Rd Suite 5, Kailua Kona, HI 96740. I am writing this testimony in SUPPORT of SB 845.

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 standard and care for the citizens of Hawaii. I respectfully ask you to please support this SB 845.

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

Respectfully,

 2/11/23
Anna Liza Van Dine, DACM, L.Ac.



Jayne Tsuchiyama, D.Ac., D.A.O.M., Dipl. O.M.

Queen's Medical Center, 1301 Punchbowl, Honolulu, HI 96813
808-946-9400 jt@dr-jayne.com

Feb 11, 2023

SB845 Hearing Date: February 13th, 1PM

Position on SB845: SUPPORT

Dear Honorable Chair Senator San Buenaventura, Honorable Vice Chair Aquino and Honorable Committee,

I am a nationally board certified, licensed Acupuncture Practitioner (LAc) in Hawaii and New York and active member of the Hawaii Acupuncture Association. I also sit on the Board of Commissioners for the NCCAOM, the National Certification Commission for Acupuncture and Oriental Medicine. I reside in Honolulu and practice acupuncture medicine at the Queen's Medical Center.

I have been practicing acupuncture since 2004, focusing my efforts on the integration of western and eastern medicine within hospitals and research institutions. I have worked side by side with institutions such as the Queen's Medical Center, UH Cancer Research, MD Anderson, Susan G Komen Hawaii and Memorial Sloan Kettering. Working with academic and medical institutions requires stringent safety and credentialing standards, and is key to advancing healthcare integration - which is why I am writing this testimony in SUPPORT of: SB845.

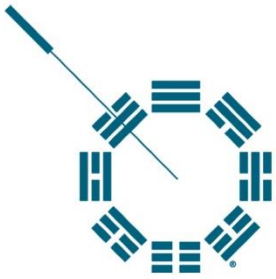
Regulated medical professions require safety of the public and access to care to be of primary importance. Acupuncture medicine has been one of the fastest growing segments in American healthcare and with this the profession has seen standardization of education, national certifications, and the formation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

- Simplify and rename application for licensure to eliminate outdated requirements while implementing current national standards for education, 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. Reciprocity inclusive of applicants who have maintained licensure and certifications in other jurisdictions

Hawaii has a long history of its support for acupuncture medicine, as well as the highest per capita Acupuncture Practitioners of any state. I respectfully ask you to please support SB845.

Thank you for your time and consideration,

Dr. Jayne Tsuchiyama, D.Ac. DAOM, Dipl. OM (NCCAOM)



AMERICAN ACADEMY OF MEDICAL ACUPUNCTURE®

2512 Artesia Boulevard, Suite 200
Redondo Beach, California 90278
310.379.8261 VOICE • 310.379.8283 FAX

10 February 2023

Hawaii Senate Committee on Health & Human Services
The Honorable Joy San Buenaventura, Chair
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: SB845

Position: OPPOSE

Dear Senator San Buenaventura and HHS Committee Members,

We are members of the Legislative Committee of the American Academy of Medical Acupuncture (AAMA), an organization of medical and osteopathic physicians (MDs and DOs) who have incorporated acupuncture into our medical practices. We are writing to share information regarding **SB845** which makes updates to Chapter 436E of the Hawaii Revised Statutes regulating acupuncture practitioners.

First, it is of continuing concern that HRS sec. 436E-3.5 prohibits physicians and osteopaths from performing acupuncture unless they are also licensed acupuncturists (LAcS). There is in Hawaii, as in the United States in general, a shortage of health care services, including acupuncture. The effect of sec. 436E-3.5 is to exacerbate this shortage by prohibiting medical acupuncture services (i.e., acupuncture treatments provided by physicians) to the people of Hawaii. The basis for this legislative position is 30 years old and no longer supported by the facts surrounding the contemporary practice of medical acupuncture. The medical boards in 48 states and the District of Columbia accept acupuncture as falling within the physician's scope of practice or with the qualification of completion of an approved training program. Only Hawaii and New Mexico insist upon excluding physicians from practicing acupuncture.

Section 5 of SB845 states that only licensed acupuncturists and doctors of acupuncture may engage in "acupuncture," "acupuncture medicine," and "advanced acupuncture medicine." The exclusion of all other health care providers from the described scope of practice is problematic and runs contrary to public policy which favors maximal accessibility of health care services for the public. The American College of Physicians recommends acupuncture as a nonpharmacologic treatment for low back pain.¹ The Centers for Medicare & Medicaid Services covers acupuncture for chronic low back pain.² And in the new CDC guidelines for

prescribing opioids, Recommendation 2 states that clinicians should maximize nonpharmacologic approaches to help manage chronic pain including acupuncture for fibromyalgia and low back and neck pain.³ Physicians on the mainland are able to provide these treatments for their patients, including those on Medicare, while physicians in Hawaii are forbidden to do so.

The legislative history of sec. 463E-3.5 is instructive. “In 1985, the Legislature enacted HRS section 436E-4, which exempted physicians from the jurisdiction of the [Board of Acupuncture].” *HI Att. Gen. Op. No. 03-05 (2003)*, p. 2.⁴ In 1989 “the Legislature enacted HRS section 436E-3.5, which continued to allow physicians to be certified by their respective boards... to practice acupuncture... pursuant to rules adopted jointly by the [Boards of Acupuncture, Medicine, and Osteopathy].” *Id.* The Boards of Medicine and Osteopathy were instructed to collaborate with the Board of Acupuncture to develop rules for certification of physicians, but the “consultation among the three boards” did not materialize. As a result, in 1993, the Legislature withdrew the physicians’ exemption. *Id.*, p. 3.

American physicians have accumulated a great deal of experience with medical acupuncture over the past three decades. There is now no reason that the Hawaii licensing boards cannot formulate a simple and workable set of rules to enable the return of medical acupuncture practice to physicians after 30 years of prohibition.

We propose that in SB845 the Legislature strike the language of sec. 436E-3.5 and replace it with the language of the 1989 statute, to wit:

Certification. Persons licensed under Chapters 453 and 460 who desire to practice acupuncture may, in lieu of licensure under this chapter, be certified by their respective boards as qualified to practice acupuncture in accordance with rules to be adopted jointly by the Board of Acupuncture and the Medical Board in accordance with Chapter 436B. The rules shall contain the certification procedure, criteria for certification, and the power of the respective boards to remove the certification for cause. The Hawaii Boards of Medicine and Acupuncture shall jointly adopt such rules no later than December 31, 2024.

The two professional licensing boards are already empowered to monitor scope of practice, form fact-finding committees to make recommendations, and adopt new rules. *HRS sec. 436B-7*. Such an effort by the two licensing boards will serve to improve the provision of health care to Hawaii residents and to promote mutual understanding and cooperation among the health care professions.

Second, the trend in health care toward the increasing use of evidence-based medicine, which is referenced in SB845, is thwarted by the prohibition of medical acupuncture. The definition of “acupuncture medicine” in Section 4 of SB845 is “the evidence-based medicine rooted in traditional theories and practices, integrated with modern biomedical theories and practices.” It is important to note that

there are other schools of acupuncture in addition to that taught in Traditional Chinese Medicine. One of these is Neuroanatomical Acupuncture based upon the principles of neuroanatomy, neurophysiology, and pathophysiology.⁵ For further information, see Exploring the Science of Acupuncture, C. Caruso, Harvard Medical School News & Research, Nov. 1, 2021. <https://hms.harvard.edu/news/exploring-science-acupuncture>.

Medical acupuncture courses for North American physicians include techniques which are based upon scientific research and form the foundation for evidence-based medical practice. As such, medical acupuncture theory and training extend beyond the narrower confines of traditional Asian medicine and acupuncture. Physician acupuncturists, with our years of medical education and training, are certainly competent to deliver this safe and effective therapy. If it would be helpful, we can provide you with additional information on how acupuncture works based on the scientific research.

If you would like to learn more about medical acupuncture, we would be happy to connect you with our Hawaii physician members. We believe that their perspectives will be of value as you consider health care initiatives for your residents.

Respectfully,
Donna Pittman, MD FAAMA
Legislative Committee
aama.pittman@gmail.com

Gavin Elliott, MD FAAMA
Legislative Committee

James Bromberg, MD MPH JD
Legislative Committee

References (5):

¹ Qaseem A, Wilt TJ, McLean RM, Forcica MA; Clinical Guidelines Committee of the American College of Physicians. Noninvasive treatments for acute, subacute, and chronic low back pain: a clinical practice guideline from the American College of Physicians. *Ann Intern Med* 2017;166:514–30. <https://pubmed.ncbi.nlm.nih.gov/28192789/>

² Centers for Medicare & Medicaid Services, Medicare Coverage Database, Acupuncture for Chronic Low Back Pain (cLBP). <https://www.cms.gov/medicare-coverage-database/view/ncd.aspx?NCDId=373>

³ CDC Clinical Practice Guideline for Prescribing Opioids for Pain – United States, 2022. <https://www.cdc.gov/mmwr/volumes/71/rr/rr7103a1.htm>

⁴ Hawaii Attorney General Op. No. 03-05 (August 2003).
<http://ag.hawaii.gov/wp-content/uploads/2013/01/03-05.pdf>

⁵ Wong, Joseph. A Manual of Neuro-Anatomical Acupuncture, Volume 1: Musculo-Skeletal Disorders. Toronto, 1999.

SB-845

Submitted on: 2/12/2023 8:26:47 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------------------------------------------------|---------------------------|-------------------|
| michelle I russo | Testifying for institute of Acupuncture and Oriental Medicine | Oppose | Remotely Via Zoom |

Comments:

As a student who must take board exams to practice acupuncture in the state of Hawaii, I do not support section 436E on reciprocity of bill SB845. Every practioner who wishes to practice acupuncture in Hawaii needs to be held to the same standard. Quality control needs to be maintained through standardized testing for all practioners.

Mahalo Michelle Russo



Lifestyle
Medical Center

Medical Director: Elizabeth Chen Christenson, MD. LAc

To: The Honorable Senate/Hawaii State Legislature
Committee on Health, Human Services and Homelessness
RE: Opposition Testimony for Acupuncture Bill (SB845)
Hearing: February 13, 2023

It is both an honor and a challenge to present this opposition testimony to the legislature. My position on SB845 regarding the future status of acupuncture in Hawaii comes from a deeply dedicated medical experience spanning 45+ years in Taiwan, Italy, China and the US. As a board certified physician, a licensed acupuncturist and a certified medical acupuncturist, I can address personally and professionally the unique standards of education and clinical requirements of both eastern and western medical systems. I am deeply concerned this bill fails to do justice to acupuncture's respected position in the Hawaiian healthcare system and request the legislature table the bill until such time as these concerns are discussed, reviewed and revised by those directly involved with the medical community.

I am a member of the American Medical Association, Hawaii Medical Association, American Academy of Medical Acupuncture, Hawaii Acupuncture Medicine Association, and AcuPlan Hawaii. In addition, I graduated from the Institute of Clinical Acupuncture and Oriental Medicine and am an Associate Clinical Professor with John A. Burns School of Medicine, Univ. of HI. I hold great respect for all of these organizations and understand the valid concerns on both sides of the aisle. While there is clear merit in advancing the status of acupuncture in Hawaii, I am compelled to submit this opposition testimony based on several concerns regarding the clarity of the bill's concepts and semantics, including, but not limited to:

- **Broad-based use of terminology** related directly to allopathic medicine, yet, loosely translated to acupuncture without definitive clarification
- **Non-delineation of specific diagnostics, biomedical training, advanced acupuncture techniques, etc...**
- **Lack of transparency of terms for public health and dilution of integrity of both the systems of TCM (Traditional Chinese Medicine) and western medical practices**
- **Violations of existing federal and state laws and statutes defining the practice of medicine**

Acupuncture is a branch of TCM, not the entire medical system. To be recognized as an official doctor of TCM requires extensive training in a multi-faceted educational program. Training in allopathic medicine is equally an intense educational investment of many years with diverse advanced curricula. To compare the training of these two systems is inequitable. One cannot be defined in terms of the other. However, to redefine acupuncture as "acupuncture medicine" or "advanced acupuncture medicine" in a western medical system would require redefining medicine in the US on both federal and state levels. This means, the legislature would be required to rewrite the existing statutes on medicine in Hawaii before ruling on this bill which violates several areas of accepted statutory rulings.

Hawaii Revised Statute: §453-2 License required; exceptions. (a) Except as otherwise provided by law, no person shall practice medicine or surgery in the State, either gratuitously or for pay, or offer to practice medicine or surgery in the State, or advertise or announce one's self, either publicly or privately, as prepared or qualified to practice medicine or surgery in the State, or append the letters "Dr.", "M.D.", or "D.O." to one's name with the intent to imply that the person is a practitioner of medicine or surgery, without having a valid unrevoked license or a limited and temporary license obtained from the board of medical examiners.

Acupuncture, TCM, Oriental Medicine or Eastern Medicine are not named in the Hawaii Revised Statute, nor do they appear in the federal statutes on medicine. This bill poses both medical and legal challenges that are unfair to present to the legislature without addressing their ramifications and finding a reasonable course of action to resolve them.

The legendary symbol in TCM of the Yin/Yang represents the sun and the moon within the same sky; the night and the day, a balanced duality in nature. They remain infinitely connected but unique unto themselves. The systems of TCM and allopathy remain distinctly different in their ideologies and technologies, including the more personalized approach to the individual in TCM as compared to the disease/treatment approach favored in allopathy. They are connected in a common quest for ultimate health and healing, yet, as different as night and day. They have much to learn from each other.

In November, 2022, in an effort to generate a collective voice to review and revise this bill before presentation, I contacted several key members of the acupuncture and medical community and suggested a series of meetings to bring everyone to the same table to discuss options regarding the bill. We had an introductory meeting, but no effective discussion of the bill. Similarly to 1989, when the legislature instructed the boards of Acupuncture, Medical and Osteopathy to come together and decide on the rulings of how physicians could practice acupuncture in Hawaii, those meetings did not come to fruition.

We stand at a pivotal cross-roads of elevating and integrating the principles and practices of acupuncture in alliance with western medicine. Each must preserve their integrity and autonomy while furthering the future of healthcare in Hawaii by respecting their individual domains and exchanging vital knowledge and applications. I am actively engaged in the proposal of a credentialed TCM program being offered within a conventional medical school curriculum. We have an exciting journey ahead. This bill, as it stands, may stand in the way of that progress.

It is often said that much is lost in translation. Being fluent in three languages, including Chinese, I know how intricate these translations can be. Translating TCM and acupuncture into western medical terms would be a travesty to both of these exemplary systems. I urge the legislators to consider that it is time to table this bill and instruct those directly involved on both sides of the aisle in acupuncture and western medicine to come to the collective table. This conference of authorizes is where the wisdom of TCM and acupuncture can join forces with 21st century medical technology, creating a truly renaissance healthcare collaboration for Hawaii.

Sincerely,

Elizabeth Chen Christenson, MD, LAc



**Senate Committee on Health and Human Services
Honorable Chair Senator Joy San Buenaventura
Honorable Vice Chair Senator Henry Aquino**

Monday February 13, 2023 at 1:00 p.m.

Jeffrey A Tice, DACM, DAc
Longevity Health Center
2045 Main St
Wailuku, HI 96793
T (808) 242-8844
F (808) 244-7414
jeff@longevityhealthmaui.com
LongevityHealthMaui.com

Testimony in SUPPORT of SB 845

To the Honorable Chair San Buenaventura, Vice Chair Aquino, 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 Medicine Association.

I fully support SB 845 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 845.



The complete practice of TCM/OM includes whole patient care including musculoskeletal conditions as well as mental and internal medical health. SB 845 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.

Jeffrey A Tice, DACM, DAc
Longevity Health Center
2045 Main St
Wailuku, HI 96793
T (808) 242-8844
F (808) 244-7414
jeff@longevityhealthmaui.com
LongevityHealthMaui.com

Thank you for the opportunity to testify in support of SB 845.

Jeffrey A Tice, DACM, DAc



Hawaii Medical Association

1360 South Beretania Street, Suite 200 • Honolulu, Hawaii 96814
Phone: 808.536.7702 • Fax: 808.528.2376 • hawaiimedicalassociation.org

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Senator Joy A San Buenaventura, Chair

Senator Henry JC Aquino, Vice Chair

Date: February 13, 2023

From: Hawaii Medical Association

Beth England MD, Vice Chair, HMA Public Policy Committee

Re: SB 845 Relating to Acupuncture

Position: COMMENTS

This measure updates chapter 436E Hawai'i Revised Statutes, regarding acupuncture practitioners, to reflect modernized scopes of practice, titles, licensing, and renewal requirements.

The HMA appreciates the intent of this bill to update the existing state laws and would like to call attention to issues of terminology, training, and consumer protection and safety raised by the proposed comprehensive update, as follows:

1. "Doctor": While individuals in diverse fields of intellectual education may hold the title of "doctor" by fulfilling education, training, and certification requirements specific to their fields of study, only Doctors of Medicine (MD) and Doctors of Osteopathic Medicine (DO) are recognized as physicians. For instance, a PhD Botanist is not recognized as a physician.

It is important that the public be able to distinguish MDs and DOs from the many other health care providers who are also addressed as doctors.

2. Licensure: Hawaii physicians are not exempt from acupuncture licensing laws in Hawaii. Given the evolution of the modern physician's scope of practice, an alternate pathway to licensure may be considered.

RECOMMENDATIONS

HMA respectfully offers the following changes:

2023 Hawaii Medical Association Officers

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

2023 Hawaii Medical Association Public Policy Coordination Team

Elizabeth Ann Ignacio, MD, Chair • Beth England, MD, Co-Chair
Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director

1. The eight (8) new definitions added in section 4 of 436E are helpful for clarity. We recommend editing sections 5 and beyond for consistency replacing all “doctor” language with “practitioner” and/or add “(D.Ac) behind all references to “doctor”.
2. Add language addressing a potential pathway for physician licensure in acupuncture, in alignment with present CMS guidelines.

Eastern and Western medicinal techniques have an important intersection with acupuncture that both heals and furthers the health and well-being of our citizens. HMA appreciates these efforts to update laws with clarifying language for the regulation and control of acupuncture practice and licensing. As acupuncture continues to grow, HMA looks forward to further collaboration with acupuncture practitioners in Hawaii.

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

REFERENCES AND QUICK LINKS

[Definition and Use of the Term Physician H-405.951](#). American Medical Association AMA-assn.org. 2019.

[Acupuncture H - 270.974](#). American Medical Association AMA-assn.org. 2019.

[Acupuncture](#). Medicare.gov.

2023 Hawaii Medical Association Officers

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

2023 Hawaii Medical Association Public Policy Coordination Team

Elizabeth Ann Ignacio, MD, Chair • Beth England, MD, Co-Chair
Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director

Dr. Joni Kroll, DAc, LAc
acujoni@yahoo.com

February 10, 2023

**Hawaii State Legislature
Committee on Health and Human Services**

SB845: SUPPORT

Hearing Date Monday, February 13, 2023 1:00p,

Dear Honorable Chair Senator San Buenaventura, Vice Chair Senator Aquino and Members of the Committee,

I have been a licensed acupuncturist in Hawaii for 34 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 seven years on the Board of Acupuncture, serving as the Chair for the past three years.

I am in full support of SB845 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 plus years.

I 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.

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

Dipl Acup (NCCAOM)
Dipl Acup Orthopedics (NBAO)
Chair, State of Hawaii Board of Acupuncture

February 12, 2023

The Honorable Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair
Senate Committee on Health and Human Services

Re: SB 845 - Relating to Acupuncture – In Support

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Health and Human Service Committees:

As a licensed Acupuncture Practitioner (LAc) and active member of the Hawaii Acupuncture Medicine Association. I strongly support this measure as it updates the present Statutes relating to Acupuncture. This measure will facilitate the standardization of education, national certifications, and acknowledges Master and Doctorate degrees.

I have been a licensed acupuncturist since 1999. This measure will accommodate myself and other “Legacy” practitioners with exemptions, enabling us to continue to treat our patients. Changes in the license requirements, particularly the addition of a continuing education component will ensure that our community receives the “standard of care” treatment and provides for additional patient safety measures. I am willing to comply with the proposed license requirements as defined in the measure as it will benefit the profession and the community.

Hawaii has had a long history of acupuncture utilization and has lagged in the recent national and world-wide trend to recognize its patient health benefits when used in conjunction with mainstream medical services. This measure will establish acupuncture as a viable Integrated Health alternative and assist in elevating the profession to that level.

Thank you for the opportunity to testify on this measure.

Sincerely,

Cindy M. Chang
(LAc)

Health and Human Services Committee
Chair Senator Joy San Buenaventura
Vice Chair Senator Henry Aquino

[Email or contact #]

Hearing Date:
Time:

Via Videoconference/online testimony

Position on SB 845: SUPPORT

Dear Honorable Chair Senator San Buenaventura, Honorable Vice Chair Aquino
and Honorable Committee,

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

I reside [in _____] and practice acupuncture medicine [in _____]. I am writing this
testimony in SUPPORT of SB 845.

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 standard and care for the citizens of Hawaii. I respectfully ask you to please support this SB 845.

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

Respectfully,

[SIGN< PUT YOUR NAME HERE]

Health and Human Services Committee
Chair Senator Joy San Buenaventura
Vice Chair Senator Henry Aquino

Otab83@gmail.com

Hearing Date: February 13, 2023
Time: 1:00 pm

Via Videoconference/online testimony

Position on SB 845: SUPPORT

Dear Honorable Chair Senator San Buenaventura, Honorable Vice Chair Aquino
and Honorable Committee,

I am a licensed Doctor of Acupuncture and Chinese Medicine and an active member of the
Hawaii Acupuncture Medicine Association.

I reside on the Kohala Coast of Hawaii, practicing acupuncture medicine in Hawaii. I am writing
this testimony in SUPPORT of SB 845.

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 standard and care for the citizens of Hawaii. I respectfully ask you to please support this SB 845.

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

Respectfully,

Barbara Ota, DACM, DAc

SB-845

Submitted on: 2/10/2023 3:11:10 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Deborah McMenemy | Individual | Support | Written Testimony Only |

Comments:

Health and Human Services Committee

Chair Senator Joy San Buenaventura

Vice Chair Senator Henry Aquino

burma87@gmail.com

Hearing Date: 2/13/2023

Time: 1:00p

Via Videoconference/online testimony

Position on SB 845: SUPPORT

Dear Honorable Chair Senator San Buenaventura, Honorable Vice Chair Aquino and Honorable Committee,

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

I reside Wailuku, Hawaii, Maui and practice acupuncture medicine at Wailuku Community Acupuncture. I am writing this testimony in SUPPORT of SB 845.

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 standard and care for the citizens of Hawaii. I respectfully ask you to please support this SB 845.

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

Respectfully,

--Dr. Deborah J. McMenemy, D.Ac., DAOM

SB-845

Submitted on: 2/10/2023 4:42:25 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Brenda Jackson | Individual | Support | Written Testimony Only |

Comments:

I completely support the standardization of education and licensure for acupuncturists in the state of Hawaii. It will ensure that our people are able to receive safe and effective acupuncture care. Thank you in advance for supporting this bill.

Health and Human Services Committee
Chair Senator Joy San Buenaventura
Vice Chair Senator Henry Aquino

Zenyokai@gmail.com

Hearing Date: Monday, Feb 13th, 2023

Time: 1:00 PM

Via Videoconference/online testimony

Position on SB 845: SUPPORT

Dear Honorable Chair Senator San Buenaventura, Honorable Vice Chair Aquino
and Honorable Committee,

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

I reside in Hawaii and practice acupuncture medicine Honolulu.

I am writing this testimony in SUPPORT of SB 845.

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.

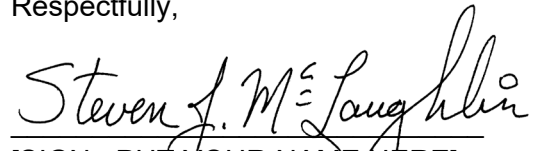
Below are the highlights that I find important:

- 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 standard and care for the citizens of Hawaii. I respectfully ask you to please support this SB 845.

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

Respectfully,


[SIGN< PUT YOUR NAME HERE]

SB-845

Submitted on: 2/11/2023 6:58:08 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Ruthie Moss | Individual | Support | Written Testimony Only |

Comments:

Hi,

As an acupuncturist, I strongly supports this bill. I am especially excited with the requirement of 30 hours of continuing education every 2 year, for maintaining our license. This is the current national standard (NCCAOM) and will allow our island acupuncture community to maintain professional standards and engage with the larger acupuncture community.

Thank you,

Ruthie Moss L.Ac

SB-845

Submitted on: 2/11/2023 7:59:18 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Lynn Allen | Individual | Support | Written Testimony Only |

Comments:

Position on SB 845: SUPPORT

Dear Honorable Chair Senator San Buenaventura, Honorable Vice Chair Aquino
and Honorable Committee,

I am writing this testimony in SUPPORT of SB 845.

I am a licensed Acupuncture Practitioner (LAc), practice acupuncture on Maui, and active member of the Hawai'i Acupuncture Medicine Association.

Regulated medical professions require safety of the public and access to care to be of primary importance and with time likely need updating. Acupuncture medicine, one of the fastest growing segments in American healthcare, has seen standardization of education, national certifications, and the formation of both Master and Doctoral degrees. Hawai'i's existing statute, which hasn't been updated in over 20 years, needs similar updating to keep in line with the aforementioned standardizations. This will ensure that Acupuncture medicine will continue to serve Hawai'i's community members with a Scope of Practice in line with the state of Acupuncture medicine and improve 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 Hawai'i.

It is time for Hawai'i, with its long history of acupuncture, along with the highest per capita Acupuncture Practitioners of any state, to integrate the profession into Hawai'i's healthcare delivery system with highest standard and care for the citizens of Hawai'i. I respectfully ask you to please support this SB 845.

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

Respectfully,

Lynn Allen, L.Ac.

SB-845

Submitted on: 2/11/2023 9:42:46 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Michael McMenemy | Individual | Support | Written Testimony Only |

Comments:

Health and Human Services Committee

Chair Senator Joy San Buenaventura

Vice Chair Senator Henry Aquino

burma1950@gmail.com

Hearing Date: 2/13/2023

Time: 1pm

Via Videoconference/online testimony

Position on SB 845: SUPPORT

Dear Honorable Chair Senator San Buenaventura, Honorable Vice Chair Aquino
and Honorable Committee,

I am a private citizen who receives acupuncture regularly.

I reside on Maui and am a project manager in the construction industry. I am writing this testimony in SUPPORT of SB 845.

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 standard and care for the citizens of Hawaii. I respectfully ask you to please support this SB 845.

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

Respectfully,

--Michael C. McMenemy

SB-845

Submitted on: 2/11/2023 12:27:38 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Susan Neyens | Individual | Support | Written Testimony Only |

Comments:

I fully support SB 845. As best practices evolve, it is very important for any medical practioner to stay up to date and be licensed so as to be able to give the best care for his/her patients.

Thank you for your consideration.

Susan Neyens

SB-845

Submitted on: 2/11/2023 2:30:26 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Kabba Anand | Individual | Support | Written Testimony Only |

Comments:

Health and Human Services Committee

Chair Senator Joy SaI Buenaventura

Vice Chair Senator Henry Aquino

February 11, 2023

RE: **SB 845**, Relating to Acupuncture

Aloha Honorable Chair Senator San Buenaventura, Honorable Vice Chair Aquino

and Honorable Health & Human Services Committee,

I have been a licensed acupuncturist in Hawaii since 1987, am past President of Hawaii Acupuncture Association and past Chair of National Certification Commission for Acupuncture and Oriental Medicine. I reside in Maui County and practice acupuncture primarily in Makawao.

I am writing this testimony in **SUPPORT** of **SB 845**, because **SB 845** revises and updates the law in order to maintain the highest level of professionalism, and insure public safety. This, one might argue, is long overdue.

Specifically, it updates the application process for licensure in Hawaii, and adopts national standards of education, inclusive of recognized continuing education standards. It also updates medical terminology, educational standards, and clarifies previously unaddressed issues, such as reciprocity for applicants licensed in other states.

I respectfully ask you to please review and support **SB 845**, in order that we might continue to provide the best quality health care in Hawaii. Wishing you all the best in health.

Respectfully,

Kabba Anand, D.Ac., L.Ac.

Ohana-Hale Acupuncture, Inc.

81 Makawao Ave, #112

Makawao, HI. 96768

(808) 572-9862

Health and Human Services Committee
Chair Senator Joy San Buenaventura
Vice Chair Senator Henry Aquino

kayamele@gmail.com

Hearing Date: February 13th, 2023

Time: 1:00 PM

Via online testimony

Position on SB 845: SUPPORT

Dear Honorable Chair Senator Joy San Buenaventura, Honorable Vice Chair Aquino and Honorable Committee,

I am currently an intern at ICAOM pursuing my license as an acupuncturist and an active member of the Hawaii Acupuncture Medicine Association. I reside in Hawaii, on the Big Island, and I am currently an intern at the Waimea ICAOM Student Clinic. I am writing this testimony in SUPPORT of SB 845.

Regulated medical professions require the 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 this profession has seen standardization of education, national certifications, and the formation of both Master's 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:

1. Simplify and rename the application for licensure to eliminate outdated requirements while implementing current national standards for education, national board certification, and continuing education requirements for license renewal.
2. Legacy exemptions are defined.
3. 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.
4. Expand and clarify upon the concepts of the two licensing designations: LAc, DAc. in line with national trends.
5. 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 SB 845.

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

Respectfully,

Rebecca Azar

SB-845

Submitted on: 2/11/2023 10:08:27 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------------|---------------------|---------------------------|---------------------------|
| Elisha Sirena Zeitler | Individual | Support | Written Testimony Only |

Comments:

I am in support of this bill, I just ask you remove the part in Section 2, HRS436E-C Reciprocity. This is unfair to our profession and to protect our standards this portion of the bill should be removed. Thank you!

SB-845

Submitted on: 2/12/2023 9:02:33 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Elizabeth Friebe | Individual | Support | Written Testimony Only |

Comments:

I support this Bill, however I think it is paramount to the safety of our citizens of Hawaii that the ENTIRE SECTION, Section 2, HRS 436E-C Reciprocity. be DELETED.

Thank you for the opportunity to testify on this measure.

SB-845

Submitted on: 2/12/2023 11:10:00 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Rhiannon Hsu | Individual | Support | Written Testimony Only |

Comments:

I am a student of the Institute of Clinical Acupuncture and Oriental Medicine (ICAOM).
I support the bill but have reservations concerning HRS 436-E Section 2 "Reciprocity" and
recommend deleting this section to protect the health and safety consumers.



Dr. Liberata J. Orallo

DACM, Dipl. Ac (NCCAOM) DAc, LMT
444 Nahua Street Suite 1805 Honolulu, Hawaii 96815
ljorallo@gmail.com (808) 429-4000
Hawaii License Acu 666 NPI 1003406059

Senate Committee on Health and Human Services

February 13, 2023

Monday, 1:00 p.m. Conference Room 225 & Videoconference
(Written Testimony)

Testimony in Support of SB 845

Relating to Acupuncture

To the Honorable Chair, Senator Joy A. San Buenaventura and The Honorable Vice Chair, Senator Henry J.C. Aquino and Members of the Senate Health and Human Services Committee:

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 Medicine Association (HAMA).

I stand in support of SB 845 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 as set forth by the nationally accredited commissions, but also to designate licensing requirements to be in line with national trends and implement continuing education for biennium 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.

The Hawaii Acupuncture Medicine Association (HAMA) in collaboration with the Hawaii State Board of Acupuncture (BOA) have worked tirelessly to clarify those parameters in the statutes.

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 SB 845.

Thank you for the opportunity to testify on this measure.

SB-845

Submitted on: 2/12/2023 9:13:12 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Meghane Hernandez | Individual | Support | Written Testimony Only |

Comments:

Please reconsider Section 2 HRS 436e-c to require out of state license holders to be tested to hold a license to practice in the state of Hawaii.

SB-845

Submitted on: 2/12/2023 11:10:12 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Christine Leonard | Individual | Support | Written Testimony Only |

Comments:

I am in support of SB 845 with the following comprehensive update to the Bill:

delete section 2, HRS 436E-C Reciprocity.

This section is a redundancy, since all applicants must be treated as initial licenses as stated in Section 2 HRS 436E-A of the bill.

The Hawaii State Board of Acupuncture already has Rules and Regulations in place concerning new applicants.

Testimony for Bill #SB845

Denice Murphy, LAc, Dipl.Ac, MSOM
Kailua Kona, Hawaii
denicemurphy@mac.com
808-937-8008

Position on Bill #HB641 IN SUPPORT

Dear Honorable Chair Senator San Buenaventura and Honorable Vice Chair Senator Aquino,
and Honorable Committee Members,

I urge you to support this updated scope of practice for Acupuncture in the state of Hawaii.

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

Respectfully,

Denice Murphy, LAc, Dipl.Ac, MSOM

SB-845

Submitted on: 2/12/2023 12:46:07 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Jennifer | Individual | Support | Written Testimony Only |

Comments:

Dear Honorable Chair, Joy A. San Buenaventura and the Honorable Vice Chair, Henry J.C. Aquino,

My name is Jennifer Louie, Licensed Intern, student of Traditional Chinese Acupuncture and Oriental Medicine am testifying as an individual.

I am writing to support the bill: SB 845 that would update chapter 436E. Although I am in support for this bill, I would like to express my reservations concerning HRS 436-E Section 2 "S436E-C Reciprocity" and HRS 436-E Section 5 "S436E-3 License or Permit Required".

Recommendations:

I would recommend in the deletion of the new Section 2, HRS 436E-C Reciprocity. To protect Hawaii state residents and visitors who receive services from a Licensed Acupuncturist. The Licensed Acupuncturist should be required to have passed the minimum required National Board exams as required by the State of Hawaii of all Hawaii Licensed Acupuncturists.

I would additionally recommend in the new Section 5 "S436E-3 License or permit required" to require a Licensed Intern permit to be supervised by a "Licensed Acupuncturist" for gratuitous or pay. To support our students in widening their experiences for a well-rounded education.

Thank you for your consideration,

Jennifer Louie, Licensed Intern of Acupuncture

SB-845

Submitted on: 2/11/2023 1:00:43 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| Keiko Kajiwara | Individual | Oppose | Written Testimony Only |

Comments:

Dear Legislators,

I as a consumer of acupuncture treatment for more than 20 years never had issues with practice of Hawaii licensed acupuncturists, nor heard any complaints in the community. Therefore, I oppose this bill especially the part of requiring continuing education credits from licensed acupuncturists. It may put unnecessary financial burdens on many acupuncturists, already affected by high living-cost of Hawaii. They may be discouraged or quit their practices, resulting in **less accessibility to acupuncture for people of Hawaii.**

Other issues are the introduced languages, "acupuncture medicine" and "acupuncture medicine doctor". They may **confuse the public**, mistakenly identifying acupuncturists as physicians, M.D. I don't understand why these additions are necessary while the original titles, "licensed acupuncturist" (L.Ac.) and "licensed doctor of acupuncture" (D.Ac.), so efficiently serve the public.

Lastly, I as a therapist in mental health field believe the added definition of acupuncture as a treatment of "mental, or emotional disease" needs to be very carefully examined. As far as I know, professional study or training in psychology, psychiatry, or neurology is not required from acupuncturists.

For all above reasons, I strongly oppose this bill. Mahalo.

SB-845

Submitted on: 2/11/2023 7:11:49 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Daleth R Pyzel | Individual | Oppose | Written Testimony Only |

Comments:

This Bill is okay with the section about reciprocity. This section hurts residents in Hawaii by making more qualified acupuncturists compete with mainland people who have not as much experience or education. Please omit that section of the bill.

SB-845

Submitted on: 2/11/2023 8:51:14 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Koji Kajiwara | Individual | Oppose | Written Testimony Only |

Comments:

Dear Legislators,

I am a licensed acupuncturist in Hawaii, I strongly oppose the bill SB845 because I believe that this bill confuse and mislead the PUBLIC.

In SECTION 3. section 436E-1, it says "Acupuncture medicine is an evidence-based medicine"

However, In SECTION 4. section 436E-2 1. says "Acupuncture means the integrative examination, evaluation, diagnosis, prevention, and treatment of a physical, **mental, or emotional disease** in the patient by stimulating tissue by puncturing with a needle" This statement is NOT evidence-based at all. Acupuncture school does not offer any program or training to treat "mental or emotional disease. There is no evidence or database or study to successfully treated the mental or emotional disease by acupuncture. In addition, Licensed Acupuncturists in the state of Hawaii does not have appropriate training to exam, evaluate or treat the patient who has mental or emotional disease. **This is really confuse and mislead the public and put both patient and practitioner in danger.**

Also, "Acupuncture medicine doctor" is not appropriate word which confuse and mislead the public. Licensed acupuncturist,L.Ac. & Licensed doctor of acupuncture, D.Ac. serve well enough.

Therefore, I strongly oppose the bill SB845.

Thank you.

SB-845

Submitted on: 2/11/2023 9:05:47 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| Hiroe Nguyen | Individual | Oppose | Written Testimony Only |

Comments:

Dear Legislators,

I am going to write my comments as a broadcaster in Hawaii and one of paciant.

I oppose the bill SB845 because this bill confuse and mislead the PUBLIC.

In SECTION 4. section 436E-2 1. says "Acupuncture means the integrative examination, evaluation, diagnosis, prevention, and treatment of a physical, mental, or emotional disease in the patient by stimulating tissue by puncturing with a needle"

I think This statement is NOT evidence-based at all.

For example, Hawaii Acupuncture school does not offer any program or training to treat "mental or emotional disease. There is no evidence or database or study to successfully treated the mental or emotional disease by acupuncture.

That's why I oppose the bill SB845.

Thank you.

Edward B. Christenson, MD, Dipl. ABA

To the Hon. Hawaii Legislative Members of the Health Committee
 RE: Opposition Commentary for proposed Acupuncture Bill **S.B. 845**

Date: February 12, 2023

I am an active member of the medical community of Hawaii for over 19 years, in addition to being a member of the American Medical Association (AMA), Hawaii Medical Association (HMA), American Academy of Medical Acupuncture (AAMA), Adjunct Professor with John A. Burns School of Medicine (Univ. of HI) and a retired teacher of Biomedicine at the former World Medicine Institute, school of acupuncture. I submit the following opposition commentary in order to clarify my personal and professional responses to numerous issues of context and semantics in the proposed bill and offer insights that may be of value for the revision of a more strategically accurate document to benefit the practice of acupuncture and transparency in healthcare for Hawaiians.

1). Regarding acupuncture medicine is an evidence-based medicine stated on page 4 line 18 through page 5 line 8:

Page 4 **18** ~~“[f1436E-1[]-] Declaration of necessity for regulation and~~
19 ~~control. **The legislature hereby finds and declares that**~~
20 ~~acupuncture medicine is an evidence—based medicine rooted in~~
21 ~~traditional and modern modalities and that the practice of~~
 Page 5 **1** ~~acupuncture [is-a-theory-and-method-for] medicine includes~~
2 ~~examination, evaluation, diagnosis, and treatment of illness~~
3 ~~and disability and for strengthening and invigorating the body~~
4 ~~and as such affects the patient, therefore requiring regulation~~
5 ~~and control as an essential service for public health, safety,~~
6 ~~and welfare[, and therefore, there is a necessity that~~
7 ~~individuals practicing acupuncture be subject to regulation and~~
8 ~~control].”~~

COMMENT: Replace “*acupuncture is evidence-based medicine.*” with “*acupuncture has increasing efficacy evidence for certain diseases.*” The legislature should **not** declare a controversial assertion “acupuncture is evidence-based” because the legislature is **not** a finder of scientific fact and promoting something as “evidence-based,” while it is still under investigation and not strongly evidence-based, would involve legislature unintentionally perpetrating a fraud on the general public and contrary to consumer protection.

In addition, page 13 line 5 - 6 it is stated that one can lose a license if:

5(2) *“The use of false, fraudulent, or deceptive advertising*
6 *and making untruthful and improbable statements;*

Calling acupuncture “evidence-based” will violate this section against false, fraudulent, or deceptive advertising.

Attached are articles pointing to the controversy. Many research papers found in the Cochrane review (A reputed reference standard of qualified clinical and medical studies) pointed to lack of evidence for various TCM (Traditional Chinese Medicine), including the practice of acupuncture modalities <https://www.cochranelibrary.com/search> (review 79 research articles under search topics of acupuncture and pain). Although there are numerous published papers in the literature with support evidence, many of those studies are of poor quality due to low patient number, biased selection and reporting, and lack of adequate control studies or insufficient study design. In many Cochrane reviews, it is stated that it is impossible to conclude that TCM is definitely an evidence-based medicine. Please see further articles in attached **Exhibit A**.

2). According to the amended Hawaii acupuncture law (section 436E-2):

Page 5 line 17 "Acupuncture" means the integrative examination,
 18 evaluation, diagnosis, prevention, and treatment of a physical,
 19 mental, or emotional disease in the patient by stimulating
 20 tissue by puncturing with a needle approved by the United States
 Page 6 1 Food and Drug Administration to various depths or utilizing
 2 other means to achieve a response.

COMMENT: This section contradicts the definition of practice of medicine because acupuncturists claim that they are treating **diseases** which is the practice of medicine as defined by Hawaii statute of practice medicine as a physician or an osteopathic physician. Refer to the definition of the practice of medicine: https://www.capitol.hawaii.gov/hrscurrent/Vol10_Ch0436-0474/HRS0453/HRS_0453-0001.htm

§453-1 Practice of medicine defined. *For the purposes of this chapter, the practice of medicine by a physician or an osteopathic physician includes the use of drugs and medicines; surgery; manual medicine; water; electricity; hypnotism; telehealth; the interpretation of tests, including primary diagnosis of pathology specimens, medical imaging, or any physical; osteopathic medicine; any means, method, or agent, either tangible or intangible, to diagnose, treat, prescribe for, palliate, or correct disease, or prevent any human disease, condition, ailment, pain, injury, deformity, illness, infirmity, defect, physical or mental condition in the human subject.*

Even though an acupuncturist may attend 4 years in an accredited acupuncture school, they lack adequate training in the Biomedical model of disease and therefore inadequately are trained to diagnose diseases / illnesses as defined in western medicine. The majority of times spent in acupuncture school are devoted to learning diagnosis and treating TCM syndromes and patterns, with minimum time dedicated to biomedical theory, diagnosis and treatment (for example: in Hawaii accredited acupuncture school ICAOM's Master Degree Program, Biomedicine: 615 hours; Grand Total: 3240 hours for the entire program, in which Biomedicine represents only 19% of the total hours required).

3). On page 6, line 6-8 and 14-19: regarding "Acupuncture medicine doctor".

6 "Acupuncture medicine doctor" means an acupuncture
 7 practitioner engaged in the practice of advanced acupuncture
 8 medicine.

COMMENT: This statement goes against the common understanding of what a physician is and what a physician is competent to treat, which is a grave misrepresentation to the general public. An acupuncturist is not entitled to refer to themselves as a “physician” or “medical doctor” if they do not possess an MD or DO license:

Refer to: <https://medicalacupuncture.org/>: *The American Academy of Medical Acupuncture is the professional organization of allopathic and osteopathic physicians (MDs and DOs) that advances the evidence-based integration of the practice of medicine and acupuncture to serve our patients. These physicians are trained in both modern medicine and acupuncture, giving them the ability to examine a problem, make a diagnosis, and offer treatment options from both modern medical and acupuncture perspectives. That means their patients get the best of both worlds: proven, ancient healing techniques and cutting-edge, modern medicine. See Exhibit B for detailed definition of physician.*

4). On page 6 line 20 through page 7 line 5:

Page 6 20 “Practice of acupuncture medicine” means the practice of
 21 acupuncture with adjunctive therapies, including but not limited
 Page 7 1 to manual, mechanical, electrical, light, sounds
 2 electromagnetic, thermal therapy, herbal and nutraceutical
 3 medicines, lifestyle and nutritional counseling, movement, and
 4 other traditional and modern techniques as further determined by
 5 rule.

COMMENT: Definition of the “*practice of acupuncture medicine*” is so broadly described that no one else can use any of the enumerated activities without committing a misdemeanor of practicing acupuncture without a license. This should change to “acupuncturists use both acupuncture and other commonly used allied healthcare modalities. Nothing in this law precludes other practitioners or lay persons from using these allied healthcare modalities.”

Acupuncturists cannot legally lay claim to or monopolize standard therapies used by other healthcare professionals thereby causing unintended consequences of illegalities and violations for other professionals to use such therapies in the execution of their own licensed professions. Examples include:

- a. Physical medicine and rehab doctors (physiatrists) would be prohibited using thermal therapy, i.e. they cannot put hot or cold pads on the patients.
- b. Physical therapists and pain medicine doctors would be prohibited from using electrical stimulation, including tens unit.
- c. Cardiac rehabilitation doctors, endocrinologists, and neurologists could not engage in lifestyle and nutritional counseling or movement therapy.
- d. Reputed cardiologist Dr. Dean Ornish’s lifestyle medicine (cardiac rehab program) could not offer the program, without risk of being accused of practicing acupuncture without a license.
- e. No first responders, including ER doctors, could use cardiac defibrillators because it is electrical stimulation.
- f. Endocrinologists could not recommend dietary programs for diabetic patients.
- g. Neurologists could not use nerve conduction studies with electrical stimulation.
- h. Dermatologists could not perform photocoagulation therapy or laser treatment of skin lesions because it is “light therapy”.

- i. General surgeons could not use laser to ablate tumors because it is “light therapy”.
- j. Ophthalmologists cannot use laser therapy for retinal diseases or Lasix because those are forms of light therapy.... Just to name a few.....

5). Furthermore, regarding instruction phases of acupuncture: page 13 line 19 through pg 14 line 6,

Page 13 **19 (b)** Any person who practices, treats, or instructs in any
20 phase of acupuncture medicine, or uses any word or title to
21 induce the belief that the person is engaged in the practice of
Page 14 **1** any type of acupuncture medicine, without a license or permit
2 issued by the board, shall be guilty of a misdemeanor and
3 subject to a fine of no less than \$1,000 for each day of
4 violation. The board may also seek all legal and equitable
5 remedies available to it for the enforcement of the provisions
6 of this chapter, including injunctive relief.’

COMMENT: First of all, line 20, nowhere in this law is phase of acupuncture medicine defined, therefore it is impossible what is prohibited as far as practice to treat and instruct. Specifically, regarding “**instructing** acupuncture”: This context means that no one can teach in medical school, nursing school, massage school, acupuncture school and other facilities without an acupuncture license if they are engaged in teaching the following subjects listed in page 6 line 20 through page 7 line 5 regarding *“Practice of acupuncture medicine including but not limited to manual, mechanical, electrical, light, sound, electromagnetic, thermal therapy, herbal and nutraceutical medicines, lifestyle and nutritional counseling, movement, and other traditional and modern techniques as further determined by rule.”*

A specific example would involve a neurologist prohibited from using needles approved by the FDA to perform a nerve conducting study nor he/she can teach about it without an acupuncture license.

6). Practice of acupuncture medicine: Page 5 line 17 through page 6 line 2, regarding acupuncture practice:

Page 5 **17** “Acupuncture” means the integrative examination,
18 evaluation, diagnosis, prevention, and treatment of a physical,
19 mental, or emotional disease in the patient by stimulating
20 tissue by puncturing with a needle approved by the United States
Page 6 **1** Food and Drug Administration to various depths or utilizing
2 other means to achieve a response.

COMMENT: This describes the practice of allopathic medicine, for example, a neurologist uses FDA approved needles to stimulate tissues to elicit a response during nerve conducting examinations under the authority of the board of medicine. They do not require an acupuncture license. This definition of practice of acupuncture medicine is encroaching on the definition of allopathic medicine, therefore practicing allopathic medicine should not require an acupuncture license.

7). Regarding page 7 line 2 regarding “herbal and nutraceutical medicines”:

“Practice of acupuncture medicine with adjunctive therapies includes but not limited to ...Herbal and nutraceutical medicine...”

COMMENT: Since herbal medicine is not a controlled profession and does not require a license, there is conflict according to this section stipulating that only licensed acupuncturists can practice herbal

medicine. This indicates that acupuncturists are attempting to monopolize unlicensed and unregulated herbal usages. See **Exhibit C** for detail.

Regarding nutraceutical medicine as part of practicing acupuncture and requiring a license to do so, refer to: **The Dietary Supplement Health and Education Act (DSHEA)** which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act) to create a new regulatory framework for dietary supplements. Under DSHEA, FDA does not have the authority to approve dietary supplements before they are marketed. (Oct 26, 2022) – see link below for details: <https://www.fda.gov/food/information-consumers-using-dietary-supplements/questions-and-answers-dietary-supplements>

In addition, the use and recommendation of supplements is not a regulated activity, and do not need any license to do so. This law is trying to monopolize recommendation of supplements.

8.) Regarding “physicians and osteopaths are not exempt”, requiring physicians to have an acupuncture license to practice acupuncture medicine.

Page 8 line 17, and page 13 lines 19 through page 14 lines 6:

- 17 *“436E-3.5 Physicians and osteopaths not exempt. Persons*
 18 *licensed under chapter 453 who desire to engage in the practice*
 19 *of acupuncture medicine shall be subject to licensing under this*
 20 *chapter.”*

COMMENT: MDs and DOs should have an alternate pathway for licensing to practice acupuncture that does not include the same pathway for non-physician acupuncturists because they have an extensive educational background involving specialized understanding of biomedicine, including, but not limited to, diagnosis and multimodality treatments.

Medical doctors and osteopaths should be licensed through their appropriate boards, however, if the acupuncture board wants to credential physicians, then they should apply commensurate rules in all other states for training and credentialing physician acupuncture practice, similar to 48 other states that do not require acupuncture license to practice acupuncture.

Respectfully submitted,

Edward B. Christenson, MD, Dipl. ABA

Addendums:**Exhibit A:**

Below is just an example of controversy of whether acupuncture is evidence based. Acupuncture profession is not totally accepted in the west yet and legislators should not be misinformed that it is evidence based. We can say that “[acupuncture has increasing evidence for efficacy for certain diseases.](https://www.aafp.org/pubs/afp/issues/2020/0315/p326.html)”
<https://www.aafp.org/pubs/afp/issues/2020/0315/p326.html>

Acupuncture Not Supported By Strong Scientific Evidence

Am Fam Physician. 2020;101(6):326-328

Issue Date: July 15, 2019

See additional reader comments at: <https://www.aafp.org/afp/2019/0715/p89.html>;
 and <https://www.aafp.org/afp/2019/0715/p76.html>

To the Editor: *I am writing in regard to this article and its accompanying editorial. Both advocate for the use of acupuncture in family practice and training of physicians based on weak evidence. The authors of the editorial anecdotally report they have seen skeptical physicians change their minds about acupuncture during training. Seeking to validate their beliefs, proponents of acupuncture tend to cherry-pick the weak but positive studies and ignore the negative ones. However, larger blinded studies show no significant difference in pain relief from acupuncture compared with sham acupuncture.¹⁻³*

The article states, “Traditionally, acupuncture is thought to restore the normal flow of energy (qi) in the body.” This is typical of pseudoscientific jargon based on the belief in mystical, unmeasurable “vital energies” akin to the “psora” of homeopathy or the “life force energy” of chiropractic. They also state that acupuncture is safe, ignoring incidents of pneumothorax and infection.⁴⁻⁶

Acupuncture is therefore based on weak scientific evidence; claims of ancient knowledge; unproven, invisible forces; and anecdotes, and only works when sold to the patient with reassuring words and hand-holding. What our patients are actually looking for is someone who will take the time to listen to them, establish trust, and show empathy. When we fall back on smoke and mirrors just to “do something,” we betray that trust. Let's not go back to the days of bloodletting and phrenology. You can do better than this, American Family Physician.

Joel R. Kann, MD Durham, N.C. Email: fehorse@nc.rr.com

Author disclosure: No relevant financial affiliations.

Exhibit B:

<https://legal-dictionary.thefreedictionary.com/Physicians+and+Surgeons>

Physicians and surgeons are medical practitioners who treat illness and injury by prescribing medication, performing diagnostic tests and [evaluations](#), performing surgery, and providing other medical services and advice. Physicians and surgeons are highly trained and duly authorized by law to practice medicine. The education and focus of chiropractors, dentists, and optometrists differ from those of physicians and surgeons. However, the laws relating to physicians and surgeons generally apply to these medical professionals as well. In addition, these HEALTHCARE providers are subject to laws regulating their specific area of practice. They are prohibited by law from practicing medicine or surgery.

Statutes and regulations carefully regulate who may use the title "doctor." Use of the title or its abbreviation without an indication of the type of degree—D.O., M.D., etc. is specifically forbidden in many states unless the person holds a physician's and surgeon's certificate. State statutes delineate requirements for a license to practice medicine. To obtain a license, an applicant must demonstrate requisite education and knowledge. A college degree and graduation from an accredited medical school typically fulfills the education requirement, and passing a state-licensing exam demonstrates an applicant's skills. State law determines who may sit for an exam and typically limits the number of tries an applicant has to pass the exam. Specialists, such as cardiologists, ophthalmologists, pediatricians, and neurosurgeons, must usually pass further exams beyond the initial licensing exam.

Exhibit C

Herbalists are not part of a regulated profession, as opposed to the proposed acupuncture medicine definition (Regarding page 7 line 2: *"Practice of acupuncture medicine with adjunctive therapies includes but not limited to ...Herbal and nutraceutical medicine..."*)

<https://chestnutherbs.com/the-truth-about-herbal-certification-and-master-herbalist-status/>

Partial copy of above link: Most folks entering the herbal field want to know whether they can become a certified or licensed herbalist in the same vein that nutritionists and massage therapists can become certified and licensed. The truth is, **there is currently no certifying agency or licensing board for herbalists in the United States** and, therefore, no such adjudicated designation as an herbal certification or professional title (such as Master Herbalist or Certified Herbalist) recognized by accrediting agencies in the US.

Most herbal programs award a certificate of completion upon graduation, but this is not the same as obtaining certification from an official board. It is interesting to note that the public is generally not familiar with the subtleties of certification or licensing for herbalists in the United States. As such, herbalists who claim to be "certified" are unnecessarily misleading the public, who, for the most part, assume that there must be a certification process leading to that title. Ethics are central in an unregulated field.

COMMENT: *If you live in the United States, you can practice herbal medicine without a license or certification, and you can legally charge for your services as a clinical herbalist.*

SB-845

Submitted on: 2/12/2023 8:48:55 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| KENTO KIHARA | Individual | Oppose | Written Testimony Only |

Comments:

I do not support Reciprocity that it is not fair for all Acupuncturist who have made their efforts to meet the education requirement of the state of Hawaii.

SB-845

Submitted on: 2/12/2023 9:06:33 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Franchesca Wantland | Individual | Oppose | Written Testimony Only |

Comments:

I don't agree with the reciprocity part of this bill. I feel this could lead to an (even more so) over saturation of Chinese Medicine/Acupuncture practitioners from out of state. This could prevent the state residents and tax payers a chance at making a business here in Hawaii first. There's no benefit or need to add this part of the bill.

SB-845

Submitted on: 2/12/2023 11:30:10 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Raya Llopis | Individual | Oppose | Written Testimony Only |

Comments:

I do not support this Bill passing: Here are some of the following comments.

Specifically on section S436E-3.6: I believe allowing interns with permits to work under licensed acupuncture is a huge benefit for these future acupuncturists to have practical practice and have the ability to make an income while going to school. This allows students to work towards their future in the field and be mentored outside of school.

Section S436E-A: I am also in disagreement with, as this is not beneficial for current acupuncturists in the field and may potentially saturate our state with acupuncturists that do not meet the qualifications that Hawaii acupuncturists have had to meet in order to be an acupuncturist.

SB-845

Submitted on: 2/12/2023 11:47:48 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Martina Kamaka | Individual | Oppose | Written Testimony Only |

Comments:

Aloha kakou,

Please consider amending this bill. Although there is some good intent here to update, I do not believe it is ready for passage yet. As a medical allopathic physician who believes there is value for our patients with the use of acupuncture, Traditional Chinese Medicine as well as other health related practices such as traditional Native Hawaiian medicine, we need to be extremely careful about getting involved at the legislative level in defining "evidence based medicine", "scope of practice" and the certification of such, as it can have *ill intended* effects if not weighed carefully with all the potentially impacted entities at the table and in consensus. There appears to be more work needed on this, in particular, how evidence-based practice is defined, the treatment of MD/DO's with specialized training in acupuncture and the definition of "scope of practice". There could also be confusion with using the term "acupuncture medicine doctor" for the general population. Please consider sending this bill back for further amendments and discussion amongst impacted providers.

Mahalo, Martina Kamaka, MD

SB-845

Submitted on: 2/12/2023 12:04:31 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Renata Lloyd | Individual | Oppose | Written Testimony Only |

Comments:

Oppose part s436e-3.

SB-845

Submitted on: 2/12/2023 9:04:46 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Renee russell | Individual | Comments | Written Testimony Only |

Comments:

I advocate for the removal of section 2 HRS 436E-C Reciprocity because it allows people to circumvent important steps in the certification process, undermines the training hawaii acupuncturist receive, and places the public at risk. with the exception of this section, I am in support of the bill.

SB-845

Submitted on: 2/12/2023 7:12:33 AM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|---------------------------|
| Yu | Individual | Comments | Written Testimony Only |

Comments:

I strongly recommends to the Senate Committee on Health and Human Services to

DELET Section 2, HRS 436E- C Reciprocity.

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

- (1) Files an application and pays fees as prescribed by the board;
- (2) Holds a current, unencumbered, active license pursuant to the laws of any state or territory of the United States with qualifications for licensure that are equal to or exceed those of 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 if the applicant:

- (1) Files an application and pays fees as prescribed by the board;
- (2) Holds a current, unencumbered, active license from any state or territory of the United States; and
- (3) Holds a current certification with the National Certification Commission for Acupuncture and Oriental Medicine, or its successor entity."

The protection of the health and safety of our consumers is paramount. Thank you for the opportunity to testify on this measure.

SB-845

Submitted on: 2/11/2023 8:51:16 PM

Testimony for HHS on 2/13/2023 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Courtney Wexler | Individual | Comments | Written Testimony Only |

Comments:

To Whom It May Concern:

Would support with deletion of Section 2, 436E-C Reciprocity.

Thank you.

Courtney Wexler