



Papa Ola Lokahi
Nana I Ka Pono Na Ma

Papa Ola Lokahi

894 Queen Street
Honolulu, Hawaii 96813

Phone: 808.597.6550 ~ Facsimile: 808.597.6551

Papa Ola Lokahi

is a non-profit Native Hawaiian organization founded in 1988 for the purpose of improving the health and well-being of Native Hawaiians and other native peoples of the Pacific and continental United States.

Authorized by the Native Hawaiian Health Care Improvement Act (Title 42 USC 122) to address the health and well-being of native Hawaiians.

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OPPOSING

SB 43 SD1 - RELATING TO HAWAIIAN AFFAIRS

Tuesday, February 25, 2020, 1:15 PM, State Capitol Conference Room 016

Aloha to the Chairs, Vice-Chairs and members of the committees.

Mahalo to all here and throughout the Hawaiian community who have taken an interest in perpetuating Hawaiian healing traditions and protecting their practitioners.

Papa Ola Lōkahi is here in strong **OPPOSITION** to the formation of a supplemental certification board for the certification of practitioners of traditional Hawaiian healing arts for three main reasons: (1) the inappropriateness of State interference with Hawaiian traditions and customs, (2) the harm such State certification will impose on the most traditional practitioners of Hawaiian healing arts, (3) the inappropriateness of requiring all Kupuna Councils to adopt the standards of one particular council without courtesy of consultation. Finally, we believe the requirements in this bill are redundant, and that once we describe the policies and procedures around Kupuna Council coordination, some of the State's questions will be satisfied.

The following documents are attached in support of our position:

1. *Kupuna Councils – An Overview, 2020;*
2. *Kupuna Councils Eligibility and Application Policies and Procedures* (approved August 2019); and
3. *Chronology of Policy Events Relating to Traditional Hawaiian Healing Practices since 1985.*

Papa Ola Lōkahi has been engaged in discussions with the Legislature for more than 30 years, and we're grateful for the ongoing consultation. These discussions have also included kupuna practitioners, the Native Hawaiian Health Care Systems and the Hawaiian-serving community health centers, including Wai'anae Coast Comprehensive Health Center.

Our guidance in the matter of certification comes from the Kahuna Statement issued by Hawai'i's kupuna practitioners at Kailua-Kona on October 31, 1998, which in short asserts that it is inappropriate for the State of Hawai'i to regulate traditional Native Hawaiian practices; the right belongs to the Native Hawaiian community, as provided by Article XII of the State Constitution.

This group of kūpuna were convened by POL following the passage on Act 162 in 1998. A report was filed with the State Legislature that included the following statement:

We, the Undersigned Kupuna Practitioners of Hawaiian healing, have counseled and agree:

- (1) That we are only instruments in the healing process and that the true source of healing comes from the Almighty, known as Akua, Io, or God. It is this source that gives us our calling to practice;*
- (2) That the Legislature of the State of Hawai'i is not knowledgeable in the healing traditions of the Hawaiian people; and*
- (3) That while we are grateful the Legislature has passed SB 1946, the blood quantum, licensure, and certification issues raised in the legislation are inappropriate and culturally unacceptable for government to ascertain. These are the kuleana of the Hawaiian community itself through kupuna who are performing these practices.*

As a result of this strong statement from the masters of that time, the law was changed from one mandating POL to certify practitioners, to one requiring us to *recognize* Kupuna Councils of practitioners of Hawaiian healing traditions. This is the language in HRS 453-2(c) and in Act 32, passed in 2019.

Certification of practitioners of Hawaiian healing arts would be like the State certifying kumu hula. In both cases, the State lacks expertise in these Hawaiian customs, it is understood that the practitioners regulate themselves, and State regulation is in contempt of Article XII, Section 7 of the State's Constitution.

Secondly, certification of practitioners would extend beyond students who take a few semesters and wish to offer services for third party reimbursement. This measure would open the door to individuals who simply wish to be certified practitioners for commercial purposes to the detriment of perpetuating authentic Hawaiian practices. Most damaging of all, this bill would outlaw kupuna practitioners who have been in lifelong apprenticeships, realizing the teachings of their grandparents or their kumu, serving their families and perhaps their communities. Mandated certification would render them illegal practitioners.

Our third point is one that we believe will bring assurances, addressing both sections 2 and 3 of the bill. Involved in the recognition of Kupuna Councils for more than 20 years, Papa Ola Lōkahi did exactly what is called for in Section 2(a): convened an ad hoc committee of practitioners from the traditional Native Hawaiian healing community, from multiple islands, and representing multiple practices to evaluate and codify policies and procedures around the recognition of Kupuna Councils. These updated procedures were approved by our board in August 2019. We subsequently disseminated the following to all seven recognized councils, including the Kupuna Council that is attached to Wai'anae Coast Comprehensive Health Center, and three others that are currently exploring recognition:

1. Be attached to a Native Hawaiian Health Care System, federally qualified health center, federally designated rural health center, or federally designated lookalike.
2. Develop guidelines for membership, authentication of practitioners and governance.
3. Be willing to provide annual updates of members, activities, and the Hawaiian healing traditions covered by its members.
4. Be willing to engage with other Kupuna Councils for the purpose of shared learning.

As this information has been conveyed to each of the seven Kupuna Councils, we are expecting that they have prepared or are preparing to submit reports to Papa Ola Lōkahi, as required in Section 3 of this measure.

Most importantly, each Kupuna Council defines for itself the criteria for recognition or authentication of Hawaiian healing practitioners, criteria for eligibility as a Kupuna Council member, and how it regulates or governs itself, as stated in Act 153 passed in 2005: Each kupuna council shall (1) be independent; (2) not be a component of any state branch; (3) not be subject to chapters 91 and 92, Hawai'i Revised Statutes; and (4) develop its own policies, procedures, and rules necessary or appropriate to certify traditional Hawaiian healers.

Thus, it would be inappropriate to require that all Kupuna Councils' certification standards synchronize with those articulated by Wai'anae Community Kupuna Council because (1) each community is as different as are the different schools of teaching, and (2) Wai'anae's standards have not been shared with Papa Ola Lōkahi nor any of the other Kupuna Councils, according to our survey.

Papa Ola Lōkahi is coordinating Kupuna Councils that represent all islands and all healing practices. We took steps in 2019 to update and communicate, rendering Sections 2 and 3 of this measure redundant.

Finally, all the practitioners in the room, or throughout the community, should know that it is not necessary for a practitioner of Hawaiian healing traditions to be certified in order to practice. However, practitioners who wish to be may apply to their nearest Kupuna Council to undergo the authentication process.

Hawaiian healing traditions are protected at the highest level constitutionally possible in Hawai'i. Indeed, Kupuna Councils exist not for practitioners to recognize themselves, but to provide the legislature a mechanism that satisfies concerns for standards of care, in a culturally grounded framework that was suggested by the kūpuna themselves.

Finally, we want to point out some of the cultural failings of this process:

1. This measure was introduced without the courtesy of prior consultation with Papa Ola Lōkahi board, staff, nor any of those who have participated in evaluating or developing the Kupuna Council recognition process. To our knowledge, there has been no consultation with members of E Ola Mau, Kupuna Lā'au Lapa'au o Hawai'i, 'Aha Kūkā Ho'oponopono, Hawaiian Lomilomi Association, nor with any other body of Hawaiian healing practitioners that have engaged in such discussions with Papa Ola Lōkahi.
2. Traditionally, Hawaiian healing practices have a strong spiritual component. Given the separation of church and state, these distinctly spiritual practices cannot be legislated.

Papa Ola Lōkahi does not support this bill; therefore, we are also opposed to any proposed amendments. Please know that we welcome the opportunity to engage in further discussions for mutual understanding.

We remain in strong **OPPOSITION to SB 43 SD1**. Mahalo nui for the opportunity to provide testimony.