

**ALASKA STATE LEGISLATURE  
HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

March 9, 2018

3:26 p.m.

**MEMBERS PRESENT**

Representative Sam Kito, Chair  
Representative Adam Wool, Vice Chair  
Representative Andy Josephson  
Representative Louise Stutes  
Representative Chris Birch

**MEMBERS ABSENT**

Representative Gary Knopp  
Representative Colleen Sullivan-Leonard  
Representative Mike Chenault (alternate)  
Representative Bryce Edgmon (alternate)

**OTHER LEGISLATORS PRESENT**

Representative Gera Tarr

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S)

Board of Professional Counselors

Alice Baum - Anchorage

- HEARD

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 147

"An Act relating to the Board of Public Accountancy; relating to the licensure of public accountants; and relating to the practice of public accounting."

- MOVED SSHB 147 OUT OF COMMITTEE

HOUSE BILL NO. 326

"An Act relating to the practice of naturopathy; relating to the licensure of naturopaths; relating to the Department of Commerce, Community, and Economic Development; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 309

"An Act disapproving all recommendations of the State Officers Compensation Commission relating to the compensation, benefits, and allowances of state officers; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 329

"An Act relating to the registration and regulation of real estate appraisal management companies; relating to the establishment of fees by the Department of Commerce, Community, and Economic Development; relating to the Board of Certified Real Estate Appraisers; relating to real estate appraisers; and providing for an effective date."

- BILL HEARING CANCELED

HOUSE BILL NO. 264

"An Act relating to a fee for disposable shopping bags; relating to the sale of reusable shopping bags; relating to the recycling of disposable shopping bags; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 89

"An Act requiring licensure of occupations relating to radiologic technology, radiation therapy, and nuclear medicine technology; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 147

SHORT TITLE: PUBLIC ACCOUNTING

SPONSOR(S): REPRESENTATIVE(S) THOMPSON

03/01/17	(H)	READ THE FIRST TIME - REFERRALS
03/01/17	(H)	L&C
02/02/18	(H)	SPONSOR SUBSTITUTE INTRODUCED
02/02/18	(H)	READ THE FIRST TIME - REFERRALS
02/02/18	(H)	L&C

02/26/18 (H) L&C AT 3:15 PM BARNES 124  
02/26/18 (H) Heard & Held  
02/26/18 (H) MINUTE (L&C)  
03/09/18 (H) L&C AT 3:15 PM BARNES 124

BILL: HB 326

SHORT TITLE: NATUROPATHS: LICENSING; PRACTICE  
SPONSOR(S): REPRESENTATIVE(S) TARR

02/02/18 (H) READ THE FIRST TIME - REFERRALS  
02/02/18 (H) L&C, FIN  
03/07/18 (H) L&C AT 3:15 PM BARNES 124  
03/07/18 (H) Scheduled but Not Heard  
03/09/18 (H) L&C AT 3:15 PM BARNES 124

**WITNESS REGISTER**

ALICE BAUM, Licensed Professional Counselor  
Office of the Governor  
Anchorage, Alaska

**POSITION STATEMENT:** Testified as an appointee to the Board of Professional Counselors.

LYNETTE BERGH, Staff  
Representative Steve Thompson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 147 on behalf of Representative Thompson, prime sponsor.

KAREN TARVER, Member  
Alaska State Board of Public Accountancy  
Office of the Governor

**POSITION STATEMENT:** Answered questions in the hearing on HB 147.

REPRESENTATIVE GERAN TARR  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 326 as prime sponsor.

ABBY LAING, President  
Alaska Association of Naturopathic Physicians  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in the hearing on HB 326.

MELINDA RATHKOPF, Medical Doctor

Board of Alaska Medical Association  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 326.

SARA CHAMBERS, Division Operations Manager  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, & Economic Development  
(DCCED)  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions in the hearing on HB 326.

KAILA BUERGER  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 326.

CLYDE JENSEN, PhD  
National University of Natural Medicine  
Portland, Oregon

**POSITION STATEMENT:** Testified in the hearing on HB 326.

SCOTT LUPER, Director, Medical Director  
Alaska Center for Natural Medicine  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in the hearing on HB 326.

JODY OAKES  
Chugiak, Alaska

**POSITION STATEMENT:** Testified in support of HB 326.

BARON GLASSGOW, Executive Director  
Arizona Naturopathic Medical Association  
Scottsdale, Arizona

**POSITION STATEMENT:** Testified in the hearing on HB 326.

ANNETTE O'CONNELL  
Kenai, Alaska

**POSITION STATEMENT:** Testified in support of HB 326.

ROB DOWNEY, MD  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in the hearing on HB 326.

ALAN GROSS, MD  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 326.

GARY FERGUSON

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 326.

STEVE GEDDES

Wasilla, Alaska

**POSITION STATEMENT:** Testified in the hearing on HB 326.

DAVID SCHLEICH, PhD, President

National University

Portland, Oregon

**POSITION STATEMENT:** Testified in support of HB 326.

JENNIFER YOUNG

Eagle River, Alaska

**POSITION STATEMENT:** Testified in support of HB 326.

DANIEL YOUNG

Naturopathic Doctor

Eagle River, Alaska

**POSITION STATEMENT:** Testified in support of HB 326.

MICHAEL DANZ

Palmer, Alaska

**POSITION STATEMENT:** Testified in support of HB 326.

#### **ACTION NARRATIVE**

[3:26:57 PM](#)

**CHAIR SAM KITO** called the House Labor and Commerce Standing Committee meeting to order at 3:26 p.m. Representatives Stutes, Birch, Josephson, Wool, and Kito were present at the call to order. Representatives Knopp and Sullivan-Leonard were excused.

#### **CONFIRMATION HEARING(S) :**

#### **Board of Licensed Professional Counselors**

[3:28:25 PM](#)

CHAIR KITO announced that the first order of business would be confirmation hearing(s).

[3:28:38 PM](#)

ALICE BAUM, Licensed Professional Counselor, testified as an appointee to the Board of Professional Counselors.

CHAIR KITO remarked that Ms. Baum had many religious affiliations in her resume and asked whether she would have any difficulty approving any candidate who held any past or current affiliation with Planned Parenthood.

MS. BAUM answered she would not. She said she is a professional counselor who has worked with many people who hold opposing views.

CHAIR KITO asked for confirmation that Ms. Baum was a licensed counselor.

MS. BAUM answered in the affirmative. She said she currently works at Southcentral Foundation

CHAIR KITO shared his understanding that the public member of the board could not be a professional counselor with the board.

MS. BAUM answered she was not aware of that.

CHAIR KITO said he would bring it up with the governor's office.

[The following name was forwarded to a joint session of the joint House of Representatives and the Senate on 4/9/18: Board of Professional Counselors, Alice Baum.]

#### **HB 147-PUBLIC ACCOUNTING**

[3:31:27 PM](#)

CHAIR KITO announced that the next order of business would be HOUSE BILL NO. 147, "An Act relating to the Board of Public Accountancy; relating to the licensure of public accountants; and relating to the practice of public accounting."

[3:31:40 PM](#)

LYNETTE BERGH, Staff, Representative Steve Thompson, Alaska State Legislature, presented HB 147 on behalf of Representative Thompson, prime sponsor. She gave a brief summary of the proposed bill. She said HB 147 would amend board of accounting statutes by updating the statutes to reflect the national standards of the Uniform Accountancy Act and the American Institute of Certified Public Accountancy Code of professional conduct. She said that by incorporating the changes, Alaska

would be more in line with national standards which ensure that only qualified persons are practicing.

[3:32:43 PM](#)

REPRESENTATIVE BIRCH said he appreciates that the state would "not be killing as many trees" by having the regulations and forms available online.

[3:33:39 PM](#)

REPRESENTATIVE JOSEPHSON asked about changes to license reciprocity.

MS. BERGH deferred to the board.

[3:34:30 PM](#)

KAREN TARVER, Member, Alaska State Board of Public Accountancy, answered questions in the hearing on HB 147. She explained the change would reduce the number of years of experience required from four years to two years so that the two methods of licensure are consistent.

[3:35:20 PM](#)

CHAIR KITO announced that public testimony on HB 147 was still open from a previous hearing. Upon ascertaining that there was no one available to testify, he closed public testimony.

[3:35:52 PM](#)

REPRESENTATIVE WOOL moved to report HB 147 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, it was so ordered.

[3:36:16 PM](#)

The committee took an at-ease from 3:36 p.m. to 3:37 p.m.

[3:37:57 PM](#)

**HB 326-NATUROPATHS: LICENSING; PRACTICE**

CHAIR KITO announced that the next order of business would be HOUSE BILL NO. 326, "An Act relating to the practice of naturopathy; relating to the licensure of naturopaths; relating

to the Department of Commerce, Community, and Economic Development; and providing for an effective date."

[3:38:10 PM](#)

The committee took a brief at ease from 3:38 p.m. to 3:38 p.m.

[3:38:56 PM](#)

REPRESENTATIVE GERAN TARR, Alaska State Legislature, presented HB 326 as prime sponsor. She explained the proposed bill would outline a clear scope of practice for naturopaths across Alaska.

[3:39:43 PM](#)

The committee took an at-ease from 3:39 p.m. to 3:40 p.m.

[3:40:55 PM](#)

REPRESENTATIVE TARR said the proposed bill addresses three issues: access, cost, and allowing professionals to practice at the whole scope of their training. She indicated slide 1 showed a map of healthcare costs around America.

[3:41:55 PM](#)

REPRESENTATIVE TARR moved to slide 2, "Restrictive Regulations Create a Significant Gap Between Naturopathic Training and Allowed Scope":

- Shortage of primary care remains in Alaska despite the presence of NDs trained to provide it
- NDs qualify for Indian Health Service's national loan repayment program aimed at increasing healthcare access in remote Alaska, but are unable to make use of this program due to the limited scope of practice.
- This decreases competition, drives up costs and limits access for healthcare consumers

[3:43:29 PM](#)

REPRESENTATIVE TARR moved to slide 3, "Solution: Allow Naturopaths to Practice What They are Educated to Do":

- Immediately enables dozens of new primary care providers (~57)

- This scope is being practiced safely in many other states

[3:44:01 PM](#)

REPRESENTATIVE TARR spoke to slide 4, "What Are Naturopathic Doctors (NDs)?"

- Training to provide evidence-based primary care, with a patient-centered focus that prioritizes disease prevention over symptom management and drug therapies
- Emphasis on longer office visits (~60-90 min.)
- This approach tends to reduce need for healthcare utilization, as well as long-term costs

[3:45:16 PM](#)

REPRESENTATIVE TARR spoke to slide 5, "Education":

#### 4-Year Accredited Medical School Program

- 2 Years of basic sciences; 2 years clinical sciences and treatment methods
- Regulated by the Council of Naturopathic Medical Education, which is overseen by the US Department of Education - same as other medical schools
- NDs must pass the two-part Naturopathic Physicians Licensing Examinations (NPLEX), before being licensed to practice

[3:46:57 PM](#)

REPRESENTATIVE TARR addressed slide 6, "ND Therapeutic Order Progresses From Minimal to Higher Levels of Intervention as Necessary":

- Clinical Nutrition / Diet
- Counseling / Behavior Change
- Hydrotherapy & Others
- Herbal Medicine
- Physical Manipulation
- Pharmaceuticals (Not allowed in AK)
- Minor Surgery (Not allowed in AK)

[3:47:28 PM](#)

REPRESENTATIVE TARR moved to slide 7, "HB 326: Key Provisions":

HB 326 defines a clear scope of practice for naturopathic doctors which reflects their education and training

- Cleans up outdated language
- Allows NDs to perform minor office procedures (minor surgeries)
- Allows issuance of vitamins, minerals and other non-controlled substance prescription medications
- Requires 24 hours of continuing education every 2 years

[3:48:55 PM](#)

REPRESENTATIVE TARR spoke to slide 8, "Key Provision: "Minor Office Procedures":

- Allows repair of superficial lacerations & skin biopsies (e.g. stitches, wart removal, punch biopsies)
- Does NOT include any sort of major, internal or plastic surgery, or those involving the eyes, tendons, ligaments, nerves, or blood vessels
- NDs complete an avg. of 100 hour of training in this area
- Being practiced safely in many other states

[3:49:41 PM](#)

REPRESENTATIVE TARR addressed slide 9, "Key Provision: Prescriptive Authority":

- Applies only to Non-Controlled Substance medications (excluding Testosterone & Ambien)
- Alaska already allows prescriptive authority for other healthcare providers with equal or lesser pharmacological training
- This is being practiced safely in in many other states

[3:51:10 PM](#)

REPRESENTATIVE WOOL asked for clarification regarding the color code on slide 9. He asked what the grey represents.

REPRESENTATIVE TARR answered that she did not have an answer and would have to get back to him.

[3:51:46 PM](#)

REPRESENTATIVE TARR moved on to slide 10, "HB 326 offers one clear, safe and tangible step towards better healthcare in Alaska":

- Increases competition and drives down healthcare costs
- Improves healthcare access
- Provides clear guidance to state regulators
- Allows healthcare professionals to do what they are educated to do

[3:53:05 PM](#)

REPRESENTATIVE TARR pointed out the relative comparison to letters of support and one letter of opposition. She added the answer to the map question was that grey represents "unlicensed."

[3:54:09 PM](#)

ABBY LAING, President, Alaska Association of Naturopathic Physicians, testified in the hearing on HB 326. She said naturopathic doctors (NDs) want to provide the best healthcare possible. She said Alaska has highly restrictive regulations. She said the proposed bill would drive down healthcare costs and would allow greater freedom to better access to healthcare. She added the proposed bill is straightforward and would remove outdated language.

[3:57:43 PM](#)

REPRESENTATIVE JOSEPHSON asked whether the grey states on the map are unregulated.

MS. LAING answered in the affirmative.

CHAIR KITO mentioned one of the provisions was proposing to change the prescription authority of NDs. He pointed out one of

the items being removed from prohibition is a poison. He asked whether the request was for the ability to prescribe poisons.

MS. LAING answered the aim is to clear up some language. She emphasized there is no intention or desire to prescribe poison.

3:59:20 PM

REPRESENTATIVE WOOL asked whether the grey states on the map do not have naturopaths.

MS. LAING deferred to Dr. David Schleich. She said that some states do not have naturopaths, and in some states NDs are just not regulated.

4:01:05 PM

MELINDA RATHKOPF, Medical Doctor, Board of Alaska Medical Association, testified in opposition to HB 326. She talked about her experience in medical school. She stated it's not uncommon to do additional testing on patients who come from naturopathic care providers. She addressed the claim that naturopaths can help bring down healthcare costs. She underlined that for some patients it drives up healthcare costs. She further addressed the question of access to the controlled substances database should prescription privileges be granted. She shared her concerns about preventative health. She said that traditionally, NDs haven't embraced vaccination. She spoke to a 2009 study stating children are significantly less likely to be vaccinated against preventable diseases if they are in the care of a naturopath. Alaska is still below the national average in childhood immunization, and she said she is afraid that with more naturopaths practicing, there will be fewer children with vaccinations. She relayed her experience as a general pediatrician and stated it would be impossible to maintain 90-minute appointment times. She shared her concerns about training. She said family practice physicians get anywhere from 9,000 to 10,000 hours of residency training, where naturopaths generally get under 1,00 hours of training, which she said is often optional. She added she has concerns about oversight. She queried who would monitor patient care issues to ensure patient safety.

4:05:46 PM

REPRESENTATIVE JOSEPHSON stated HB 426 says that the naturopaths are not seeking to prescribe controlled substances. He asked

whether she was suggesting there was a way around that in the proposed bill.

DR. RATHKOPF stated naturopaths were asking to be able to prescribe testosterone and zolpidem. She underlined if she wanted to prescribe similar substances, she would have to consult the controlled substances database before prescribing.

[4:06:46 PM](#)

REPRESENTATIVE JOSEPHSON asked whether zolpidem is a sleep sedative.

DR. RATHKOPF answered in the affirmative. She said Ambien was a common name for it.

[4:07:00 PM](#)

REPRESENTATIVE JOSEPHSON declared he believes that young people need vaccinations. He asked Dr. Rathkopf whether it is the culture of naturopathy to "frown on" immunization.

DR. RATHKOPF said she is not the best person to answer what is taught in a naturopathic school. She said she does find that the patient population that goes to naturopaths seems to be less likely to be immunized.

[4:08:16 PM](#)

MS. LAING said it is a paradox because naturopaths are unable to provide vaccines. She added it is standard of care to provide US Centers for Disease Control and Prevention (CDC) guidelines for vaccines to patients.

[4:09:23 PM](#)

REPRESENTATIVE WOOL asked Dr. Rathkopf whether she supports nurse practitioners having prescriptive powers.

DR. RATHKOPF answered she has been in Alaska for 12 years. She said she was trained in states where nurse practitioners were not allowed prescriptive powers. She added a rebuttal to an early statement. She spoke to a study in Washington state regarding child immunization by naturopaths. She specified that in that state, naturopaths were allowed to administer vaccinations and the statistics still showed low immunization rates.

[4:11:00 PM](#)

REPRESENTATIVE WOOL asked whether Dr. Rathkopf supports nurse practitioners having prescriptive powers now that they are in place.

DR. RATHKOPF answered she works with a lot of nurse practitioners and she has not had issues with nurse practitioners. She added most are trained in similar medical backgrounds and philosophies as allopathic doctors.

[4:12:37 PM](#)

REPRESENTATIVE JOSEPHSON mentioned his father represents the naturopaths on the issue of the scope of their license. He asked Ms. Chambers whether there is anything in the request in the legislation that seems outside the scope of practice for states that allow more robust forms of naturopathy.

[4:12:50 PM](#)

SARA CHAMBERS, Division Operations Manager, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community, & Economic Development (DCCED), answered questions in the hearing on HB 326. She answered the only primary area the department is concerned with is the administration of testosterone, a schedule 3, federally scheduled drug product. She indicated the department has requested some changes to the proposed bill.

REPRESENTATIVE WOOL asked how long Alaska has been a state which licenses NDs.

MS. CHAMBERS said she would confirm that the answer is 1986.

[4:15:23 PM](#)

CHAIR KITO opened public testimony on HB 326.

[4:15:45 PM](#)

KAILA BUERGER testified in support of HB 326. She said that HB 326 would allow NDs to practice their extensive knowledge by issuing vitamins, minerals, and non-controlled substance prescription medication, as well as performing minor office procedures. She spoke to treating the root of the issue versus

the symptoms. She said it was time all doctors took a holistic approach, rather than handing out prescription drugs and antibiotics. She shared some personal experience with NDs. She gave some statistics regarding diabetes.

[4:25:29 PM](#)

CLYDE JENSEN, PhD, National University of Natural Medicine, testified in the hearing on HB 326. He gave his qualifications and background in teaching pharmacology. He opined that naturopaths are well trained at professional degree level and said he sees no reason they should be as restricted as they have been in Alaska.

[4:27:07 PM](#)

SCOTT LUPER, Medical Director, Alaska Center for Natural Medicine, testified in the hearing on HB 326. He described his practice and underlined that he is the father of five children who are all vaccinated.

[4:28:33 PM](#)

JODY OAKES testified in support of HB 326. She shared a personal story of migraines and how an ND helped her manage her pain. She said she feels safe in the care of her ND.

[4:30:21 PM](#)

BARON GLASSGOW, Executive Director, Arizona Naturopathic Medical Association, testified in the hearing on HB 326. He gave the history of the Arizona Naturopathic Medical Association. He said naturopathic doctors in Arizona are considered primary care providers. He added they complete pediatric course work on how and when to administer vaccinations. He stated NDs can perform vaccinations in the state of Arizona.

[4:32:03 PM](#)

ANNETTE O'CONNELL testified in support of HB 326. She shared she was diagnosed with celiac disease as a young woman and compared the treatment she received from a medical and a naturopathic doctor. She said she is forced to go out of state to get her care.

[4:34:08 PM](#)

ROB DOWNEY, MD, testified in the hearing on HB 326. He shared his qualifications and background. He said he has shared patients with NDs in trauma and mental health. He said he thinks the minor surgical procedures requested in the legislation are extremely safe and limited and will help Alaskans.

[4:36:41 PM](#)

ALAN GROSS, MD, testified in support of HB 326. He said he believes the regulatory interpretations on naturopaths are too restrictive. He opined naturopaths coming from accredited facilities should be allowed to perform minor procedures and prescribed non-controlled substances. He spoke to his experience working with naturopaths. He said the proposed bill would lower the cost of healthcare in the state.

[4:38:26 PM](#)

GARY FERGUSON testified in support of HB 326. He shared he works primarily in public health with Alaska Native communities. He said naturopaths help reduce the medicines that elders are on.

[4:40:54 PM](#)

STEVE GEDDES testified in the hearing on HB 326. He shared his personal experience with naturopathic care. He said he thinks it is reasonable for naturopaths to treat health conditions.

[4:43:26 PM](#)

DAVID SCHLEICH, PhD, President, National University, testified in support of HB 326. He said National University is the longest-standing accredited university of naturopathic medicine in the United States. He gave his qualifications and background. He highlighted that the accreditation of naturopathic programs is "exactly consistent with" allopathic programs and the accrediting bodies come from the Department of Education. He spoke to the concern about residencies. He said naturopathy students are prevented from access to residency match by federal practice. He commented on immunization. He said the program at his organization has extensive immunization training, meeting all requirements in those states in which vaccination is approved. He stated in Oregon naturopathic doctors are considered primary care providers. He stated that the comment regarding 1,000 hours of naturopathic residency is not accurate.

[4:48:59 PM](#)

REPRESENTATIVE JOSEPHSON referred to a comment that "there is lots of teaching about immunology," that did not say what is taught.

DR. SCHLEICH answered what is taught is the same thing that is taught in standard allopathic medical schools. He added that the prerequisites for entering his program are virtually identical to those for medical schools.

[4:50:20 PM](#)

JENNIFER YOUNG shared that she is a cardiac nurse, married to a naturopathic doctor. She said she comes across many patients who want to be treated naturally. She referred to a comment by Dr. Rathkopf regarding immunization. She opined it is not a reflection of the naturopathic doctors, but that people choose for themselves not to be immunized.

[4:52:37 PM](#)

DANIEL YOUNG, Naturopathic Doctor, testified in support of HB 326. He stated he has practiced naturopathic medicine for 26 years. He said naturopathic providers are trained in ambulatory care. He stated he had been in practice with another medical doctor. He said he thinks naturopathic doctors should all be able to practice how they are trained and communicate with each other. He underlined the patient is the primary importance.

[4:55:09 PM](#)

MICHAEL DANZ testified in support of HB 326. He said he thinks NDs should be allowed to give the type of care they have been restricted from [administering].

[CHAIR KITO held over HB 326.]

[4:55:57 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:55 p.m.