

SENATE FINANCE COMMITTEE

May 10, 2017

9:27 a.m.

[9:27:12 AM](#)

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 9:27 a.m.

MEMBERS PRESENT

Senator Lyman Hoffman, Co-Chair
Senator Anna MacKinnon, Co-Chair
Senator Click Bishop, Vice-Chair
Senator Peter Micciche
Senator Donny Olson
Senator Natasha von Imhof
Senator Shelley Hughes

MEMBERS ABSENT

ALSO PRESENT

Representative Matt Claman, Sponsor; Sara Perman, Staff, Representative Matt Claman; Representative Ivy Spohnholz, Sponsor; Bernice Nisbett, Staff, Representative Ivy Spohnholz; Griff Steiner, Ophthalmologist, Anchorage; Jill Geering Matheson, Optometry, Juneau; Paul Barney, Board of Optometry, Juneau; Senator Cathy Giessel;

PRESENT VIA TELECONFERENCE

Ed Lopez, General Manager, Regal Nail Salon & Spa, Anchorage; Philip Brower, Self, North Slope; Johna Beech, Self, Kenai; Yen Nguyen, Self, Anchorage; Lisa Moreno, Self, Anchorage; Deborah Lee Harper, Self, Anchorage; Rosalyn Wyche, Hairdresser, Anchorage; Kevin McKinley, Chair, Board of Barbers & Hairdressers, Anchorage; David Zumbro, Ophthalmologist, Anchorage; Jeff Gonnason, Chair, Alaska Optometry Association, Anchorage; Andrew Peter, Self, Homer; Carl Rosen, Ophthalmologist, Anchorage; Rebekah Sawers, Self, Hoonah; Lucretia Dennis, Self, Anchorage; David Karpik, Self, Kenai; David Katzeek, Self,

Juneau; Stanley Fuller MD, Self, Fairbanks; Mary Nanuwak, Self, Bethel;

SUMMARY

HB 103 OPTOMETRY & OPTOMETRISTS

CSHB 103(FIN) was REPORTED out of committee with "no recommendation" and with one previously published fiscal impact note: FN2(CED).

HB 222 LICENSURE OF MANICURISTS/NAIL TECHS

HB 222 was HEARD and HELD in committee for further consideration.

#hb222

CS FOR HOUSE BILL NO. 222(L&C) am

"An Act relating to the licensure of nail technicians; relating to the practice of manicuring; and providing for an effective date."

[9:27:58 AM](#)

Co-Chair MacKinnon introduced HB 222.

REPRESENTATIVE MATT CLAMAN, SPONSOR, offered a sponsor statement for the bill (copy on file):

The amended House Labor & Commerce version of House Bill 222 reverses legislation passed by the 2015 Alaska State Legislature that updated the licensing requirements for Alaskan manicurists. The enrolled House Bill 131, which became effective on December 31st, 2015 increased the training requirements to become a licensed nail technician from 12 theory hours with no examination to 250 practical and theory hours with a state board examination. Prior to the passage of HB 131, manicurists could take 12 hours of coursework and receive a manicurist's license, or they could take 250 hours and become an advanced manicurist. The 2015 legislation eliminated the 12-hour license and instead required all licensees to take 250 classroom hours. The updated legislation negatively impacted practicing nail technicians seeking license renewal who were now required to take

250 hours off work to take redundant coursework. It also required all manicurists, including those seeking license renewal, to take an exam which was only offered in four languages, creating equal opportunity issues for individuals who may have difficulties with language barriers.

House Bill 222 in its original form sought to extend a grandfather clause allowing individuals who held a manicurists' license prior to December 2015 to forego the 250 hours of instruction in manicuring required of new applicants. They would still be required to prove 250 hours of prior work experience as a manicurist and take an examination. The original version also allowed test takers to use foreign language interpreters. However, the House Finance Committee expressed their concern with the arbitrary 250 hours required. They thought this was restrictive and unnecessary for manicurists. The bill was then amended to remove the requirements of 250 hours of coursework and an exam and reverse the statutes to their prior form. The amended version will once again allow for two types of licenses; the general manicurists license requiring 12 hours of training, and the advanced manicurist license requiring 250 hours.

It is the intention of HB 222 is to remove the unnecessary burden of redundant educational training hours for experienced manicurists who practiced prior to December 31st, 2015 and extend equal opportunity to individuals who may have difficulty with language barriers.

Representative Claman shared that 832 of the 944 practicing manicurists in the state could lose their jobs by August 31, 2017 if they could not pass the written test. He lamented that the unintended job losses would negatively affect Alaskan families.

[9:31:35 AM](#)

Representative Claman relayed that there had been concern as to whether human trafficking related in any way to the licenses. He shared that it had been discovered that in the last month someone had come to the Department of Community, Commerce, and Economic Development with 50 applications for the 12-hour license, and that nearly all the applicants had

not physically been in the state; the licenses were apparently being used in relation to human trafficking efforts in other states. He said human trafficking had never not been discussed during the vetting of HB 131. He asserted that there was not much that could be done in Alaska to prevent human trafficking in other states, particularly at the expense of Alaskan jobs. He felt that the focus should be on the job interests of Alaskans. He noted that the issue of hairdressers with a manicurist endorsement would be addressed with an amendment that would assure that hairdressers that were also doing nail work would have the manicurist endorsement.

[9:33:49 AM](#)

SARA PERMAN, STAFF, REPRESENTATIVE MATT CLAMAN, reiterated statements from the sponsor regarding the intent of the legislation. She addressed the sectional analysis:

Section 1 – Amends AS 08.13.040 [Meetings and Exams] The Board may not require an exam for an applicant seeking licensure as a manicurist. However, the Board may require an exam for a licensed manicurist wishing to seek an additional optional advanced manicurist endorsement.

Section 2 – Amends AS 08.13.080(a) [Qualifications of Applicants] Removes language that all persons applying to take an exam for manicuring must have successfully completed 250 hours of instruction from a licensed school of manicuring. Adds that an instructor in hairdressing may also be an instructor in manicuring for health and safety related courses, and that the Board may establish additional requirements for manicuring instructors.

Section 3 – Amends AS 08.13.080 - adds new subsections: (e) An applicant for licensing must submit 1) proof of certification in 12-hour health and safety course from Board approved and licensed school, and 2) pay required fees. (f) An applicant for an advanced manicurist endorsement must 1) already hold or be approved for a manicurist license, 2) request the endorsement, 3) submit documentation of 250-hours of required coursework from an approved school, 4) pass the Board approved exam, and 5) pay required fees.

Section 4 - Amends AS 08.13.100(a) Removes manicuring from list of licenses that require exams.

Section 5 - Amends AS 08.13.100(d) Provides that manicurists licensed in another state are entitled to licenses/endorsements without taking additional training or exams, given that they can provide proof of completed training that meets Alaska requirements.

Section 6 - Adds new subsection to AS 08.13.110 d) The Board shall license a school that offers 12-hour safety course, but may not license the school if it requires greater than 12 hours for the safety course e) Schools may seek approval from the Board for the curriculum for advanced endorsements. The Board shall establish curriculum requirements.

Section 7 - Amends AS 08.13.160(d) The licensing provisions mentioned in this chapter don't apply to persons actively taking an approved 12-hour course.

Section 8 - Amends AS 08.13.175 Licensed manicurists applying for the 250-hour advanced manicurist endorsement are entitled to a temporary license while applying for the exam as long as they are supervised by a licensed manicurist.

Section 9 - Amends AS 08.13.185(a) Adds initial licensing and renewals for the endorsement for advanced manicurist training to fees that may be collected by DCCED.

Section 10 - Repeals AS 08.13.082(e) Repeals the apprenticeship term periods set by the Board.

Section 11 - Repeals Section 13, Ch. 27 SLA 2015 Repeals the grandfather clause set in HB 131: "allowing a person who holds a valid license on Jan 1, 2016 to continue practicing manicuring until their license normally expires. Subsection (1) states that a person is allowed to renew their license before August 31, 2017, if the person meets preexisting requirements under AS 08.13 as it existed prior to Jan 1, 2016. Subsection (2) states that a person may renew their license for an additional period before August 31, 2019 if the person submits (A) proof of 250 hours of

satisfactory work experience and (B) has taken and passed a written or oral exam under AS 08.13.090."

Section 12 - Sets the effective date. Effective immediately.

[9:37:35 AM](#)

Senator von Imhof referred to Section 6. She questioned why the board would not also license schools for courses exceeding 12 hours.

Representative Claman felt that the limit was a "curiosity" about the prior way that the law had been written; however, that was how the statute that he was seeking to reset had been written in 2015.

Senator von Imhof understood that the sponsor wanted to revert to the exact language from the 2015 statute, rather than rewriting the language to expand the limitations for licensing.

Representative Claman responded that the bill had been initially introduced to address the grandfather clause issue, which had become convoluted, but had been amended in the house to reset back to prior statute. He shared that the issue raised by Representative von Imhof had not been discussed by the house.

[9:39:18 AM](#)

Senator Olson queried whether the sponsor would support an amendment that would allow for courses that exceeded 12 hours.

Representative Claman responded no.

Senator Olson referred to Section 11. He questioned the reasoning behind repealing the grandfather clause.

Representative Claman stated that the bill would change an unintended consequence of HB 131 by resetting to the prior statute. He explained that the bill would repeal the grandfather clause because the new training requirement in HB 131 would no longer apply.

[9:40:27 AM](#)

Senator Micciche noted that the current version of the bill had changed considerably from the sponsors original legislation. He stated that the bill had "morphed" after going through the legislative process on the house side, which had eliminated all qualification training.

Representative Claman said that training requirements had been significantly increased by HB 131. He shared that constituents had testified to him about the enormity of the testing requirements and language barriers in the industry. He relayed that through the process it had become apparent that the consequences of HB 131 needed to be addressed.

Senator Micciche acknowledged that the purpose of HB 131 was to address the public safety of Alaskans. He thought that a balance could be struck between the two pieces of legislation.

[9:42:32 AM](#)

Vice-Chair Bishop commented that he was happy to hear that the sponsor was amiable to amending Section 6.

[9:43:21 AM](#)

Co-Chair MacKinnon queried the average hours of training for comparable licensing in other states.

Representative Claman understood that there was a range in hours and that Alaska was on the lower end of the spectrum. He understood that 250 hours training was more common in other states.

Ms. Perman stated that Alaska has the lowest licensing requirements, 12 hours, and that the next lowest was Colorado with 20 hours. She said that nationwide there was an average bracket of 250 and 600 hours.

Co-Chair MacKinnon corrected that the lowest licensing requirement was in Connecticut; it was zero, and that Colorado required 600 hours for licensing.

Representative Claman recalled that when he trained to become an emergency medical technical (EMT), 250 hours of training was not required to provide lifesaving medical care. He believed that the required EMT training was approximately 100 hours in Alaska. He felt that it would be

strange to require more training for a nail technician than for a person providing lifesaving medical care.

Co-Chair MacKinnon reminded the committee that the bill pertained to manicurists and the safety of Alaskan residents. She noted that Alaska was second to last on the list of required training hours. She expressed concern for the human trafficking issue being raised in connection with the industry. She asserted that the intention behind HB 131 had been to protect Alaskans from the consequences of improperly sanitized manicure equipment, and she questioned the safety of lowering the training requirements to only 12 hours.

[9:47:06 AM](#)

Representative Claman said that the board supported the legislation, but agreed that it would take further discussions to determine a more effective way to regulate the industry for safety without putting manicurists out of work.

Co-Chair MacKinnon understood that HB 222 had been introduced one month previous.

Representative Claman replied in the affirmative.

Co-Chair MacKinnon asked whether the bill had been changed in each committee of referral.

Representative Claman did not believe so.

[9:48:47 AM](#)

Senator von Imhof understood that there was a specific pending issue that needed to be addressed by August 2017 that had to do with licensing requirements. She wondered whether there was a way to address that specific issue, and then find a more appropriate balance between 12 and 250 hours during the interim.

Representative Claman thought the most effective way to address the issue and protect workers was to pass HB 222.

[9:51:35 AM](#)

Co-Chair MacKinnon OPENED public testimony.

ED LOPEZ, GENERAL MANAGER, REGAL NAIL SALON & SPA, ANCHOAGE (via teleconference), testified in support of the bill. He relayed that for the past two months he had learned about the impact from the passage of HB 131. He discussed the requirement for additional training for manicurists. He opined that the exam required by current law was poorly written, poorly translated, and did not follow a specific course of study, which meant that there was no way to prepare for the exam. He said that most of the specialists in the industry were Asian, and English was their second language, which made the exam discriminatory toward the Asian community in Alaska. He discussed the grandfather clause, which had been missing from the previous bill. He noted that there were only three schools in the state at which technicians could acquire the newly required training. He predicted that if HB 222 did not pass there would be adverse effects on businesses and families.

[9:56:14 AM](#)

PHILIP BROWER, SELF, NORTH SLOPE (via teleconference), spoke in opposition to the bill. He relayed that his partner had been a practicing nail technician for 8 years. He asserted that she had determined through her experience that 250 hours of coursework should be required. He said that her classes had educated her about labor laws and proper sanitation.

[10:00:23 AM](#)

JOHNA BEECH, SELF, KENAI (via teleconference), testified in support of the bill.

[10:01:19 AM](#)

YEN NGUYEN, SELF, ANCHORAGE (via teleconference), testified in support of her bill. She relayed that her parents owned a nail salon. She discussed the hardship her family endured after immigrating to America. She discussed her parent's business, and the difficulty that would ensue if HB 222 did not pass.

[10:04:19 AM](#)

LISA MORENO, SELF, ANCHORAGE (via teleconference), spoke in support of the bill. She discussed her work on a taskforce that had focused on human trafficking in the state. She

shared that in her research she had never discovered a case of human trafficking in the state that had been linked to a nail salon. She noted that human trafficking could be linked to many industries across the state. She believed that it was bad policy to use the threat of human trafficking as the reason to overregulate one industry. She asserted that the current law would result in a loss of industry jobs.

[10:08:30 AM](#)

DEBORAH LEE HARPER, SELF, ANCHORAGE (via teleconference), testified in support of HB 222. She discussed the negative impact of the additional training requirements imposed after the passage of HB 131. She expounded on the logistical and language barriers that manicurists faced that had been exacerbated by HB 131. She emphasized that HB 222 would have an impact on approximately a thousand Alaskan business owners and their families. She suggested that nail technicians should take part in crafting new legislation would speak to appropriate education and regulation for their industry.

[10:10:47 AM](#)

ROSALYN WYCHE, HAIRDRESSER, ANCHORAGE (via teleconference), spoke in opposition to HB 222 in its current form. She believed that HB 131 had not received proper vetting before passage, and she feared that HB 222 was being equally rushed through the process. She stressed the importance of proper sanitation and disinfection practices in the industry. She believed that the state could offer an interpreter to help with the language barrier faced by some manicurists and nail technicians. She understood that HB 131 had a deadline for licensing of 2019, with work experience counting toward the 250 required training hours providing the test was passed.

[10:14:55 AM](#)

Co-Chair MacKinnon CLOSED public testimony.

Co-Chair MacKinnon invited Kevin McKinley from the Board of Barbers and Hairdressers to offer closing thoughts.

KEVIN MCKINLEY, CHAIR, BOARD OF BARBERS & HAIRDRESSERS, ANCHORAGE (via teleconference), relayed that 300 hours of

coursework was the national average in training for the industry. He reiterated that he state was at the bottom of the national average. He said that the average curriculum included: nail art and design, manicures, pedicures, acrylics, gels, wraps, and nail extensions; additionally, the history of nail care; personal hygiene and public health; safety, sterilization, and sanitation; nail care chemicals; uses and technique applications; nailcare tools; manicure apparatus uses; nail design and artistry; fabric and sculpting procedures, light cured gels, nail extensions, acrylic nail forms, nail product knowledge, and bacteriology disorders of nails. He felt that practical applications of education were absent from the current legislation. He said that changes in the industry necessitated more than 12 course hours of education in the field. He offered some possible compromise language that could be added to the legislation. He stressed the need for substantial education course hours. He shared that the industry was working at improving testing on the national level, for both the issue of the language barrier and content.

Co-Chair MacKinnon asked whether Mr. McKinley supported the legislation.

Mr. McKinley responded that he supported the legislation only in the sense that it would keep people employed. He added that he did not believe the bill represented quality legislation.

Co-Chair MacKinnon interjected that a representative from her office would contact Mr. McKinley offline to discuss the issue further.

HB 222 was HEARD and HELD in committee for further consideration.

[10:21:56 AM](#)
AT EASE

[10:22:52 AM](#)
RECONVENED

#hb103

CS FOR HOUSE BILL NO. 103(FIN)

"An Act relating to the practice of optometry; and providing for an effective date."

10:22:52 AM

REPRESENTATIVE IVY SPOHNHOLZ, SPONSOR, introduced the bill. She relayed that HB 103, as amended in the house, would not allow optometrists to perform services outside of their scope of practice; performing invasive surgery would continue to be illegal. She said that if optometrists wanted to perform procedures beyond what was currently allowed in statute and regulation, they would only be allowed to do so if the licensee had been educated and trained in the procedure at one of the accredited schools of optometry. Additionally, procedures would need to be authorized by regulations adopted by the board. She stated that there should be room for innovation in the healthcare sector, but that optometrists should only practice procedures that had been taught by a credited school of optometry. She noted that the ophthalmologist definition of "surgery" was used in the bill, which expressly stated that optometrists would not practice any of the listed surgeries, with narrow exceptions. She relayed that the definition of "surgery" was broad and that some of the things that optometrists currently practiced met the definition of surgery. She added that there had to be an allowance for narrow exceptions, which would change over time as the skills and training of optometrists continued. She offered a personal anecdote pertaining to the nebulous definition of surgery under the current law. She concluded that the bill would allow for the board of optometry to regulate itself in an ongoing and iterative fashion that would allow for evolution in best practices.

10:27:29 AM

BERNICE NISBETT, STAFF, REPRESENTATIVE IVY SPOHNHOLZ, discussed the sectional analysis for HB 103:

Notes differences between HB 103 v. U and SB 36 v. J

Section 1 - The Board of Examiners of Optometry will regulate prescriptive authority and develop standards for the practice of optometry. No difference.

Section 2 - The board will publish advisory opinions regarding standards for the practice of optometry. Language was changed by the House Labor & Commerce committee: expanded to state that the Board of Examiners of Optometry will be allowed to publish

advisory opinions to the public regarding whether the standards of practice of optometry comply with what is currently written in statute.

Section 3 - The licensee must provide evidence that they have completed their continuing education hours during the preceding licensing period. No difference.

Section 4 - A licensee can prescribe pharmaceuticals in a manner that is consistent with board regulations and complies with the limitation on practice in section 5. No difference.

Section 5 - Limits an individual licensee to performing services that are within the scope of the licensee's education, training, and experience. No difference in subsection (a). Subsections (b) and (c) were added in the House Finance committee: (b) added setting a limitation on performing ophthalmic surgery unless a licensee has received education and training from an accredited school of optometry and the procedure is authorized in regulations set by the Board of Examiners of Optometry. Subsection (c) has been added to define ophthalmic surgery.

Section 6 - The definition of optometry has been updated. No difference.

Section 7 - Section 2 is effective July 17, 2017. No difference.

[10:29:11 AM](#)

Representative Spohnholz stressed the importance that the board have the flexibility to evolve, while also addressing the issue of access to healthcare. She said that there were 26 ophthalmologists, versus 160 optometrists, providing the majority of eye healthcare throughout the state. She thought that allowing the board to manage itself would help to increase access to high quality eye healthcare in rural Alaska.

[10:30:40 AM](#)

Senator Hughes asked about Page 2, line 29. She asked about the word "experience" and wondered how it applied to

someone fresh out of school. She wondered how experience would be measured.

Representative Spohnholz explained that there were optometrists practicing in the state that had been trained in procedures that they had not had the opportunity to provide in 20 years. She said that before those doctors could practice those procedures they would be expected to be retrained in updated methods.

Senator Hughes remained confused about how the experience levels would be measured.

Representative Spohnholz referred the question to the board of optometry.

Co-Chair MacKinnon OPENED public testimony.

[10:33:41 AM](#)

DAVID ZUMBRO, OPHTHALMOLOGIST, ANCHORAGE (via teleconference), spoke in opposition to HB 103. He spoke to the assertion that the statutes pertaining to optometry had not been updated in 40 years; he countered that multiple times in the past 25 years legislation had been passed and signed into law that expanded the scope of practice. He contended that optometry and ophthalmology educations were not equivalent or similar. He encouraged members to further study the accreditation requirements for completing an ophthalmology residency. He said that his opposition to the bill had nothing to do with economics. He contended that the reason behind standards and board certification was patient safety, and that the only way to expand medical and surgical scope of practice was proper education and not legislation.

[10:36:58 AM](#)

JEFF GONNASON, CHAIR, ALASKA OPTOMETRY ASSOCIATION, ANCHORAGE (via teleconference), spoke in support of the bill. He believed that the bill was innocuous and would do very little to the practice of optometry in the state. He noted that he had sent a letter to the committee (copy on file).

[10:38:34 AM](#)

GRIFF STEINER, OPHTHALMOLOGIST, ANCHORAGE, testified in opposition to the bill. He asserted that the bill pertained to surgical procedures. He stated that optometrists were not qualified to perform surgery. He relayed that the cost for care would increase under the legislation.

[10:40:47 AM](#)

ANDREW PETER, SELF, HOMER (via teleconference), spoke in support of HB 103. He believed that the bill would create board autonomy, which would remove the legislature from the position of managing optometry. He noted that optometrists catered to a diverse section of the state's population. He offered some details as to how his practice worked on a day-to-day basis. He contended that emergency cases in rural areas of the state posed the need for immediate attention, which occasionally called for optometrists to perform services like ophthalmologists.

[10:44:07 AM](#)

CARL ROSEN, OPHTHALMOLOGIST, ANCHORAGE (via teleconference), testified in strong opposition to the bill. He highlighted that the optometry board should not have the authority to decide which surgical procedures, laser procedures, and injections were possible. He argued that optometrists were not qualified to perform the same medical procedures as ophthalmologists because they did not have the same rigorous medical training. He believed that the bill would work if the word "unless" was removed from the language pertaining to surgery and optometry.

[10:46:43 AM](#)

REBEKAH SAWERS, SELF, HOONAH (via teleconference), spoke in opposition to the bill.

[10:47:08 AM](#)

LUCRETIA DENNIS, SELF, ANCHORAGE (via teleconference), testified in opposition to the bill. She provided a comparison between armed and unarmed security officers, and ophthalmologists versus optometrists.

[10:50:13 AM](#)

DAVID KARPIK, SELF, KENAI (via teleconference), spoke in support of HB 103. He testified that optometrists were sometimes the only eyecare providers in rural Alaska. He said that as an optometrist he supported practices that provided comprehensive eyecare services and referred to sub-special services, which enhanced patient care and lowered costs by allowing primary eyecare to be provided locally. He referred to a U.S News and World report study published in early 2017, that ranked Alaska as last in access to healthcare. He believed that the delays to healthcare that were currently written into statute hindered access to eyecare. He believed that the legislation would create an optometry statute that would be durable and would allow for the incorporation of new technology in the field.

[10:52:38 AM](#)

DAVID KATZEEK, SELF, JUNEAU (via teleconference), spoke in opposition to HB 103. He testified of the delicate nature and importance of the human eye. He asserted that eyes "speak" in a way understood by optometrists and ophthalmologists. He worried that the bill was being used as a political tool at the expense of the eye health of Alaskans. He warned that the legislation passed by the committee should protect the eyes of current and future Alaskans. He stressed the importance of teaching young people to maintain a health whole body, which included their eyes.

[10:57:28 AM](#)

STANLEY FULLER MD, SELF, FAIRBANKS (via teleconference), testified in opposition to the bill. He noted that the expansion of the scope of practice for optometrists was an issue that was being discussed on the national level, and what more than just a housekeeping issue. He believed that the legislation would allow optometrists to perform surgery, which would result in dangerous and unsafe practices. He stressed that optometrists were not trained in surgical procedures, and that optometry schools did not offer training in surgical procedures. He agreed that access to healthcare in Alaska was a problem, but he felt that access to providers that were appropriately trained to safely perform procedures should be germane to the conversation.

11:00:35 AM

MARY NANUWAK, SELF, BETHEL (via teleconference), spoke in opposition to the bill. She provided remarks in Yup'ik. She thanked the committee for allowing her to testify. She believed that optometrists should not be performing eye surgery.

11:03:22 AM

JILL GEERING MATHESON, OPTOMETRY, JUNEAU, spoke in support of the bill. She believed that the intent of the legislation was to allow the Alaska State Board of Optometry to regulate optometrists in the state. She asserted that the bill would not expand the privileges allowed to optometrists, but would give the optometry board the ability to decide what optometrists were trained and qualified to perform and then provide for regulation. She believed that the opposition was employing fear tactics concerning surgery to sway public opinion on the bill. She argued that the board needed to be able to act quickly, via the regulatory process, to make changes as technology advanced.

11:07:00 AM

PAUL BARNEY, BOARD OF OPTOMETRY, JUNEAU, testified in support of the bill. He discussed his experience in the field. He believed that the bill would allow for the board of optometry to regulate the details of the practice of optometry, and would allow optometrists to practice to their highest education level. He felt that the bill clearly defined "surgery".

11:10:31 AM

Senator Olson asked what kind of complaints the board received from licensees.

Dr. Barney relayed that he had been on the board for the past 6 years and in that time the board had received zero complaints.

Senator Olson asked whether Dr. Barney was familiar with the Oklahoma study that had been referenced earlier in the meeting.

Dr. Barney replied that he was familiar with the study. He said that the study was regarding a laser trabeculoplasty, which was a surgery used to lower pressure in glaucoma. He said that the study examined billing codes. He spoke to the details of the study and concluded that it had not accurately examined outcomes of different surgery procedures.

[11:12:52 AM](#)

Senator von Imhof stated that she had researched an optometry school in Ohio. She felt that an accredited school of optometry could license a person to perform ophthalmic surgery non-invasively.

Dr. Barney stated that he performed procedures daily that were considered surgery. He added that there were different levels to ophthalmic surgery.

[11:14:35 AM](#)

Co-Chair MacKinnon CLOSED public testimony.

[11:14:57 AM](#)

RECESSED

[2:37:40 PM](#)

RECONVENED

Co-Chair MacKinnon discussed housekeeping.

Senator Olson asked whether the Alaska Native Tribal Health Consortium (ANTHC) supported the legislation.

Ms. Nisbett responded that ANTHC had not provided any comments regarding HB 103.

Senator Olson understood that the Southcentral Foundation had provided an opinion on the legislation.

Ms. Nisbett relayed that the bill carried with it a letter of support from the Southcentral Foundation, in addition to one from the Alaska Native Health Board.

Senator Olson commented that healthcare was primarily handled by tribal health corporations in Western and

Southern Alaska. He asked whether the sponsor had been in contact with tribal health corporations regarding HB 103.

Ms. Nisbett stated that the sponsor's office had not reached out to those organizations, but would be willing to do so.

[2:40:06 PM](#)

Senator Hughes referred to her earlier question about how experience would be quantified for new optometrists. She wondered whether Dr. Barney could speak to the issue.

Dr. Barney provided that as part of their clinical training optometrists would experience any procedures that needed to be done, which would provide them with the necessary experience upon graduation.

Senator Hughes asked what procedures a newly graduated optometrist in the state was trained to do, but could not currently execute due to current statutes.

Dr. Barney provided the example of removal of minor eye lid lesions. He said that optometrists would receive education and training for the procedure during optometry school, but that state statute currently did not allow for optometrists to perform the procedure.

Senator Hughes understood that the bill would give the board the authority through regulation to allow for practices within the scope of the licensee's education and training from an accredited school of optometry. She asked how, as a board member, Dr. Barney would make decisions as to whether a procedure could be performed by an optometrist.

Dr. Barney explained that the federal accreditation process for optometry schools within the state was overseen by the U.S. Department of Education. He said that there would be federal oversight into the curricula to assure that it was complete and thorough. He stated that an optometrist that had been practicing for 20 years that wanted to perform a board approved procedure would be required by the board to acquire the proper updated training.

[2:44:48 PM](#)

Vice-Chair Bishop discussed FN2(CED) for the bill.

[2:46:15 PM](#)

Co-Chair MacKinnon noted that Senator Giessel had sponsored the Senate companion bill for HB 103.

SENATOR CATHY GIESSEL, remarked that she supported the changes that had been made in the house version of the legislation.

[2:46:58 PM](#)

Vice-Chair Bishop MOVED to report CSHB 103(FIN) out of Committee with individual recommendations and the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

CSHB 103(FIN) was REPORTED out of committee with "no recommendation" and with one previously published fiscal impact note: FN2(CED).

[2:47:30 PM](#)

AT EASE

[2:49:40 PM](#)

RECONVENED

Co-Chair MacKinnon discussed housekeeping for SB 79 and HB 111. She stated that each member's office had received a Senate Finance Committee Resolution that pertained to the Real ID Act and the handling of Alaskan's private data.

#

ADJOURNMENT

[2:51:32 PM](#)

The meeting was adjourned at 2:51 p.m.

