

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

February 12, 2020

3:17 p.m.

MEMBERS PRESENT

Representative Ivy Spohnholz, Chair
Representative Louise Stutes
Representative Zack Fields
Representative Sara Hannan
Representative Andi Story
Representative Mel Gillis
Representative Sara Rasmussen

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 91

"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

CS FOR SENATE BILL NO. 106(L&C)

"An Act relating to renewal of insurance coverage for homeowners and renters; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 91

SHORT TITLE: NATUROPATHS: LICENSING; PRACTICE

SPONSOR(S): REPRESENTATIVE(S) JOHNSTON

03/13/19	(H)	READ THE FIRST TIME - REFERRALS
03/13/19	(H)	L&C, FIN
04/03/19	(H)	L&C AT 3:15 PM BARNES 124
04/03/19	(H)	Heard & Held
04/03/19	(H)	MINUTE(L&C)
04/08/19	(H)	L&C AT 3:15 PM BARNES 124

04/08/19 (H) Heard & Held
 04/08/19 (H) MINUTE (L&C)
 05/03/19 (H) L&C AT 3:15 PM BARNES 124
 05/03/19 (H) Heard & Held
 05/03/19 (H) MINUTE (L&C)
 02/12/20 (H) L&C AT 3:15 PM BARNES 124

BILL: SB 106

SHORT TITLE: HOMEOWNER/RENTER INSURANCE RENEWAL

SPONSOR(s): SENATOR(s) BEGICH

04/10/19 (S) READ THE FIRST TIME - REFERRALS
 04/10/19 (S) L&C
 05/07/19 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
 05/07/19 (S) Heard & Held
 05/07/19 (S) MINUTE (L&C)
 05/09/19 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
 05/09/19 (S) Heard & Held
 05/09/19 (S) MINUTE (L&C)
 05/10/19 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
 05/10/19 (S) Moved CSSB 106 (L&C) Out of Committee
 05/10/19 (S) MINUTE (L&C)
 05/11/19 (S) L&C RPT CS 4DP SAME TITLE
 05/11/19 (S) DP: REINBOLD, BIRCH, COSTELLO, GRAY-
 JACKSON
 05/14/19 (S) TRANSMITTED TO (H)
 05/14/19 (S) VERSION: CSSB 106 (L&C)
 05/15/19 (H) READ THE FIRST TIME - REFERRALS
 05/15/19 (H) L&C
 02/12/20 (H) L&C AT 3:15 PM BARNES 124

WITNESS REGISTER

ERIN SHINE, Staff
 Representative Jennifer Johnston
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented HB 91 on behalf of Representative Johnston, prime sponsor, and provided a presentation entitled, "House Bill 91 Naturopathic Medicine Reform."

SENATOR TOM BEGICH
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Introduced CSSB 106 (L&C), as prime sponsor.

LÖKI TOBIN, Staff

Senator Tom Begich
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a sectional analysis of the committee substitute (CS) for SB 106 on behalf of Senator Begich, prime sponsor.

ACTION NARRATIVE

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CHAIR IVY SPOHNHOLZ called the House Labor and Commerce Standing Committee meeting to order at 3:17 p.m. Representatives Story, Stutes, Fields, Gillis, Hannan, and Spohnholz were present at the call to order. Representative Rasmussen arrived as the meeting was in progress.

HB 91-NATUROPATHS: LICENSING; PRACTICE

[3:18:32 PM](#)

CHAIR SPOHNHOLZ announced that the first order of business would be HOUSE BILL NO. 91, "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."

[3:19:05 PM](#)

ERIN SHINE, Staff, Representative Jennifer Johnston, Alaska State Legislature, presented HB 91 on behalf of Representative Johnston, prime sponsor and provided a presentation entitled, "House Bill 91 Naturopathic Medicine Reform." She directed attention to slide 2 to highlight the definition of a naturopathic doctor. Naturopathic medicine, she said, is a distinct medical practice that emphasizes prevention and self-healing processes to treat each person holistically and improve outcomes while lowering costs. Naturopathic doctors are educated and trained at accredited naturopathic medical colleges. They diagnose, prevent, and treat acute and chronic illness, as well as restore and establish optimal health by supporting the person's inherent self-healing process. Rather than just suppressing symptoms, naturopathic doctors work to identify underlying causes of illness and develop personal treatment plans to address them. Ms. Shine went on to paraphrase slide 3 entitled, "What Education do Naturopathic

Doctors Receive," which read in its entirety as follows [original punctuation provided]:

Education

4-Year Medical School Program accredited by the Council of Naturopathic Medical Education; including:

- 2 years of medical sciences (anatomy, physiology, microbiology, immunology, etc.)
- 2 years of clinical sciences and treatment methods

Prerequisites

- 4 year undergraduate degree and additional pre-medical coursework

Residencies

- 1-3 year residency options throughout the country; however, there are not enough residency opportunities for every graduate

Licensing

- Naturopaths must pass the two-part Naturopathic Physicians Licensing Examination (NPLEX) before being licensed to practice

MS. SHINE continued with slide 4 entitled, "Who is not a Naturopathic Doctor?" She said, unfortunately, "naturopath" has become a catch-all term for many non-naturopathic doctors that get lumped together with the practicing physicians who are licensed in this state. In other states, naturopaths have title protections so that people can't use their name without being licensed and going through the same educational process. She turned attention to slide 5 entitled, "Legislative History of Naturopath Statutes in Alaska," and paraphrased the following [original punctuation provided]:

ESTABLISHING STATUTES

1986: AS 08.45 (Naturopaths) established

LEGISLATION PASSED

2004: SB 306 - Established a Naturopathic Medicine Task Force

2005: SB 42 - Extended Task Force one year and updated membership

2005: SB 52 - Updated statutes to correct "division" to "department"

LEGISLATION ATTEMPTS

2007: SB 107

2008: HB 363
2010: HB 282 & SB 70
2011: HB 122
2012: HB 266 & SB 175
2013: HB 7
2017: HB 326 & SB 120
2019: HB 91

MS. SHINE directed attention to two maps on slides 6-7 to discuss licensing and prescriptive authority for naturopaths in America. Prescriptive authority is one of the contentious issues in HB 91. She explained that there are varying degrees of prescriptive authority, as the map on slide 7 illustrates. She pointed out that Vermont is the only state with full prescriptive authority. Alaska, in contrast, is one of 10 states where naturopaths are regulated and have no prescriptive authority. She noted that naturopathic doctors complete a rigorous education in pharmacology during their 4-year science-based medical education. Naturopathic doctors believe that natural medicine and conventional medicine are not mutually exclusive and recognize that there are times when both approaches can be utilized together for patients' benefits. She addressed slide 8 entitled, "House Bill 91," and read the following [original punctuation provided]:

Modernizes statutes for Naturopaths by cleaning up outdated language, requiring continuing education every 2 years, and imposing the same public health duties on Naturopaths as other medical providers

Updates scope of practice for Naturopaths to include limited prescriptive authority and allowing minor office procedures

Removes the need for duplicative office visits and improves access to care for patients in Alaska

MS. SHINE concluded by preemptively addressing forthcoming testimony that will "undoubtedly" be given on HB 91. She said the testimony will come from several providers who share personal anecdotes about frightening stories and substandard medical care provided by naturopaths; however, the stories have never been substantiated or linked to any licensed naturopath in Alaska. More importantly, she said, the Division of Corporations, Business and Professional Licensing has received no reports alleging the kinds of ethical and medical breaches purported in these accounts. She added that in the 20 years

that naturopaths have been licensed there have been a total of 33 complaints that have been investigated, albeit not necessarily sanctioned.

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REPRESENTATIVE STORY sought clarification on limited prescriptive authority.

MS. SHINE explained that each state allows different approaches to prescriptive authority for naturopathic doctors. HB 91, for example, would be exclusionary [prescriptive authority] because it excludes controlled substance and chemotherapeutic agents.

[3:29:57 PM](#)

MS. SHINE provided a sectional analysis of HB 91 [included in the committee packet], which she read in its entirety as follows [original punctuation provided]:

Section 1 - AS 08.02.010(a) Professional designation requirements. (Amended)

Requires naturopathic practitioners to use appropriate letters, title and specialist designations

Section 2 - AS 08.45.030 Issuance of license. (Amended)

- Establishes that, to be issued a license, an applicant must be of good moral character, have graduated from an accredited naturopathic college and have passed a licensing examination.
- Removes outdated language requiring that to be issued a license to practice naturopathy in Alaska, if an individual graduated before 1988, they must also have been issued a license to practice in another state previously.

Section 3 - AS 08.45.035(a) Temporary licenses. (Amended)

Allows the department to issue a temporary license to a naturopath if they are signed up to take licensing exams at the next available date after the date of the application and have not previously failed the licensing exam.

Section 4 - AS 08.45.045 Practice of naturopathy. (New section)

- Allows naturopaths to practice within the scope of their education and training
- Allows naturopaths to prescribe natural and therapeutic substances, natural therapies, drugs and contraceptive devices
- Allows naturopaths to perform minor surgeries and perform or order diagnostic procedures
- Defines "naturopathic physical application"

Section 5 - AS 08.45.050 Restrictions on practice of naturopathy. (Amended)

- Removes prohibition for prescribing drugs, performing minor surgeries, and using the word "physician" in titles
- Prohibits naturopaths from giving, recommending or prescribing cancer drugs and controlled substances

Section 6 - AS 08.45.053 & 08.45.057 Public health duties and renewal of license. (New sections)

- Imposes same public health duties on naturopaths as other physicians
- Requires naturopaths to complete 24 hours of continuing education every two years for license to be renewed

Section 7 - AS 08.45.200(3) Definitions. (Repealed and reenacted)

Repeals and replaces definition for "naturopathy"

Section 8 - AS 08.45.200(4) & (5) Definitions. (New paragraphs)

Defines "approved naturopathic medical school" and "naturopath"

Section 9 - Transitional Language (Uncodified law)

Transitional language allowing currently licensed naturopaths to practice under the new law

Section 10 - Transitional Regulations (Uncodified law)

Allows the Department to adopt transitional regulations immediately following passage and prior to the bill's effective date.

Section 11 - Effective date. (Uncodified law)

Establishes immediate effective date for section 10

Section 12 - Effective date. (Uncodified law)

Establishes effective date for sections 1 - 9 as
January 1, 2020

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REPRESENTATIVE STUTES, referencing Section 5, asked if "minor surgeries" is defined in the bill.

MS. SHINE explained that sutures, punch biopsies, and the removal or insertion of an IUD [intrauterine device] are all examples of what would constitute a minor surgery.

REPRESENTATIVE STUTES asked if the word "minor" is defined in HB 91.

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MS. SHINE directed attention to page 4, lines 1-7, which read as follows:

perform procedures in the office using operative, electrical, or other methods, including the use of antiseptics and local anesthetics, for the surgical repair and care of superficial lacerations and abrasions, superficial lesions, and the removal of foreign bodies located in the superficial tissues of the human body; the procedures may not include general or spinal anesthetics, major surgery, surgery of the body cavities, plastic surgery, surgery involving the eyes, or surgery involving tendons, ligaments, nerves, or blood vessels; and

REPRESENTATIVE RASMUSSEN questioned whether the pharmacology classes that naturopathic doctors take during their 4-year college education align with the material that a physician learns in school.

MS. SHINE offered her understanding that over the first two years, [naturopaths] follow the same track as a medical doctor with pharmacology learned throughout most of their courses. She offered to follow up with a cross-comparison.

CHAIR SPOHNHOLZ, in response to Representative Rasmussen, added that naturopaths are "naturopathic doctors (NDs)", just like medical doctors. She explained that the term "doctor" is

generally used in short for medical doctor (MD), but also applies to anyone that has received a doctorate degree.

[3:36:30 PM](#)

CHAIR SPOHNHOLZ announced that HB 91 was held over.

SB 106-HOMEOWNER/RENTER INSURANCE RENEWAL

[3:36:39 PM](#)

CHAIR SPOHNHOLZ announced that the final order of business would be CS FOR SENATE BILL NO. 106(L&C), "An Act relating to renewal of insurance coverage for homeowners and renters; and providing for an effective date."

[3:36:55 PM](#)

SENATOR TOM BEGICH, Alaska State Legislature, as prime sponsor, introduced CSSB 106(L&C). He paraphrased parts of the sponsor statement [included in the committee packet], which read in its entirety as follows [original punctuation provided]:

Moving into a new home is one of the most significant commitments any person will ever make. Obtaining insurance to protect not only the value of that commitment, but also the invaluable belongings, and heirlooms housed within one's home, is not only prudent, but in most cases, mandated by insurance lenders. Although not mandatory, renter's insurance is recommended by the State of Alaska Division of Insurance and offers tenants similar economic protection against loss of personal property.

Currently, Alaska insurance providers may fail to renew an insurance policy within the first year of coverage for any reason, including after a claim has been made.

CSSB 106 would restrict insurance company's ability to not renew a policy based solely on the first claim filed within 3 years of the policy being initiated. This would ensure that one-time crime victims are not penalized by their insurance company for filing a claim.

SENATOR BEGICH continued by illustrating a scenario in which an individual's insurance policy fails to be renewed by the provider because he or she filed a claim within the first year after a burglary. He said that's the power that, although rarely used, exists under the law. He reported working with the insurance industry to "narrow the scope to look at the revictimization of a victim." That, he said, is what this bill does, which is why it passed out of the Senate with no opposition and has 12 of 20 senators co-sponsoring it.

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LÖKI TOBIN, Staff, Senator Tom Begich, Alaska State Legislature, presented a sectional analysis of the committee substitute (CS) for SB 106 [included in the committee packet] on behalf of Senator Begich, prime sponsor, which read in its entirety as follows [original punctuation provided]:

Section 1: Cleans up previous language and moves notice and applicability language for nonrenewal of a personal or business insurance policy to a new section, described below.

Section 2: Adds a new section prohibiting an insurance company from considering a first claim filed against the policy in the preceding three years as a reason for not renewing the policy when that claim results from a criminal act committed by a third party.

The insurance company may still cancel or not renew without notice if the insurance company has manifested a good faith effort to renew the policy or the premiums on a policy are not paid.

Section 3: Aligns "personal insurance" definition with AS 21.36.460(i).

Section 4: Amends uncodified Alaska law so Sections 1 and 2 apply to new insurance or insurance policies renewed after the effective dates in this Act.

Section 5: Amends uncodified Alaska law to allow the Director of the Division of Insurance the ability to implement new regulations outlined in Sections 1 and 2.

Section 6: Gives the Director of the Division of Insurance the authority outlined in Section 5 immediately upon passage of the legislation.

Section 7: All sections, save Section 6, will go into effect July 1, 2020.

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REPRESENTATIVE FIELDS thanked the bill sponsor and the victims for bring this issue to the committee's attention, adding that he was not aware of it before last year.

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REPRESENTATIVE RASMUSSEN questioned whether SB 106 might prompt the insurance industry to cease from insuring consumers in high-risk crime areas.

SENATOR BEGICH answered no. He offered his belief that by limiting the number of years within which a first claim would have to fall, SB 106 did not create an onerous burden for the industry or the consumer.

REPRESENTATIVE RASMUSSEN said she appreciates the intention behind this bill, especially for tenants who are often signing one-year leases that they may not renew. She said it seems important to have protections in place for people that are victims of crime.

SENATOR BEGICH noted that nothing in the bill would prohibit an insurance company from continuing to raise rates because a claim was made, which is standard insurance practice.

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REPRESENTATIVE HANNAN referenced the statutory citation in Section 2 and sought to clarify if it includes renter's insurance as well as homeowner's insurance.

SENATOR BEGICH said he doesn't know.

REPRESENTATIVE HANNAN asked how many states have discovered and attempted to remedy the loophole that allows insurance companies to cancel coverage if a claim is filed within the first year.

SENATOR BEGICH said, "a number of states." He listed New York, Oregon, Minnesota, and offered to follow up with a document that indicates which states' statutes allow some form of this kind of law.

[3:50:15 PM](#)

CHAIR SPOHNHOLZ announced that SB 106 was held over.

[3:50:34 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 3:50 p.m.