

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

February 28, 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

MEMBERS ABSENT

Representative Sara Rasmussen

COMMITTEE CALENDAR

HOUSE BILL NO. 24

"An Act relating to instruction in a language other than English; and relating to limited teacher certificates."

- MOVED CSHB 24(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 84

"An Act relating to the presumption of compensability for a disability resulting from certain diseases for firefighters, emergency medical technicians, paramedics, and peace officers."

- HEARD & HELD

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

PREVIOUS COMMITTEE ACTION

BILL: HB 24

SHORT TITLE: LIMITED TEACHER CERTIFICATES; LANGUAGES

SPONSOR(S): REPRESENTATIVE(S) KREISS-TOMKINS

02/20/19 (H) PREFILE RELEASED 1/7/19
 02/20/19 (H) READ THE FIRST TIME - REFERRALS
 02/20/19 (H) EDC, L&C
 03/29/19 (H) EDC AT 8:00 AM CAPITOL 106
 03/29/19 (H) Heard & Held
 03/29/19 (H) MINUTE(EDC)
 04/01/19 (H) EDC AT 8:00 AM CAPITOL 106
 04/01/19 (H) Heard & Held
 04/01/19 (H) MINUTE(EDC)
 04/03/19 (H) EDC AT 8:00 AM CAPITOL 106
 04/03/19 (H) Heard & Held
 04/03/19 (H) MINUTE(EDC)
 04/05/19 (H) EDC RPT 5DP 2NR
 04/05/19 (H) DP: TUCK, ZULKOSKY, JOHNSON, STORY,
 DRUMMOND
 04/05/19 (H) NR: REVAK, HOPKINS
 04/05/19 (H) EDC AT 8:00 AM CAPITOL 106
 04/05/19 (H) Moved HB 24 Out of Committee
 04/05/19 (H) MINUTE(EDC)
 04/24/19 (H) L&C AT 3:15 PM BARNES 124
 04/24/19 (H) Heard & Held
 04/24/19 (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)
 05/13/19 (H) L&C AT 3:15 PM BARNES 124
 05/13/19 (H) Heard & Held
 05/13/19 (H) MINUTE(L&C)
 02/17/20 (H) L&C AT 3:15 PM BARNES 124
 02/17/20 (H) Heard & Held
 02/17/20 (H) MINUTE(L&C)
 02/21/20 (H) L&C AT 3:15 PM BARNES 124
 02/21/20 (H) <Bill Hearing Canceled>
 02/28/20 (H) L&C AT 3:15 PM BARNES 124

BILL: HB 84

SHORT TITLE: WORKERS' COMP: POLICE, FIRE, EMT, PARAMED
 SPONSOR(S): REPRESENTATIVE(S) JOSEPHSON

03/06/19 (H) READ THE FIRST TIME - REFERRALS
 03/06/19 (H) HSS, L&C
 04/04/19 (H) HSS AT 3:00 PM CAPITOL 106
 04/04/19 (H) Heard & Held
 04/04/19 (H) MINUTE(HSS)
 04/25/19 (H) HSS AT 3:00 PM CAPITOL 106
 04/25/19 (H) Moved HB 84 Out of Committee

04/25/19 (H) MINUTE (HSS)
04/26/19 (H) HSS RPT 5DP
04/26/19 (H) DP: CLAMAN, TARR, DRUMMOND, ZULKOSKY,
SPOHNHOLZ
02/24/20 (H) L&C AT 3:15 PM BARNES 124
02/24/20 (H) Heard & Held
02/24/20 (H) MINUTE (L&C)
02/26/20 (H) L&C AT 3:15 PM BARNES 124
02/26/20 (H) <Bill Hearing Canceled>
02/28/20 (H) L&C AT 3:15 PM BARNES 124

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
02/12/20 (H) Heard & Held
02/12/20 (H) MINUTE (L&C)
02/19/20 (H) L&C AT 3:15 PM BARNES 124
02/19/20 (H) Heard & Held
02/19/20 (H) MINUTE (L&C)
02/28/20 (H) L&C AT 3:15 PM BARNES 124

WITNESS REGISTER

ERIN HARRINGTON, Staff
Representative Jonathan Kreiss-Tompkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained the changes in the committee substitute (CS) for HB 24, Version K, on behalf of Representative Kreiss-Tomkins, prime sponsor.

REPRESENTATIVE JONATHAN KREISS-THOMKINS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, provided closing comments on HB 24.

REPRESENTATIVE ANDY JOSEPHSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided the opening statement for HB 84, as prime sponsor.

ELISE SORUM-BIRK, Staff
Representative Andy Josephson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 84 on behalf of Representative Josephson, prime sponsor.

JESSICA THROWBRIDGE
Berkeley, California

POSITION STATEMENT: Provided testimony and answered questions during the hearing on HB 84.

REPRESENTATIVE JENNIFER JOHNSTON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided the opening statement for HB 91, as prime sponsor.

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

POSITION STATEMENT: Answered questions during the hearing on HB 91 on behalf of Representative Johnston, prime sponsor.

SARA CHAMBERS, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community & Economic Development
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 91.

ALEX MALTER
Alaska State Medical Association
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 91.

KATHERINE BROWN

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 91.

MARY FOLAND, MD

State Medical Association

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 91.

PATRICK NOLAN, MD

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 91.

RHENE MERKOURIS, MD

Alaska State Medical Association

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 91.

JOHN DEKEYSER, MD

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 91.

JEFFERY DEMAIN, MD

Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 91.

AMY SEIBERLICH, ND

Alaska Association of Naturopathic Physicians

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 91.

ADAM GROVE, ND

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 91.

DOUG VERMILLION, MD

Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 91.

JOSHUA GREEN, ND

Vermont

POSITION STATEMENT: Testified in support of HB 91.

COURTNEY BOWERS, ND

Vermont

POSITION STATEMENT: Testified in support of HB 91.

DANIEL YOUNG, ND

Eagle River, Alaska

POSITION STATEMENT: Testified in support of HB 91.

GARY FERGUSON, ND

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 91.

ANNETTE O'CONNELL

Kenai, Alaska

POSITION STATEMENT: Testified in support of HB 91.

DAVID SCHLEICH

Canada

POSITION STATEMENT: Testified in support of HB 91.

NATALIE WIGGINS, ND

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 91.

CAMERON O'CONNEL

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 91.

VICKI KENNEDY

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 91.

ACTION NARRATIVE

[3:17:59 PM](#)

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

HB 24-LIMITED TEACHER CERTIFICATES; LANGUAGES

[3:18:37 PM](#)

CHAIR SPOHNHOLZ announced that the first order of business would be HOUSE BILL NO. 24, "An Act relating to instruction in a language other than English; and relating to limited teacher certificates."

[3:18:54 PM](#)

REPRESENTATIVE STUTES moved to adopt the proposed committee substitute (CS) for HB 24, labeled 31-LS0290\K, Caouette, 2/27/20, as the working document.

[3:19:16 PM](#)

CHAIR SPOHNHOLZ objected for the purpose of discussion.

[3:19:29 PM](#)

ERIN HARRINGTON, Staff, Representative Jonathan Kreiss-Tompkins, Alaska State Legislature, on behalf of Representative Kreiss-Tompkins, prime sponsor, explained the changes to HB 24 proposed under Version K, which replaces Version M. She paraphrased from a document provided in the committee packet, entitled "Explanation of Changes, Version M to Version K," which read as follows:

Version K replaces version M, which was previously adopted in the House Labor and Commerce Committee.

Version M incorporated language related to changes to the Alaska Native Language Preservation and Advisory Council (ANLPAC). These changed the council's name – to the Council for Alaska Native Languages – and increased the number of seats on the council from five to seven.

Version K leaves the changes related to ANLPAC in place but reorganizes the remainder of the bill having to do with limited language immersion teacher certificates. Whereas earlier versions of the bill repealed and replaced existing statute AS 14.25.025, version K retitles the bill and creates the authorities related to immersion language certificates in a new statute, AS 14.25.023, limited language immersion teacher certificates.

Corresponding changes to the name of the certificate are made throughout Section 1 of version K. Other than the changes to the certificate name:

- Subsections (a) through (e) are identical in substance to version M.
- A new subsection (f) creates a 5-year limit on the limited language immersion certificate for teachers

certified to teach in world language immersion programs.

Sections 2 through 4 are unchanged from the previous version.

[3:22:19 PM](#)

CHAIR SPOHNHOLZ removed her objection. There being no further objection, Version K was adopted as the working document.

[3:22:49 PM](#)

REPRESENTATIVE HANNAN opined that the ultimate inspiration for HB 24 is to seek an avenue for the growth and preservation of Alaska Native language speakers. She expressed her hope that the state will provide funding to support districts who choose to offer full language immersion programs to encourage the growing diversity of language opportunities for young people in Alaska.

[3:24:36 PM](#)

REPRESENTATIVE JONATHAN KREISS-THOMKINS, Alaska State Legislature, noted that this is the first concrete step in terms of policy change that the state will be making as an offensive move against language endangerment and extinction. He said it means a lot to him and to many Alaskans.

[3:26:04 PM](#)

REPRESENTATIVE STUTES moved to report CSHB 24, Version LS0290\K, Caouette, 2/27/20, out of committee with individual recommendations and the accompanying fiscal notes. Without objection, CSHB 24(L&C) was moved from the House Labor and Commerce Standing Committee.

[3:26:26 PM](#)

The committee took an at-ease from 3:26 to 3:31 p.m.

HB 84-WORKERS' COMP: POLICE, FIRE, EMT, PARAMED

[3:31:03 PM](#)

CHAIR SPOHNHOLZ announced that the next order of business would be HOUSE BILL NO. 84, "An Act relating to the presumption of

compensability for a disability resulting from certain diseases for firefighters, emergency medical technicians, paramedics, and peace officers."

[3:31:14 PM](#)

REPRESENTATIVE ANDY JOSEPHSON, Alaska State Legislature, provided a brief review of HB 84, as prime sponsor. He said providing coverage in the event of exposure to carcinogenic chemicals is a top priority for state law enforcement. That exposure, he noted, causes cancer within the limited window that currently exists in Title 23. Additionally, the bill clarifies language in the Adamson v. the State of Alaska. Furthermore, HB 24 clarifies that all state firefighters are covered.

CHAIR SPOHNHOLZ asked Representative Josephson to repeat his last sentence.

REPRESENTATIVE JOSEPHSON provided a scenario in which a firefighter at the University of Alaska Fairbanks gets a respiratory problem from a fire he put out. He explained that under HB 84, he would not have a presumption that the respiratory problem he suffered was related to that fire.

CHAIR SPOHNHOLZ sought clarification as to who is included in the bill.

[3:34:03 PM](#)

ELISE SORUM-BIRK, Staff, Representative Andy Josephson, Alaska State Legislature, on behalf of Representative Josephson, prime sponsor, explained that employees of the state who are firefighters or peace officers will be covered.

[3:34:23 PM](#)

REPRESENTATIVE HANNAN questioned whether the definition of a peace officer includes tribal police and Village Public Safety Officers (VPSOs).

MS. SORUM-BIRK noted that there are two definitions of "peace officer" in Alaska statute, adding that HB 84 uses the broader definition. She answered yes, it would include those categories.

[3:35:36 PM](#)

REPRESENTATIVE JOSEPHSON addressed a question from the previous bill hearing. He said the current benefit from 2008 is rarely needed and that approximately one cancer claim and four respiratory claims are filed per year. He stated that this should not inflate municipal or state workers' compensation insurance premiums.

[3:37:13 PM](#)

MS. SORUM-BIRK deferred questions regarding the correlation between female firefighters and breast cancer to Ms. Throwbridge.

[3:39:17 PM](#)

JESSICA THROWBRIDGE informed that committee that she has been studying the health impact of exposure to toxic chemicals for the past nine years. She added that for the past six years she has specifically focused on the cohort of women firefighters.

CHAIR SPOHNHOLZ asked for a high-level summary of her findings.

MS. THROWBRIDGE explained that she is studying exposure to perfluoroalkyl substances (PFASs) that could be occupationally related. The study found that women firefighters had higher levels of three different compounds compared to nonfirefighters by a statistically significant amount. She noted that everyone in the study was exposed to multiple different compounds. Other research has documented high exposure among firefighters in general to chemicals like PAHs, arsenic, formaldehyde, and benzene.

CHAIR SPOHNHOLZ pointed out that in Alaska, there is a problem with PFAS water contamination as a result of using it in firefighting foams. She asked for a description of what exposure for firefighters or other emergency personnel might look like.

MS. THROWBRIDGE agreed that PFAS water contamination is a big problem. She said in California they don't have the same levels of PFAS in drinking water, which enabled them to exclude that as a potential source in their study. She explained that common exposure among firefighters includes aqueous [film forming] foam (AFFF), which fire fighters frequently use. PFAS is also suspected to be in the water-resistant and flame-retardant gear that firefighters wear. Furthermore, the study found that firefighters' job positions might be associated with PFAS

levels, in that those fighting the fires directly have higher levels than those who drive the truck or provide backup.

CHAIR SPOHNHOLZ asked what that means in terms of an increase in cancer rate or causality.

MS. THROWBRIDGE said that's a tough question to answer because their study is specifically focused on exposure and doesn't follow the participants over time to look at cancer rates for several reasons. First, most fire departments don't have enough women to determine a statistically significant association even if it exists. Second, looking at cancer outcomes can hinder prevention efforts because it requires waiting until cancer cases appear. Nonetheless, she stated that there is a lot of evidence both in animal and human studies to show that PFAS is associated with breast cancer.

[3:44:50 PM](#)

REPRESENTATIVE HANNAN asked for Ms. Throwbridge's speculative hypothesis on the time of exposure before the onset of cancer.

MS. THROWBRIDGE asked if Representative Hannan's question is referring to PFAS specifically.

REPRESENTATIVE HANNAN said that although she has a personal interest in the PFAS element, HB 84 considers all kinds of carcinogenic exposure.

MS. THROWBRIDGE explained that the biology is very complicated, and it would be challenging to establish a timeframe between exposure and outcome - primarily because there isn't just one exposure and the biology behind exposure isn't necessarily straightforward. Furthermore, she pointed out that there are other exposures beyond occupational, as firefighters have lives outside of the firehouse. Nonetheless, presumption laws from different places have cited five years for breast cancer, she said.

[3:47:16 PM](#)

CHAIR SPOHNHOLZ opened public testimony. After ascertaining that no one wished to testify, she closed public testimony. She announced that HB 84 was held over.

HB 91-NATUROPATHS: LICENSING; PRACTICE

[3:47:45 PM](#)

CHAIR SPOHNHOLZ announced that the final 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."

[3:48:11 PM](#)

REPRESENTATIVE JENNIFER JOHNSTON, Alaska State Legislature, recounted that years ago, her father-in-law was the driving force in getting osteopaths hospital privileges. She shared a personal anecdote about her daughter. She went on to say that this bill gives Alaskans an affordable alternative to primary care and that naturopaths have the education and training to provide the practice outline in this bill. She noted that the proposed prescriptive authority in HB 91 excludes controlled substances and chemotherapy drugs. She expressed her hope that the committee will listen to the forthcoming testimony and that they will pass the bill out of committee.

[3:50:29 PM](#)

REPRESENTATIVE STUTES noted that after speaking with Ms. Shine, she was reassured about several issues regarding prescriptive authority. She asked Ms. Shine to elaborate.

[3:51:00 PM](#)

ERIN SHINE, Staff, Representative Jennifer Johnston, Alaska State Legislature, recounted that Naturopathic doctors are educated in pharmacology throughout various courses during their four-year medical school. She said that although their school is similar to that of medical doctors (MDs), they diverge in some training. She highlighted that for naturopaths (NDs), their education and training is the same or more than health professionals who are practicing with a broader scope of practice than this bill provides.

CHAIR SPOHNHOLZ clarified that nurse practitioners receive either a master's degree or a doctorate, which is between six and eight years of school.

MS. SHINE acknowledged that.

[3:52:39 PM](#)

REPRESENTATIVE FIELDS said that he is "between a rock and a hard place" because trusted doctors have strongly opposed it, but he would like to support his colleague. He asked if there is an opportunity for consensus on a narrow expansion of authority for naturopaths.

REP JOHNSTON opined that it is already narrow. She reiterated that the bill excludes controlled substances and chemotherapy drugs. She said it allows naturopaths to prescribe cold medication for their patients, for example. Furthermore, she added that because they are naturopaths, they're less likely to write prescriptions.

CHAIR SPOHNHOLZ noted that they have received 31 letters of opposition and 116 in support of HB 91.

[3:54:44 PM](#)

REPRESENTATIVE STUTES asked if any of the "nightmare" stories heard during the bill's previous period of public testimony have been substantiated.

MS. SHINE said no. She explained that after hearing the testimony last year, she followed up with Sarah Chambers, the Director of the Division of Corporations, Business, and Professional Licensing, and not one of those stories has been reported or investigated in Alaska. She said it's quite possible that those are stories coming from outside Alaska in states that are unregulated where people can call themselves naturopaths and potentially operate like a naturopath. She reiterated that those claims have never been substantiated throughout the years that this bill has been before the legislature.

[3:55:36 PM](#)

REPRESENTATIVE STORY reported concerns about naturopaths identifying themselves differently than doctors.

MS. SHINE replied that she did a deep dive into other states and how they've outlined titles for naturopaths and other health care professionals. Of the states that regulate, there are many that put a prohibition on using the word "physician." In HB 91, it does remove the current prohibition from the 1986 statutes that were put into place. In states that do allow naturopaths to call themselves naturopathic physicians, they also recommend

that they must identify that they are a "naturopathic physician" instead of just "physicians" to prevent confusion for patients.

CHAIR SPOHNHOLZ clarified that the title "doctor" is short for "doctorate," which many people hold. She added that it is colloquially used because historically, medical doctors were the primary care givers; however, that is no longer true.

[3:58:16 PM](#)

REPRESENTATIVE HANNAN inquired as to the level of concern about naturopaths' licensure.

[3:58:57 PM](#)

SARA CHAMBERS, Director, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community & Economic Development, replied that the Division of Corporation, Business, and Professional Licensing does not see many problems concerning licensed naturopaths. She offered her belief that the department averages approximately 7 investigations every 10 years. Furthermore, last year there was only one complaint that was not followed through with. She stated that naturopaths do not have a problematic profession.

[3:59:51 PM](#)

REPRESENTATIVE HANNAN asked of the professional licensure boards that the department currently oversees, how many include prescriptive authority.

MS. CHAMBERS listed the State Medical Board, the Board of Nursing, the Board of Dental Examiners, the Board of Veterinary Examiners, and the Board of Examiners in Optometry.

REPRESENTATIVE HANNAN asked how often there are investigations of a disciplinary nature into those boards with prescriptive authority and whether there are associated prescriptive problems. She contemplated whether giving naturopaths prescriptive authority should be a legitimate concern.

MS. CHAMBERS acknowledged the nationwide concern about controlled substances. She reassured the committee that there is nothing in the bill that would give naturopaths even the illusion of having the ability to prescribe controlled substances. She reiterated that this would match the state law with their training.

[4:02:57 PM](#)

REPRESENTATIVE STORY reported that medical professionals are concerned about naturopaths being inexperienced.

[4:03:26 PM](#)

CHAIR SPOHNHOLZ sought clarification on the complaint that was filed and not followed through with. She asked what that means.

MS. CHAMBERS explained that there was nothing to pursue because the person lost interest or didn't take the complaint seriously enough to pursue.

[4:06:09 PM](#)

CHAIR SPOHNHOLZ opened public testimony.

[4:06:31 PM](#)

ALEX MALTER, Alaska State Medical Association, stated that his purpose in testifying is to respectfully urge the committee not to support expanding the scope of practice for naturopaths under HB 91. He opined that these changes would not enhance patient care or improve Alaskans' access to care. He shared a brief history of his medical background and a personal anecdote. He reiterated his belief that expanding naturopaths' scope of practice would not enhance medical care in Alaska or improve patient access. He offered his understanding that medical training for naturopaths is less rigorous than that of medical doctors. He said its emphasis in alternative healing does not allow adequate time for students to study the accepted pathology and physiology to safely treat most medical conditions. In general, medical doctors don't believe that the first two didactic years of naturopath school and medical school are comparable, he said. Furthermore, he argued that even if they are similar, medical students are still required to spend an additional four years in clinical training or residency before being licensed in the state of Alaska. Under HB 91, he said, naturopaths could be licensed to prescribe with less training, little of which being focused on relative pharmaceutical treatments. To conclude, he said it's unlikely that expanding the scope of practice for naturopaths will improve access to care for the underserved. He urged the committee to vote no on HB 91.

4:11:34 PM

REPRESENTATIVE HANNAN declared a conflict of interest, as Mr. Malter has been her primary care physician for the last 25 years.

4:12:02 PM

KATHERINE BROWN, noted that she is the great-niece of Dora Sweeney an elected delegate to the state constitutional convention, representing Juneau from 1955-1965 in the territorial and state legislatures. She stated that NDs receive the same training as MDs for the first two years of their education, focusing on natural medicine afterwards. She said they are fully qualified to function as primary care physicians and to competently perform minor surgeries and prescribe certain medications. She offered her belief that not taking advantage of the full capacities of Alaska's NDs "is madness." She added that if stories of malpractice by naturopaths are not documented and legally reported as required by law, they have no place in the present discussion. All Alaskans should have access to [naturopathic] care if they so choose, she opined. To conclude, she asked members to pass HB 91 out of committee.

4:15:08 PM

MARY FOLAND, MD, State Medical Association, stated that she opposes the expansion of practice. She reported that the State Medical Board has opposed this legislation, adding that the board believes these changes are the practice of allopathic medicine and are not appropriate or safe for the public. She indicated that she is privy to substantiated stories and proceeded to share one about malpractice committed by a ND. She went on to say that HB 91 would allow NDs to prescribe potentially dangerous pharmaceuticals including cardiac antiarrhythmics, antipsychotics, blood thinners, or amino suppressants, as well as contraceptive devices, which are implanted under the skin or inside the uterus and carry the risk of infection and uterine perforation. It would also allow NDs to order diagnostic procedures, she stated. She urged the committee to act to protect the health and safety of Alaskan patients by not passing the bill.

CHAIR SPOHNHOLZ asked if Dr. Foland reported the naturopath from her story.

DR. FOLAND answered no. She said she heard the story from a physician that was sharing the results of an endometrial biopsy with a patient. She alleged that she knows of a different case that was investigated by the State Medical Board because the investigator called her about "a naturopath who did have a complication injecting phenol for back pain," resulting in the patient's collapsed lung. She declined to share the name of the naturopath who was allegedly involved.

[4:19:37 PM](#)

REPRESENTATIVE HANNAN asked if the endometrial cancer case involved a naturopath practicing in the state of Alaska.

DR. FOLAND said yes.

REPRESENTATIVE HANNAN asked if the aforementioned case took place in Alaska.

DR. FOLAND answered yes.

REPRESENTATIVE HANNAN asked if doctors have a legal duty to report medical incompetence if they encounter it while treating a patient.

DR. FOLAND offered her understanding that reports to the State Medical Board and to the State Medical Association's grievance committee must come from the patient, not the physician.

CHAIR SPOHNHOLZ asked Ms. Chambers to clarify who should submit the report.

[4:20:49 PM](#)

MS. CHAMBERS said anyone can file a complaint, adding that the division would do the investigation by interviewing both the doctor and patient. Some health care professions require the report of sexual abuse or child abuse, she explained. She offered her belief that there is no requirement to report a medical procedure that didn't work out.

CHAIR SPOHNHOLZ repeated that if there are people practicing health care in an unsafe manner, there is a process by which health care providers could take action on to ensure that the public is safe.

[4:22:21 PM](#)

PATRICK NOLAN, MD, informed the committee that he is a board-certified internist and endocrinologist. He said he is testifying in opposition to HB 91 for several reasons. He argued that NDs don't have the same education as osteopathic or allopathic physicians and for that reason, should stick to naturopathy. He opined that they should not be allowed to prescribe drugs because they are not adequately trained. He stated that the complexity of medicine has increased tremendously in the last 40 years, adding that NDs need more specialized medical training.

[4:26:40 PM](#)

RHENE MERKOURIS, MD, Alaska State Medical Association, reported that she is an obstetrician-gynecologist, adding that she is speaking against HB 91. She argued that medical schools are accredited through standardized tests that guarantee a base of knowledge, whereas naturopaths do not have these types of tests. In comparison, she said, there's no question about the ability to diagnose disease, perform surgery, or [prescribe] medication. She shared a personal anecdote. She stated that she speaks strongly against HB 91 for these reasons.

[4:30:07 PM](#)

JOHN DEKEYSER, MD, informed the committee that he is a medical doctor and is board certified in family practice, as well as obstetrics and gynecology. He addressed different aspects of the Naturopathic Physicians Licensing Exam (NPLX) and shared several anecdotes.

[4:33:53 PM](#)

JEFFERY DEMAIN, MD, offered his belief that naturopaths provide a good service, enhance the wellness of patients, and treat "the whole person." He said he also co-manages patients with NDs. Nonetheless, he opined that their therapies and approaches to diagnostic management are inconsistent with evidence-based principles. He further stated that they are counter to scientific evidence of standard care. As a result, he said he has seen patients misdiagnosed and mismanaged completely. He addressed the difference in education between MDs and NDs. He voiced his opposition to HB 91, adding that it would put Alaskans at risk and would add to the shortage of health care in the state.

[4:37:04 PM](#)

REPRESENTATIVE HANNAN questioned whether Dr. Demain has ever seen his patients misdiagnosed from previous medical doctors.

DR. DEMAIN said misdiagnosis is infrequent and shared anecdotal examples.

[4:39:55 PM](#)

AMY SEIBERLICH, ND, Alaska Association of Naturopathic Physicians, provided a history of her education through college and her work experience beginning in Fairbanks as a naturopathic doctor. She recounted helping patients with food addictions lose a significant amount of weight through finding and treating underlying medical conditions, implementing a whole foods diet, targeted nutrient replacement, and a lot of counseling. Along with the weight loss, she reported regularly seeing their blood pressures drop by 40 points, cholesterol levels decrease by half, and blood sugars normalize within weeks; however, because of the current scope of practice she is forced to refer these patients elsewhere to manage their medication. She said that like MDs, she is trained to manage these medications and if she were to practice somewhere else, she could easily and safely do so. This discrepancy costs Alaska qualified primary care providers, which lowers health care access and competition, while driving up costs. HB 91 seeks to correct this, she said, and she encouraged the committee to pass it.

[4:43:14 PM](#)

ADAM GROVE, ND, noted that he is a naturopath practicing in Anchorage and is also certified as a brain injury specialist by the Brain Injury Association of America. He shared a description of his educational background and early work experience, as well as personal anecdote about his work with brain injuries in Alaska. He said he runs into problems in rural areas because without prescriptive rights he cannot manage medications or provide the guidance to those who might be on the wrong medications. He concluded by offering his belief that naturopaths are more equipped to provide care for complex issues like brain injury. He urged the passage of HB 91 and stressed that naturopaths are a valuable asset to Alaska and expanding their privileges to manage medication through prescription is essential.

[4:47:53 PM](#)

DOUG VERMILLION, MD, stated that he is a medical doctor in Anchorage and is having trouble getting patients cleared for surgery and making sure they're optimized. He said there are not enough primary care doctors and that more access to primary care would benefit the residents of Alaska. As far as being credentialed, he said, it can be worked out. He offered his belief that Alaskan citizens need additional access to primary care and many [naturopaths] are very good.

[4:49:04 PM](#)

JOSHUA GREEN, ND, informed the committee that he is a naturopathic physician in the state of Vermont and the president of the Vermont Association of Naturopathic Physicians. He said he is calling in support of HB 91. He provided a brief history about the licensure of naturopaths in Vermont. He addressed several claims in the testimony put forth by physicians and their opposition to the bill. He pointed out that NDs have additional training in mechanical medicine, homeopathy, diet and lifestyle counseling, which is different than most physicians. To conclude he said NDs refer to other specialists often, as appropriate, and are referred by other specialists. He said he is thankful to have opening prescribing rights in Vermont and expressed his hope that Alaska is open to that as well.

CHAIR SPOHNHOLZ noted that HB 91, as proposed, would not allow for open prescribing rights in the state of Alaska.

[4:53:51 PM](#)

COURTNEY BOWERS, ND, provided a history of her education through college and her work experience in Vermont as a ND in primary care. She acknowledged the lack of residencies available in [naturopathic] education, which lead her to create her own. She addressed several concerns voiced by earlier testifiers, stressing that as a ND in primary care, she would never implant an intrauterine device (IUD) or prescribe anti-cancer drugs or heart failure drugs, because all require specialists. She said she doesn't get the sense that's what Alaskan naturopaths are asking for - they are asking for a formulary that is appropriate to the scope in which they are trained. That is what they do in Vermont and it's been working very well, she added.

[4:57:16 PM](#)

REPRESENTATIVE HANNAN asked if Dr. Bowers prescribes birth control.

DR. BOWERS said yes, adding that she is very well trained in oral contraceptives. She reiterated that she does not implant IUDs, instead opting to refer those patients to gynecologists or Planned Parenthood for the consultation and application. Other than oral contraceptive, she noted that she can prescribe diaphragms and spermicide.

REPRESENTATIVE HANNAN asked if Dr. Bowers does Norplant implants.

DR. BOWERS answered no.

[4:58:39 PM](#)

DANIEL YOUNG, ND, said he has been practicing naturopathic medicine for 28 years, four of which have been in Eagle River. He voiced his support for HB 91. He shared his belief that it's a good bill and that it's reasonable to allow trained naturopathic doctors for what they're asking for in this legislation. He summarized the licensure process for NDs in Alaska. It requires accreditation and passing the NPLEX professional board exams, which are rigorous and contain a minor surgeries module, as well as a pharmaceutical module. He explained that the U.S. Department of Education oversees the accreditation of naturopathic medicine just as well as they do allopathic and osteopathic medicine. He said that for years, naturopaths have been trying to educate the legislature on what they can provide to Alaskans. He added that NDs have an excellent safety record. He urged the members to pass HB 91 out of committee.

[5:02:10 PM](#)

GARY FERGUSON, ND, informed the members that he is a naturopathic doctor in the state of Alaska. He said he went to naturopathic medical school because he believes in wholistic based approaches and indigenous based approaches to healing, which includes botanical and physical medicine. He stated that he supports HB 91. He stated that naturopaths pass a stringent licensing exam. He went on to say that without the ability to prescribe they can't help patients appropriately manage their medications. He said HB 91 would allow NDs to practice how they were trained. He shared a personal anecdote and said, being a

Native Alaskan person, he sees the need for culturally based approaches that NDs can bring to Alaskans.

[5:05:53 PM](#)

ANNETTE O'CONNELL shared an anecdote about her personal battle with celiac disease and how a ND was the first doctor to accurately diagnose and treat her. She revealed that because of Alaska's current laws, she must travel outside of the state to receive the care she has come to trust and the medications for her thyroid condition. She asked the committee to "stop this vendetta the medical establishment has against any other profession that impedes on their territory." They believe they are the only branch of the medical professionals that are qualified to offer services and that others are not safe, she said. She made several observations on statements made by previous testifiers. She concluded by urging the committee to pass HB 91.

[5:08:54 PM](#)

DAVID SCHLEICH noted his credentials. He pointed out that there is an uneven and inadequate understanding of naturopathic training and credentialing. He said the growth in the activity of naturopathic professionals has been remarkable in the last 20 years and that it's a very good idea to support and enhance the managing of medications within the scope for Alaska's naturopathic professionals, as outlined in HB 91. He went to explain that naturopaths go through programmatic accreditation, as well as state and regional accreditation. He encouraged allopathic and biomedicine professional colleagues to become more familiar with the rigor, depth, and extent of naturopathic practice and training - particularly to the training and education.

[5:13:52 PM](#)

NATALIE WIGGINS, ND, informed the committee that she is a naturopathic physician practicing in Anchorage Alaska. She voiced her support for HB 91. She shared an anecdotal example illustrating how the lack of prescriptive rights impacts her ability to treat her patients. She stated that naturopaths are highly trained to maintain medication and she urged the committee to support this bill.

[5:16:20 PM](#)

CAMERON O'CONNEL, read the following statement:

I'm writing in support of House Bill 91 and I am a naturopathic doctor. Born and raised in Alaska, I hoped to come back to the state once I had finished my medical training and residency to set up a practice and give back to the greater Anchorage community. The decision was not easy. My residency was in California and as such, I had prescription rights. Having to give up the ability to do something as simple as put my patients on (indisc.) for hypothyroidism made my move back to Alaska a much more difficult decision than it should have been. A few examples of how this limited scope of practice has impacted my ability to provide care. A woman came into my office and she had fears about vaccination and subsequently had not vaccinated her children. I alleviated those fears and she agreed to get her children vaccinated. However, I was unable to write a prescription or provide any vaccines in my office. An opportunity was missed to give treatment and this, from a public health perspective, is a poor outcome. I have a patient with a lower respiratory infection come into my office, and I provided the naturopathic standard of care including informing the patient when she would need to progress from conservative treatment to pharmaceuticals. The patient was discouraged to find she would have to pay another large fee to go to an Urgent Care or another provider to receive basic antibiotic therapy if the need arose. In closing, please consider updating our bill to a more modern scope that lets us utilize all of our training. The statute that governs my profession was passed in 1987. I was born in 1982. I've grown a lot in 32 years and so should our legislation.

MS. O'CONNEL said the last time she testified residency was a hot topic. She explained that she was overseen by three medical doctors and one naturopathic doctor.

[5:18:49 PM](#)

VICKI KENNEDY said she is overwhelmingly in support of HB 91. She declared that nearly 400 medical doctors were put in prison for overwriting opioid prescriptions in the last eight years. Nonetheless, she went on to say that most medical doctors are

phenomenal; however, they are in the pockets of "the big pharma." She reiterated her support for HB 91.

[5:20:23 PM](#)

CHAIR SPOHNHOLZ closed public testimony and announced that HB 91 was held over.

[5:21:50 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 5:21 p.m.