

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

February 2, 2024

1:35 p.m.

MEMBERS PRESENT

Senator Jesse Bjorkman, Chair
Senator Elvi Gray-Jackson
Senator Kelly Merrick
Senator Forrest Dunbar

MEMBERS ABSENT

Senator Click Bishop, Vice Chair

COMMITTEE CALENDAR

EO 127 ELIMINATING THE BOARD OF MASSAGE THERAPISTS

- HEARD

EO 129 ELIMINATING THE BOARD OF BARBERS AND HAIRDRESSERS

- HEARD

EO 130 ELIMINATING THE BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

KRIS CURTIS, Legislative Auditor
Legislative Audit Division
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained the statement of costs for the boards affected by the executive orders.

JILL MOTZ, Immediate Past Chair
Board of Massage Therapists
Wasilla, Alaska

POSITION STATEMENT: Testified by invitation on EO 127.

JENNIFER LOMBARDO, Former Chair
Board of Barbers and Hairdressers
Anchorage, Alaska

POSITION STATEMENT: Testified by invitation on EO 127.

SARA CHAMBERS, Boards and Regulations Advisor
Department of Commerce, Community and Economic Development
(DCCED)
Juneau, Alaska

POSITION STATEMENT: Testified by invitation on EO 127, EO 129,
and EO 130.

VOLKER HRUBY, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to EO 127.

DR. GLORIA BAMBERG-MERRITT, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to EO 129.

MICHELLE MCMULLIN, Chair
Board of Barbers and Hairdressers
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to EO 129.

MICHELLE BIBBS, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to EO 129.

MARY YANAGAWA, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to EO 130.

RACHEL PUGH, Midwives Association of Alaska
Eagle River, Alaska

POSITION STATEMENT: Testified in opposition to EO 130.

ANDREA STIERS, member
Midwives Association of Alaska
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to EO 130.

DOMINIKA BUCK, member
Midwives Association of Alaska
Palmer, Alaska

POSITION STATEMENT: Testified in opposition to EO 130.

BETHANY KIRILLOV, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to EO 130.

JENNIFER CAVE, representing self
Soldotna, Alaska

POSITION STATEMENT: Testified in opposition to EO 130.

SHIRA BENSON, representing self
Kenai LIO, Alaska

POSITION STATEMENT: Testified in opposition to EO 130.

FELICITY SMITH, member
Midwives Association of Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to EO 130.

ONICA SPROKKREEFF, President
Midwives Association of Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to EO 130.

MICHELLE BIBBS, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to EO 130.

HILARY NICHOLS, Midwives Association of Alaska
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to EO 130.

ED MARTIN, representing self
Kenai, Alaska

POSITION STATEMENT: Testified in support of EO 127, EO 129, and
EO 130.

MAE CANADY, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified with concerns on EO 129.

ACTION NARRATIVE

[1:35:06 PM](#)

CHAIR JESSE BJORKMAN called the Senate Labor and Commerce
Standing Committee meeting to order at 1:35 p.m. Present at the

call to order were Senators Dunbar, Gray-Jackson, Merrick, and Chair Bjorkman.

EO 127 ELIMINATING THE BOARD OF MASSAGE THERAPISTS

[1:36:02 PM](#)

EO 129 ELIMINATING THE BOARD OF BARBERS AND HAIRDRESSERS

[1:36:02 PM](#)

EO 130 ELIMINATING THE BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

[1:36:02 PM](#)

CHAIR BJORKMAN announced the consideration of Executive Order (EO) 127 Eliminating the Board of Massage Therapists, EO 129 Eliminating the Board of Barbers and Hairdressers, and EO 130 Eliminating the Board of Certified Direct-Entry Midwives.

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CHAIR BJORKMAN noted that the committee received several documents, including a statement of costs, from the Department of Commerce (DOC). He asked Legislative Auditor Kris Curtis if she had seen these documents.

[1:37:52 PM](#)

KRIS CURTIS, Legislative Auditor, Legislative Audit Division, Alaska State Legislature, Juneau, Alaska, replied yes.

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CHAIR BJORKMAN asked Ms. Curtis to characterize the information received from the department and to share her opinion of these documents.

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MS. CURTIS offered her understanding that the statement of costs is the department's estimate of the increase in costs that would result from the elimination of each board. The increase in costs is related to the Board of Massage Therapists and includes a new position that would review investigations. The other two boards do not show an increase in costs. She explained that auditors are required to be "professionally skeptical." She reminded the committee that the department has a hard time filling positions. She suggested that any additional positions would be difficult to fill, particularly if the position in question requires unique expertise. She added that, if she were auditing this, she would consider what support is available for the increase in services, which potentially means contracting out for expertise. She pointed out that the department relies heavily on board members for their expertise. She expressed skepticism about the

\$25 thousand per year increase, and questioned how this number was determined. She commented that this number seems low.

CHAIR BJORKMAN announced the continuation of invited testimony on EO 127, EO 129, EO 130.

[1:41:27 PM](#)

JILL MOTZ, Immediate Past Chair, Board of Massage Therapists, Wasilla, Alaska, testified by invitation on EO 127. She explained that she served on the Board of Massage Therapists for approximately 7 years. When her term was up, she was asked to stay on to make maintaining a quorum easier and to ensure that the board was headed by someone with historical knowledge of the program. She said that she took the position with the knowledge that she had a limited time to streamline the program and make it more efficient. She stated that, over the past few years, the board has worked to improve processing times, passed several regulatory projects, and considered ways to move the industry forward. She pointed out that the board now has one of the fastest application processing times in the division and explained that five board members review applications several times per month. This process ensures that applications are processed in a quick, knowledgeable, and safe manner. She pointed out that the board was formed in 2015 and has spent the past 9 years working diligently to establish the regulations and policies currently in place. Alaska ranks in the top 3 nationally for industry earnings and Alaskan massage therapists can work directly with insurance companies. This has increased community access to care, improved economic stability for massage therapists, and has given massage therapists a seat at the table when it comes to patient care.

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MS. MOTZ stated that these achievements are a result of work done by the board, not the division. She asserted that the board must remain intact if massage therapists are to continue growing with their profession. She said that, during her tenure on the board, the Division of Corporations, Business and Professional Licensing (DCBPL) has rarely functioned efficiently. She stated that while she was on the board, the division directed the board to pursue projects or regulations that were inappropriate or out of the board's scope of authority. She said that, despite the division's missteps, board members were able to learn the process, grow the program, and make the board efficient and effective.

[1:44:30 PM](#)

MS. MOTZ stated that the board has never had issues meeting quorum requirements, attending meetings, or moving regulations forward. She pointed out that the division has had nine licensing examiners in nine years, which has presented a challenge for the board. The board has also had difficulty getting the Governor's office to appoint board members in a timely manner. She stated that many therapists applied; however, the positions remain open. She explained that massage therapy services span a wide range of forms, from spa services to physical rehabilitation programs. This requires hundreds to thousands of hours of training on the part of the therapist. She shared her belief that a few classes taught to division employees will never reach the level of expertise provided by board members. She stated that the division does not have the staffing necessary to address its many critical infrastructure problems; therefore, she does not believe the division will ever be more efficient than the board. She asserted that allowing division employees who are unable to solve critical infrastructure problems and who are not qualified to speak to industry concerns is dangerous, both to the profession and to the public.

[1:45:51 PM](#)

MS. MOTZ said that massage therapy is often used as a front for sex work and human trafficking. Board members have served on task forces, panels, and spent many volunteer hours educating themselves on ways to question, identify, and prevent practices that lead to human trafficking. She shared her belief that it is naïve to think that division employees who lack this knowledge will be able to recognize subtle red flags of human trafficking. She added that, during her tenure on the board, she has fielded questions from investigators who do not know what falls under the massage therapy code of ethics or scope of practice. She stated that eliminating the board will impact Alaskans in ways that cannot be solved by the staffing changes proposed by the division. She opined that addressing these concerns requires dedicated and knowledgeable individuals who are invested in the real-life outcomes that the board oversees - this cannot be done through "streamlining" the process. She pointed out that neither the division nor the Governor's office approached the boards with concerns prior to bringing the EOs forward. She said that introducing the EOs is an attempt to circumvent legislative oversight and the will of lawmakers. She stated that, if the board is turned over to the division, it will be more difficult to hold the program and the division accountable. She asserted that the EO represents professional regression, increased costs

to licensees, reduced oversight of state government, and a substantial risk to public safety.

1:48:31 PM

JENNIFER LOMBARDO, Former Chair, Board of Barbers and Hairdressers, Anchorage, Alaska, testified by invitation on EO 127. She said that she has been a tattoo artist since 2007 and was on the Board of Barbers and Hairdressers from 2017 to 2021, serving as chair for over half of that time. She added that she is both a second-generation tattoo artist and a second-generation board member. Her father was on the Board of Barbers and Hairdressers when the state first began regulating the industry of tattooing and body-piercing. She expressed her passion for the industry and the health and safety of Alaskans. She stated that, during her time on the board, members showed up to every meeting. There were 29 total meetings - surpassing the requirement of four scheduled meetings per year. She detailed the various board accomplishments, including several regulatory updates, the creation of several new licenses, two townhall meetings, and successfully navigating the Covid-19 pandemic shutdowns. She pointed out that the board's sunset audit report from 2019 contained a positive assessment and recommended extending the board until June of 2027.

1:50:12 PM

MS. LOMBARDO explained that the board worked on a variety of projects during her tenure; however, working with other departments proved difficult when those departments did not follow through. This included a project to update the Department of Environmental Conservation (DEC) regulations, which have not been updated since 2002. The board worked for several years and spent countless hours on this project, but the department did not follow through. She expressed concern that, if the board is dissolved - and the work falls to the department - the department will not be capable of putting in the same amount of time and effort, especially considering the changing nature of the industry. She added that dissolving the board would potentially have many unintended consequences that would affect thousands of licensees and tens of thousands of community members. She acknowledged that some current board members have not been showing up to meetings and recommended appointing board members who are serious about serving. She shared her belief that the board has been productive and successful, has aided the department in regulating the industries, and has been instrumental in keeping licensees safely employed. She

reiterated that eliminating the board could have unintended consequences and could impact the livelihood of thousands.

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SENATOR DUNBAR commented that many Alaskans may not realize that the Board of Barbers and Hairdressers covers tattooing, body-piercing, etc. He said that he had heard from a barber shop owner who was in favor of eliminating the board due to its lack of responsiveness. He asked if Ms. Lombardo could see a future where tattooing, body piercing, and permanent cosmetic coloring have a separate board.

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MS. LOMBARDO replied that separating the industries could be beneficial. She said that she has researched this and, in most states, tattooing and body piercing are regulated by health departments. Alaska is one of the few states to have these industries regulated by barbers and hairdressers. She expressed interest in seeing this change rather than the dissolution of the board.

[1:54:58 PM](#)

SARA CHAMBERS, Boards and Regulations Advisor, Department of Commerce, Community and Economic Development (DCCED), Juneau, Alaska, testified by invitation on EO 127, EO 129, and EO 130. She acknowledged the work of the volunteers on the boards. She stated that, currently, the boards have the power to do things that the department does not have. She stated that many of the concerns brought forward by current and former board chairs have not been dealt with by the department because it is the board's responsibility to do those things. Department staff cannot step in and take up the role of the board. She pointed out that the proposed restructuring is currently working well for other industries (e.g. speech pathology and audiology). She offered context for some of the changes made by the Board of Massage Therapists, explaining that the board created greater efficiency by undoing regulations that the board had previously put into place, against the recommendation of the department.

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MS. CHAMBERS referred to the statement of cost and explained that the "services" line is part of a standard formula that is used when a new employee is hired. Therefore, no contracting costs are factored into this amount.

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SENATOR GRAY-JACKSON asked Ms. Chambers to elaborate on why the department is seeking to eliminate the boards.

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MS. CHAMBERS replied that the EOs propose a completely different structure than what is currently in place. She explained that redistributing the work of the boards to department staff would remove inefficiencies that are inherent to the way boards function (e.g. waiting for board meetings, etc.). She said that, with these changes in place, the department would be able to get the job done in a more straightforward manner.

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CHAIR BJORKMAN reconvened the meeting and opened public testimony on EO 127, EO 129, and EO 130.

[2:03:22 PM](#)

VOLKER HRUBY, representing self, Anchorage, Alaska, testified in opposition to EO 127. He said he has been a licensed massage therapist since 2005 and currently owns a business in Anchorage. He stated that eliminating the board would raise costs to licensees. He contrasted the work done by board members to the work that would be done by department staff and expressed concern that department staff would not be able to manage the additional workload. He stated that department staff rely heavily on board members for their expertise during investigations. Eliminating the board would require the state to hire someone to provide this level of expertise. He expressed doubt the department staff would be able to attain knowledge equal to that of a licensed massage therapist by attending workshops and added that in most cases, you must be a massage therapist to attend the workshops in question. He said that department staff would not have the skills needed to identify risks of human trafficking masquerading as massage therapy. He asserted that EO 127 would decrease efficiency and increase costs to all massage therapists in Alaska.

[2:06:55 PM](#)

GLORIA BAMBERG-MERRITT, representing self, Anchorage, Alaska, testified in opposition to EO 129. She said she has been an instructor and practitioner in Alaska for more than 30 years. She offered a variety of reasons why the passage of EO 129 would be detrimental. She suggested that keeping the present board - and possibly restructuring the board - would be a better option.

[2:10:38 PM](#)

MICHELLE MCMULLIN, Chair, Board of Barbers and Hairdressers, Anchorage, Alaska, testified in opposition to EO 129. She gave a brief overview of the industry, the board, and associated concerns. She asserted that EO 129 does not address the problems at hand. She acknowledged that the current board needs restructuring. She emphasized the importance of oversight and the need for an understanding of the technologies being used within the industry. She expressed doubt that the department would be able to properly protect the public.

[2:13:58 PM](#)

MICHELLE BIBBS, representing self, Anchorage, Alaska, testified in opposition to EO 129. She said she has been an aesthetician since 2020. She acknowledged that the board needs reform. She stated that EO 129 does not allow for the same level of expertise that is provided by the board; therefore, the board should be reformed and not eliminated.

[2:15:54 PM](#)

MARY YANAGAWA, representing self, Wasilla, Alaska, testified in opposition to EO 130. She said she is a licensed direct-entry midwife and certified professional midwife. She stated that the board is needed for public safety, protection of the profession, and for future access to midwifery care, as well as setting the standard for midwifery care in Alaska. She emphasized that the safety of mothers, babies, and families should not be sacrificed for the sake of streamlining the governmental processes of licensing and regulation.

[2:17:00 PM](#)

RACHEL PUGH, Midwives Association of Alaska, Eagle River, Alaska, testified in opposition to EO 130. She said she is a certified professional midwife and certified direct-entry midwife who currently sits on the Board of Direct-Entry Midwives. She opined that dissolving the board would be a step backwards for midwifery and detailed the many challenges that midwives face. She said that a board of knowledgeable, trained professionals is necessary for public health and safety as well as to ensure that midwives are able to practice to the full extent of their training. She explained that the physician position on the board is vacant due to a lack of physicians who are trained to perform out-of-hospital births. She added that in the past, physicians and certified nurse midwives (CNM) who have served on the board have been unfamiliar with the midwifery scope of practice. She pointed out that board currently has a

CNM who is highly knowledgeable, supportive of new statutes and regulations, and has attended all meetings. She referred to HB 175 (Board of Licensed Midwives), explaining that this bill addresses a variety of board-related issues and auditing recommendations. She shared her belief that turning the board's duties over to the department could have significant consequences for midwifery in Alaska and expressed concerns about future communications between the department and those in the industry, should EO 130 be adopted.

[2:21:09 PM](#)

ANDREA STIERS, member, Midwives Association of Alaska, Wasilla, Alaska, testified in opposition to EO 130. She said she is a retired direct-entry midwife and mother of 11, 9 of whom were born under the care of a midwife. She expressed doubts about the department's knowledge of the midwifery scope of practice and concerns that this lack of knowledge would be dangerous for those seeking midwifery care. She shared that she learned a great deal about pregnancy from her first midwife and contrasted this with her experience giving birth under a doctor's care. She stated that it is important to maintain access to midwifery care. She explained that eliminating the board would negatively impact access to care and referred to the Medicaid policy which states that, for midwifery care to be covered, midwives must be "licensed by a board of midwives." She stated that many insurance companies also require licensure by a board of midwives. She added that midwives save the state millions of dollars each year. She reiterated that maintaining the board ensures that families have access to safe, out-of-hospital birth options.

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DOMINIKA BUCK, member, Midwives Association of Alaska, Palmer, Alaska, testified in opposition to EO 130. She said she is a doula, birth assistant and aspiring midwife. She is also a mother who has had five children with midwifery care. She stated that her midwives provided her with responsible, professional, and compassionate treatment. She explained that she has worked alongside many midwives and has seen them utilize their knowledge and compassion to support mothers during the birthing process. She added that midwives send their clients to hospitals for care when it is necessary for their safety and well-being, often remaining with their clients through the hospital birth. She emphasized the importance of maintaining the midwifery board in order to ensure accessibility to safe midwifery care.

[2:27:30 PM](#)

BETHANY KIRILLOV, representing self, Wasilla, Alaska, testified in opposition to EO 130. She said she has birthed four children outside of the hospital with midwifery care. She stated that if the board is eliminated, it will be difficult for low-income families to access midwifery care, as many insurance companies and Medicaid require midwives to be licensed by a board of their peers. She expressed confusion as to why the board would be eliminated only to form an advisory committee of the same individuals, while paying individuals who do not have adequate knowledge of midwifery to make decisions impacting the profession. She expressed doubts about the department's intention to include midwives in future decisions about the profession and noted that midwives were not consulted or offered input about the EO.

[2:29:37 PM](#)

JENNIFER CAVE, representing self, Soldotna, Alaska, testified in opposition to EO 130. She said she is a certified professional midwife and certified direct-entry midwife. She shared how, when she moved to Alaska as an experienced midwife, the board helped the licensing examiner to understand the regulations, thus allowing her to become licensed. She pointed to the midwifery regulations and suggested that the language included there indicates that midwives are "primary care providers." She added that many women consider their midwives to be their primary care providers during their childbearing years. She expressed concern that, as a primary care provider, midwives would no longer be self-regulated. She also expressed concern that, as new developments or medicines become available, a board of midwife professionals would not be available to examine and make recommendations.

[2:32:25 PM](#)

SHIRA BENSON, representing self, Kenai LIO, Alaska, testified in opposition to EO 130. She said she is a Medicaid recipient. She said she is in support of HB 175 (Board of Licensed Midwives) and added that midwives are experts who should be regulating their profession. She said she is a mother of four and has had three out-of-hospital births. She explained that she received a great deal of support from her midwife both during pregnancy and postpartum which was far superior and more relevant than that from her primary physician.

[2:33:43 PM](#)

FELICITY SMITH, member, Midwives Association of Alaska, Anchorage, Alaska, testified in opposition to EO 130. She expressed concern that EO 130 is not in the best interest of the

public or midwives in Alaska. She shared her belief that the issues addressed by the EO could instead be addressed at board or regulation level. She stated that maintaining the board ensures the safety of Alaskans as well as ensuring that midwifery care in Alaska stays up to date. She shared her belief that EO 130 would increase costs for practicing midwives, for the department, and for those who seek midwifery care. She stated that midwifery care improves the lives of mothers and children during pregnancy and postpartum. She shared her belief that the department has hindered the board's functioning and increased the costs to midwives.

[2:36:38 PM](#)

ONICA SPROKKREEFF, President, Midwives Association of Alaska, Anchorage, Alaska, testified in opposition to EO 130. She said she is a certified professional midwife and certified direct-entry midwife. She referred to a press release from the Governor's office related to expansion of Medicaid to cover one-year of postpartum care. She shared her belief that EO 130 is in opposition to the Governor's stated intention to support new mothers and children. She said certified direct-entry midwives are experts in their field and the board is the appropriate regulatory body for the profession. She stated that eliminating the board would strip midwives of their self-determination, exclude experts from decision-making, compromise public safety, and impact midwives' ability to work with insurance companies. She added that it would also potentially increase licensing fees.

[2:38:54 PM](#)

MICHELLE BIBBS, representing self, Anchorage, Alaska, testified in opposition to EO 130. She said that she is 16 weeks pregnant and is under midwifery care. She added that she had one child under a doctor's care and has learned more from her midwife. She expressed concern that EO 130 would remove women's autonomy when making decisions about prenatal, birth, and postpartum care. She stated that midwives save the state money and questioned why the state would want to hinder their ability to practice.

[2:41:19 PM](#)

HILARY NICHOLS, Midwives Association of Alaska, Fairbanks, Alaska, testified in opposition to EO 130. She said she is a student and apprentice midwife. She stated that the board is a self-sustaining board of direct-entry midwives. It is one of the longest-standing midwifery boards in the country. She suggested that dissolving the board could cause unnecessary interruptions and complicate midwifery care, which could potentially lead to a

public health issue. She listed several barriers to becoming a midwife. She pointed out the benefits of midwifery care. She commented that it is discouraging to come into a profession as the board is potentially being eliminated - particularly when the profession has been shown to be beneficial to the community. She pointed out that midwifery care has been shown to improve maternal and infant outcomes.

[2:43:54 PM](#)

ED MARTIN, representing self, Kenai, Alaska, testified in support of EO 127, EO 129, and EO 130. He shared his understanding of the status of boards and commissions in the state. He expressed support for licensed, insured, and bonded professionals working in the state. He opined that boards are not necessary, and that the government has grown too big.

[2:47:14 PM](#)

MAE CANADY, representing self, Anchorage, Alaska, testified with concerns on EO 129. She said she has been a hairdresser for 35 years and previously served on the Board of Barbers and Hairdressers. She stated that eliminating the board will have unintended consequences. She suggested that most licensees in the state are not aware of EO 129 and expressed concern that issues were not brought to the attention of the board prior to bringing the EO forward. She pointed out that the board covers 7 different industries and questioned the department's ability to replace the board with a single person. She added that it is difficult to contact anyone in the department because they are understaffed and expressed concerns about adding to their workload.

[2:51:00 PM](#)

CHAIR BJORKMAN closed public testimony on EO 127, EO 129, and EO 130.

[2:51:50 PM](#)

There being no further business to come before the committee, Chair Bjorkman adjourned the House Labor and Commerce Standing Committee meeting at [2:51 p.m.]