

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 80

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY SENATOR DYSON

Introduced: 4/3/13

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the practice of telemedicine; relating to licenses for out-of-state**
2 **physicians or podiatrists to practice telemedicine in this state under certain**
3 **circumstances; and relating to insurance coverage for telemedicine."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 08.64 is amended by adding a new section to read:

6 **Sec. 08.64.245. Practice of telemedicine.** A physician or podiatrist licensed
7 under this chapter may engage in the practice of telemedicine based on data about the
8 patient transmitted to the physician or podiatrist by electronic or other means.

9 *** Sec. 2.** AS 08.64 is amended by adding a new section to read:

10 **Sec. 08.64.252. License for an out-of-state physician or podiatrist to**
11 **practice telemedicine.** (a) The board may grant to a physician or podiatrist licensed in
12 another state a license to practice telemedicine as provided in (c) of this section if the
13 physician or podiatrist

14 (1) applies on a form provided by the board and pays the fee required

1 under AS 08.64.315;

2 (2) holds a license to practice medicine, osteopathy, or podiatry in
3 another state; and

4 (3) has not been disciplined by a medical licensing entity in another
5 state.

6 (b) If the physician or podiatrist has been disciplined by a medical licensing
7 entity in another state, the board may issue a license under (a) of this section if the
8 board finds that the physician or podiatrist does not pose a threat to the health, welfare,
9 and safety of patients or to the public interest.

10 (c) A physician or podiatrist licensed under this section and located outside
11 this state may practice telemedicine for a patient located in this state based on data
12 about a patient transmitted to the physician or podiatrist by electronic or other means.

13 (d) A license issued under this section does not authorize a physician or
14 podiatrist to practice medicine, podiatry, or telemedicine while physically present in
15 this state.

16 (e) This section does not apply to a physician licensed in another state who
17 provides episodic consultation services to a health care provider licensed in this state
18 at the request of the health care provider. In this subsection, "health care provider"
19 includes a health aide, physician, nurse, and physician's assistant, but does not include
20 a practitioner of religious healing.

21 (f) The board shall adopt regulations regarding renewal of a license issued
22 under this section.

23 * **Sec. 3.** AS 08.64.255 is amended to read:

24 **Sec. 08.64.255. Interviews.** An applicant for licensure may be interviewed in
25 person by the board or by a member of the board before a license is issued. The
26 interview must be recorded. If the application is denied on the basis of the interview,
27 the denial shall be stated in writing, with the reasons for it, and the record shall be
28 preserved. **The board may not require an interview under this section with an**
29 **applicant for licensure under AS 08.64.252.**

30 * **Sec. 4.** AS 08.64.315 is amended to read:

31 **Sec. 08.64.315. Fees.** The department shall set fees under AS 08.01.065 for

each of the following:

- (1) application;
- (2) license by examination;
- (3) license by endorsement or waiver of examination;
- (4) temporary permit;
- (5) locum tenens permit;
- (6) license renewal, active;
- (7) license renewal, inactive;
- (8) license by reexamination;
- (9) out-of-state license.**

* **Sec. 5.** AS 08.64.380 is amended by adding a new paragraph to read:

(7) "telemedicine" means the remote practice of medicine as a result of transmission of individual patient data by electronic, telephonic, or other means from this state to a physician or the physician's agent.

* **Sec. 6.** AS 21.54 is amended by adding a new section to read:

Sec. 21.54.102. Telemedicine. A health care insurer that offers, issues for delivery, or renews a health care insurance plan in the group market may not require that in-person contact occur between a health care provider and a patient before payment is made for covered services.

* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 21.54.102, added by sec. 6 of this Act, applies to a health care insurance plan offered, issued for delivery, delivered, or renewed on or after the effective date of this Act.