

Reid Harris

From: Stovern, Debora J (CED) <debora.stovern@alaska.gov>
Sent: Tuesday, January 28, 2014 1:05 PM
To: Reid Harris
Subject: Medical Board info re: telemedicine

Mr. Harris,

I understand that you have some questions about the Alaska State Medical Board and their position on recent telemedicine legislation. The Board has previously considered SB 80, and I will provide a copy of HB 281 for their consideration at their next meeting (March 6-7, 2014). I do not know what the Board will say, but I can provide information regarding their past discussions on the telemedicine issue.

When the Board reviewed the early version of SB 80, they took the following position specifically opposing the bill:

Senate Bill 80 attempts to redefine the practice of medicine, which has at its core the physical examination of patients. This is not in the best interest of public safety/protection, which is our charge. Further, it would appear that the bill has an economic interest, despite the claim that it is in the interest of patient convenience.

The sponsor of the bill attended the October 2013 Board meeting to discuss his intent, which includes health care availability for underserved people, including prison population, remote communities, and those needing mental health care. The Board noted that telemedicine is practiced extensively in Alaska, due to the geographic diversity of the state. The difference between the proposed legislation and other types of telemedicine practiced legally in the state is the presence of an appropriate health care provider on the other side of the transaction (i.e.; with the patient) to assist the physician with their examination and diagnosis processes. Without that element, the physician is relying only on patient-supplied information, which is a violation of current professional standards. The Board also noted concerns with the language of the bill, which allows for telemedicine practice only by out-of-state physicians, for practice in any community, whether underserved or not, and seems to be at odds with the stated intent. They were also concerned with setting professional standards by statute, instead of allowing the Board to fulfill their mandate to set professional standards by regulation.

At their most recent meeting, the Board reviewed correspondence from the bill sponsor, including amended language. The Board noted that it may be possible to fulfill the Senator's intent through regulation, by including a specific provision to allow an exception to the in-person physician-patient requirement for a community that has no physician, PA, or community health aid available to perform an examination. That would eliminate the need for a separate telemedicine license, the setting of different professional standards for in-state and out-of-state practitioners, and would keep the setting of professional standard by regulation, which can be revised by the Board as necessary, rather than set in statute.

I understand that HB 281 is very different from SB 80. As noted, I will plan to have the Board review it further at their next meeting. However, it appears that the Board's regulation project may fulfill the intent behind this bill, as well.

Please let me know if you need anything further.

Sincerely,

Debora Stovern
Executive Administrator
Alaska State Medical Board

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