



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

STATE MEDICAL BOARD

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The Honorable Peter Micciche  
State Senate  
Alaska State Capitol  
Juneau, AK 99801

Senator Micciche:

Members of the Alaska State Medical Board have reviewed the recently introduced Senate Bill (SB) 98, which proposes to expand the practice of telemedicine that was authorized under previous legislation. During the 28<sup>th</sup> Legislature, the Alaska State Medical Board opposed the previous legislation, House Bill 281, which fundamentally changed the practice of telemedicine in the State of Alaska. After the bill was passed and became law without the Governor's signature, the Board adopted a unanimous resolution in favor of repealing that legislation.

The current bill, SB 98, proposes to further expand the practice of telemedicine by allowing not only prescriptions without an in-person physical examination, but also to allow diagnosis and treatment without an in-person physical examination. It also expands telemedicine practice to out-of-state physicians, and allows for prescription of controlled substances.

The Board respectfully requests that Legislators carefully consider our concerns.

Under the previous Board-sanctioned practice standards, an Alaska-licensed physician may lawfully engage in telemedicine practice if they either have an established physician-patient relationship based on an in-person physical examination, or if there is an appropriate (licensed) health care provider with the patient to assist the physician with their examination and diagnosis and treatment processes.

The essence of the practice of medicine is founded in the physician-patient relationship which includes the physical examination of the patient. This bill allows for a corporate model of telemedicine practice without one or the other of these two elements, and would therefore be below the current standard of care in Alaska. The Board considers this type of telemedicine practice to be unprofessional conduct.

The Board continues to be concerned with the consequences of telemedicine legislation:

- potential for missed diagnoses and overprescribing associated with no physical examination of the patient;
- unintended negative consequences of the proposed legislation on current medical practice in Alaska (for example, the abrupt loss of psychiatric care for multiple communities in rural Alaska);

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- potential liability and investigative costs related to misdiagnosis or mismanagement with resultant poor outcomes;
- decreasing the standard of care throughout Alaska;
- setting practice standards by statute, written by venture capitalists, instead of expert Medical Board members whom you appointed and confirmed.

The Board opposes this legislation, which attempts to lower the practice standards for patients in the State of Alaska. The Medical Board exists to maintain the highest standards of patient care for the citizens of Alaska. Any bill that begins with the phrase “the board may not impose disciplinary sanctions” presumes that the Board exists for another purpose. The proposed legislation does not make unprofessional conduct professional, it simply makes it unsanctionable.

Sincerely,

David A. Miller, M.D., F.A.C.S  
Board President  
Alaska State Medical Board