

AMENDMENT # 27

OFFERED IN THE SENATE

TO: CSSB 74(FIN), Draft Version "V"

by Sen. Micciche

1 Page 1, line 1, following "Act":

2 Insert "relating to diagnosis, treatment, and prescription of drugs without a  
3 physical examination by a physician; relating to the delivery of services by a licensed  
4 professional counselor, marriage and family therapist, psychologist, psychological  
5 associate, and social worker by audio, video, or data communications; relating to the  
6 duties of the Department of Commerce, Community, and Economic Development;  
7 establishing a telemedicine business registry; relating to the duties of the State Medical  
8 Board;"

9

10 Page 2, following line 5:

11 Insert new bill sections to read:

12 "\*\* Section 1. AS 08.29.400 is amended by adding a new subsection to read:

13 (b) The board may not impose disciplinary sanctions on a licensee for the  
14 evaluation, diagnosis, or treatment of a person through audio, video, or data  
15 communications when physically separated from the person if

16 (1) the licensee or another licensed health care provider is available to  
17 provide follow-up care;

18 (2) the licensee requests that the person consent to sending a copy of  
19 all records of the encounter to a primary care provider if the licensee is not the  
20 person's primary care provider and, if the person consents, the licensee sends the  
21 records to the person's primary care provider; and

22 (3) the licensee meets the requirements established by the board in  
23 regulation.

(c) The board shall adopt regulations restricting the evaluation, diagnosis, supervision, and treatment of a person as authorized under (b) of this section by establishing standards of care, including standards for training, confidentiality, supervision, practice, and related issues.

\* **Sec. 2.** AS 08.63.210 is amended by adding new subsections to read:

(c) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, supervision, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care;

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and

(3) the licensee meets the requirements established by the board in regulation.

(d) The board shall adopt regulations restricting the evaluation, diagnosis, supervision, and treatment of a person as authorized under (c) of this section by establishing standards of care, including standards for training, confidentiality, supervision, practice, and related issues.

\* **Sec. 3.** AS 08.64.101 is amended to read:

**Sec. 08.64.101. Duties.** The board shall

(1) examine and issue licenses to applicants;

(2) develop written guidelines to ensure that licensing requirements are not unreasonably burdensome and the issuance of licenses is not unreasonably withheld or delayed;

(3) after a hearing, impose disciplinary sanctions on persons who violate this chapter or the regulations or orders of the board;

(4) adopt regulations ensuring that renewal of licenses is contingent on [UPON] proof of continued competency on the part of the licensee; and

(5) under regulations adopted by the board, contract with private

professional organizations to establish an impaired medical professionals program to identify, confront, evaluate, and treat persons licensed under this chapter who abuse alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

**(6) adopt regulations that establish guidelines for a physician who is rendering a diagnosis, providing treatment, or prescribing, dispensing, or administering a prescription drug to a person without conducting a physical examination under AS 08.64.364; the guidelines must include a nationally recognized model policy for standards of care of a patient who is at a different location than the physician.**

\* Sec. 4. AS 08.64.364(a) is amended to read:

(a) The board may not impose disciplinary sanctions on a physician for **rendering a diagnosis, providing treatment, or** prescribing, dispensing, or administering a prescription drug **that is not a controlled substance** to a person without conducting a physical examination if

(1) [THE PRESCRIPTION DRUG IS

(A) NOT A CONTROLLED SUBSTANCE; OR

(B) A CONTROLLED SUBSTANCE AND IS PRESCRIBED, DISPENSED, OR ADMINISTERED BY A PHYSICIAN WHEN AN APPROPRIATE LICENSED HEALTH CARE PROVIDER IS PRESENT WITH THE PATIENT TO ASSIST THE PHYSICIAN WITH EXAMINATION, DIAGNOSIS, AND TREATMENT;

(2) THE PHYSICIAN IS LOCATED IN THIS STATE AND] the physician or another licensed health care provider or physician in the physician's group practice is available to provide follow-up care; and

**(2) the physician requests that** [(3)] the person **consent** [CONSENTS] to sending a copy of all records of the encounter to the person's primary care provider if the prescribing physician is not the person's primary care provider, and, **if the patient consents,** the physician sends the records to the person's primary care provider.

\* Sec. 5. AS 08.64.364 is amended by adding new subsections to read:

(c) The board may not impose disciplinary sanctions on a physician for

1       prescribing, dispensing, or administering a prescription drug that is a controlled  
 2       substance if the requirements under (a) of this section are met and the physician  
 3       prescribes, dispenses, or administers the controlled substance when an appropriate  
 4       licensed health care provider is present with the patient to assist the physician with  
 5       examination, diagnosis, and treatment.

6               (d) Notwithstanding (b) and (c) of this section, a physician may not

7                       (1) prescribe an abortion-inducing drug; or

8                       (2) prescribe, dispense, or administer a prescription drug in response to  
 9       an Internet questionnaire or electronic mail message to a person with whom the  
 10      physician does not have a prior physician-patient relationship.

11   \* **Sec. 6.** AS 08.86.204 is amended by adding a new subsection to read:

12               (c) The board may not impose disciplinary sanctions on a licensee for the  
 13      evaluation, diagnosis, or treatment of a person through audio, video, or data  
 14      communications when physically separated from the person if

15                       (1) the licensee or another licensed health care provider is available to  
 16      provide follow-up care;

17                       (2) the licensee requests that the person consent to sending a copy of  
 18      all records of the encounter to a primary care provider if the licensee is not the  
 19      person's primary care provider and, if the person consents, the licensee sends the  
 20      records to the person's primary care provider; and

21                       (3) the licensee meets the requirements established by the board in  
 22      regulation.

23               (d) The board shall adopt regulations restricting the evaluation, diagnosis,  
 24      supervision, and treatment of a person as authorized under (c) of this section by  
 25      establishing standards of care, including standards for training, confidentiality,  
 26      supervision, practice, and related issues.

27   \* **Sec. 7.** AS 08.95.050 is amended by adding a new subsection to read:

28               (b) The board may not impose disciplinary sanctions on a licensee for the  
 29      evaluation, diagnosis, or treatment of a person through audio, video, or data  
 30      communications when physically separated from the person if

31                       (1) the licensee or another licensed health care provider is available to

1 provide follow-up care;

2 (2) the licensee requests that the person consent to sending a copy of  
3 all records of the encounter to a primary care provider if the licensee is not the  
4 person's primary care provider and, if the person consents, the licensee sends the  
5 records to the person's primary care provider; and

6 (3) the licensee meets the requirements established by the board in  
7 regulation.

8 (c) The board shall adopt regulations restricting the evaluation, diagnosis,  
9 supervision, and treatment of a person as authorized under (b) of this section by  
10 establishing standards of care, including standards for training, confidentiality,  
11 supervision, practice, and related issues."

12  
13 Page 2, line 6:

14 Delete "Section 1"

15 Insert "Sec. 8"

16  
17 Renumber the following bill sections accordingly.

18  
19 Page 14, following line 29:

20 Insert a new bill section to read:

21 **"\* Sec. 19.** AS 44.33 is amended by adding a new section to read:

22 **Article 5A. Telemedicine Business Registry.**

23 **Sec. 44.33.381. Telemedicine business registry.** (a) The department shall  
24 adopt regulations for establishing and maintaining a registry of businesses performing  
25 telemedicine services in the state.

26 (b) The department shall maintain the registry of businesses performing  
27 telemedicine services in the state. The registry must include the name, address, and  
28 contact information of businesses performing telemedicine services in the state.

29 (c) In this section,

30 (1) "department" means the Department of Commerce, Community,  
31 and Economic Development;

(2) "telemedicine services" means the delivery of health care services using the transfer of medical data through audio, visual, or data communications that are performed over two or more locations by a provider who is physically separated from the recipient of the health care services."

Renumber the following bill sections accordingly.

Page 29, line 4:

Delete "sec. 3"

Insert "sec. 10"

Page 29, line 11:

Delete "sec. 3"

Insert "sec. 10"

Page 29, line 13:

Delete "sec. 3"

Insert "sec. 10"

Page 29, line 16:

Delete "sec. 3"

Insert "sec. 10"

Page 29, line 24:

Delete "sec. 3"

Insert "sec. 10"

Page 29, line 28:

Delete "sec. 17"

Insert "sec. 25"

1 Page 32, line 1:

2 Delete "sec. 17"

3 Insert "sec. 25"

4

5 Page 32, line 2:

6 Delete "sec. 20"

7 Insert "sec. 28"

8

9 Page 32, line 11:

10 Delete "secs. 4 - 9"

11 Insert "secs. 11 - 16"

12

13 Page 32, line 13:

14 Delete "secs. 4 - 9"

15 Insert "secs. 11 - 16"

16

17 Page 32, line 16:

18 Delete "sec. 17"

19 Insert "sec. 25"

20

21 Page 32, line 18:

22 Delete "sec. 28"

23 Insert "sec. 36"

24

25 Page 32, line 21:

26 Delete "sec. 17"

27 Insert "sec. 25"

28

29 Page 32, line 22:

30 Delete "sec. 28"

31 Insert "sec. 36"

1

2 Page 32, line 25:

3 Delete "sec. 17"

4 Insert "sec. 25"

5

6 Page 32, line 26:

7 Delete "sec. 28"

8 Insert "sec. 36"

9

10 Page 32, line 30:

11 Delete "sec. 20"

12 Insert "sec. 28"

13

14 Page 32, line 31:

15 Delete "sec. 32"

16 Insert "sec. 40"

17

18 Page 33, line 3:

19 Delete "sec. 3"

20 Insert "sec. 10"

21 Delete "sec. 24"

22 Insert "sec. 32"

23

24 Page 33, line 6:

25 Delete "sec. 17"

26 Insert "sec. 25"

27

28 Page 33, line 8:

29 Delete "secs. 28 and 30(a)"

30 Insert "secs. 36 and 38(a)"

31

1 Page 33, line 9:

2 Delete "sec. 17"

3 Insert "sec. 25"

4

5 Page 33, line 11:

6 Delete "secs. 28 and 30(b)"

7 Insert "secs. 36 and 38(b)"

8

9 Page 33, line 12:

10 Delete "sec. 17"

11 Insert "sec. 25"

12

13 Page 33, line 14:

14 Delete "secs. 28 and 30(c)"

15 Insert "secs. 36 and 38(c)"

16

17 Page 33, line 15:

18 Delete "sec. 20"

19 Insert "sec. 28"

20

21 Page 33, line 17:

22 Delete "secs. 28 and 30(d)"

23 Insert "secs. 36 and 38(d)"

24

25 Page 33, line 18:

26 Delete "Sections 27, 28, 29(a), and 30"

27 Insert "Sections 35, 36, 37(a), and 38"

28

29 Page 33, line 20:

30 Delete "Sections 4 - 9"

31 Insert "Sections 11 - 16"

1

2 Page 33, line 21:

3 Delete "Section 29(b)"

4 Insert "Section 37(b)"