

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 108(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/14/18

Referred: Rules

Sponsor(s): SENATOR GIESSEL

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the State Medical Board; relating to the licensing of physicians,
2 osteopaths, and podiatrists; relating to the certification of medical assistants; relating to
3 the practice of medicine; relating to the practice of podiatry; relating to the practice of
4 osteopathy; relating to assault of a medical professional; and providing for an effective
5 date."

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

7 * **Section 1.** AS 08.64.101 is amended to read:

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

9 (1) except as provided in regulations adopted by the board under
10 (b) of this section, examine and issue licenses to applicants;

11 (2) develop written guidelines to ensure that licensing requirements are
12 not unreasonably burdensome and the issuance of licenses is not unreasonably
13 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 proof of continued competency on the part of the licensee;

(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;

(7) require that a licensee who has a federal Drug Enforcement Administration registration number register with the controlled substance prescription database under AS 17.30.200(o).

* **Sec. 2.** AS 08.64.101 is amended by adding a new subsection to read:

(b) The board may adopt regulations authorizing

(1) the executive secretary to grant a license to an applicant under this chapter; the regulations must provide

(A) that the applicant meet the requirements provided under this chapter;

(B) that the executive secretary may not grant a license under this chapter if the applicant has submitted

(i) a list of one or more negotiated settlements and judgments under AS 08.64.200(a)(3);

(ii) information that the applicant had a license to practice medicine in another state, country, province, or territory that was suspended or revoked under AS 08.64.200(a)(4); or

(iii) information that requires consideration by the

board;

(C) other requirements that the board determines necessary;

(2) a member of the board, the executive secretary, or a person designated by the board to issue a temporary permit under AS 08.64.270(a) or 08.64.275(a) if the applicant meets the requirements established under this chapter; and

(3) the executive secretary to grant a certification to an applicant under AS 08.64.108.

* **Sec. 3.** AS 08.64 is amended by adding a new section to read:

Sec. 08.64.106. Delegation of routine medical duties. The board shall adopt regulations authorizing a physician, podiatrist, osteopath, or physician assistant licensed under this chapter to delegate routine medical duties to an agent of the physician, podiatrist, osteopath, or physician assistant. The regulations must

(1) require that an agent who is not licensed under this chapter may perform duties delegated under this section only if the agent meets applicable standards established by the board;

(2) require that a physician, podiatrist, osteopath, or physician assistant may not delegate duties related to pain management and opioid use and addiction; and

(3) define the phrase "routine medical duties."

* **Sec. 4.** AS 08.64 is amended by adding new sections to read:

Sec. 08.64.108. Certification of medical assistants. (a) The board shall issue certification as a medical assistant to qualified applicants. The board may adopt regulations regarding the certification of medical assistants, including

(1) the training, educational, and other qualifications for certification that will ensure that the medical assistants are competent to perform the tasks of their occupation; the board may recognize national certification by an approved entity to satisfy some or all of the qualifications for state certification; and

(2) application, certification, renewal, and revocation procedures.

(b) The board may

(1) conduct hearings on charges of alleged violations of this chapter or regulations adopted under it; and

(2) invoke disciplinary action under AS 08.01.075 against a medical assistant certified under this chapter.

(c) The department shall set fees under AS 08.01.065 for medical assistants for each of the following:

- (1) application;
- (2) certification; and
- (3) renewal of certification.

Sec. 08.64.109. Immunity for certain reports to the board. A person who, in good faith, reports information to the board relating to alleged incidents of incompetent, unprofessional, or unlawful conduct of a medical assistant is not liable in a civil action for damages resulting from the reporting of the information.

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

Sec. 08.64.111. Representation as a medical assistant. (a) A person may not represent that the person is certified as a medical assistant when providing patient care unless the person is certified as a medical assistant under this chapter.

(b) A person who knowingly violates this section is guilty of a class B misdemeanor. In this subsection, "knowingly" has the meaning given in AS 11.81.900(a).

* **Sec. 6.** AS 08.64.170(a) is amended to read:

(a) A person may not practice medicine, podiatry, or osteopathy in the state unless the person is licensed under this chapter, except that

(1) a physician assistant may examine, diagnose, or treat persons under the supervision, control, and responsibility of either a physician licensed under this chapter or a physician exempted from licensing under AS 08.64.370;

(2) a mobile intensive care paramedic may render emergency lifesaving service; [AND]

(3) a person who is licensed or authorized under another chapter of this title may engage in a practice that is authorized under that chapter; and

(4) a person may perform routine medical duties delegated under AS 08.64.106.

* **Sec. 7.** AS 08.64.190 is amended to read:

Sec. 08.64.190. Contents of application. The application must state the name, age, residence, [THE DURATION OF RESIDENCE,] the time spent in medical or osteopathy study, the place, year, and school in which degrees were granted, the applicant's medical work history, and other information the board considers necessary. The application shall be made under oath. The board may verify information in the application through direct contact with the appropriate schools, medical boards, or other agencies that can substantiate the information.

* **Sec. 8.** AS 08.64.230(a) is amended to read:

(a) If a physician applicant passes the examination and meets the requirements of AS 08.64.200 and 08.64.255, the board **or its executive secretary** shall grant a license to the applicant to practice medicine in the state.

* **Sec. 9.** AS 08.64.230(b) is amended to read:

(b) If an osteopath applicant passes the examination and meets the requirements of AS 08.64.205 and 08.64.255, the board **or its executive secretary** shall grant a license to the applicant to practice osteopathy in the state.

* **Sec. 10.** AS 08.64.270(a) is amended to read:

(a) The board, **a member of the board, the executive secretary, or a person designated by the board to issue temporary permits** may issue a temporary permit to a physician applicant, osteopath applicant, or podiatry applicant who meets the requirements of AS 08.64.200, 08.64.205, 08.64.209, or 08.64.225 and pays the required fee.

* **Sec. 11.** AS 08.64.275(a) is amended to read:

(a) A member of the board, **[OR] its executive secretary, or a person designated by the board to issue temporary permits** may grant a temporary permit to a physician or osteopath for the purpose of

(1) substituting for another physician or osteopath licensed in this state;

(2) being temporarily employed by a physician or osteopath licensed in this state while that physician or osteopath evaluates the permittee for permanent employment; or

(3) being temporarily employed by a hospital or community mental

1 health center while the facility attempts to fill a vacant permanent physician or
 2 osteopath staff position with a physician or osteopath licensed in this state.

3 * **Sec. 12.** AS 08.64.360 is amended to read:

4 **Sec. 08.64.360. Penalty for practicing without a license or in violation of**
 5 **chapter.** Except for a licensed physician assistant, a medical assistant, a registered
 6 mobile intensive care paramedic, or a person licensed or authorized under another
 7 chapter of this title who engages in practices for which that person is licensed or
 8 authorized under that chapter, a person practicing medicine or osteopathy in the state
 9 without a valid license or permit is guilty of a class A misdemeanor. Each day of
 10 illegal practice is a separate offense.

11 * **Sec. 13.** AS 08.64.380 is amended by adding a new paragraph to read:

12 (8) "license" means the certificate awarded by the board to a qualified
 13 person that entitles the person to be a physician, podiatrist, osteopath, physician
 14 assistant, or a medical assistant certified in this state.

15 * **Sec. 14.** AS 12.55.135(k)(3) is amended to read:

16 (3) "medical professional" means a person who is an anesthesiologist,
 17 dentist, dental hygienist, health aide, nurse, nurse aide, advanced practice registered
 18 nurse, mental health counselor, physician, physician assistant, medical assistant,
 19 chiropractor, psychiatrist, osteopath, psychologist, psychological associate,
 20 radiologist, surgeon, or x-ray technician, or who holds a substantially similar position.

21 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
 22 read:

23 **TRANSITION: REGULATIONS.** The Department of Commerce, Community, and
 24 Economic Development and the State Medical Board may adopt regulations necessary to
 25 implement the changes made by this Act. The regulations take effect under AS 44.62
 26 (Administrative Procedure Act), but not before the effective date of the relevant provision of
 27 this Act implemented by the regulation.

28 * **Sec. 16.** Section 15 of this Act takes effect immediately under AS 01.10.070(c).

29 * **Sec. 17.** Except as provided in sec. 16 of this Act, this Act takes effect January 1, 2019.