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Fisher
5/6/19

CS FOR SENATE BILL NO. 44(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR GIESSEL BY REQUEST

A BILL

FOR AN ACT ENTITLED

"An Act relating to the prescription of drugs by a physician assistant without physical examination; relating to prescription drugs under the medical assistance program; and providing for an effective date."

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

*** Section 1.** AS 08.64.101(a) is amended to read:

(a) The board shall

(1) except as provided in regulations adopted by the board under (b) of this section, 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

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 **or physician assistant** 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 **or physician assistant**;

(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 08.64.364(a) is amended to read:

(a) The board may not impose disciplinary sanctions on a physician **or physician assistant** 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 physician**, physician assistant,** or another licensed health care provider [OR PHYSICIAN] in the **medical** [PHYSICIAN'S GROUP] practice is available to provide follow-up care; and

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

*** Sec. 3.** AS 08.64.364(b) is amended to read:

(b) The board may not impose disciplinary sanctions on a physician **or physician assistant** for prescribing, dispensing, or administering a prescription drug that is a controlled substance or botulinum toxin if the requirements under (a) of this

section and AS 08.64.363 are met and the physician **or physician assistant** prescribes, dispenses, or administers the controlled substance or botulinum toxin when an appropriate licensed health care provider is present with the patient to assist the physician **or physician assistant** with examination, diagnosis, and treatment.

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

(c) Notwithstanding (a) and (b) of this section,

(1) a physician may not [(1)] prescribe, dispense, or administer an abortion-inducing drug under (a) of this section unless the physician complies with AS 18.16.010; **and** [OR]

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

*** Sec. 5.** AS 47.05.012 is amended to read:

Sec. 47.05.012. Material incorporated by reference. Under AS 44.62.245(a)(2), in adopting or amending a regulation that incorporates a document or other material by reference, the department may incorporate future amended versions of the document or other material if the document or other material is one of the following:

(1) a document that is published, compiled, or prepared by the United States Department of Health and Human Services and is included in the following list:

(A) the international classification of diseases, clinical modifications;

(B) the common procedure coding system;

(C) the specifications for national uniform billing data elements;

(D) the federal poverty guidelines for the state;

(E) the Indian Health Service encounter rates; or

(F) the relative value units used in the Medicare program for determination of fee schedules;

(2) the current procedural terminology for physicians published by the

American Medical Association;

(3) the diagnostic and statistical manual of mental disorders published by the American Psychiatric Association;

(4) the length of stay in hospitals by diagnosis and operation for the western region of the United States, published by Solucient;

(5) the relative value guide published by the American Society of Anesthesiologists;

(6) the consumer price index published by the United States Department of Labor;

(7) the health plan employer data and information set published by the National Committee for Quality Assurance;

(8) practice standards adopted by the American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American Diabetes Association, American Cancer Society, American Academy of Family Physicians, American College of Physicians, United States Centers for Disease Control and Prevention, Agency for Healthcare Research and Quality, or the National Asthma Education and Prevention Program;

(9) the compendium of animal rabies prevention and control published by the United States Centers for Disease Control and Prevention;

(10) the control of communicable diseases manual published by the American Public Health Association;

(11) the standards manual and interpretative guidelines for behavioral health, employment and community support services, and for medical rehabilitation published by the Commission on Accreditation of Rehabilitative Facilities;

(12) consumer assessment of health plans published by the Agency for Health Care Policy and Research;

(13) resources for optimal care of the injured patient published by the Committee on Trauma, American College of Surgeons; [OR]

(14) a document related to a resuscitation protocol that is published, compiled, or prepared based on the recommendations from the International Liaison Committee on Resuscitation**;**

(15) the preferred drug list adopted by the department under AS 47.07.065(b);

(16) a prior authorization medications list under a state program permitted under 42 U.S.C. 1396r-8 (Title XIX, Social Security Act).

*** Sec. 6.** AS 47.07.065 is amended by adding a new subsection to read:

(b) The department shall adopt in regulation and regularly update a preferred drug list and a prior authorization medications list under a state program permitted under 42 U.S.C. 1396r-8 (Title XIX, Social Security Act). The department shall take other reasonable cost savings and cost containment measures, including pursuing and securing negotiated rates, rebates, and contracts or other agreements on covered outpatient drugs. In this subsection, "preferred drug list" means a list of prescription medications within a therapeutic class and suggested as the first choice when prescribed for individuals within the medical assistance program.

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

REGULATIONS. The State Medical Board may adopt regulations necessary to implement the changes made by secs. 1 - 4 of this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

*** Sec. 8.** Sections 5 - 7 of this Act take effect immediately under AS 01.10.070(c).

*** Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect March 1, 2020.