

# Alaska State Medical Association

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March 23, 2020

The Honorable Michael Dunleavy  
Governor, State of Alaska  
Alaska State Capitol Building  
Third Floor  
Juneau, AK 99801

Submitted via email: [suzanne.cunningham@alaska.gov](mailto:suzanne.cunningham@alaska.gov)

RE: SB 241 “An Act extending the Governor’s declaration of a public health disaster emergency in response to the novel coronavirus disease pandemic.”

Dear Governor:

The Alaska State Medical Association (ASMA) represents physicians statewide and is primarily concerned with the health of all Alaskans.

ASMA supports the State’s efforts to protect Alaskan’s health during this pandemic. Included in this is working with the state to ensure it has all the tools available and flexibility that it may need to protect Alaskans. While the bill raises a number of potential concerns we understand the need for flexibility due to the unknown challenges we are likely to face.

That said, we do ask for a change in section 6, page 6 line 31 which purports to allow a board, the director of occupational licensing or the commissioner to expand the scope of a license. While we understand the potential need for this and don’t object to allowing a process for it, we believe the current process is not sufficient for health care providers to ensure an expansion does not do more harm than good. Allowing a single entity, a board the director or commissioner, does not provide that assurance. Note that an expansion of scope for health care providers is authorizing a provider to treat patients in a manner beyond their education and training. This is an extraordinary action. As we said above, we support allowing this tool as we may be in an extraordinary situation where such an action does help patients, but we strongly believe it needs more procedural checks than provided for in the bill.

We are not legal drafters but offer the following suggestion noting there are likely additional ideas that resolve our concern.

As it relates to health care providers, remove the proposed authority for the board, director or commissioner to expand the scope of practice and instead rely on Section 4 page 4 authority for the Chief Medical Officer (“CMO”) to issue a standing order to expand scope for certain procedures or treatments. The CMO with consultation of the board, director or commissioner could authorize an expanded scope with a standing order. This would ensure training is provided, Section 4 b(2), and would

have the added benefit of providing liability protection for the health care provider working beyond their education and training and authorized scope of practice.

Again, we recognize the potential need for this extraordinary tool. We only ask that taking the extraordinary step of authorizing health care providers to treat beyond their current authorized scope be limited to that necessary due to the covid-19 response and that there is at least some procedural check beyond the individual board, director, or commissioner.

Please let me know if we can further discuss this or provide any additional information.

Sincerely,

 //signed//

Dr. Eli Powell, President  
Alaska State Medical Association

cc: Senator John Coghill  
Commissioner Adam Crum  
Dr. Anne Zink