



# Representative Ivy Spohnholz

Chair, House Ways and Means Committee

Co-Chair, House Labor and Commerce Committee

Serving House District 16: College Gate, Russian Jack, Nunaka Valley, & Reflection Lake

## Sectional Analysis

House Bill 265 v. W

*"An Act relating to telehealth; relating to the practice of medicine; relating to medical assistance coverage for services provided by telehealth; and providing for an effective date."*

### Section 1

Adds a new section on telehealth under Title 8 for all health care providers licensed with the State of Alaska. This section removes the requirement for an in-person examination prior to a telehealth appoint. Health care providers licensed in a different state may also conduct telehealth if referred by a health care provider licensed in Alaska or with a federal or tribal health care program.

Subsections (b) and (c) create limits for a telehealth appointment. If a telehealth appointment falls outside of a provider's authorized scope of practice, they may refer a patient to an appropriate clinician. The cost of a service delivered through telehealth must be the same if it was delivered in person.

Subsections (d) and (e) ensures that physicians, osteopaths, physician assistants can deliver services related to opioid use disorder (e.g., medically assisted treatment) and controlled substances via telehealth without conducting an in-person examination for. For advanced practice registered nurses, these same provisions apply, with the addition of an in-person requirement for controlled substances (other than buprenorphine).

Subsection (f) gives patient or provider the choice to decline service through telehealth in favor of an in-person service.

### Section 2

Removes the in-person requirement in AS 08.64.364(b) for an appropriate health care provider to assist a patient during a telehealth appointment with a physician or physician assistant regarding controlled substances. This section replicates the same provisions on cost, scope of services, and patient protections as Section 1.

### Section 3

Adds a new section on telehealth under Title 18 for emergency medical services. This section removes the requirement for an in-person examination prior to a telehealth encounter. This section replicates the same provisions on cost, scope of services, and patient protections as Section 1.

#### **Section 4**

Adds a new section on telehealth payment under Title 47 for Alaska Medicaid. This section requires the Department of Health and Social Services to pay for telehealth services in the same manner as an in person service for the following: behavioral health services, Medicaid waiver and demonstration services; services provided by a community health aide or community health practitioner, behavioral health aide or behavioral health practitioner, dental health aide therapist, chemical dependency counselor; other services provided by an individual or entity eligible for department certification and Medicaid reimbursement; and services provided at rural clinics and federally qualified health centers.

This subsection also allows for a telehealth visit to be conducted through any means which could be useful in a patient-provider relationship, including through email, text, and phone call.

Subsection (b) allows for the department to restrict the provision of telehealth services if the telehealth services, according to substantial medical evidence, cannot be safely delivered via telehealth, or if the federal government will not reimburse the delivery of certain services provided via telehealth.

#### **Sections 5-8**

Amends the uncodified law to instruct the Department of Health and Social Services to submit an amendment to the state plan and seek approval from the U.S. Department of Health and Human Services if needed and provides immediate effective dates for other areas of this bill.