

AMENDMENT # 1

OFFERED IN THE HOUSE

by Rep. Josephson

TO: CSHB 265(HSS)

- 1 Page 9, line 2, through page 10, line 7:
- 2 Delete all material and insert:
- 3 "\*\* Sec. 8. This Act takes effect immediately under AS 01.10.070(c)."

**AMENDMENT**      **# 2**

OFFERED IN THE HOUSE  
TO: CSHB 265(HSS)

**BY REPRESENTATIVE RASMUSSEN**

Page 1, following line 9:

Insert a new subsection to read:

"(b) A physician licensed in another state may provide health care services through telehealth to a patient located in the state as provided in this subsection, subject to the investigative and enforcement powers of the department under AS 08.01.087, and subject to disciplinary action by the State Medical Board under AS 08.64.333. The privilege to practice under this subsection extends only to ongoing treatment or follow-up care related to health care services previously provided by the physician to the patient and applies only if

(1) the physician and the patient have an established physician-patient relationship; and

(2) the physician has previously conducted a physical examination of the patient in person."

Reletter the following subsections accordingly.

Page 2, line 16:

Delete "(d) and (e)"

Insert "(e) and (f)"

Page 2, line 28, following "means":

Insert "(A)"

Page 3, line 8, following "08.95;":

Insert "or

(B) a physician licensed in another state;"

Page 3, following line 10:

Insert a new bill section to read:

**"\* Sec. 2.** AS 08.64 is amended by adding a new section to read:

**Sec. 08.64.333. Disciplinary sanctions: physician licensed in another state.**

(a) The board may sanction a physician licensed in another state who provides health care services through telehealth under AS 08.01.085(b) if the board finds after a hearing that the physician

(1) committed an act that constitutes grounds to sanction a physician licensed in this state under AS 08.64.326(a)(1) - (13);

(2) exceeded the scope of the physician's privilege to practice in this state under AS 08.01.085; or

(3) prescribed, dispensed, or administered through telehealth to a patient located in the state a controlled substance listed in AS 11.71.140 - 11.71.190.

(b) If the board finds grounds to sanction a physician under (a) of this section, the board may

(1) permanently prohibit the physician from practicing in the state;

(2) prohibit the physician from practicing in the state for a determinate period;

(3) censure the physician;

(4) issue a letter of reprimand to the physician;

(5) place the physician on probationary status under (d) of this section;

(6) limit or impose conditions on the physician's privilege to practice in the state;

(7) impose a civil fine of not more than \$25,000;

(8) issue a cease and desist order prohibiting the physician from providing health care services through telehealth under AS 08.01.085(b); an order issued under this paragraph remains in effect until the physician submits evidence

1 acceptable to the board showing that the violation has been corrected;

2 (9) promptly notify the licensing authority in each state in which the  
3 physician is licensed of a sanction imposed under this subsection.

4 (c) In a case involving a physician alleged to have committed an act under  
5 AS 08.64.326(a)(13), the final findings of fact, conclusions of law, and order of the  
6 authority that suspended or revoked a license or certificate constitute a prima facie  
7 case that the license or certificate was suspended or revoked and the grounds under  
8 which the suspension or revocation was granted.

9 (d) The board may place a physician on probation under this section until the  
10 board finds that the deficiencies that required the imposition of a sanction have been  
11 remedied. The board may require a physician on probation to

12 (A) report regularly to the board on matters involving the  
13 reason for which the physician was placed on probation;

14 (B) limit the physician's practice in the state to those areas  
15 prescribed by the board;

16 (C) participate in professional education until the board  
17 determines that a satisfactory degree of skill has been attained in areas  
18 identified by the board as needing improvement.

19 (e) The board may summarily prohibit a physician from practicing in the state  
20 under AS 08.01.085(b) if the board finds that the physician, by continuing to practice,  
21 poses a clear and immediate danger to public health and safety. A physician prohibited  
22 from practicing under this subsection is entitled to a hearing conducted by the office of  
23 administrative hearings (AS 44.64.010) not later than seven days after the effective  
24 date of the order prohibiting the physician from practicing. The board may lift an order  
25 prohibiting a physician from practicing if the board finds after a hearing that the  
26 physician is able to practice with reasonable skill and safety. The physician may  
27 appeal a decision of the board under this subsection to the superior court.

28 (f) The board may recover from a physician the cost of proceedings resulting  
29 in a sanction under (b) of this section, including the costs of investigation by the board  
30 and department, and hearing costs.

31 (g) The board may prohibit a physician from practicing in the state upon

1 receipt of a certified copy of evidence that a license to practice medicine in another  
 2 state or territory of the United States or province or territory of Canada has been  
 3 suspended or revoked. The prohibition remains in effect until a hearing can be held by  
 4 the board.

5 (h) The board shall be consistent in the application of disciplinary sanctions. A  
 6 significant departure from earlier decisions of the board involving similar situations  
 7 must be explained in findings of fact or orders made by the board."  
 8

9 Renumber the following bill sections accordingly.

10  
 11 Page 9, line 7:

12 Delete "sec. 5"

13 Insert "sec. 6"

14  
 15 Page 9, line 14:

16 Delete "sec. 2"

17 Insert "secs. 2 and 3"

18  
 19 Page 9, line 17:

20 Delete "secs. 4 - 7"

21 Insert "secs. 5 - 8"

22  
 23 Page 9, line 21:

24 Delete "Section 5"

25 Insert "Section 6"

26  
 27 Page 9, line 25:

28 Delete "sec. 5"

29 Insert "sec. 6"

30  
 31 Page 9, line 27:

1           Delete "sec. 5"  
2           Insert "sec. 6"  
3  
4   Page 10, line 2:  
5           Delete "sec. 5"  
6           Insert "sec. 6"  
7  
8   Page 10, lines 3 - 4:  
9           Delete "sec. 10(b)"  
10          Insert "sec. 11(b)"  
11  
12   Page 10, line 5:  
13          Delete "Section 9"  
14          Insert "Section 10"  
15  
16   Page 10, line 6:  
17          Delete "secs. 11 and 12"  
18          Insert "secs. 12 and 13"

# 3

AMENDMENT

Rep. Ortiz

OFFERED IN THE HOUSE  
TO: CSHB 265(HSS)

1 Page 2, line 11, following "AS 08.64.364":

2 Insert "and any federal law governing the prescription, dispensing, or administering of  
3 a controlled substance"

4

5 Page 2, line 15, following "AS 08.68.710":

6 Insert "and any federal law governing the prescription, dispensing, or administering of  
7 a controlled substance"

8

9 Page 2, line 17:

10 Delete "or in another state"

11

12 Page 3, following line 20:

13 Insert a new bill section to read:

14 "\*\* Sec. 3. AS 08.68.100(a) is amended to read:

15 (a) The board shall

16 (1) adopt regulations necessary to implement this chapter, including  
17 regulations

18 (A) pertaining to practice as an advanced practice registered  
19 nurse, including requirements for an advanced practice registered nurse to  
20 practice as a certified registered nurse anesthetist, certified clinical nurse  
21 specialist, certified nurse practitioner, or certified nurse midwife; regulations  
22 for an advanced practice registered nurse who holds a valid federal Drug  
23 Enforcement Administration registration number must address training in pain

1 management and opioid use and addiction;

2 (B) necessary to implement AS 08.68.331 - 08.68.336 relating  
3 to certified nurse aides in order to protect the health, safety, and welfare of  
4 clients served by nurse aides;

5 (C) pertaining to retired nurse status; [AND]

6 (D) establishing criteria for approval of practical nurse  
7 education programs that are not accredited by a national nursing accrediting  
8 body; and

9 (E) establishing guidelines for rendering a diagnosis,  
10 providing treatment, or prescribing, dispensing, or administering a  
11 prescription drug to a person without conducting a physical examination  
12 under AS 08.68.710; the guidelines must include a nationally recognized  
13 model policy for standards of care of a patient who is at a different  
14 location than the advanced practice registered nurse;

15 (2) approve curricula and adopt standards for basic education programs  
16 that prepare persons for licensing under AS 08.68.190;

17 (3) provide for surveys of the basic nursing education programs in the  
18 state at the times it considers necessary;

19 (4) approve education programs that meet the requirements of this  
20 chapter and of the board, and deny, revoke, or suspend approval of education  
21 programs for failure to meet the requirements;

22 (5) examine, license, and renew the licenses of qualified applicants;

23 (6) prescribe requirements for competence before a former registered,  
24 advanced practice registered, or licensed practical nurse may resume the practice of  
25 nursing under this chapter;

26 (7) define by regulation the qualifications and duties of the executive  
27 administrator and delegate authority to the executive administrator that is necessary to  
28 conduct board business;

29 (8) develop reasonable and uniform standards for nursing practice;

30 (9) publish advisory opinions regarding whether nursing practice  
31 procedures or policies comply with acceptable standards of nursing practice as defined



1 under this chapter;

2 (10) require applicants under this chapter to submit fingerprints and the  
3 fees required by the Department of Public Safety under AS 12.62.160 for criminal  
4 justice information and a national criminal history record check; the department shall  
5 submit the fingerprints and fees to the Department of Public Safety for a report of  
6 criminal justice information under AS 12.62 and a national criminal history record  
7 check under AS 12.62.400;

8 (11) require that a licensed advanced practice registered nurse who has  
9 a federal Drug Enforcement Administration registration number register with the  
10 controlled substance prescription database under AS 17.30.200(n)."  
11

12 Renumber the following bill sections accordingly.  
13

14 Page 9, line 7:

15 Delete "sec. 5"

16 Insert "sec. 6"  
17

18 Page 9, line 17:

19 Delete "secs. 4 - 7"

20 Insert "secs. 5 - 8"  
21

22 Page 9, line 21:

23 Delete "Section 5"

24 Insert "Section 6"  
25

26 Page 9, line 25:

27 Delete "sec. 5"

28 Insert "sec. 6"  
29

30 Page 9, line 27:

31 Delete "sec. 5"

1           Insert "sec. 6"

2

3   Page 10, line 2:

4           Delete "sec. 5"

5           Insert "sec. 6"

6

7   Page 10, lines 3 - 4:

8           Delete "sec. 10(b)"

9           Insert "sec. 11(b)"

10

11   Page 10, line 5:

12           Delete "Section 9"

13           Insert "Section 10"

14

15   Page 10, line 6:

16           Delete "secs. 11 and 12"

17           Insert "secs. 12 and 13"