



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

Explanation of Changes

House Bill 265 v. W to CS House Bill 265 (FIN) v. E

"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

Page 1, line 9:

Except for subsection (b), replaces any reference to "examination" with "visit," and updates corresponding language throughout the bill.

Page 1, line 10 – page 2, line 6:

Creates a new provision in subsection (b), narrowly exempting physicians licensed in another state to deliver health care services via telehealth if there is an established physician-patient relationship, an in-person physical exam, and the services are related to ongoing treatment or follow-up care related to past treatment. The language replaces language in subsection (a) of version W related to the telehealth authority of providers licensed in another state, and also references new enforcement language in Section 2.

Page 2, lines 19 – 29:

Removes language pertaining to services addressing opioid use disorder that was deemed unnecessary to ensure the telehealth delivery of medication assisted treatments for opioid use disorder (i.e., medication, counseling, and behavioral health therapies).

Revises provisions regarding the prescription of controlled substances by physicians, osteopaths and physician assistants, (subsection (e)), and advanced practice registered nurses (APRNs), (subsection (f)). These subsections align state statute with federal laws regarding telehealth and controlled substances, which currently require certain in-person requirements. These sections do not change the prescribing scope for providers authorized to prescribe controlled substances.

Page 3, lines 2-5:

Creates subsection (h) to remove requirements on providers to document all attempts for an in-person visit. Additionally, this subsection prevents the department or governing board from limiting the physical setting of a health care provider delivering telehealth.

Page 3, line 26:

Clarifying language is inserted under subsection (j)(2) defining all licensed providers under this section as licensed in good standing.

Section 2

This is a new section in Title 8, Chapter 54 (Medicine) defining the State Medical Board's

authority to enforce against exempted physicians under Section 1 and ensures these providers must comply with Alaska laws for licensed physicians.

Page 3, line 30 – page 4, line 7:

Subsection (a) describes the grounds for the board to sanction a physician licensed in another state providing telehealth services in Section 1: if they violate Alaska laws for Alaska-licensed physicians; exceed the defined scope of telehealth services in Section 1; or prescribe, administer, or dispense a controlled substance to an Alaska patient located in the state.

Page 4, lines 8-31:

Subsection (b) and (c) ensures that the board can enforce exempted physicians in the same manner as Alaska-licensed physicians. In addition to this authority, they can issue a cease-and-desist order and notify the licensing authority for each state the physician is licensed in of a sanction.

Page 4, line 30 – page 5, lines 1-28:

Subsection (d), (e), (g), and (h) details the board's disciplinary actions for exempted physicians, mirroring similar language regarding sanctions for Alaska-licensed physicians.

Subsection (f) ensures that the board can recover costs related to the proceedings and investigation directly from an exempted physician in Section 1.

Section 4

Page 6, line 25 – 31:

Creates a new subsection (a)(1)(e) under the Board of Nursing's regulatory authority to include controlled substances via telehealth in Section 5, mirroring statutory language for the State Medical Board. This does not change the Board of Nursing's authority but ensures regulatory equity between the Board of Nursing and the State Medical Board regarding the prescription of controlled substances via telehealth for all DEA-registered practitioners.

Section 5

Page 7, line 28 – Page 8, line 22:

Creates a new section AS 08.68.710 defining the telehealth prescriptive authority of APRNs in statute. This section removes the regulatory in-person requirement for APRNs under 12 AAC 44.925(c), mirroring the deletion of language for the State Medical Board in Section 3.

Section 6

Page 6, lines 9-13:

Creates subsection (h) under Title 18 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, documentation, physical setting, and patient protections as Section 1.

Section 7

Page 9, line 24:

Amends Alaska Medicaid telehealth coverage to include home and community-based waiver services (HCBS) in subsection (a)(2).

Page 9, lines 25-26:

Amends Alaska Medicaid telehealth coverage to include services provided under a state plan option (e.g., 1915(k) services) in subsection (a)(3).

Page 10, lines 3-4:

Revises language regarding chemical dependency counselors to include certification from any department-approved certifying entity for behavioral health professionals in subsection (a)(7).

Page 10, line 13:

Removes telehealth services delivered via fax from coverage by Alaska Medicaid in subsection (a)(10).

Page 10, lines 18-19:

Separates non-HCBS services covered under a federal waiver or demonstration in subsection (a)(12).

Page 10, line 26:

Adds language in subsection (b), line 13 to ensure the department must revise regulatory language to include telehealth in the definition of a “visit.”

Page 11, line 9-10:

Creates subsection (c), specifying that the coverage of services in Alaska Medicaid must be HIPAA-compliant.

Section 8-9

These are new sections adding telehealth provisions to entities under Title 47 for grantees that deliver community mental health services, or facilities approved by the department to deliver substance use disorder treatment. Both sections replicate the same telehealth provisions on cost, scope of services, patient protections, documentation, and physical setting as Section 1.

Page 11, line 19 – page 12, line 13:

Section 8 creates AS 47.30.585 to include entities approved to receive grant funding by the Department of Health to deliver community mental health services.

Page 12, line 14 – page 8, line 8:

Section 9 creates AS 47.37.145 to include public or private treatment facilities approved by the Department of Health to deliver services addressing substance use disorders.

Section 10

Page 13, line 9:

Removes effective date language related to regulations, licensing, and the State Plan Amendment, and provides an immediate effective date.