

**SENATE BILL NO. 78**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Introduced: 2/10/21

Referred: Health & Social Services, Labor & Commerce

**A BILL**

**FOR AN ACT ENTITLED**

1    **"An Act relating to telehealth."**

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

3        \* **Section 1.** AS 08.64.170(a) is amended to read:

4               (a) A person may not practice medicine, podiatry, or osteopathy in the state  
5               unless the person is licensed under this chapter, except that

6                       (1) a physician assistant may examine, diagnose, or treat persons under  
7               the supervision, control, and responsibility of either a physician licensed under this  
8               chapter or a physician exempted from licensing under AS 08.64.370;

9                       (2) a mobile intensive care paramedic may render emergency  
10              lifesaving service;

11                      (3) a person who is licensed or authorized under another chapter of this  
12              title may engage in a practice that is authorized under that chapter; [AND]

13                      (4) a person may perform routine medical duties delegated under  
14              AS 08.64.106; **and**

15                      **(5) a person may provide treatment, render a diagnosis, or**

prescribe, dispense, or administer a prescription, excluding a controlled substance listed under AS 11.71.140 - 11.71.190, as authorized under AS 08.64.175.

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

**Sec. 08.64.175. Telehealth.** (a) A health care provider may provide treatment, render a diagnosis, or prescribe, dispense, or administer a prescription, excluding a controlled substance listed under AS 11.71.140 - 11.71.190, through telehealth as defined in AS 47.05.270(e), without first conducting an in-person physical examination, if

(1) the health care provider is licensed, permitted, or certified to provide health care services in another jurisdiction and is in good standing in the jurisdiction that issued the license, permit, or certification;

(2) the health care services provided without an in-person physical examination are within the provider's authorized scope of practice in the jurisdiction that issued the provider's license, permit, or certification;

(3) in the event that the health care provider determines that the encounter will extend beyond the scope of practice or scope of services described in this section, the health care provider advises the patient that the health care provider is not authorized to provide the services to the patient, recommends that the patient contact a health care provider licensed in the state, and terminates the encounter.

(b) The amount charged by a health care provider for services provided under this section must be reasonable and consistent with the ordinary fees typically charged for that service and may not be more than five percent above the ordinary fees typically charged for that service. A health care provider who is required to terminate an encounter under (a)(3) of this section may not charge for any services provided during the encounter.

(c) In this section, "health care provider" means a person who is licensed, permitted, or certified to practice medicine, podiatry, or osteopathy in this or another jurisdiction.

\* **Sec. 3.** AS 08.68.160 is amended to read:

**Sec. 08.68.160. License required.** A person practicing or offering to practice

1 registered, advanced practice registered, or practical nursing in the state shall submit  
 2 evidence of qualification to practice and shall be licensed under this chapter, except  
 3 that a person practicing or offering to practice registered, advanced practice  
 4 registered, or practical nursing may provide treatment, render a diagnosis, or  
 5 prescribe, dispense, or administer a prescription, excluding a controlled  
 6 substance listed under AS 11.71.140 - 11.71.190, as authorized under  
 7 AS 08.68.163.

8 \* **Sec. 4.** AS 08.68 is amended by adding a new section to read:

9 **Sec. 08.68.163. Telehealth.** (a) A nurse may provide treatment, render a  
 10 diagnosis, or prescribe, dispense, or administer a prescription, excluding a controlled  
 11 substance listed under AS 11.71.140 - 11.71.190, through telehealth as defined in  
 12 AS 47.05.270(e), without first conducting an in-person physical examination, if

13 (1) the nurse is licensed, permitted, or certified to practice in another  
 14 jurisdiction and is in good standing in the jurisdiction that issued the license, permit,  
 15 or certification;

16 (2) the health care services provided without an in-person physical  
 17 examination are within the nurse's authorized scope of practice in the jurisdiction that  
 18 issued the nurse's license, permit, or certification;

19 (3) in the event that the nurse determines that the encounter will extend  
 20 beyond the scope of practice or scope of services described in this section, the nurse  
 21 advises the patient that the nurse is not authorized to provide the services to the  
 22 patient, recommends that the patient contact a health care provider licensed in the  
 23 state, and terminates the encounter.

24 (b) The amount charged by a nurse for services provided under this section  
 25 must be reasonable and consistent with the ordinary fees typically charged for that  
 26 service and may not be more than five percent above the ordinary fees typically  
 27 charged for that service. A nurse who is required to terminate an encounter under  
 28 (a)(3) of this section may not charge for any services provided during the encounter.

29 (c) In this section, "nurse" means a person who is licensed, permitted, or  
 30 certified to practice registered, advanced practice registered, or practical nursing in  
 31 this or another jurisdiction.