

HOUSE CS FOR CS FOR SENATE BILL NO. 89(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 3/23/26

Referred: Labor and Commerce

Sponsor(s): SENATORS TOBIN, Gray-Jackson, Giessel, Hughes

REPRESENTATIVES Gray, Tomaszewski, Prax

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to physician assistants; relating to collaborative agreements between
2 physicians and physician assistants; relating to the practice of medicine; relating to
3 health care providers; and relating to provisions regarding physician assistants in
4 contracts between certain health care providers and health care insurers."

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

6 * **Section 1.** AS 08.64.010 is amended to read:

7 **Sec. 08.64.010. Creation and membership of State Medical Board.** The
8 governor shall appoint a board of medical examiners, to be known as the State
9 Medical Board, consisting of five physicians licensed in the state and residing in as
10 many separate geographical areas of the state as possible, one physician assistant
11 licensed in the state [UNDER AS 08.64.107], and two persons with no direct
12 financial interest in the health care industry.

13 * **Sec. 2.** AS 08.64.107 is repealed and reenacted to read:

14 **Sec. 08.64.107. Scope of practice of physician assistants; collaborative**

1 **agreements.** (a) A physician assistant may provide any medical service for which the
2 physician assistant is qualified to provide by education, training, and experience and
3 competent to perform, including

4 (1) obtaining a patient's comprehensive health history and performing
5 a physical examination;

6 (2) evaluating, diagnosing, managing, and providing medical
7 treatment;

8 (3) ordering and evaluating a diagnostic study or therapeutic
9 procedure;

10 (4) performing limited sonography on a focused imaging target to
11 assess specific and limited information about a patient's medical condition or to
12 provide real-time visual guidance for another procedure;

13 (5) educating a patient on health promotion and disease prevention;

14 (6) providing medical consultation to patients or other health care
15 providers;

16 (7) writing a medical order;

17 (8) obtaining informed consent;

18 (9) supervising, delegating, and assigning therapeutic and diagnostic
19 measures to licensed or unlicensed personnel in accordance with regulations adopted
20 under AS 08.64.106;

21 (10) certifying the health or disability of a patient as required by a
22 local, state, or federal program;

23 (11) authenticating a document with the signature, certification, stamp,
24 verification, affidavit, or endorsement of the physician assistant if the document may
25 be authenticated by the signature, certification, stamp, verification, affidavit, or
26 endorsement of a physician;

27 (12) pronouncing death in accordance with AS 18.08.089;

28 (13) planning and initiating a therapeutic regimen that includes
29 ordering and prescribing nonpharmacological interventions; in this paragraph,
30 "nonpharmacological intervention" includes durable medical equipment, nutrition,
31 blood and blood products, diagnostic support services, home health care, hospice, and

1 physical and occupational therapy;

2 (14) prescribing schedule II, III, IV, and V controlled substances under
3 federal law and all federal legend drugs;

4 (15) administering and procuring drugs and medical devices;

5 (16) dispensing a drug if pharmacy services are not reasonably
6 available and dispensing the drug is in the best interest of the patient or an emergency
7 exists; and

8 (17) requesting, receiving, and signing for a professional sample and
9 distributing a professional sample to a patient; in this paragraph, "professional sample"
10 means a unit of a prescription drug that is not for sale and given at no cost to the
11 physician assistant to promote the drug's use.

12 (b) A physician assistant is responsible for the care provided to a patient by
13 the physician assistant.

14 (c) Except as provided in (d) of this section, a physician assistant may only
15 practice in the state under a written collaborative agreement entered into with a
16 physician licensed under this chapter or a physician exempt from licensing under
17 AS 08.64.370. The collaborative agreement must describe how the collaboration will
18 occur between the physician assistant and the physician. A physician assistant who is
19 practicing under a collaborative agreement shall provide to the board with the
20 physician assistant's application for licensure or renewal a written attestation that the
21 physician assistant is practicing under a collaborative agreement. The physician
22 assistant shall provide a copy of the written collaborative agreement to the board upon
23 request.

24 (d) A physician assistant may practice without a collaborative agreement if

25 (1) the physician assistant is practicing at

26 (A) a facility directed by a licensed physician, osteopath, or
27 podiatrist;

28 (B) a health care facility licensed by the Department of Health
29 under AS 47.32;

30 (C) a health care facility that is operated by the federal
31 government or a tribal organization as defined in 25 U.S.C. 450b;

1 (D) a federally qualified health center or rural health clinic; or

2 (E) a military and veterans' facility; or

3 (2) the board has, upon application of the physician assistant,
4 authorized the physician assistant to practice at a facility not described in (1) of this
5 subsection without obtaining a collaborative agreement.

6 * **Sec. 3.** AS 08.64 is amended by adding a new section to read:

7 **Sec. 08.64.206. Qualifications for physician assistant applicants.** Each
8 physician assistant applicant shall meet the qualifications prescribed in
9 AS 08.64.200(a)(3) - (5) and shall submit

10 (1) a certificate of graduation obtained from a physician assistant
11 program accredited, at the time of graduation, by

12 (A) the American Medical Association's Committee on Allied
13 Health Education and Accreditation or the Commission on Accreditation of
14 Allied Health Education Programs if the applicant graduated before January 1,
15 2001; or

16 (B) the Accreditation Review Commission on Education for the
17 Physician Assistant if the applicant graduated on or after January 1, 2001;

18 (2) proof of current certification issued by the National Commission on
19 Certification of Physician Assistants; and

20 (3) proof of receiving a passing score on the physician assistant
21 national certifying examination offered by the National Commission on Certification
22 of Physician Assistants.

23 * **Sec. 4.** AS 08.64.230 is amended by adding a new subsection to read:

24 (d) If a physician assistant applicant passes the examination and meets the
25 requirements of AS 08.64.206 and 08.64.255, the board or its executive secretary shall
26 grant a license to the applicant to practice the acts permitted under AS 08.64.107.

27 * **Sec. 5.** AS 08.64.250(a) is amended to read:

28 (a) The board may waive the examination requirement and license by
29 credentials if the physician, osteopath, **physician assistant**, or podiatry applicant
30 meets the requirements of AS 08.64.200, 08.64.205, **08.64.206**, or 08.64.209, submits
31 proof of continued competence as required by regulation, pays the required fee, and

1 has

2 (1) an active license from a board of medical examiners established
3 under the laws of a state or territory of the United States or a province or territory of
4 Canada issued after thorough examination; or

5 (2) passed an examination as specified by the board in regulations.

6 * **Sec. 6.** AS 08.64.270(a) is amended to read:

7 (a) The board, a member of the board, the executive secretary, or a person
8 designated by the board to issue temporary permits may issue a temporary permit to
9 an [A PHYSICIAN APPLICANT, OSTEOPATH APPLICANT, OR PODIATRY]
10 applicant who meets the requirements of AS 08.64.200, 08.64.205, 08.64.206,
11 08.64.209, or 08.64.225 and pays the required fee.

12 * **Sec. 7.** AS 08.64.275(a) is amended to read:

13 (a) A member of the board, its executive secretary, or a person designated by
14 the board to issue temporary permits may grant a temporary permit to a physician,
15 [OR] osteopath, or physician assistant for the purpose of

16 (1) substituting for another physician, [OR] osteopath, or physician
17 assistant licensed in this state;

18 (2) being temporarily employed by a physician, [OR] osteopath, or
19 physician assistant licensed in this state while that physician, [OR] osteopath, or
20 physician assistant evaluates the permittee for permanent employment; or

21 (3) being temporarily employed by a hospital or community mental
22 health center while the facility attempts to fill a vacant permanent physician, [OR]
23 osteopath, or physician assistant staff position with a physician, [OR] osteopath, or
24 physician assistant licensed in this state.

25 * **Sec. 8.** AS 08.64.275 is amended by adding a new subsection to read:

26 (g) A physician assistant applying under (a) of this section shall pay the
27 required fee and shall meet the requirements of AS 08.64.206 and 08.64.279. In
28 addition, the physician assistant shall submit evidence of holding a license to practice
29 in a state or territory of the United States or in a province or territory of Canada.

30 * **Sec. 9.** AS 08.64.312(c) is amended to read:

31 (c) The board or its designee may exempt a physician, osteopath, [OR]

1 podiatrist, **or physician assistant** from the requirements of (b) of this section upon an
 2 application by the physician, osteopath, [OR] podiatrist, **or physician assistant** giving
 3 evidence satisfactory to the board or its designee that the physician, osteopath, [OR]
 4 podiatrist, **or physician assistant** is unable to comply with the requirements because
 5 of extenuating circumstances. However, a person may not be exempted from more
 6 than 15 hours of continuing education in a five-year period; a person may not be
 7 exempted from the requirement to receive at least two hours of education in pain
 8 management and opioid use and addiction unless the person has demonstrated to the
 9 satisfaction of the board that the person does not currently hold a valid federal Drug
 10 Enforcement Administration registration number.

11 * **Sec. 10.** AS 08.64.326(a) is amended to read:

12 (a) The board may impose a sanction if the board finds after a hearing that a
 13 licensee

14 (1) secured a license through deceit, fraud, or intentional
 15 misrepresentation;

16 (2) engaged in deceit, fraud, or intentional misrepresentation while
 17 providing professional services or engaging in professional activities;

18 (3) advertised professional services in a false or misleading manner;

19 (4) has been convicted, including conviction based on a guilty plea or
 20 plea of nolo contendere, of

21 (A) a class A or unclassified felony or a crime in another
 22 jurisdiction with elements similar to a class A or unclassified felony in this
 23 jurisdiction;

24 (B) a class B or class C felony or a crime in another jurisdiction
 25 with elements similar to a class B or class C felony in this jurisdiction if the
 26 felony or other crime is substantially related to the qualifications, functions, or
 27 duties of the licensee; or

28 (C) a crime involving the unlawful procurement, sale,
 29 prescription, or dispensing of drugs;

30 (5) has procured, sold, prescribed, or dispensed drugs in violation of a
 31 law regardless of whether there has been a criminal action or harm to the patient;

1 (6) intentionally or negligently permitted the performance of patient
2 care by persons under the licensee's supervision that does not conform to minimum
3 professional standards even if the patient was not injured;

4 (7) failed to comply with this chapter, a regulation adopted under this
5 chapter, or an order of the board;

6 (8) has demonstrated

7 (A) professional incompetence, gross negligence, or repeated
8 negligent conduct; the board may not base a finding of professional
9 incompetence solely on the basis that a licensee's practice is unconventional or
10 experimental in the absence of demonstrable physical harm to a patient;

11 (B) addiction to, severe dependency on, or habitual overuse of
12 alcohol or other drugs that impairs the licensee's ability to practice safely;

13 (C) unfitness because of physical or mental disability;

14 (9) engaged in unprofessional conduct, in sexual misconduct, or in
15 lewd or immoral conduct in connection with the delivery of professional services to
16 patients; in this paragraph, "sexual misconduct" includes sexual contact, as defined by
17 the board in regulations adopted under this chapter, or attempted sexual contact with a
18 patient outside the scope of generally accepted methods of examination or treatment of
19 the patient, regardless of the patient's consent or lack of consent, during the term of the
20 physician-patient relationship, as defined by the board in regulations adopted under
21 this chapter, unless the patient was the licensee's spouse at the time of the contact or,
22 immediately preceding the physician-patient relationship, was in a dating, courtship,
23 or engagement relationship with the licensee;

24 (10) has violated AS 18.16.010;

25 (11) has violated any code of ethics adopted by regulation by the
26 board;

27 (12) has denied care or treatment to a patient or person seeking
28 assistance from the licensee [PHYSICIAN] if the only reason for the denial is the
29 failure or refusal of the patient to agree to arbitrate as provided in AS 09.55.535(a);

30 (13) has had a license or certificate to practice medicine in another
31 state or territory of the United States, or a province or territory of Canada, denied,

1 suspended, revoked, surrendered while under investigation for an alleged violation,
 2 restricted, limited, conditioned, or placed on probation unless the denial, suspension,
 3 revocation, or other action was caused by the failure of the licensee to pay fees to that
 4 state, territory, or province; or

5 (14) prescribed or dispensed an opioid in excess of the maximum
 6 dosage authorized under AS 08.64.363.

7 * **Sec. 11.** AS 08.64.334 is amended to read:

8 **Sec. 08.64.334. Voluntary surrender.** The board, at its discretion, may accept
 9 the voluntary surrender of a license. A license may not be returned unless the board
 10 determines, under regulations adopted by it, that the licensee is competent to resume
 11 practice. However, a license may not be returned to the licensee if the voluntary
 12 surrender resulted in the dropping or suspension of civil or criminal charges against
 13 the physician or physician assistant.

14 * **Sec. 12.** AS 08.64.336(a) is amended to read:

15 (a) A physician or physician assistant who professionally treats a person
 16 licensed to practice medicine or osteopathy in this state for alcoholism or drug
 17 addiction, or for mental, emotional, or personality disorders, shall report [IT] to the
 18 board if there is probable cause that the person may constitute a danger to the health
 19 and welfare of that person's patients or the public if that person continues in practice.
 20 The report must state the name and address of the person and the condition found.

21 * **Sec. 13.** AS 08.64.336(e) is amended to read:

22 (e) A physician, physician assistant, hospital, hospital committee, or private
 23 professional organization contracted with under AS 08.64.101(a)(5) to identify,
 24 confront, evaluate, and treat individuals licensed under this chapter who abuse
 25 addictive substances that in good faith submits a report under this section or
 26 participates in an investigation or judicial proceeding related to a report submitted
 27 under this section is immune from civil liability for the submission or participation.

28 * **Sec. 14.** AS 08.64.336(f) is amended to read:

29 (f) A physician, physician assistant, or hospital may not refuse to submit a
 30 report under this section or withhold from the board or its investigators evidence
 31 related to an investigation under this section on the grounds that the report or evidence

1 (1) concerns a matter that was disclosed in the course of a confidential
 2 physician-patient or psychotherapist-patient relationship or during a meeting of a
 3 hospital medical staff, governing body, or committee that was exempt from the public
 4 meeting requirements of AS 44.62.310; or

5 (2) is required to be kept confidential under AS 18.23.030.

6 * **Sec. 15.** AS 08.64.360 is amended to read:

7 **Sec. 08.64.360. Penalty for practicing without a license or in violation of**
 8 **law.** Except for [A PHYSICIAN ASSISTANT OR] a person licensed or authorized
 9 under another law of the state who engages in practices for which that person is
 10 licensed or authorized under that law, a person practicing medicine or osteopathy in
 11 the state without a valid license or permit is guilty of a class A misdemeanor. Each day
 12 of illegal practice is a separate offense.

13 * **Sec. 16.** AS 08.64.370 is amended to read:

14 **Sec. 08.64.370. Exceptions to application of chapter.** This chapter does not
 15 apply to

16 (1) officers in the regular medical service of the armed services of the
 17 United States or the United States Public Health Service while in the discharge of their
 18 official duties;

19 (2) a physician, [OR] osteopath, or physician assistant licensed in
 20 another state who is asked by a physician, [OR] osteopath, or physician assistant
 21 licensed in this state to help in the diagnosis or treatment of a case, unless the
 22 physician, osteopath, or physician assistant is practicing under AS 08.02.130(b);

23 (3) the practice of the religious tenets of a church;

24 (4) a physician or physician assistant in the regular medical service of
 25 the United States Public Health Service or the armed services of the United States
 26 volunteering services without pay or other remuneration to a hospital, clinic, medical
 27 office, or other medical facility in the state;

28 (5) a person who is certified as a direct-entry midwife by the
 29 department under AS 08.65 while engaged in the practice of midwifery whether or not
 30 the person accepts compensation for those services;

31 (6) a physician or physician assistant licensed in another state who,

1 under a written agreement with an athletic team located in the state in which the
 2 physician **or physician assistant** is licensed, provides medical services to members of
 3 the athletic team while the athletic team is traveling to or from or participating in a
 4 sporting event in this state.

5 * **Sec. 17.** AS 08.64.380(6) is amended to read:

6 (6) "practice of medicine" or "practice of osteopathy" means [:]

7 (A) for a fee, donation, or other consideration, to diagnose,
 8 treat, operate on, prescribe for, or administer to [,] any human ailment,
 9 blemish, deformity, disease, disfigurement, disorder, injury, or other mental or
 10 physical condition; or to attempt to perform or represent that a person is
 11 authorized to perform any of the acts set out in this subparagraph;

12 (B) to use or publicly display a title in connection with a
 13 person's name **in such a manner as to show that the person is willing or**
 14 **qualified to diagnose or treat the sick or injured,** including "doctor of
 15 medicine," "physician," "M.D.," [OR] "doctor of osteopathic medicine," [OR]
 16 "D.O.," **"physician assistant," or "P.A."** or a specialist designation,
 17 including "surgeon," "dermatologist," or a similar title, **except that "practice**
 18 **of medicine" or "practice of osteopathy" does not include the use of the**
 19 **title "doctor" by a person holding a doctorate degree who is not a**
 20 **physician or osteopath and who clearly communicates that the person is**
 21 **not a physician or osteopath** [IN SUCH A MANNER AS TO SHOW THAT
 22 THE PERSON IS WILLING OR QUALIFIED TO DIAGNOSE OR TREAT
 23 THE SICK OR INJURED];

24 * **Sec. 18.** AS 08.64.380(7) is amended to read:

25 (7) "practice of podiatry" means the medical, mechanical, and surgical
 26 treatment of ailments of the foot, the muscles and tendons of the leg governing the
 27 functions of the foot, and superficial lesions of the hand other than those associated
 28 with trauma; the use of preparations, medicines, and drugs as are necessary for the
 29 treatment of these ailments; the treatment of the local manifestations of systemic
 30 diseases as they appear in the hand and foot, except that

31 (A) a patient shall be concurrently referred to a physician, [OR]

1 osteopath, or physician assistant for the treatment of the systemic disease
2 itself;

3 (B) general anesthetics [ANAESTHETICS] may be used only
4 in colleges of podiatry approved by the board and in hospitals approved by the
5 joint commission on the accreditation of hospitals, or the American
6 Osteopathic Association; and

7 (C) the use of X-ray or radium for therapeutic purposes is not
8 permitted.

9 * **Sec. 19.** AS 11.71.900(20) is amended to read:

10 (20) "practitioner" means

11 (A) a physician, physician assistant, dentist, advanced practice
12 registered nurse, optometrist, veterinarian, scientific investigator, or other
13 person licensed, registered, or otherwise permitted to distribute, dispense,
14 conduct research with respect to, or to administer or use in teaching or
15 chemical analysis a controlled substance in the course of professional practice
16 or research in the state;

17 (B) a pharmacy, hospital, or other institution licensed,
18 registered, or otherwise permitted to distribute, dispense, conduct research with
19 respect to, or to administer a controlled substance in the course of professional
20 practice or research in the state;

21 * **Sec. 20.** AS 13.52.390(31) is amended to read:

22 (31) "physician assistant" means an individual licensed as a physician
23 assistant under AS 08.64 [AS 08.64.107].

24 * **Sec. 21.** AS 18.08.089(a) is amended to read:

25 (a) A mobile intensive care paramedic licensed under this chapter, a physician
26 assistant registered or licensed under AS 08.64 [AS 08.64.107], or an emergency
27 medical technician certified under this chapter may make a determination and
28 pronouncement of death of a person under the following circumstances:

29 (1) the mobile intensive care paramedic or emergency medical
30 technician is an active member of an emergency medical service certified under this
31 chapter;

1 (2) neither a physician licensed under AS 08.64 nor a physician
2 exempt from licensure under AS 08.64 is immediately available for consultation by
3 radio or telephone communications;

4 (3) the mobile intensive care paramedic, physician assistant, or
5 emergency medical technician has determined, based on acceptable medical standards,
6 that the person has sustained irreversible cessation of circulatory and respiratory
7 functions.

8 * **Sec. 22.** AS 21.07.010(b) is amended to read:

9 (b) A contract between a participating health care provider and a health care
10 insurer that offers a health care insurance policy may not contain a provision that

11 (1) has as its predominant purpose the creation of direct financial
12 incentives to the health care provider for withholding covered medical care services
13 that are medically necessary; nothing in this paragraph shall be construed to prohibit a
14 contract between a participating health care provider and a health care insurer from
15 containing incentives for efficient management of the utilization and cost of covered
16 medical care services;

17 (2) requires the provider to contract for all products that are currently
18 offered or that may be offered in the future by the health care insurer; [OR]

19 (3) requires the health care provider to be compensated for medical
20 care services performed at the same rate as the health care provider has contracted
21 with another health care insurer; or

22 **(4) imposes a practice, education, or collaboration requirement on**
23 **physician assistants that is inconsistent with or more restrictive than the**
24 **requirements imposed under AS 08.64 or a regulation adopted by the State**
25 **Medical Board.**

26 * **Sec. 23.** AS 23.30.395(3) is amended to read:

27 (3) "attending physician" means one of the following designated by the
28 employee under AS 23.30.095(a) or (b):

- 29 (A) a licensed medical doctor;
30 (B) a licensed doctor of osteopathy;
31 (C) a licensed dentist or dental surgeon;

1 (D) a licensed physician assistant [ACTING UNDER
2 SUPERVISION OF A LICENSED MEDICAL DOCTOR OR DOCTOR OF
3 OSTEOPATHY];

4 (E) a licensed advanced practice registered nurse; or

5 (F) a licensed chiropractor;

6 * **Sec. 24.** AS 33.30.901(10) is amended to read:

7 (10) "health care provider" means

8 (A) a physician assistant licensed to practice in the state [AND
9 WORKING UNDER THE DIRECT SUPERVISION OF A LICENSED
10 PHYSICIAN OR PSYCHIATRIST];

11 (B) a mental health professional as defined in AS 47.30.915; or

12 (C) an advanced practice registered nurse as defined in
13 AS 08.68.850;

14 * **Sec. 25.** AS 08.64.170(a)(1) is repealed.