34-LS0909\I.20
A. Radford/Gunther
5/9/26

#7

AMENDMENT

OFFERED IN THE HOUSE BY REPRESENTATIVE Tomaszewski

TO: CSHB 195(L&C)

1 Page 1, line 1, following "**Act**":
2 Insert "**changing the term 'physician assistant' to 'physician associate'; relating to**
3 **physician associates**"
4
5 Page 1, following line 4:
6 Insert new bill sections to read:
7 "* **Section 1.** AS 08.02.130(e) is amended to read:
8 (e) A physician, podiatrist, osteopath, or physician **associate** [ASSISTANT]
9 licensed under AS 08.64 may prescribe, dispense, or administer through telehealth
10 under this section a prescription for a controlled substance listed in AS 11.71.140 -
11 11.71.190 if the physician, podiatrist, osteopath, or physician **associate** [ASSISTANT]
12 complies with state and federal law governing the prescription, dispensing, or
13 administering of a controlled substance.
14 * **Sec. 2.** AS 08.02.130(j)(1) is amended to read:
15 (1) "health care provider" means
16 (A) an audiologist or speech-language pathologist licensed
17 under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor
18 licensed under AS 08.20; a professional or associate counselor licensed under
19 AS 08.29; a dental hygienist licensed under AS 08.32; a dentist licensed under
20 AS 08.36; a dietitian or nutritionist licensed under AS 08.38; a naturopath
21 licensed under AS 08.45; a marital and family therapist licensed under
22 AS 08.63; a physician licensed under AS 08.64; a podiatrist, osteopath, or
23 physician **associate** [ASSISTANT] licensed under AS 08.64; a direct-entry

1 midwife certified under AS 08.65; a nurse licensed under AS 08.68; a
2 dispensing optician licensed under AS 08.71; an optometrist licensed under
3 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or
4 occupational therapist licensed under AS 08.84; a psychologist or
5 psychological associate licensed under AS 08.86; or a social worker licensed
6 under AS 08.95;
7 (B) a physician licensed in another state; or
8 (C) a member of a multidisciplinary care team who is licensed
9 in another state;
10 * **Sec. 3.** AS 08.02.130(j)(4) is amended to read:
11 (4) "member of a multidisciplinary care team" means an audiologist,
12 speech-language pathologist, behavior analyst, professional counselor, dietitian,
13 nutritionist, naturopath, marital and family therapist, podiatrist, osteopath, physician
14 **associate** [ASSISTANT], nurse, pharmacist, physical therapist, occupational therapist,
15 psychologist or psychological associate, advanced nurse practitioner, or social worker
16 who is a member of a team coordinated by a physician licensed in another state who
17 meets the requirements of (b)(3) of this section;"
18
19 Page 1, line 5:
20 Delete "**Section 1**"
21 Insert "**Sec. 4**"
22
23 Renumber the following bill sections accordingly.
24
25 Page 2, following line 4:
26 Insert new bill sections to read:
27 "* **Sec. 5.** AS 08.64.010 is amended to read:
28 **Sec. 08.64.010. Creation and membership of State Medical Board.** The
29 governor shall appoint a board of medical examiners, to be known as the State
30 Medical Board, consisting of five physicians licensed in the state and residing in as
31 many separate geographical areas of the state as possible, one physician **associate**

[ASSISTANT] licensed under AS 08.64.107, and two persons with no direct financial interest in the health care industry.

* **Sec. 6.** AS 08.64.101(a) is amended to read:

(a) The board shall

(1) except as provided in regulations adopted by the board under (b) of this section, examine and issue licenses to applicants;

(2) develop written guidelines to ensure that licensing requirements are not unreasonably burdensome and the issuance of licenses is not unreasonably withheld or delayed;

(3) after a hearing, impose disciplinary sanctions on persons who violate this chapter or the regulations or orders of the board;

(4) adopt regulations ensuring that renewal of licenses is contingent on proof of continued competency on the part of the licensee;

(5) under regulations adopted by the board, contract with private professional organizations to establish an impaired medical professionals program to identify, confront, evaluate, and treat persons licensed under this chapter who abuse alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

(6) adopt regulations that establish guidelines for a physician or physician **associate** [ASSISTANT] who is rendering a diagnosis, providing treatment, or prescribing, dispensing, or administering a prescription drug to a person without conducting a physical examination under AS 08.64.364; the guidelines must include a nationally recognized model policy for standards of care of a patient who is at a different location than the physician or physician **associate** [ASSISTANT];

(7) require that a licensee who has a federal Drug Enforcement Administration registration number register with the controlled substance prescription database under AS 17.30.200(n).

* **Sec. 7.** AS 08.64.106 is amended to read:

Sec. 08.64.106. Delegation of routine medical duties. The board shall adopt regulations authorizing a physician, podiatrist, osteopath, or physician **associate** [ASSISTANT] licensed under this chapter to delegate routine medical duties to an agent of the physician, podiatrist, osteopath, or physician **associate** [ASSISTANT].

The regulations must

(1) require that an agent who is not licensed under this chapter may perform duties delegated under this section only if the agent meets applicable standards established by the board;

(2) require that a physician, podiatrist, osteopath, or physician **associate** [ASSISTANT] may not delegate duties related to pain management and opioid use and addiction; and

(3) define the phrase "routine medical duties."

* **Sec. 8.** AS 08.64.107 is amended to read:

Sec. 08.64.107. Regulation of physician associates [ASSISTANTS]. The board shall adopt regulations regarding the licensure of physician **associates** [ASSISTANTS] and the medical services that they may perform, including the

(1) educational and other qualifications, including education in pain management and opioid use and addiction;

(2) application and licensing procedures;

(3) scope of activities authorized; and

(4) responsibilities of the supervising or training physician.

* **Sec. 9.** AS 08.64.170(a) is amended to read:

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

(1) a physician **associate** [ASSISTANT] may examine, diagnose, or treat persons under the supervision, control, and responsibility of either a physician licensed under this chapter or a physician exempted from licensing under AS 08.64.370;

(2) a person who is licensed or authorized under another law of the state may engage in a practice that is authorized under that law; and

(3) a person may perform routine medical duties delegated under AS 08.64.106.

* **Sec. 10.** AS 08.64.360 is amended to read:

Sec. 08.64.360. Penalty for practicing without a license or in violation of law. Except for a physician **associate** [ASSISTANT] or a person licensed or

1 authorized under another law of the state who engages in practices for which that
2 person is licensed or authorized under that law, a person practicing medicine or
3 osteopathy in the state without a valid license or permit is guilty of a class A
4 misdemeanor. Each day of illegal practice is a separate offense.
5 * **Sec. 11.** AS 08.64.364(a) is amended to read:
6 (a) The board may not impose disciplinary sanctions on a physician or
7 physician **associate** [ASSISTANT] for rendering a diagnosis, providing treatment, or
8 prescribing, dispensing, or administering a prescription drug that is not a controlled
9 substance to a person without conducting a physical examination if
10 (1) the physician, physician **associate** [ASSISTANT], or another
11 licensed health care provider in the medical practice is available to provide follow-up
12 care; and
13 (2) the physician or physician **associate** [ASSISTANT] requests that
14 the person consent to sending a copy of all records of the encounter to the person's
15 primary care provider if the prescribing physician or physician **associate**
16 [ASSISTANT] is not the person's primary care provider and, if the person consents,
17 the physician or physician **associate** [ASSISTANT] sends the records to the person's
18 primary care provider.
19 * **Sec. 12.** AS 08.64.364(b) is amended to read:
20 (b) The board may not impose disciplinary sanctions on a physician or
21 physician **associate** [ASSISTANT] for prescribing, dispensing, or administering a
22 prescription drug that is a controlled substance if the requirements under (a) of this
23 section and AS 08.64.363 are met.
24 * **Sec. 13.** AS 08.64.364(c) is amended to read:
25 (c) Notwithstanding (a) and (b) of this section,
26 (1) a physician may not prescribe, dispense, or administer an abortion-
27 inducing drug under (a) of this section unless the physician complies with
28 AS 18.16.010; and
29 (2) a physician or physician **associate** [ASSISTANT] may not
30 prescribe, dispense, or administer a prescription drug in response to an Internet
31 questionnaire or electronic mail message to a person with whom the physician or

1 physician **associate** [ASSISTANT] does not have a prior physician-patient
2 relationship.
3 * **Sec. 14.** AS 08.64.369(d) is amended to read:
4 (d) In this section, "health care professional" includes an emergency medical
5 technician certified under AS 18.08, health aide, physician, nurse, mobile intensive
6 care paramedic licensed under AS 18.08, and physician **associate** [ASSISTANT], but
7 does not include a practitioner of religious healing.
8 * **Sec. 15.** AS 08.65.140 is amended to read:
9 **Sec. 08.65.140. Required practices.** The board shall adopt regulations
10 regarding the practice of direct-entry midwifery. At a minimum, the regulations must
11 require that a certified direct-entry midwife
12 (1) recommend, before care or delivery of a client, that the client
13 undergo a physical examination performed by a physician, physician **associate**
14 [ASSISTANT], or advanced practice registered nurse who is licensed in this state;
15 (2) obtain informed consent from a client before onset of labor;
16 (3) comply with AS 18.15.150 regarding taking of blood samples,
17 AS 18.15.200 regarding screening of phenylketonuria (PKU), AS 18.50.160 regarding
18 birth registration, AS 18.50.230 regarding registration of deaths, AS 18.50.240
19 regarding fetal death registration, and regulations adopted by the Department of
20 Health concerning prophylactic treatment of the eyes of newborn infants;
21 (4) not knowingly deliver a woman with certain types of health
22 conditions, prior history, or complications as specified by the board.
23 * **Sec. 16.** AS 08.68.265 is amended to read:
24 **Sec. 08.68.265. Supervision of practical nurses.** A practical nurse shall work
25 under the supervision of a licensed registered or advanced practice registered nurse, a
26 licensed physician, a licensed physician **associate** [ASSISTANT], or a licensed
27 dentist.
28 * **Sec. 17.** AS 08.68.700(a) is amended to read:
29 (a) A registered nurse licensed under this chapter may make a determination
30 and pronouncement of death of a person under the following circumstances:
31 (1) an attending physician, an attending advanced practice registered

nurse, or an attending physician **associate** [ASSISTANT] has documented in the person's medical or clinical record that the person's death is anticipated due to illness, infirmity, or disease; this prognosis is valid for purposes of this section for not more than 120 days from the date of the documentation;

(2) at the time of documentation under (1) of this subsection, the physician, the advanced practice registered nurse, or the physician **associate** [ASSISTANT] authorized in writing a specific registered nurse or nurses to make a determination and pronouncement of the person's death; however, if the person is in a health care facility and the health care facility has complied with (d) of this section, the physician, the advanced practice registered nurse, or the physician **associate** [ASSISTANT] may authorize all nurses employed by the facility to make a determination and pronouncement of the person's death.

* **Sec. 18.** AS 08.68.700(b) is amended to read:

(b) A registered nurse who has determined and pronounced death under this section shall document the clinical criteria for the determination and pronouncement in the person's medical or clinical record and notify the physician, the advanced practice registered nurse, or the physician **associate** [ASSISTANT] who determined that the prognosis for the patient was for an anticipated death. The registered nurse shall sign the death certificate, which must include the

(1) name of the deceased;

(2) presence of a contagious disease, if known; and

(3) date and time of death.

* **Sec. 19.** AS 08.68.700(c) is amended to read:

(c) Except as otherwise provided under AS 18.50.230, a physician or physician **associate** [ASSISTANT] licensed under AS 08.64 or an advanced practice registered nurse licensed under this chapter shall certify a death determined under (b) of this section within 24 hours after the pronouncement by the registered nurse.

* **Sec. 20.** AS 08.68.700(d) is amended to read:

(d) In a health care facility in which a physician, an advanced practice registered nurse, or a physician **associate** [ASSISTANT] chooses to proceed under (a) of this section, written policies and procedures shall be adopted that provide for the

determination and pronouncement of death by a registered nurse authorized by a physician, an advanced practice registered nurse, or a physician **associate** [ASSISTANT] under this section. A registered nurse employed by a health care facility and authorized by a physician, an advanced practice registered nurse, or a physician **associate** [ASSISTANT] to make a determination and pronouncement of death under this section may not make the determination or pronouncement unless the facility has written policies and procedures implementing and ensuring compliance with this section."

Renumber the following bill sections accordingly.

Page 5, following line 2:

Insert a new bill section to read:

"* **Sec. 24.** AS 08.80.157(j) is amended to read:

(j) This section does not apply to the offices of physicians, osteopaths, podiatrists, physician **associates** [ASSISTANTS], advanced nurse practitioners, dentists, veterinarians, dispensing opticians, or optometrists."

Renumber the following bill sections accordingly.

Page 6, following line 19:

Insert a new bill section to read:

"* **Sec. 30.** AS 08.80.400 is amended to read:

Sec. 08.80.400. Other licensees not affected. This chapter does not affect the practice of medicine by a licensed medical doctor and does not limit a licensed medical doctor, osteopath, podiatrist, physician **associate** [ASSISTANT], advanced practice registered nurse, dentist, veterinarian, dispensing optician, or optometrist in supplying a patient with any medicinal preparation or article within the scope of the person's license."

Renumber the following bill sections accordingly.

1
2 Page 7, following line 3:
3 Insert new bill sections to read:
4 "* **Sec. 33.** AS 09.55.560(2) is amended to read:
5 (2) "health care provider" means an acupuncturist licensed under
6 AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a
7 chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a
8 dentist licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
9 optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an
10 optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a
11 physical therapist or occupational therapist licensed under AS 08.84; a physician or
12 physician **associate** [ASSISTANT] licensed under AS 08.64; a podiatrist; a
13 psychologist and a psychological associate licensed under AS 08.86; a hospital as
14 defined in AS 47.32.900, including a governmentally owned or operated hospital; an
15 employee of a health care provider acting within the course and scope of employment;
16 an ambulatory surgical facility and other organizations whose primary purpose is the
17 delivery of health care, including a health maintenance organization, individual
18 practice association, integrated delivery system, preferred provider organization or
19 arrangement, and a physical hospital organization;
20 * **Sec. 34.** AS 09.65.300(c)(1) is amended to read:
21 (1) "health care provider" means a physician, physician **associate**
22 [ASSISTANT], dentist, dental hygienist, osteopath, optometrist, chiropractor,
23 registered nurse, practical nurse, advanced practice registered nurse, naturopath,
24 physical therapist, occupational therapist, marital and family therapist, psychologist,
25 psychological associate, behavior analyst, assistant behavior analyst, licensed clinical
26 social worker, athletic trainer, certified direct-entry midwife, licensed professional
27 counselor, or licensed associate counselor;
28 * **Sec. 35.** AS 09.65.340(d)(1) is amended to read:
29 (1) "health care provider" means a licensed physician, osteopath,
30 dentist, advanced nurse practitioner, physician **associate** [ASSISTANT], nurse, village
31 health aide, or pharmacist operating within the scope of the health care provider's

1 authority;
2 * **Sec. 36.** AS 09.68.120 is amended to read:
3 **Sec. 09.68.120. Definition of death.** An individual is considered dead if, in the
4 opinion of a physician licensed or exempt from licensing under AS 08.64 or a
5 registered nurse authorized to pronounce death under AS 08.68.700, based on
6 acceptable medical standards, or in the opinion of a mobile intensive care paramedic,
7 physician **associate** [ASSISTANT], or emergency medical technician authorized to
8 pronounce death based on the medical standards in AS 18.08.089, the individual has
9 sustained irreversible cessation of circulatory and respiratory functions, or irreversible
10 cessation of all functions of the entire brain, including the brain stem. Death may be
11 pronounced in this circumstance before artificial means of maintaining respiratory and
12 cardiac function are terminated.
13 * **Sec. 37.** AS 11.41.470(1) is amended to read:
14 (1) "health care worker" includes a person who is or purports to be an
15 acupuncturist, advanced practice registered nurse, anesthesiologist, certified direct-
16 entry midwife, chiropractor, dentist, health aide, hypnotist, massage therapist, mental
17 health counselor, midwife, nurse, occupational therapist, occupational therapy
18 assistant, osteopath, naturopath, physical therapist, physical therapist assistant,
19 physician, physician **associate** [ASSISTANT], psychiatrist, psychological associate,
20 psychologist, radiologist, religious healing practitioner, surgeon, x-ray technician, or a
21 substantially similar position;
22 * **Sec. 38.** AS 12.55.135(k)(3) is amended to read:
23 (3) "medical professional" means a person who is an advanced practice
24 registered nurse, anesthesiologist, chiropractor, dental hygienist, dentist, health aide,
25 nurse, nurse aide, mental health counselor, osteopath, physician, physician **associate**
26 [ASSISTANT], psychiatrist, psychological associate, psychologist, radiologist,
27 surgeon, or x-ray technician, or who holds a substantially similar position.
28 * **Sec. 39.** AS 13.52.065(a) is amended to read:
29 (a) A physician, an advanced practice registered nurse, or a physician
30 **associate** [ASSISTANT] may issue a do not resuscitate order for a patient of the
31 physician, the advanced practice registered nurse, or the physician **associate**

[ASSISTANT] with the consent of the patient or the parent or guardian of the patient if the patient is under 18 years of age. The physician, the advanced practice registered nurse, or the physician **associate** [ASSISTANT] shall document the grounds for the order in the patient's medical file.

* **Sec. 40.** AS 13.52.065(c) is amended to read:

(c) The department shall develop standardized designs and symbols for do not resuscitate identification cards, forms, necklaces, and bracelets that signify, when carried or worn, that the carrier or wearer is an individual for whom a physician, an advanced practice registered nurse, or a physician **associate** [ASSISTANT] has issued a do not resuscitate order.

* **Sec. 41.** AS 13.52.065(d) is amended to read:

(d) A health care provider other than a physician, an advanced practice registered nurse, or a physician **associate** [ASSISTANT] shall comply with the protocol adopted under (b) of this section for do not resuscitate orders when the health care provider is presented with a do not resuscitate identification, an oral do not resuscitate order issued directly by a physician, an advanced practice registered nurse, or a physician **associate** [ASSISTANT] if the applicable hospital allows oral do not resuscitate orders, or a written do not resuscitate order entered on and as required by a form prescribed by the department.

* **Sec. 42.** AS 13.52.065(f) is amended to read:

(f) A do not resuscitate order may not be made ineffective unless a physician, an advanced practice registered nurse, or a physician **associate** [ASSISTANT] revokes the do not resuscitate order, a patient for whom the order is written and who has capacity requests that the do not resuscitate order be revoked, or the patient for whom the order is written is under 18 years of age and the parent or guardian of the patient requests that the do not resuscitate order be revoked. Any physician, advanced practice registered nurse, or physician **associate** [ASSISTANT] of a patient for whom a do not resuscitate order is written may revoke the do not resuscitate order if the person for whom the order is written requests that the physician, the advanced practice registered nurse, or the physician **associate** [ASSISTANT] revoke the do not resuscitate order.

* **Sec. 43.** AS 13.52.080(a) is amended to read:

(a) A health care provider or health care institution that acts in good faith and in accordance with generally accepted health care standards applicable to the health care provider or institution is not subject to civil or criminal liability or to discipline for unprofessional conduct for

(1) providing health care information in good faith under AS 13.52.070;

(2) complying with a health care decision of a person based on a good faith belief that the person has authority to make a health care decision for a patient, including a decision to withhold or withdraw health care;

(3) declining to comply with a health care decision of a person based on a good faith belief that the person then lacked authority;

(4) complying with an advance health care directive and assuming in good faith that the directive was valid when made and has not been revoked or terminated;

(5) participating in the withholding or withdrawal of cardiopulmonary resuscitation under the direction or with the authorization of a physician, an advanced practice registered nurse, or a physician **associate** [ASSISTANT] or upon discovery of do not resuscitate identification **on** [UPON] an individual;

(6) causing or participating in providing cardiopulmonary resuscitation or other life-sustaining procedures

(A) under AS 13.52.065(e) when an individual has made an anatomical gift;

(B) because an individual has made a do not resuscitate order ineffective under AS 13.52.065(f) or another provision of this chapter; or

(C) because the patient is a woman of childbearing age and AS 13.52.055 applies; or

(7) acting in good faith under the terms of this chapter or the law of another state relating to anatomical gifts.

* **Sec. 44.** AS 13.52.100(c) is amended to read:

(c) An individual who is a qualified patient, including an individual for whom a physician, an advanced practice registered nurse, or a physician **associate**

1 [ASSISTANT] has issued a do not resuscitate order, has the right to make a decision
2 regarding the use of cardiopulmonary resuscitation and other life-sustaining
3 procedures as long as the individual is able to make the decision. If an individual who
4 is a qualified patient, including an individual for whom a physician, advanced practice
5 registered nurse, or physician **associate** [ASSISTANT] has issued a do not resuscitate
6 order, is not able to make the decision, the protocol adopted under AS 13.52.065 for
7 do not resuscitate orders governs a decision regarding the use of cardiopulmonary
8 resuscitation and other life-sustaining procedures.
9 * **Sec. 45.** AS 13.52.300 is amended to read:
10 **Sec. 13.52.300. Optional form.** The following sample form may be used to
11 create an advance health care directive. The other sections of this chapter govern the
12 effect of this or any other writing used to create an advance health care directive. This
13 form may be duplicated. This form may be modified to suit the needs of the person, or
14 a different form that complies with this chapter may be used, including the mandatory
15 witnessing requirements:
16 ADVANCE HEALTH CARE DIRECTIVE
17 Explanation
18 You have the right to give instructions about your own health
19 care to the extent allowed by law. You also have the right to name
20 someone else to make health care decisions for you to the extent
21 allowed by law. This form lets you do either or both of these things. It
22 also lets you express your wishes regarding the designation of your
23 health care provider. If you use this form, you may complete or modify
24 all or any part of it. You are free to use a different form if the form
25 complies with the requirements of AS 13.52.
26 Part 1 of this form is a durable power of attorney for health
27 care. A "durable power of attorney for health care" means the
28 designation of an agent to make health care decisions for you. Part 1
29 lets you name another individual as an agent to make health care
30 decisions for you if you do not have the capacity to make your own
31 decisions or if you want someone else to make those decisions for you

now even though you still have the capacity to make those decisions. You may name an alternate agent to act for you if your first choice is not willing, able, or reasonably available to make decisions for you. Unless related to you, your agent may not be an owner, operator, or employee of a health care institution where you are receiving care.

Unless the form you sign limits the authority of your agent, your agent may make all health care decisions for you that you could legally make for yourself. This form has a place for you to limit the authority of your agent. You do not have to limit the authority of your agent if you wish to rely on your agent for all health care decisions that may have to be made. If you choose not to limit the authority of your agent, your agent will have the right, to the extent allowed by law, to

(a) consent or refuse consent to any care, treatment, service, or procedure to maintain, diagnose, or otherwise affect a physical or mental condition, including the administration or discontinuation of psychotropic medication;

(b) select or discharge health care providers and institutions;

(c) approve or disapprove proposed diagnostic tests, surgical procedures, and programs of medication;

(d) direct the provision, withholding, or withdrawal of artificial nutrition and hydration and all other forms of health care; and

(e) make an anatomical gift following your death.

Part 2 of this form lets you give specific instructions for any aspect of your health care to the extent allowed by law, except you may not authorize mercy killing, assisted suicide, or euthanasia. Choices are provided for you to express your wishes regarding the provision, withholding, or withdrawal of treatment to keep you alive, including the provision of artificial nutrition and hydration, as well as the provision of pain relief medication. Space is provided for you to add to the choices you have made or for you to write out any additional wishes.

Part 3 of this form lets you express an intention to make an anatomical gift following your death.

Part 4 of this form lets you make decisions in advance about certain types of mental health treatment.

Part 5 of this form lets you designate a physician to have primary responsibility for your health care.

After completing this form, sign and date the form at the end and have the form witnessed by one of the two alternative methods listed below. Give a copy of the signed and completed form to your physician, to any other health care providers you may have, to any health care institution at which you are receiving care, and to any health care agents you have named. You should talk to the person you have named as your agent to make sure that the person understands your wishes and is willing to take the responsibility.

You have the right to revoke this advance health care directive or replace this form at any time, except that you may not revoke this declaration when you are determined not to be competent by a court, by two physicians, at least one of whom shall be a psychiatrist, or by both a physician and a professional mental health clinician. In this advance health care directive, "competent" means that you have the capacity

(1) to assimilate relevant facts and to appreciate and understand your situation with regard to those facts; and

(2) to participate in treatment decisions by means of a rational thought process.

PART 1

DURABLE POWER OF ATTORNEY FOR

HEALTH CARE DECISIONS

(1) DESIGNATION OF AGENT. I designate the following individual as my agent to make health care decisions for me:

_____

(name of individual you choose as agent)

1 _____
2 (address) (city) (state) (zip code)
3 _____
4 (home telephone) (work telephone)
5 OPTIONAL: If I revoke my agent's authority or if my agent is
6 not willing, able, or reasonably available to make a health care decision
7 for me, I designate as my first alternate agent
8 _____
9 (name of individual you choose as first alternate agent)
10 _____
11 (address) (city) (state) (zip code)
12 _____
13 (home telephone) (work telephone)
14 OPTIONAL: If I revoke the authority of my agent and first
15 alternate agent or if neither is willing, able, or reasonably available to
16 make a health care decision for me, I designate as my second alternate
17 agent
18 _____
19 (name of individual you choose as second alternate agent)
20 _____
21 (address) (city) (state) (zip code)
22 _____
23 (home telephone) (work telephone)
24 (2) AGENT'S AUTHORITY. My agent is authorized
25 and directed to follow my individual instructions and my other wishes
26 to the extent known to the agent in making all health care decisions for
27 me. If these are not known, my agent is authorized to make these
28 decisions in accordance with my best interest, including decisions to
29 provide, withhold, or withdraw artificial hydration and nutrition and
30 other forms of health care to keep me alive, except as I state here:
31 _____

1 _____
2 _____
3 (Add additional sheets if needed.)
4 Under this authority, "best interest" means that the benefits to you
5 resulting from a treatment outweigh the burdens to you resulting from
6 that treatment after assessing
7 (A) the effect of the treatment on your physical,
8 emotional, and cognitive functions;
9 (B) the degree of physical pain or discomfort
10 caused to you by the treatment or the withholding or withdrawal
11 of the treatment;
12 (C) the degree to which your medical condition,
13 the treatment, or the withholding or withdrawal of treatment,
14 results in a severe and continuing impairment;
15 (D) the effect of the treatment on your life
16 expectancy;
17 (E) your prognosis for recovery, with and
18 without the treatment;
19 (F) the risks, side effects, and benefits of the
20 treatment or the withholding of treatment; and
21 (G) your religious beliefs and basic values, to
22 the extent that these may assist in determining benefits and
23 burdens.
24 (3) WHEN AGENT'S AUTHORITY BECOMES
25 EFFECTIVE. Except in the case of mental illness, my agent's authority
26 becomes effective when my primary physician determines that I am
27 unable to make my own health care decisions unless I mark the
28 following box. In the case of mental illness, unless I mark the
29 following box, my agent's authority becomes effective when a court
30 determines I am unable to make my own decisions, or, in an
31 emergency, if my primary physician or another health care provider

determines I am unable to make my own decisions. If I mark this box [ ], my agent's authority to make health care decisions for me takes effect immediately.

(4) AGENT'S OBLIGATION. My agent shall make health care decisions for me in accordance with this durable power of attorney for health care, any instructions I give in Part 2 of this form, and my other wishes to the extent known to my agent. To the extent my wishes are unknown, my agent shall make health care decisions for me in accordance with what my agent determines to be in my best interest. In determining my best interest, my agent shall consider my personal values to the extent known to my agent.

(5) NOMINATION OF GUARDIAN. If a guardian of my person needs to be appointed for me by a court, I nominate the agent designated in this form. If that agent is not willing, able, or reasonably available to act as guardian, I nominate the alternate agents whom I have named under (1) above, in the order designated.

PART 2

INSTRUCTIONS FOR HEALTH CARE

If you are satisfied to allow your agent to determine what is best for you in making health care decisions, you do not need to fill out this part of the form. If you do fill out this part of the form, you may strike any wording you do not want. There is a state protocol that governs the use of do not resuscitate orders by physicians, advanced practice registered nurses, physician **associates** [ASSISTANTS], and other health care providers. You may obtain a copy of the protocol from the Alaska Department of Health. A "do not resuscitate order" means a directive from a licensed physician, advanced practice registered nurse, or physician **associate** [ASSISTANT] that emergency cardiopulmonary resuscitation should not be administered to you.

(6) END-OF-LIFE DECISIONS. Except to the extent prohibited by law, I direct that my health care providers and others

involved in my care provide, withhold, or withdraw treatment in accordance with the choice I have marked below: (Check only one box.)

[ ] (A) Choice To Prolong Life

I want my life to be prolonged as long as possible within the limits of generally accepted health care standards; OR

[ ] (B) Choice Not To Prolong Life

I want comfort care only and I do not want my life to be prolonged with medical treatment if, in the judgment of my physician, I have (check all choices that represent your wishes)

[ ] (i) a condition of permanent unconsciousness: a condition that, to a high degree of medical certainty, will last permanently without improvement; in which, to a high degree of medical certainty, thought, sensation, purposeful action, social interaction, and awareness of myself and the environment are absent; and for which, to a high degree of medical certainty, initiating or continuing life-sustaining procedures for me, in light of my medical outcome, will provide only minimal medical benefit for me; or

[ ] (ii) a terminal condition: an incurable or irreversible illness or injury that without the administration of life-sustaining procedures will result in my death in a short period of time, for which there is no reasonable prospect of cure or recovery, that imposes severe pain or otherwise imposes an inhumane burden on me, and for which, in light of my medical condition, initiating or continuing life-sustaining procedures will

provide only minimal medical benefit;

[ ] Additional instructions: _____

_____

(C) Artificial Nutrition and Hydration. If I am unable to safely take nutrition, fluids, or nutrition and fluids (check your choices or write your instructions),

[ ] I wish to receive artificial nutrition and hydration indefinitely;

[ ] I wish to receive artificial nutrition and hydration indefinitely, unless it clearly increases my suffering and is no longer in my best interest;

[ ] I wish to receive artificial nutrition and hydration on a limited trial basis to see if I can improve;

[ ] In accordance with my choices in (6)(B) above, I do not wish to receive artificial nutrition and hydration.

[ ] Other instructions:_____

_____

(D) Relief from Pain.

[ ] I direct that adequate treatment be provided at all times for the sole purpose of the alleviation of pain or discomfort; or

[ ] I give these instructions:

_____

_____

(E) Should I become unconscious and I am pregnant, I direct that _____

_____

_____

(7) OTHER WISHES. (If you do not agree with any of the optional choices above and wish to write your own, or if you wish to add to the instructions you have given above, you may do so here.) I

1 direct that
2 _____
3 _____
4 Conditions or limitations: _____
5 _____.
6 (Add additional sheets if needed.)
7 PART 3
8 ANATOMICAL GIFT AT DEATH
9 (OPTIONAL)
10 If you are satisfied to allow your agent to determine whether to
11 make an anatomical gift at your death, you do not need to fill out this
12 part of the form.
13 (8) Upon my death: (mark applicable box)
14 [ ] (A) I give any needed organs, tissues, or
15 other body parts, OR
16 [ ] (B) I give the following organs, tissues, or
17 other body parts only _____
18 _____
19 [ ] (C) My gift is for the following purposes
20 (mark any of the following you want):
21 [ ] (i) transplant;
22 [ ] (ii) therapy;
23 [ ] (iii) research;
24 [ ] (iv) education.
25 [ ] (D) I refuse to make an anatomical gift.
26 PART 4
27 MENTAL HEALTH TREATMENT
28 This part of the declaration allows you to make decisions in
29 advance about mental health treatment. The instructions that you
30 include in this declaration will be followed only if a court, two
31 physicians that include a psychiatrist, or a physician and a professional

mental health clinician believe that you are not competent and cannot make treatment decisions. Otherwise, you will be considered to be competent and to have the capacity to give or withhold consent for the treatments.

If you are satisfied to allow your agent to determine what is best for you in making these mental health decisions, you do not need to fill out this part of the form. If you do fill out this part of the form, you may strike any wording you do not want.

(9) PSYCHOTROPIC MEDICATIONS. If I do not have the capacity to give or withhold informed consent for mental health treatment, my wishes regarding psychotropic medications are as follows:

_____ I consent to the administration of the following medications: _____

_____ I do not consent to the administration of the following medications: _____

Conditions or limitations:_____

_____.

(10) ELECTROCONVULSIVE TREATMENT. If I do not have the capacity to give or withhold informed consent for mental health treatment, my wishes regarding electroconvulsive treatment are as follows:

_____ I consent to the administration of electroconvulsive treatment.

_____ I do not consent to the administration of electroconvulsive treatment.

Conditions or limitations: _____

_____.

(11) ADMISSION TO AND RETENTION IN FACILITY. If I do not have the capacity to give or withhold informed consent for mental health treatment, my wishes regarding admission to

and retention in a mental health facility for mental health treatment are as follows:

_____ I consent to being admitted to a mental health facility for mental health treatment for up to _____ days. (The number of days not to exceed 17.)

_____ I do not consent to being admitted to a mental health facility for mental health treatment.

Conditions or limitations: _____

_____.

OTHER WISHES OR INSTRUCTIONS

_____

_____

_____

Conditions or limitations: _____

_____.

PART 5

PRIMARY PHYSICIAN

(OPTIONAL)

(12) I designate the following physician as my primary physician:

_____

(name of physician)

_____

(address) (city) (state) (zip code)

_____

(telephone)

OPTIONAL: If the physician I have designated above is not willing, able, or reasonably available to act as my primary physician, I designate the following physician as my primary physician:

_____

(name of physician)

1 _____
2 (address) (city) (state) (zip code)
3 _____
4 (telephone)
5 (13) EFFECT OF COPY. A copy of this form has the
6 same effect as the original.
7 (14) SIGNATURES. Sign and date the form here:
8 _____
9 (date) (sign your name)
10 _____
11 (print your name)
12 _____
13 (address) (city) (state) (zip code)
14 (15) WITNESSES. This advance care health directive
15 will not be valid for making health care decisions unless it is
16 (A) signed by two qualified adult witnesses who
17 are personally known to you and who are present when you sign
18 or acknowledge your signature; the witnesses may not be a
19 health care provider employed at the health care institution or
20 health care facility where you are receiving health care, an
21 employee of the health care provider who is providing health
22 care to you, an employee of the health care institution or health
23 care facility where you are receiving health care, or the person
24 appointed as your agent by this document; at least one of the
25 two witnesses may not be related to you by blood, marriage, or
26 adoption or entitled to a portion of your estate upon your death
27 under your will or codicil; or
28 (B) acknowledged before a notary public in the
29 state.
30 ALTERNATIVE NO. 1
31 Witness Who is Not Related to or a Devisee of the Principal

1 I swear under penalty of perjury under AS 11.56.200
2 that the principal is personally known to me, that the principal signed or
3 acknowledged this durable power of attorney for health care in my
4 presence, that the principal appears to be of sound mind and under no
5 duress, fraud, or undue influence, and that I am not
6 (1) a health care provider employed at the health care
7 institution or health care facility where the principal is receiving health
8 care;
9 (2) an employee of the health care provider providing
10 health care to the principal;
11 (3) an employee of the health care institution or health
12 care facility where the principal is receiving health care;
13 (4) the person appointed as agent by this document;
14 (5) related to the principal by blood, marriage, or
15 adoption; or
16 (6) entitled to a portion of the principal's estate upon the
17 principal's death under a will or codicil.
18 _____
19 (date) (signature of witness)
20 _____
21 (printed name of witness)
22 _____
23 (address) (city) (state) (zip code)
24 Witness Who May be Related to or a Devisee of the Principal
25 I swear under penalty of perjury under AS 11.56.200
26 that the principal is personally known to me, that the principal signed or
27 acknowledged this durable power of attorney for health care in my
28 presence, that the principal appears to be of sound mind and under no
29 duress, fraud, or undue influence, and that I am not
30 (1) a health care provider employed at the health care
31 institution or health care facility where the principal is receiving health

care;

(2) an employee of the health care provider who is providing health care to the principal;

(3) an employee of the health care institution or health care facility where the principal is receiving health care; or

(4) the person appointed as agent by this document.

_____

(date) (signature of witness)

_____

(printed name of witness)

_____

(address) (city) (state) (zip code)

ALTERNATIVE NO. 2

State of Alaska

_____ Judicial District

On this ____ day of _____, in the year _____, before me, _____ (insert name of notary public) appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that the person executed it.

Notary Seal

_____

(signature of notary public)

* **Sec. 46.** AS 13.52.390(13) is amended to read:

(13) "do not resuscitate order" means a directive from a licensed physician, advanced practice registered nurse, or physician **associate** [ASSISTANT] that emergency cardiopulmonary resuscitation should not be administered to a qualified patient;

* **Sec. 47.** AS 13.52.390(24) is amended to read:

1 (24) "life-sustaining procedures" means any medical treatment,
2 procedure, or intervention that, in the judgment of the primary physician, advanced
3 practice registered nurse, or physician **associate** [ASSISTANT], when applied to a
4 patient with a qualifying condition, would not be effective to remove the qualifying
5 condition, would serve only to prolong the dying process, or, when administered to a
6 patient with a condition of permanent unconsciousness, may keep the patient alive but
7 is not expected to restore consciousness; in this paragraph, "medical treatment,
8 procedure, or intervention" includes assisted ventilation, renal dialysis, surgical
9 procedures, blood transfusions, and the administration of drugs, including antibiotics,
10 or artificial nutrition and hydration;
11 * **Sec. 48.** AS 13.52.390(31) is amended to read:
12 (31) "physician **associate** [ASSISTANT]" means an individual
13 licensed under AS 08.64.107.
14 * **Sec. 49.** AS 14.30.141(e) is amended to read:
15 (e) In this section, "health care provider" means a licensed physician,
16 advanced practice registered nurse, physician **associate** [ASSISTANT], village health
17 aide, or pharmacist operating within the scope of the health care provider's authority.
18 * **Sec. 50.** AS 17.20.085(g)(1) is amended to read:
19 (1) "health care provider" means a licensed physician, osteopath,
20 dentist, advanced nurse practitioner, physician **associate** [ASSISTANT], nurse, village
21 health aide, or pharmacist operating within the scope of the health care provider's
22 authority;
23 * **Sec. 51.** AS 18.08.087 is amended to read:
24 **Sec. 18.08.087. Disclosure of medical records.** When requested for the
25 purpose of evaluating the performance of an emergency medical technician, mobile
26 intensive care paramedic, or physician who provided emergency medical care or other
27 assistance to a sick or injured person, a licensed physician, advanced practice
28 registered nurse, or physician **associate** [ASSISTANT] may disclose to an emergency
29 medical technician, a mobile intensive care paramedic, or physician the medical or
30 hospital records of a sick or injured person to whom the paramedic, technician, or
31 physician is providing or has rendered emergency medical care or assistance.

However, the disclosing physician, advanced practice registered nurse, or physician **associate** [ASSISTANT] shall limit disclosure under this section to the records that are considered necessary by the discloser for evaluation of the paramedic's, technician's, or physician's performance in providing the emergency medical care or assistance. A mobile intensive care paramedic, emergency medical care technician, or physician to whom confidential records are disclosed under this section may not further disclose the information to a person not entitled to receive that information under this section or another law.

* **Sec. 52.** AS 18.08.089(a) is amended to read:

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

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

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

(3) the mobile intensive care paramedic, physician **associate** [ASSISTANT], or emergency medical technician has determined, based on acceptable medical standards, that the person has sustained irreversible cessation of circulatory and respiratory functions.

* **Sec. 53.** AS 18.08.089(b) is amended to read:

(b) A mobile intensive care paramedic, physician **associate** [ASSISTANT], or emergency medical technician who has determined and pronounced death under this section shall document the clinical criteria for the determination and pronouncement on the person's emergency medical service report form and notify the appropriate medical director or collaborative physician as soon as communication can be established. The paramedic, physician **associate** [ASSISTANT], or emergency medical technician shall provide to the person who signs the death certificate the

(1) name of the deceased;

(2) presence of a contagious disease, if known; and

(3) date and time of death.

* **Sec. 54.** AS 18.08.089(c) is amended to read:

(c) Except as otherwise provided under AS 18.50.230, a physician licensed under AS 08.64 shall certify a death determined under (b) of this section within 24 hours after the pronouncement by the mobile intensive care paramedic, physician **associate** [ASSISTANT], or emergency medical technician.

* **Sec. 55.** AS 18.15.310(a) is amended to read:

(a) The withdrawal of blood for a test under AS 18.15.300 - 18.15.320 shall be performed in a medically approved manner. Only a physician or physician **associate** [ASSISTANT] licensed under AS 08.64, registered or advanced practice registered nurse, licensed practical nurse, or certified emergency medical technician may withdraw blood specimens for the purposes of AS 18.15.300 - 18.15.320.

* **Sec. 56.** AS 18.15.395(11) is amended to read:

(11) "health care practitioner" means a physician, advanced practice registered nurse, or physician **associate** [ASSISTANT] licensed or otherwise authorized to practice their respective professions in this state;

* **Sec. 57.** AS 18.15.395(12) is amended to read:

(12) "health care provider" means any person that provides health care services; "health care provider" includes a hospital, medical clinic or office, special care facility, medical laboratory, physician, pharmacist, dentist, physician **associate** [ASSISTANT], nurse, paramedic, emergency medical or laboratory technician, community health worker, and ambulance and emergency medical worker;

* **Sec. 58.** AS 18.20.095(e)(2) is amended to read:

(2) "licensed staff member" means a person who is employed by the hospital to provide direct patient care and who is licensed or certified in the state as a physician or physician **associate** [ASSISTANT] under AS 08.64, direct-entry midwife under AS 08.65, nurse or nurse aide under AS 08.68, or physical therapist or occupational therapist under AS 08.84;

* **Sec. 59.** AS 18.29.190(9) is amended to read:

(9) "tier II health care professional" means a person who spends not less than 50 percent of the person's time on direct patient health care services and who is licensed or exempt from licensure in the state as a dental hygienist, advanced practice registered nurse, registered nurse, physician **associate** [ASSISTANT], physical therapist, professional counselor, associate counselor, board certified behavior analyst, marital and family therapist, clinical social worker, or other health care professional as determined by the commissioner;

* **Sec. 60.** AS 18.50.230(c) is amended to read:

(c) The medical certification shall be completed and signed within 24 hours after death by the physician, the advanced practice registered nurse, or the physician **associate** [ASSISTANT] in charge of the patient's care for the illness or condition that resulted in death except when an official inquiry or inquest is required and except as provided by regulation in special problem cases.

* **Sec. 61.** AS 18.65.310(m) is amended to read:

(m) The department shall provide a method for a person to designate voluntarily on an identification card that the person has a disability, including a cognitive, mental, neurological, or physical disability, or a combination of those disabilities. The department shall create a discreet symbol to place on the identification card of a person requesting the designation. The method must provide a means by which the person may cancel the designation. The department may not charge a fee solely for the designation. To receive the designation, the person shall provide proof of the disability from a person licensed as a physician or physician **associate** [ASSISTANT] under AS 08.64, as a naturopath under AS 08.45, as an advanced practice registered nurse under AS 08.68, or as a licensed psychologist under AS 08.86. Notwithstanding (a) of this section, the department may charge a fee of $5 for replacement of a valid identification card with a new identification card with a disability designation and may charge a fee of $5 for replacement of an identification card with a disability designation with a new identification card without a disability designation.

* **Sec. 62.** AS 18.67.020(a) is amended to read:

(a) The Violent Crimes Compensation Board is composed of three members to

be appointed by the governor. One of the members shall be designated as chair by the governor. At least one member must be a medical or osteopathic physician, a physician **associate** [ASSISTANT], or an advanced nurse practitioner licensed to practice in this state or retired from practice in this state, and one member must be an attorney licensed to practice in this state or retired from practice in this state.

* **Sec. 63.** AS 21.36.090(d) is amended to read:

(d) Except to the extent necessary to comply with AS 21.42.365 and AS 21.56, a person may not practice or permit unfair discrimination against a person who provides a service covered under a group health insurance policy that extends coverage on an expense incurred basis, or under a group service or indemnity type contract issued by a health maintenance organization or a nonprofit corporation, if the service is within the scope of the provider's occupational license. In this subsection, "provider" means a state licensed physician, physician **associate** [ASSISTANT], dentist, osteopath, optometrist, chiropractor, advanced practice registered nurse, pharmacist, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, licensed clinical social worker, licensed professional counselor, licensed associate counselor, certified direct-entry midwife, or dental hygienist holding an advanced practice permit.

* **Sec. 64.** AS 21.42.351(b)(2) is amended to read:

(2) "health care professional" means a health aide, physician, nurse, and physician **associate** [ASSISTANT], but does not include a practitioner of religious healing;

* **Sec. 65.** AS 23.30.395(3) is amended to read:

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

(A) a licensed medical doctor;

(B) a licensed doctor of osteopathy;

(C) a licensed dentist or dental surgeon;

(D) a licensed physician **associate** [ASSISTANT] acting under supervision of a licensed medical doctor or doctor of osteopathy;

(E) a licensed advanced practice registered nurse; or

1 (F) a licensed chiropractor;
2 * **Sec. 66.** AS 28.10.181(d) is amended to read:
3 (d) Vehicles owned by veterans with disabilities, including persons disabled in
4 the line of duty while serving in the Alaska Territorial Guard, or other persons with
5 disabilities. Upon the request of a person with a disability that limits or impairs the
6 ability to walk, as defined in 23 C.F.R. 1235.2, the department shall (1) register one
7 motor vehicle in the name of the person without charge; and (2) issue a specially
8 designed registration plate that displays (A) recognition of the disabled veteran if the
9 applicant's disability originated from the applicant's service with the Alaska Territorial
10 Guard or the armed forces of the United States; (B) the international symbol of
11 accessibility (the wheelchair logo); and (C) if the applicant is a veteran, the Alaska and
12 United States flags and red, white, and blue colors. A person who is not otherwise
13 qualified under this subsection, but who meets the qualifications of a disabled veteran
14 under AS 29.45.030(i), may register one motor vehicle without charge, and the
15 department shall issue a specially designed registration plate that displays recognition
16 of the disabled veteran that does not display the international symbol of accessibility
17 and does not carry with it special parking privileges. A disabled veteran who
18 otherwise qualifies for a registration plate under this subsection may elect to receive a
19 plate under (p) or (q) of this section for which the person is otherwise qualified that
20 does not display the international symbol of accessibility and does not carry with it
21 special parking privileges. A disabled person who otherwise qualifies for a registration
22 plate under (2)(B) of this subsection may elect to receive a plate under another
23 provision of this section for which the person is otherwise qualified that does not
24 display the international symbol of accessibility and does not carry with it special
25 parking privileges. For purposes of this subsection, proof of disability may be
26 provided by a person licensed as a speech-language pathologist under AS 08.11, as a
27 chiropractor under AS 08.20, as a physician or physician **associate** [ASSISTANT]
28 under AS 08.64, as an advanced practice registered nurse under AS 08.68, or as a
29 physical therapist or occupational therapist under AS 08.84.
30 * **Sec. 67.** AS 28.15.111(d) is amended to read:
31 (d) The department shall provide a method, at the time that a driver's license is

issued, by which the owner of a license may voluntarily designate on the license that the owner has a disability, including a cognitive, mental, neurological, or physical disability, or a combination of those disabilities. The department shall create a discreet symbol to place on the driver's license of a person requesting the designation. The method must provide a means by which the owner may cancel the designation. The department may not charge a fee solely for the designation. To receive the designation, the person shall provide proof of the disability from a person licensed as a physician or physician **associate** [ASSISTANT] under AS 08.64, as a naturopath under AS 08.45, as an advanced practice nurse under AS 08.68, or as a licensed psychologist under AS 08.86. The department may charge a fee of $5 for replacement of a valid driver's license with a new driver's license with a disability designation and may charge a fee of $5 for replacement of a driver's license with a disability designation with a new driver's license without a disability designation.

* **Sec. 68.** AS 33.30.901(10) is amended to read:

(10) "health care provider" means

(A) a physician **associate** [ASSISTANT] licensed to practice in the state and working under the direct supervision of a licensed physician or psychiatrist;

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

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

* **Sec. 69.** AS 47.17.290(14) is amended to read:

(14) "practitioner of the healing arts" includes athletic trainers, chiropractors, mental health counselors, social workers, dental hygienists, dentists, health aides, nurses, nurse practitioners, certified nurse aides, occupational therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical therapists, physical therapist assistants, physicians, physician **associates** [ASSISTANTS], psychiatrists, psychologists, psychological associates, audiologists and speech-language pathologists licensed under AS 08.11, hearing aid dealers licensed under AS 08.55, marital and family therapists licensed under AS 08.63, behavior analysts, assistant behavior analysts, religious healing practitioners,

1 acupuncturists, and surgeons;
2 * **Sec. 70.** AS 47.30.705(a) is amended to read:
3 (a) A peace officer, health officer, mental health professional, or physician
4 **associate** [ASSISTANT] licensed by the State Medical Board to practice in this state
5 who has probable cause to believe that a person is gravely disabled or is suffering
6 from mental illness and is likely to cause serious harm to self or others of such
7 immediate nature that considerations of safety do not allow initiation of involuntary
8 commitment procedures set out in AS 47.30.700, may cause the person to be taken
9 into custody by a peace officer or health officer and delivered to the nearest crisis
10 stabilization center, crisis residential center, evaluation facility, or treatment facility. A
11 person taken into custody for emergency evaluation may not be placed in a jail or
12 other correctional facility except for protective custody purposes and only while
13 awaiting transportation to a crisis stabilization center, crisis residential center,
14 evaluation facility, or treatment facility. However, protective custody under this
15 section may not include placement of a minor in a jail or secure facility. The peace
16 officer, health officer, mental health professional, or physician **associate**
17 [ASSISTANT] shall complete an application for examination of the person in custody
18 and be interviewed by a mental health professional at the crisis stabilization center,
19 crisis residential center, evaluation facility, or treatment facility.
20 * **Sec. 71.** AS 47.30.838(a) is amended to read:
21 (a) Except as provided in (c) and (d) of this section, an evaluation facility or
22 designated treatment facility may administer psychotropic medication to a patient
23 without the patient's informed consent, regardless of whether the patient is capable of
24 giving informed consent, only if
25 (1) there is a crisis situation, or an impending crisis situation, that
26 requires immediate use of the medication to preserve the life of, or prevent significant
27 physical harm to, the patient or another person, as determined by a physician,
28 physician **associate** [ASSISTANT], or advanced practice registered nurse; the
29 behavior or condition of the patient giving rise to a crisis under this paragraph and the
30 staff's response to the behavior or condition must be documented in the patient's
31 medical record; the documentation must include an explanation of alternative

1 responses to the crisis that were considered or attempted by the staff and why those
2 responses were not sufficient; and
3 (2) the medication is ordered by a physician, physician **associate**
4 [ASSISTANT], or advanced practice registered nurse; the order
5 (A) may be written or oral and may be received by telephone,
6 facsimile machine, or in person;
7 (B) may include an initial dosage and may authorize additional,
8 as needed, doses; if additional, as needed, doses are authorized, the order must
9 specify the medication, the quantity of each authorized dose, the method of
10 administering the medication, the maximum frequency of administration, the
11 specific conditions under which the medication may be given, and the
12 maximum amount of medication that may be administered to the patient in a
13 24-hour period;
14 (C) is valid for only 24 hours and may be renewed by a
15 physician, physician **associate** [ASSISTANT], or advanced practice registered
16 nurse for a total of 72 hours, including the initial 24 hours, only after a
17 personal assessment of the patient's status and a determination that there is still
18 a crisis situation as described in (1) of this subsection; upon renewal of an
19 order under this subparagraph, the facts supporting the renewal shall be written
20 into the patient's medical record.
21 * **Sec. 72.** AS 47.37.180(b) is amended to read:
22 (b) The certifying physician, physician **associate** [ASSISTANT], advanced
23 practice registered nurse, spouse, guardian, or relative of the person to be committed,
24 or any other responsible person, may make a written application for commitment
25 under this section, directed to the administrator of the approved public treatment
26 facility. The application must state facts to support the need for emergency treatment
27 and be accompanied by a physician's, physician **associate's** [ASSISTANT'S], or
28 advanced practice registered nurse's certificate supporting the need for emergency
29 treatment and stating that the physician, physician **associate** [ASSISTANT], or
30 advanced practice registered nurse has examined the person sought to be committed
31 within two days before the certificate's date.

1 * **Sec. 73.** AS 47.37.180(f) is amended to read:
2 (f) A copy of the written application for commitment and of the physician's,
3 physician **associate's** [ASSISTANT'S], or advanced practice registered nurse's
4 certificate, and a written explanation of the person's right to legal counsel, shall be
5 given to the person within 24 hours after commitment by the administrator, who shall
6 provide a reasonable opportunity for the person to consult with legal counsel.
7 * **Sec. 74.** AS 47.37.190(a) is amended to read:
8 (a) A spouse or guardian, a relative, the certifying physician, physician
9 **associate** [ASSISTANT], advanced practice registered nurse, or the administrator in
10 charge of an approved public treatment facility may petition the court for a 30-day
11 involuntary commitment order. The petition must allege that the person is an alcoholic
12 or drug abuser who (1) has threatened, attempted to inflict, or inflicted physical harm
13 on another and that unless committed is likely to inflict physical harm on another; or
14 (2) is incapacitated by alcohol or drugs. A refusal to undergo treatment does not
15 constitute evidence of lack of judgment as to the need for treatment. The petition must
16 be accompanied by a certificate of a licensed physician, physician **associate**
17 [ASSISTANT], or advanced practice registered nurse who has examined the person
18 within two days before submission of the petition, unless the person whose
19 commitment is sought has refused to submit to a medical examination, in which case
20 the fact of refusal must be alleged in the petition. The certificate must set out the
21 physician's, physician **associate's** [ASSISTANT'S], or advanced practice registered
22 nurse's findings of the examination in support of the allegations of the petition.
23 * **Sec. 75.** AS 47.37.200(a) is amended to read:
24 (a) At the hearing for a 30-day commitment required under AS 47.37.190(b),
25 the court shall hear all relevant testimony, including, if possible, the testimony of at
26 least one person who has examined the person whose commitment is sought under
27 AS 47.37.180(b) or 47.37.190(a). The person whose commitment is sought shall be
28 present unless the court believes that being present is likely to be injurious to the
29 person, in which case the court may conduct the hearing telephonically. The court may
30 examine the person in open court, or, if advisable, examine the person out of court. If
31 the person has refused to be examined under AS 47.37.180(b) or 47.37.190(a), the

1 person shall be given an opportunity to request examination by a court-appointed
2 licensed physician, physician **associate** [ASSISTANT], or advanced practice
3 registered nurse. If the person fails to request a medical examination and there is
4 sufficient evidence to believe that the allegations of the petition are true, or, if the
5 court believes that more medical evidence is necessary, the court may issue a
6 temporary order committing the person to a private or public facility for a period of
7 not more than five days for purposes of a diagnostic examination."
8
9 Renumber the following bill sections accordingly.
10
11 Page 7, line 5:
12 Delete all material and insert:
13 "* **Sec. 77.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:
15 REVISOR'S INSTRUCTION. If SB 89, as passed by the Thirty-Fourth Alaska State
16 Legislature, is enacted into law, the revisor of statutes shall replace all occurrences of
17 "physician assistant" in SB 89 with "physician associate," except for occurrences of
18 "physician assistant" when used in "Accreditation Review Commission on Education for the
19 Physician Assistant" and "National Commission on Certification of Physician Assistants."
20 * **Sec. 78.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:
22 CONDITIONAL EFFECT. Sections 5, 8, 10, 48, 52, 65, and 68 of this Act take effect
23 only if SB 89, as passed by the Thirty-Fourth Alaska State Legislature, is not enacted into
24 law.
25 * **Sec. 79.** Sections 4, 21 - 23, 25 - 29, 31, 32, and 76 of this Act take effect January 1,
26 2027."