

SENATE BILL NO. 98

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR MICCICHE

Introduced: 4/7/15

Referred: Health and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to diagnosis, treatment, and prescription of drugs without a physical**
2 **examination."**

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

4 *** Section 1.** AS 08.64.364(a) is amended to read:

5 (a) The board may not impose disciplinary sanctions on a physician for
6 **rendering a diagnosis, providing treatment, or** prescribing, dispensing, or
7 administering a prescription drug **that is not a controlled substance** to a person
8 without conducting a physical examination if

9 (1) [THE PRESCRIPTION DRUG IS

10 (A) NOT A CONTROLLED SUBSTANCE; OR

11 (B) A CONTROLLED SUBSTANCE AND IS PRESCRIBED,
12 DISPENSED, OR ADMINISTERED BY A PHYSICIAN WHEN AN
13 APPROPRIATE LICENSED HEALTH CARE PROVIDER IS PRESENT
14 WITH THE PATIENT TO ASSIST THE PHYSICIAN WITH

1 EXAMINATION, DIAGNOSIS, AND TREATMENT;

2 (2) THE PHYSICIAN IS LOCATED IN THIS STATE AND] the
3 physician or another licensed health care provider or physician in the physician's
4 group practice is available to provide follow-up care; and

5 **(2) the physician requests that** [(3)] the person **consent**
6 [CONSENTS] to sending a copy of all records of the encounter to the person's primary
7 care provider if the prescribing physician is not the person's primary care provider,
8 and, **if the patient consents,** the physician sends the records to the person's primary
9 care provider.

10 * **Sec. 2.** AS 08.64.364 is amended by adding a new subsection to read:

11 (c) The board may not impose disciplinary sanctions on a physician for
12 prescribing, dispensing, or administering a prescription drug that is a controlled
13 substance if the requirements under (a) of this section are met and the physician
14 prescribes, dispenses, or administers the controlled substance when an appropriate
15 licensed health care provider is present with the patient to assist the physician with
16 examination, diagnosis, and treatment.