

LEGAL SERVICES

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MEMORANDUM

April 4, 2024

SUBJECT: Telehealth and out-of-state providers
(CSSB 91(FIN); Work Order No. 33-LS0193\S.1)

TO: Senator Matt Claman
Attn: Claire Lubke

FROM: Allison L. Radford
Legislative Counsel



You asked whether it is necessary to add "respiratory therapist" within the definition of "member of a multidisciplinary care team," as proposed in SB 91, for an out-of-state respiratory therapist to legally provide telehealth services in this state. The short answer is no.

Alaska Statute 08.02.130(b), as amended by sec. 1 of the draft, allows an out-of-state member of a physician's multidisciplinary care team to provide healthcare services through telehealth to a patient located in the state if certain conditions are met. Proposed sec. 08.02.130(j)(5), found in sec. 3 of the draft, defines "member of a multidisciplinary care team" as a practitioner of a specific list of professions "who is a member of a team coordinated by a physician licensed in another state." Practitioners of the listed professions must be licensed by the state to provide services that are within the profession's scope of practice to patients in the state. Accordingly, SB 91 provides an exception to the in-state licensure requirement for the listed professions for practitioners who are licensed in another state and are part of a multidisciplinary care team. Because Alaska does not require a respiratory therapist to be licensed to provide healthcare services in the state, an out-of-state respiratory therapist may currently provide services to a patient in the state through telehealth. Therefore, it is not necessary to amend SB 91 to include respiratory therapists to allow an out-of-state respiratory therapist to provide services through telehealth.

Alaska is the only state that that does not currently require a respiratory therapist to be licensed.¹ A respiratory therapist who is part of an out-of-state multidisciplinary care team is likely to be licensed by their home state. While including respiratory therapists in the definition of "member of multidisciplinary team" does not affect a therapist's ability

¹ U.S. Bureau of Labor Statistics, *Occupational Outlook Handbook: Respiratory Therapists* (Sep. 6, 2023), <https://www.bls.gov/ooh/healthcare/respiratory-therapists.htm>.

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to provide telehealth services, it does have other effects. Specifically, it would allow the department to use the disciplinary process to impose sanctions on out-of-state respiratory therapists, as provided for in proposed secs. 08.02.135 and 08.02.140. This would include reporting any sanctions imposed to the licensing state.

Please let me know if you have additional questions.

ALR:mis

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