

28-LS0615\H
Martin
3/18/14

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 80(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR DYSON

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the practice of telemedicine; relating to prescription of drugs by a
2 physician without a physical examination; and relating to insurance coverage for
3 telemedicine."

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

5 * **Section 1.** AS 08.64 is amended by adding a new section to read:

6 **Sec. 08.64.245. Practice of telemedicine.** A physician or podiatrist licensed
7 under this chapter may engage in the practice of telemedicine based on data about the
8 patient transmitted to the physician or podiatrist by electronic or other means.

9 * **Sec. 2.** AS 08.64 is amended by adding a new section to article 3 to read:

10 **Sec. 08.64.364. Prescription of drugs without physical examination.** (a) The
11 board may not impose disciplinary sanctions on a physician for prescribing,
12 dispensing, or administering a prescription drug to a person without conducting a
13 physical examination if

14 (1) the prescription drug is

(A) not a controlled substance; or

(B) a controlled substance and is prescribed, dispensed, or administered by a physician

(i) to a patient with whom the physician has an established physician-patient relationship; or

(ii) when an appropriate licensed health care provider is present with the patient to assist the physician with examination and diagnosis;

(2) the physician is licensed and practicing in this state and follow-up care is available for the patient; and

(3) the person consents to sending a copy of all records of the encounter to the person's primary care provider if the prescribing physician is not the person's primary care provider, and the physician sends the records to the person's primary care provider.

(b) In this section,

(1) "controlled substance" has the meaning given in AS 11.71.900;

(2) "prescription drug" has the meaning given in AS 08.80.480;

(3) "primary care provider" has the meaning given in AS 21.07.250.

* **Sec. 3.** AS 08.64.380 is amended by adding a new paragraph to read:

(7) "telemedicine" means the remote practice of medicine as a result of transmission of individual patient data by electronic, telephonic, or other means to a physician or the physician's agent.

* **Sec. 4.** AS 21.54 is amended by adding a new section to read:

Sec. 21.54.102. Telemedicine. A health care insurer that offers, issues for delivery, or renews a health care insurance plan that provides coverage for telemedicine may not require that prior in-person contact occur between a health care provider and a patient before payment is made for covered services.

* **Sec. 5.** The uncoded law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 21.54.102, added by sec. 4 of this Act, applies to a health care insurance plan offered, issued for delivery, delivered, or renewed on or after the effective date

1 of this Act.