

CS FOR SENATE BILL NO. 98(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 2/3/16

Referred: Labor & Commerce, Finance

Sponsor(s): SENATOR MICCICHE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to diagnosis, treatment, and prescription of drugs without a physical**
2 **examination by a physician; relating to the delivery of services by a licensed professional**
3 **counselor, marriage and family therapist, psychologist, psychological associate, and**
4 **social worker by audio, video, or data communications."**

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

6 * **Section 1.** AS 08.29.400 is amended by adding a new subsection to read:

7 (b) The board may not impose disciplinary sanctions on a licensee for the
8 evaluation, diagnosis, or treatment of a person through audio, video, or data
9 communications when physically separated from the person if

10 (1) the licensee or another licensed health care provider is available to
11 provide follow-up care; and

12 (2) the licensee requests that the person consent to sending a copy of
13 all records of the encounter to a primary care provider if the licensee is not the
14 person's primary care provider and, if the person consents, the licensee sends the

1 records to the person's primary care provider.

2 * **Sec. 2.** AS 08.63.210 is amended by adding new subsections to read:

3 (c) The board may not impose disciplinary sanctions on a licensee for the
4 evaluation, diagnosis, supervision, or treatment of a person through audio, video, or
5 data communications when physically separated from the person if

6 (1) the licensee or another licensed health care provider is available to
7 provide follow-up care;

8 (2) the licensee requests that the person consent to sending a copy of
9 all records of the encounter to a primary care provider if the licensee is not the
10 person's primary care provider and, if the person consents, the licensee sends the
11 records to the person's primary care provider; and

12 (3) the licensee meets the requirements established by the board in
13 regulation.

14 (d) The board shall adopt regulations restricting evaluation, diagnosis,
15 supervision, and treatment authorized under (c) of this section by establishing
16 standards for training, confidentiality, supervision, practice, and related issues.

17 * **Sec. 3.** AS 08.64.364(a) is amended to read:

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

22 (1) [THE PRESCRIPTION DRUG IS

23 (A) NOT A CONTROLLED SUBSTANCE; OR

24 (B) A CONTROLLED SUBSTANCE AND IS PRESCRIBED,
25 DISPENSED, OR ADMINISTERED BY A PHYSICIAN WHEN AN
26 APPROPRIATE LICENSED HEALTH CARE PROVIDER IS PRESENT
27 WITH THE PATIENT TO ASSIST THE PHYSICIAN WITH
28 EXAMINATION, DIAGNOSIS, AND TREATMENT;

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

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

6 * **Sec. 4.** AS 08.64.364 is amended by adding a new subsection to read:

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

13 * **Sec. 5.** AS 08.86.204 is amended by adding a new subsection to read:

14 (c) The board may not impose disciplinary sanctions on a licensee for the
 15 evaluation, diagnosis, or treatment of a person through audio, video, or data
 16 communications when physically separated from the person if

17 (1) the licensee or another licensed health care provider is available to
 18 provide follow-up care; and

19 (2) the licensee requests that the person consent to sending a copy of
 20 all records of the encounter to a primary care provider if the licensee is not the
 21 person's primary care provider and, if the person consents, the licensee sends the
 22 records to the person's primary care provider.

23 * **Sec. 6.** AS 08.95.050 is amended by adding a new subsection to read:

24 (b) The board may not impose disciplinary sanctions on a licensee for the
 25 evaluation, diagnosis, or treatment of a person through audio, video, or data
 26 communications when physically separated from the person if

27 (1) the licensee or another licensed health care provider is available to
 28 provide follow-up care; and

29 (2) the licensee requests that the person consent to sending a copy of
 30 all records of the encounter to a primary care provider if the licensee is not the
 31 person's primary care provider and, if the person consents, the licensee sends the

1 records to the person's primary care provider.