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Bruce
3/2/16

CS FOR SENATE BILL NO. 98(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

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; and relating to the duties of the**
5 **State Medical Board."**

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

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

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

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

13 (2) the licensee requests that the person consent to sending a copy of

1 all records of the encounter to a primary care provider if the licensee is not the
2 person's primary care provider and, if the person consents, the licensee sends the
3 records to the person's primary care provider.

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

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

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

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

14 (3) the licensee meets the requirements established by the board in
15 regulation.

16 (d) The board shall adopt regulations restricting the evaluation, diagnosis,
17 supervision, and treatment of a person as authorized under (c) of this section by
18 establishing standards of care, including standards for training, confidentiality,
19 supervision, practice, and related issues.

20 * **Sec. 3.** AS 08.64.101 is amended to read:

21 **Sec. 08.64.101. Duties.** The board shall

22 (1) examine and issue licenses to applicants;

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

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

28 (4) adopt regulations ensuring that renewal of licenses is contingent **on**
29 [UPON] proof of continued competency on the part of the licensee; and

30 (5) under regulations adopted by the board, contract with private
31 professional organizations to establish an impaired medical professionals program to

1 identify, confront, evaluate, and treat persons licensed under this chapter who abuse
2 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

3 **(6) adopt regulations establishing standards of care for a physician**
4 **who is rendering a diagnosis, providing treatment, or prescribing, dispensing, or**
5 **administering a prescription drug to a person without conducting a physical**
6 **examination under AS 08.64.364; the regulations must include a nationally**
7 **recognized model policy for standards of care of a patient who is at a different**
8 **location than the physician.**

9 * **Sec. 4.** AS 08.64.364(a) is amended to read:

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

14 (1) [THE PRESCRIPTION DRUG IS

15 (A) NOT A CONTROLLED SUBSTANCE; OR

16 (B) A CONTROLLED SUBSTANCE AND IS PRESCRIBED,
17 DISPENSED, OR ADMINISTERED BY A PHYSICIAN WHEN AN
18 APPROPRIATE LICENSED HEALTH CARE PROVIDER IS PRESENT
19 WITH THE PATIENT TO ASSIST THE PHYSICIAN WITH
20 EXAMINATION, DIAGNOSIS, AND TREATMENT;

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

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

29 * **Sec. 5.** AS 08.64.364 is amended by adding new subsections to read:

30 (c) The board may not impose disciplinary sanctions on a physician for
31 prescribing, dispensing, or administering a prescription drug that is a controlled

1 substance if the requirements under (a) of this section are met and the physician
2 prescribes, dispenses, or administers the controlled substance when an appropriate
3 licensed health care provider is present with the patient to assist the physician with
4 examination, diagnosis, and treatment.

5 (d) Notwithstanding (b) and (c) of this section, a physician may not

6 (1) prescribe an abortion-inducing drug; or

7 (2) prescribe, dispense, or administer a prescription drug in response to
8 an Internet questionnaire or electronic mail message to a person with whom the
9 physician does not have a prior physician-patient relationship.

10 (e) The board may adopt regulations to require a telemedicine business
11 offering services in the state to register with the board before offering services. In this
12 subsection, "telemedicine business" means a medical practice primarily engaged in the
13 delivery of telemedicine services.

14 * **Sec. 6.** AS 08.86.204 is amended by adding a new subsection to read:

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

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

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

24 * **Sec. 7.** AS 08.95.050 is amended by adding a new subsection to read:

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

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

30 (2) the licensee requests that the person consent to sending a copy of
31 all records of the encounter to a primary care provider if the licensee is not the

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person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider.