

Senate Labor and Commerce Committee

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32nd Alaska State Legislature

Senate Bill 78—Health Care Services by Telehealth

Sectional Analysis

Version B

Sec. 1 – AS 08.15 Page 1, Lines 3-15 & Page 2, Line 1

Amends AS 08.15 by adding a new section, **AS 08.15.045. Telehealth.**

Subsection (a) allows for licensed individuals to practice behavioral analysis through telehealth, including individuals who hold licenses in good standing in other jurisdictions.

Subsection (b) requires the behavioral analysis services provided via telehealth to be within the provider's authorized scope of practice in the jurisdiction that issued their license, permit, or certification. If not, the provider shall advise the patient to contact an appropriate provider and terminate the encounter, with no charge for services.

Subsection (c) requires that fees for services provided through telehealth in this section must be reasonable and not exceed ordinary fees typically charged.

Sec. 2 – AS 08.29 Page 2, Lines 2-16

Amends AS 08.29 by adding a new section, **AS 08.29.240. Telehealth.**

Subsection (a) allows for licensed individuals to practice professional counseling through telehealth, including individuals who hold licenses in good standing other jurisdictions.

Subsection (b) requires the behavioral analysis services provided via telehealth to be within the provider's authorized scope of practice in the jurisdiction that issued their license, permit, or

certification. If not, the provider shall advise the patient to contact an appropriate provider and terminate the encounter, with no charge for services.

Subsection (c) requires that fees for services provided through telehealth in this section must be reasonable and not exceed ordinary fees typically charged.

Sec. 3 – AS 08.63 Page 2, Lines 17-31

Amends AS 08.63 by adding a new subsection, **AS 08.63.250. Telehealth.**

Subsection (a) allows for licensed individuals to practice marital and family therapy through telehealth, including individuals who hold licenses in good standing in other jurisdictions.

Subsection (b) requires the marital and family therapy services provided via telehealth to be within the provider's authorized scope of practice in the jurisdiction that issued their license, permit, or certification. If not, the provider shall advise the patient to contact an appropriate provider and terminate the encounter, with no charge for services.

Subsection (c) requires that fees for services provided through telehealth in this section must be reasonable and not exceed ordinary fees typically charged.

Sec. 4 – AS 08.64.170(a) Page 3, Lines 1-16

Is amended by adding a new subsection which allows an individual to provide treatment, render a diagnosis, or prescribe, dispense, or administer a prescription, excluding a controlled substance, under the authorization provided by Section 2 of this Act.

Sec. 5 – AS 08.64 Page 3, Lines 17-31 & Page 4, Lines 1-10

Amends AS 08.64 by adding a new section, **AS 08.64.175. Telehealth.**

Subsection (a) allows a health care provider to provide health care services through telehealth without first conducting an in-person physical examination if that provider meets the requirements described in subsections (a)(1), (2), and (3).

Subsection (a)(1) requires the health care provider to be in good standing and licensed, permitted, or certified to provide health care services in another jurisdiction.

Subsection (a)(2) requires the health care services provided via telehealth to be within the provider's authorized scope of practice in the jurisdiction that issued their license, permit, or certification.

Subsection (a)(3) requires the health care provider to terminate the encounter, advise the patient that the health care provider is not authorized to provide the services, and recommend that the patient contact a health care provider licensed in the state if the provider determines that the services will extend beyond the scope of practice or the scope of telehealth services.

Subsection (b) requires the amount charged by a health care provider for telehealth services to be reasonable and consistent with the fees typically charged for that service and specifies that the fees may not be more than five percent above the ordinary cost. This subsection also prevents a health care provider from charging for any services provided if the provider is required to terminate the encounter.

Subsection (c) defines “health care provider” as a person who is licensed, permitted, or certified to practice medicine, podiatry, or osteopathy in this state or in another jurisdiction.

Sec. 6 – AS 08.68.160 Page 4, Lines 11-19

Is amended by adding that a person practicing nursing may provide treatment, render a diagnosis, or prescribe, dispense, or administer a prescription, excluding a controlled substance, under the authorization provided by Section 4 of this Act.

Sec. 7 – AS 08.68.163 Page 4, Lines 20-31 & Page 5, Lines 1-11

Amends AS 08.68 by adding a new section, **AS 08.68.163. Telehealth.**

Subsection (a) allows a nurse to provide health care services through telehealth without first conducting an in-person physical examination if that provider meets the requirements described in subsections (a)(1), (2), and (3).

Subsection (a)(1) requires the nurse to be in good standing and licensed, permitted, or certified to practice in another jurisdiction.

Subsection (a)(2) requires the health care services provided via telehealth to be within the nurse’s authorized scope of practice in the jurisdiction that issued their license, permit, or certification.

Subsection (a)(3) requires the nurse to terminate the encounter, advise the patient that the nurse is not authorized to provide the services, and recommend that the patient contact a health care provider licensed in the state if the nurse determines that the services will extend beyond the scope of practice or the scope of telehealth services.

Subsection (b) requires the amount charged by a nurse for telehealth services to be reasonable and not exceed ordinary fees typically charged. This subsection also prevents a nurse from charging for any services provided if the nurse is required to terminate the encounter.

Subsection (c) defines “nurse” as a person who is licensed, permitted, or certified to practice registered, advanced practice registered, or practical nursing in this or another jurisdiction.

Sec. 8 – AS 08.86 Page 5, Lines 12-28

Amends AS 08.86 by adding a new section, **AS 08.86.225. Telehealth.**

Subsection (a) allows for licensed individuals to practice psychology or provide psychological services through telehealth, including individuals who hold licenses in good standing in other jurisdictions.

Subsection (b) requires the psychological services provided via telehealth to be within the provider's authorized scope of practice in the jurisdiction that issued their license, permit, or certification. If not, the provider shall advise the patient to contact an appropriate provider and terminate the encounter, with no charge for services.

Subsection (c) requires that fees for services provided through telehealth in this section must be reasonable and not exceed ordinary fees typically charged.