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Chair, House Ways and Means Committee

Co-Chair, House Labor and Commerce Committee

Serving House District 16: College Gate, Russian Jack, Nunaka Valley, & Reflection Lake

Sectional Analysis

CS House Bill 265 (FIN) v. E

"An Act relating to telehealth; relating to the practice of medicine; relating to medical assistance coverage for services provided by telehealth; and providing for an effective date."

Section 1

Adds a new section on telehealth under Title 8 for all health care providers licensed with the State of Alaska.

- Subsection (a) removes the requirement for an in-person visit prior to a telehealth appointment.
- Subsection (b) narrowly exempts physicians licensed in another state to deliver health care services via telehealth if there is an established physician-patient relationship, an in-person physical exam, and the services are related to ongoing treatment or follow-up care related to past treatment. The language also references new enforcement language in Section 2.
- Subsections (c) and (d) create limits for a telehealth appointment. If a telehealth appointment falls outside of a provider's authorized scope of practice, they may refer a patient to an appropriate clinician. The cost of a service delivered through telehealth must be the same as if it were delivered in person.
- Subsections (e), (f), and (g) ensure that only authorized providers licensed with the State of Alaska can prescribe controlled substances (e.g., buprenorphine, Adderall, etc.) via telehealth without conducting an in-person visit. These providers must comply with the state and federal laws regarding the prescription of controlled substances via telehealth.
 - Subsection (e) pertains to providers in Title 8, Chapter 64 (Medicine) (i.e., physicians, podiatrists, osteopaths and physician assistants).
 - Subsection (f) pertains to Advanced Practice Registered Nurses (APRNs) in Title 8, Chapter 68 (Nursing).
- Subsection (h) removes requirements to document all attempts for an in-person visit and prevents the department or board from limiting the physical setting of a health care provider delivering telehealth.
- Subsection (i) confirms that health care providers under this section are not required to deliver telehealth services.
- Subsection (j) provides definitions for all health care providers applicable to this section, specifies that the provider must be licensed in good standing, and defines telehealth.

Section 2

Creates AS 08.64.33 defining the State Medical Board's authority to enforce against exempted physicians in Section 1 and ensures these providers must comply with Alaska laws for licensed physicians.

- Subsection (a) describes the grounds for the board to sanction a physician licensed in another state providing telehealth services in Section 1: if they violate Alaska laws for Alaska-licensed physicians; exceed the defined scope of telehealth services in Section 1; or prescribe, administer, or dispense a controlled substance to an Alaska patient located in the state.
- Subsection (b) and (c) ensures that the board can enforce exempted physicians in the same manner as Alaska-licensed physicians. In addition to this authority, they can issue a cease-and-desist order and notify the licensing authority for each state the physician is licensed.
- Subsection (d), (e), (g), and (h) details the board's disciplinary actions for exempted physicians, mirroring similar language regarding sanctions for Alaska-licensed physicians.
- Subsection (f) ensures that the board can recover costs related to the proceedings and investigation directly from an exempted physician in Section 1.

Section 3

Amends language related to the prescription of controlled substances via telehealth under the State Medical Board. This deletes language requiring an additional health care provider to assist a patient during a telehealth appointment with a physician or physician assistant regarding the prescription, dispensing, and administration of controlled substances.

Section 4-5

Adds sections related to the prescription of controlled substances via telehealth under the Board of Nursing. This does not change the Board of Nursing's authority or the scope of practice for APRNs ensures regulatory equity between the Board of Nursing and the State Medical Board regarding the prescription of controlled substances via telehealth for all DEA-registered practitioners.

- Section 4 amends the Board of Nursing's regulatory authority to include controlled substances via telehealth in Section 5, mirroring statutory language for the State Medical Board.
- Section 5 creates a new section AS 08.68.710 defining the telehealth prescriptive authority of APRNs in statute. This section removes the regulatory in-person requirement for APRNs under 12 AAC 44.925(c), mirroring the deletion of language for the State Medical Board in Section 3.

Section 6

Adds a new section on telehealth under Title 18 for emergency medical services. This section removes the requirement for an in-person examination prior to a telehealth encounter. This section replicates the same provisions on cost, scope of services, documentation, physical setting, and patient protections as Section 1.

Section 7

Adds a new section on telehealth payment under Title 47 for Alaska Medicaid.

- Subsection (a) requires the Department of Health to pay for telehealth services in the same manner as an in person service for the following: behavioral health services, home and community based services (HCBS), services provided by a community health aide or community health practitioner, behavioral health aide or behavioral health practitioner, dental health aide therapist, chemical dependency counselor, non-HCBS services covered under a federal waiver or demonstration, other services provided by an individual or entity eligible for department certification and Medicaid reimbursement, and services provided at rural clinics and federally qualified health centers.

This subsection also allows for a telehealth visit to be conducted through any means which could be useful in a patient-provider relationship, including an audio-only (i.e., phone call) appointment.

- Subsection (b) requires the department to adopt regulations regarding payment of telehealth services. This provision also allows the department to limit or restrict Medicaid coverage under this section if a service delivered via telehealth cannot be safely delivered according to substantial medical evidence, or if the federal government will not reimburse the delivery of the service via telehealth.
- Subsection (c) specifies that the coverage of services in Alaska Medicaid must be HIPAA-compliant.

Section 8-9

Adds sections on telehealth under Title 47 for grantees that deliver community mental health services, or facilities approved by the department to deliver substance use disorder treatment. Both sections replicate the same telehealth provisions on cost, scope of services, patient protections, documentation, and physical setting as Section 1.

- Section 8 creates AS 47.30.585 to include entities approved to receive grant funding by the Department of Health to deliver community mental health services.
- Section 9 creates AS 47.37.145 to include public or private treatment facilities approved by the Department of Health to deliver services addressing substance use disorders.

Section 10

Provides an immediate effective date.