

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: 3/19/14

Referred: Rules

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

- 1 (A) not a controlled substance; or
- 2 (B) a controlled substance and is prescribed, dispensed, or
- 3 administered by a physician
- 4 (i) to a patient with whom the physician has an
- 5 established physician-patient relationship; or
- 6 (ii) when an appropriate licensed health care provider is
- 7 present with the patient to assist the physician with examination and
- 8 diagnosis;
- 9 (2) the physician is licensed and practicing in this state and follow-up
- 10 care is available for the patient; and
- 11 (3) the person consents to sending a copy of all records of the
- 12 encounter to the person's primary care provider if the prescribing physician is not the
- 13 person's primary care provider, and the physician sends the records to the person's
- 14 primary care provider.

15 (b) In this section,

- 16 (1) "controlled substance" has the meaning given in AS 11.71.900;
- 17 (2) "prescription drug" has the meaning given in AS 08.80.480;
- 18 (3) "primary care provider" has the meaning given in AS 21.07.250.

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

20 (7) "telemedicine" means the remote practice of medicine as a result of

21 transmission of individual patient data by electronic, telephonic, or other means to a

22 physician or the physician's agent.

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

24 **Sec. 21.54.102. Telemedicine.** A health care insurer that offers, issues for

25 delivery, or renews a health care insurance plan that provides coverage for

26 telemedicine may not require that prior in-person contact occur between a health care

27 provider and a patient before payment is made for covered services.

28 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to

29 read:

30 **APPLICABILITY.** AS 21.54.102, added by sec. 4 of this Act, applies to a health care

31 insurance plan offered, issued for delivery, delivered, or renewed on or after the effective date

1 of this Act.