

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

March 2, 2016

1:03 p.m.

MEMBERS PRESENT

Senator Mia Costello, Chair
Senator Cathy Giessel, Vice Chair
Senator Kevin Meyer

MEMBERS ABSENT

Senator Gary Stevens
Senator Johnny Ellis

COMMITTEE CALENDAR

SENATE BILL NO. 98

"An Act relating to diagnosis, treatment, and prescription of drugs without a physical examination."

- MOVED CSSB 98(L&C) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 98

SHORT TITLE: PRESCRIPTION WITHOUT PHYS. EXAM.

SPONSOR(S): SENATOR(S) MICCICHE

04/07/15	(S)	READ THE FIRST TIME - REFERRALS
04/07/15	(S)	HSS, L&C
04/13/15	(S)	HSS AT 1:30 PM BUTROVICH 205
04/13/15	(S)	Heard & Held
04/13/15	(S)	MINUTE (HSS)
01/25/16	(S)	HSS AT 1:30 PM BUTROVICH 205
01/25/16	(S)	Scheduled but Not Heard
01/27/16	(S)	HSS AT 1:30 PM BUTROVICH 205
01/27/16	(S)	Heard & Held
01/27/16	(S)	MINUTE (HSS)
02/01/16	(S)	HSS AT 1:30 PM BUTROVICH 205
02/01/16	(S)	Moved CSSB 98(HSS) Out of Committee
02/01/16	(S)	MINUTE (HSS)
02/03/16	(S)	HSS RPT CS 1DP 3NR NEW TITLE
02/03/16	(S)	DP: GIESSEL

02/03/16	(S)	NR: STEDMAN, ELLIS, STOLTZE
02/03/16	(S)	FIN REFERRAL ADDED AFTER L&C
02/24/16	(S)	L&C WAIVED PUBLIC HEARING NOTICE, RULE 23
02/26/16	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/26/16	(S)	Heard & Held
02/26/16	(S)	MINUTE (L&C)
03/01/16	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/01/16	(S)	Heard & Held
03/01/16	(S)	MINUTE (L&C)
03/02/16	(S)	L&C AT 1:00 PM BUTROVICH 205

WITNESS REGISTER

WESTON EILER, Staff
 Senate Labor and Commerce Standing Committee and
 Senator Mia Costello
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Reviewed the changes in version N of SB 98.

SENATOR MICCICHE
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 98.

ACTION NARRATIVE

1:03:16 PM

CHAIR MIA COSTELLO called the Senate Labor and Commerce Standing Committee meeting to order at 1:03 p.m. Present at the call to order were Senators Giessel, Meyer, and Chair Costello.

SB 98-PRESCRIPTION WITHOUT PHYS. EXAM.

1:03:32 PM

CHAIR COSTELLO announced consideration of SB 98. She stated that this is the third hearing, public testimony is closed, and there is a new committee substitute for the committee to consider.

1:03:51 PM

SENATOR GIESSEL moved to adopt the CS for SB 98, labeled 29-LS0838\N, as the working document.

CHAIR COSTELLO objected for discussion purposes. She asked Mr. Eiler to go over the changes.

WESTON EILER, Staff, Senate Labor and Commerce Standing Committee and Senator Costello, told the committee that version N of SB 98 reflects the comments and requests members made during the previous hearing. The first change incorporates the conceptual amendment that was adopted on 3/1/16. The language in Section 5, page 4, lines 7-9, paragraph (2), reads as follows:

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

The second and final change, also in Section 5, is compromise language added to address concerns articulated by the Alaska State Medical Association (ASMA). On page 4, lines 10-13, a new subsection (e) is added to AS 08.64.364 that reads as follows:

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

[1:05:57 PM](#)

SENATOR MICCICHE joined the audience.

CHAIR COSTELLO found no question and removed her objection. She asked if there was further objection.

SENATOR GIESSEL objected to adopting version N. She pointed out that Section 3 relating to duties of the board only references individuals, not businesses, yet new subsection (e) in Section 5 expands the duties of the board to include oversight of businesses. She further pointed out that this expands the purview of the board and would allow it to write regulations for medical businesses. This will defeat free market competition and innovation and the legislature would have no control over those regulations. The third point is that the language in subsection (e) will serve to further restrict competition and continue to adversely affect the cost of health care in Alaska that it is already the highest in the nation.

[1:10:28 PM](#)

At ease

1:20:46 PM

CHAIR COSTELLO reconvened the meeting and asked if there was [continued] objection to adopting the work draft version N of SB 98.

SENATOR GIESSEL removed her objection.

CHAIR COSTELLO announced that version N is adopted.

SENATOR GIESSEL offered Conceptual Amendment 1 to version N of SB 98.

CONCEPTUAL AMENDMENT 1

Insert a new Section 6 on page 4 that states:

The Department of Commerce, Community and Economic Development shall maintain a register of telemedicine businesses doing business in Alaska, which includes the name, address and contact number for those businesses.

Renumber subsequent sections.

Delete the language on page 4, lines 10-13.

CHAIR COSTELLO found no objection and announced that Conceptual Amendment 1 is adopted. She asked the sponsor if he would like to offer final comments.

1:22:29 PM

SENATOR MICCICHE, Alaska State Legislature, sponsor of SB 98, recognized his staff for their hard work on the bill and thanked the Chair for standing tall and taking the time to make sure that it was ready to move on to the next committee of referral.

SENATOR MEYER asked if he had any comment on the amendment that was just adopted.

SENATOR MICCICHE said he believes the amendment is appropriate and he appreciates Senator Giessel for offering it. This achieves the goal of ensuring there is a way to contact telehealth businesses and understand who is operating them without leaving the potential for burdensome regulations from the Board of Medicine.

CHAIR COSTELLO offered her understanding that the amendment simply asks the department to maintain a list of the names, addresses, and contact numbers for these companies.

SENATOR GIESSEL moved to report the CS for SB 98, 29-LS0838\N as amended, from committee with individual recommendations and attached fiscal note(s).

CHAIR COSTELLO found no objection and announced that CSSB 98(L&C) is reported from the Senate Labor and Commerce Standing Committee.

1:24:59 PM

There being no further business to come before the committee, Chair Costello adjourned the Senate Labor and Commerce Standing Committee meeting at 1:24 p.m.