

**SPONSOR SUBSTITUTE FOR SENATE BILL NO. 108**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY SENATORS GIESSEL, Micciche, Meyer, MacKinnon, Bishop, Stevens, Hughes

Introduced: 1/18/18

Referred: Labor and Commerce, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the State Medical Board; relating to the licensing of physicians,  
2 osteopaths, and podiatrists; relating to the certification of medical assistants; relating to  
3 the practice of medicine; relating to the practice of podiatry; relating to the practice of  
4 osteopathy; relating to assault of a medical professional; and providing for an effective  
5 date."

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

7 \* **Section 1.** AS 08.64.101 is amended to read:

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

- 9 (1) **except as provided in regulations adopted by the board under**  
10 **(b) of this section,** examine and issue licenses to applicants;  
11 (2) develop written guidelines to ensure that licensing requirements are  
12 not unreasonably burdensome and the issuance of licenses is not unreasonably  
13 withheld or delayed;

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

3 (4) adopt regulations ensuring that renewal of licenses is contingent on  
4 proof of continued competency on the part of the licensee;

5 (5) under regulations adopted by the board, contract with private  
6 professional organizations to establish an impaired medical professionals program to  
7 identify, confront, evaluate, and treat persons licensed under this chapter who abuse  
8 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

9 (6) adopt regulations that establish guidelines for a physician who is  
10 rendering a diagnosis, providing treatment, or prescribing, dispensing, or  
11 administering a prescription drug to a person without conducting a physical  
12 examination under AS 08.64.364; the guidelines must include a nationally recognized  
13 model policy for standards of care of a patient who is at a different location than the  
14 physician;

15 (7) require that a licensee who has a federal Drug Enforcement  
16 Administration registration number register with the controlled substance prescription  
17 database under AS 17.30.200(o).

18 \* **Sec. 2.** AS 08.64.101 is amended by adding a new subsection to read:

19 (b) The board may adopt regulations authorizing

20 (1) the executive secretary to grant a license to an applicant under this  
21 chapter; the regulations must provide

22 (A) that the applicant meet the requirements provided under  
23 this chapter;

24 (B) that the executive secretary may not grant a license under  
25 this chapter if the applicant has submitted

26 (i) a list of one or more negotiated settlements and  
27 judgments under AS 08.64.200(a)(3);

28 (ii) information that the applicant had a license to  
29 practice medicine in another state, country, province, or territory that  
30 was suspended or revoked under AS 08.64.200(a)(4); or

31 (iii) information that requires consideration by the

1 board;

2 (C) other requirements that the board determines necessary;

3 (2) a member of the board, the executive secretary, or a person  
4 designated by the board to issue a temporary permit under AS 08.64.270(a) or  
5 08.64.275(a) if the applicant meets the requirements established under this chapter;  
6 and

7 (3) the executive secretary to grant a certification to an applicant under  
8 AS 08.64.108.

9 \* **Sec. 3.** AS 08.64 is amended by adding a new section to read:

10 **Sec. 08.64.106. Delegation of routine medical duties.** The board shall adopt  
11 regulations authorizing a physician, podiatrist, osteopath, or physician assistant  
12 licensed under this chapter to delegate routine medical duties to an agent of the  
13 physician, podiatrist, osteopath, or physician assistant. The regulations must

14 (1) require that an agent who is not licensed under this chapter may  
15 perform duties delegated under this section only if the agent meets applicable  
16 standards established by the board;

17 (2) require that a physician, podiatrist, osteopath, or physician assistant  
18 may not delegate duties related to pain management and opioid use and addiction; and

19 (3) define the phrase "routine medical duties."

20 \* **Sec. 4.** AS 08.64 is amended by adding new sections to read:

21 **Sec. 08.64.108. Certification of medical assistants.** (a) The board shall issue  
22 certification as a medical assistant to qualified applicants. The board may adopt  
23 regulations regarding the certification of medical assistants, including

24 (1) the training, educational, and other qualifications for certification  
25 that will ensure that the medical assistants are competent to perform the tasks of their  
26 occupation; and

27 (2) application, certification, renewal, and revocation procedures.

28 (b) The board may

29 (1) conduct hearings on charges of alleged violations of this chapter or  
30 regulations adopted under it; and

31 (2) invoke disciplinary action under AS 08.01.075 against a certified

1 medical assistant.

2 (c) The department shall set fees under AS 08.01.065 for certified medical  
3 assistants for each of the following:

- 4 (1) application;  
5 (2) certification; and  
6 (3) renewal of certification.

7 **Sec. 08.64.109. Immunity for certain reports to the board.** A person who, in  
8 good faith, reports information to the board relating to alleged incidents of  
9 incompetent, unprofessional, or unlawful conduct of a certified medical assistant is not  
10 liable in a civil action for damages resulting from the reporting of the information.

11 \* **Sec. 5.** AS 08.64 is amended by adding a new section to read:

12 **Sec. 08.64.111. Use of certified medical assistant title.** (a) A person may not  
13 use the title "certified medical assistant" or the abbreviation "C.M.A." unless the  
14 person is certified as a medical assistant under this chapter.

15 (b) A person who knowingly violates this section is guilty of a class B  
16 misdemeanor. In this subsection, "knowingly" has the meaning given in  
17 AS 11.81.900(a).

18 \* **Sec. 6.** AS 08.64.170(a) is amended to read:

19 (a) A person may not practice medicine, podiatry, or osteopathy in the state  
20 unless the person is licensed under this chapter, except that

21 (1) a physician assistant may examine, diagnose, or treat persons under  
22 the supervision, control, and responsibility of either a physician licensed under this  
23 chapter or a physician exempted from licensing under AS 08.64.370;

24 (2) a mobile intensive care paramedic may render emergency  
25 lifesaving service; [AND]

26 (3) a person who is licensed or authorized under another chapter of this  
27 title may engage in a practice that is authorized under that chapter; **and**

28 **(4) a person may perform routine medical duties delegated under**  
29 **AS 08.64.106.**

30 \* **Sec. 7.** AS 08.64.190 is amended to read:

31 **Sec. 08.64.190. Contents of application.** The application must state the name,

1 age, residence, [THE DURATION OF RESIDENCE,] the time spent in medical or  
 2 osteopathy study, the place, year, and school in which degrees were granted, the  
 3 applicant's medical work history, and other information the board considers necessary.  
 4 The application shall be made under oath. The board may verify information in the  
 5 application through direct contact with the appropriate schools, medical boards, or  
 6 other agencies that can substantiate the information.

7 \* **Sec. 8.** AS 08.64.230(a) is amended to read:

8 (a) If a physician applicant passes the examination and meets the requirements  
 9 of AS 08.64.200 and 08.64.255, the board **or its executive secretary** shall grant a  
 10 license to the applicant to practice medicine in the state.

11 \* **Sec. 9.** AS 08.64.230(b) is amended to read:

12 (b) If an osteopath applicant passes the examination and meets the  
 13 requirements of AS 08.64.205 and 08.64.255, the board **or its executive secretary**  
 14 shall grant a license to the applicant to practice osteopathy in the state.

15 \* **Sec. 10.** AS 08.64.270(a) is amended to read:

16 (a) The board, **a member of the board, the executive secretary, or a person**  
 17 **designated by the board to issue temporary permits** may issue a temporary permit  
 18 to a physician applicant, osteopath applicant, or podiatry applicant who meets the  
 19 requirements of AS 08.64.200, 08.64.205, 08.64.209, or 08.64.225 and pays the  
 20 required fee.

21 \* **Sec. 11.** AS 08.64.275(a) is amended to read:

22 (a) A member of the board, [OR] its executive secretary, **or a person**  
 23 **designated by the board to issue temporary permits** may grant a temporary permit  
 24 to a physician or osteopath for the purpose of

25 (1) substituting for another physician or osteopath licensed in this  
 26 state;

27 (2) being temporarily employed by a physician or osteopath licensed in  
 28 this state while that physician or osteopath evaluates the permittee for permanent  
 29 employment; or

30 (3) being temporarily employed by a hospital or community mental  
 31 health center while the facility attempts to fill a vacant permanent physician or

1 osteopath staff position with a physician or osteopath licensed in this state.

2 \* **Sec. 12.** AS 08.64.360 is amended to read:

3 **Sec. 08.64.360. Penalty for practicing without a license or in violation of**  
 4 **chapter.** Except for a licensed physician assistant, a certified medical assistant, a  
 5 registered mobile intensive care paramedic, or a person licensed or authorized under  
 6 another chapter of this title who engages in practices for which that person is licensed  
 7 or authorized under that chapter, a person practicing medicine or osteopathy in the  
 8 state without a valid license or permit is guilty of a class A misdemeanor. Each day of  
 9 illegal practice is a separate offense.

10 \* **Sec. 13.** AS 12.55.135(k)(3) is amended to read:

11 (3) "medical professional" means a person who is an anesthesiologist,  
 12 dentist, dental hygienist, health aide, nurse, nurse aide, advanced practice registered  
 13 nurse, mental health counselor, physician, physician assistant, medical assistant,  
 14 chiropractor, psychiatrist, osteopath, psychologist, psychological associate,  
 15 radiologist, surgeon, or x-ray technician, or who holds a substantially similar position.

16 \* **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to  
 17 read:

18 **TRANSITION: REGULATIONS.** The Department of Commerce, Community, and  
 19 Economic Development and the State Medical Board may adopt regulations necessary to  
 20 implement the changes made by this Act. The regulations take effect under AS 44.62  
 21 (Administrative Procedure Act), but not before the effective date of the relevant provision of  
 22 this Act implemented by the regulation.

23 \* **Sec. 15.** Section 14 of this Act takes effect immediately under AS 01.10.070(c).

24 \* **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect January 1, 2019.