

**HOUSE BILL NO. 97**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES KREISS-TOMKINS, Revak**

**Introduced: 3/15/19**

**Referred: Health and Social Services, Labor and Commerce**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the prescription of drugs by a physician assistant without physical**  
2 **examination."**

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

4 **\* Section 1.** AS 08.64.101(a) is amended to read:

5 (a) The board shall

6 (1) except as provided in regulations adopted by the board under (b) of  
7 this section, examine and issue licenses to applicants;

8 (2) develop written guidelines to ensure that licensing requirements are  
9 not unreasonably burdensome and the issuance of licenses is not unreasonably  
10 withheld or delayed;

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

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

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

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

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

14 \* **Sec. 2.** AS 08.64.364(a) is amended to read:

15 (a) The board may not impose disciplinary sanctions on a physician **or**  
 16 **physician assistant** for rendering a diagnosis, providing treatment, or prescribing,  
 17 dispensing, or administering a prescription drug that is not a controlled substance to a  
 18 person without conducting a physical examination if

19 (1) the physician, **physician assistant**, or another licensed health care  
 20 provider [OR PHYSICIAN] in the **medical** [PHYSICIAN'S GROUP] practice is  
 21 available to provide follow-up care; and

22 (2) the physician **or physician assistant** requests that the person  
 23 consent to sending a copy of all records of the encounter to the person's primary care  
 24 provider if the prescribing physician **or physician assistant** is not the person's primary  
 25 care provider [,] and, if the **person** [PATIENT] consents, the physician **or physician**  
 26 **assistant** sends the records to the person's primary care provider.

27 \* **Sec. 3.** AS 08.64.364(b) is amended to read:

28 (b) The board may not impose disciplinary sanctions on a physician **or**  
 29 **physician assistant** for prescribing, dispensing, or administering a prescription drug  
 30 that is a controlled substance or botulinum toxin if the requirements under (a) of this  
 31 section and AS 08.64.363 are met and the physician **or physician assistant** prescribes,

1 dispenses, or administers the controlled substance or botulinum toxin when an  
2 appropriate licensed health care provider is present with the **person** [PATIENT] to  
3 assist the physician **or physician assistant** with examination, diagnosis, and  
4 treatment.

5 \* **Sec. 4.** AS 08.64.364(c) is amended to read:

6 (c) Notwithstanding (a) and (b) of this section,

7 **(1)** a physician may not [(1)] prescribe, dispense, or administer an  
8 abortion-inducing drug under (a) of this section unless the physician complies with  
9 AS 18.16.010; **and** [OR]

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