

CS FOR SENATE BILL NO. 44(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/15/19

Referred: Rules

Sponsor(s): SENATOR GIESSEL BY REQUEST

REPRESENTATIVES Tarr, Spohnholz

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the prescription of drugs by a physician assistant without physical**
2 **examination; and providing for an effective date."**

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 patient to assist the
3 physician **or physician assistant** with examination, diagnosis, and treatment.

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

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

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

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

13 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 REGULATIONS. The State Medical Board may adopt regulations necessary to
16 implement the changes made by this Act. The regulations take effect under AS 44.62
17 (Administrative Procedure Act), but not before the effective date of the law implemented by
18 the regulation.

19 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

20 * **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect March 1, 2020.