



LAWS OF ALASKA

2021

Source

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Chapter No.

AN ACT

Relating to occupational licensing of members of the military and their spouses; relating to mobile intensive care paramedics; relating to duties of the State Medical Board and the Department of Health and Social Services; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to occupational licensing of members of the military and their spouses; relating to
2 mobile intensive care paramedics; relating to duties of the State Medical Board and the
3 Department of Health and Social Services; and providing for an effective date.

4 _____
5 * **Section 1.** AS 08.01.063(a) is amended to read:

6 (a) Except as provided in (d) of this section, and notwithstanding another
7 provision of law, the department or appropriate board **shall** [MAY] issue a temporary
8 courtesy license to **an active duty member of the armed forces of the United States**
9 **or** the spouse of an active duty member of the armed forces of the United States if the
10 **active duty member or** spouse **meets the requirements of this section and** applies
11 to the department or appropriate board in the manner prescribed by the department or
12 appropriate board. An application must include evidence satisfactory to the department
13 or appropriate board that the applicant

1 (1) is **an active duty member of the armed forces of the United**
2 **States or is** married to and living with a member of the armed forces of the United
3 States who is on active duty and assigned to a duty station in this state under official
4 active duty military orders;

5 (2) holds a current license or certificate in another state, district, or
6 territory of the United States, **or that is recognized by the United States, including a**
7 **branch of the armed forces of the United States,** with requirements that the
8 department or appropriate board determines are **substantially** equivalent to those
9 established under this title for that occupation;

10 (3) if required by the department or appropriate board for obtaining a
11 license in the applicant's profession, has been fingerprinted and has provided the fees
12 required by the Department of Public Safety under AS 12.62.160 for criminal justice
13 information and a national criminal history record check; the fingerprints and fees
14 shall be forwarded to the Department of Public Safety to obtain a report of criminal
15 justice information under AS 12.62 and a national criminal history record check under
16 AS 12.62.400;

17 (4) has not committed an act in any jurisdiction that would have
18 constituted grounds for the refusal, suspension, or revocation of a license or certificate
19 to practice that occupation under this title at the time the act was committed;

20 (5) has not been disciplined by a licensing or credentialing entity in
21 another jurisdiction and is not the subject of an unresolved complaint, review
22 procedure, or disciplinary proceeding conducted by a licensing or credentialing entity
23 in another jurisdiction; and

24 (6) pays any fees required under this title.

25 * **Sec. 2.** AS 08.01.063(b) is amended to read:

26 (b) The department or appropriate board shall **issue a temporary license**
27 **under this section to a person who meets the requirements** [EXPEDITE THE
28 PROCEDURE FOR ISSUANCE OF A LICENSE] under (a) of this section **within 30**
29 **days after the department or appropriate board receives the person's completed**
30 **application for the temporary license.**

31 * **Sec. 3.** AS 08.64.107 is amended to read:

1 **Sec. 08.64.107. Regulation of physician assistants [AND INTENSIVE**
2 **CARE PARAMEDICS].** The board shall adopt regulations regarding the licensure of
3 physician assistants [AND REGISTRATION OF MOBILE INTENSIVE CARE
4 PARAMEDICS,] and the medical services that they may perform, including the

5 (1) educational and other qualifications, including education in pain
6 management and opioid use and addiction;

7 (2) application and **licensing** [REGISTRATION] procedures;

8 (3) scope of activities authorized; and

9 (4) responsibilities of the supervising or training physician.

10 * **Sec. 4.** AS 08.64.170(a) is amended to read:

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

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

16 (2) [A MOBILE INTENSIVE CARE PARAMEDIC MAY RENDER
17 EMERGENCY LIFESAVING SERVICE;

18 (3)] a person who is licensed or authorized under another **law of the**
19 **state** [CHAPTER OF THIS TITLE] may engage in a practice that is authorized under
20 that **law** [CHAPTER]; and

21 **(3)** [(4)] a person may perform routine medical duties delegated under
22 AS 08.64.106.

23 * **Sec. 5.** AS 08.64.360 is amended to read:

24 **Sec. 08.64.360. Penalty for practicing without a license or in violation of**
25 **chapter.** Except for a physician assistant [, A MOBILE INTENSIVE CARE
26 PARAMEDIC,] or a person licensed or authorized under another **law of the state**
27 [CHAPTER OF THIS TITLE] who engages in practices for which that person is
28 licensed or authorized under that **law** [CHAPTER], a person practicing medicine or
29 osteopathy in the state without a valid license or permit is guilty of a class A
30 misdemeanor. Each day of illegal practice is a separate offense.

31 * **Sec. 6.** AS 08.64.369(d) is amended to read:

(d) In this section, "health care professional" includes an emergency medical technician certified under AS 18.08, health aide, physician, nurse, mobile intensive care paramedic **licensed under AS 18.08**, and physician assistant, but does not include a practitioner of religious healing.

* **Sec. 7.** AS 12.55.185(11) is amended to read:

(11) "paramedic" means a mobile intensive care paramedic licensed under **AS 18.08** [AS 08.64];

* **Sec. 8.** AS 18.08.075 is amended to read:

Sec. 18.08.075. Authority of emergency medical technician and mobile intensive care paramedic. (a) An emergency medical technician **or mobile intensive care paramedic** who responds to an emergency with an ambulance service or first responder service, who has in the technician's **or mobile intensive care paramedic's** possession a current emergency medical technician **or mobile intensive care paramedic** identification card, and who provides emergency medical care or other emergency medical service, has the authority to

(1) control and direct activities at the accident site or emergency until the arrival of law enforcement personnel;

(2) order a person other than the owner to leave a building or place in the vicinity of the accident or other emergency for the purpose of protecting the person from injury;

(3) temporarily block a public highway, street, or private right-of-way while at the scene of an accident, illness, or emergency;

(4) trespass upon property at or near the scene of an accident, illness, or emergency at any time of day or night;

(5) enter a building, including a private dwelling, or premises where a report of an injury or illness has taken place or where there is a reasonable cause to believe an individual has been injured or is ill to render emergency medical care; and

(6) direct the removal or destruction of a motor vehicle or other thing that the emergency medical technician **or mobile intensive care paramedic** determines is necessary to prevent further harm to injured or ill individuals.

(b) A person who knowingly refuses to comply with an order of an emergency

1 medical technician **or mobile intensive care paramedic** authorized under (a) of this
2 section is, upon conviction, guilty of a class B misdemeanor. In this subsection,
3 "knowingly" has the meaning given in AS 11.81.900(a).

4 * **Sec. 9.** AS 18.08.080 is amended to read:

5 **Sec. 18.08.080. Regulations.** (a) The department shall adopt, with the
6 concurrence of the Department of Public Safety, regulations establishing standards and
7 procedures for the issuance, renewal, reissuance, revocation, and suspension of
8 certificates **or licenses** required under AS 18.08.084, as well as other regulations
9 necessary to carry out the purposes of this chapter.

10 (b) The department may charge fees set by regulation for the certification **or**
11 **licensure** of individuals and organizations under this chapter.

12 * **Sec. 10.** AS 18.08.082(a) is amended to read:

13 (a) The department shall prescribe by regulation a course of training or other
14 requirements prerequisite to the issuance of certificates **or licenses** that provide for the
15 following:

16 (1) certification of a person who meets the training and other
17 requirements as an emergency medical technician, emergency medical technician
18 instructor, or emergency medical dispatcher;

19 (2) authorization for an emergency medical technician certified under
20 this chapter to provide under the written or oral direction of a physician the advanced
21 life support services enumerated on the certificate or enumerated on a written
22 document filed with the department by the technician's medical director and approved
23 by the department under its regulations;

24 (3) certification that a person, organization, or government agency that
25 provides an emergency medical service, conducts a training course for a mobile
26 intensive care paramedic, or represents itself as a trauma center meets the minimum
27 standards prescribed by the department for that service, course, or designation; [AND]

28 (4) authorization for an emergency medical service certified under this
29 chapter to provide under the written or oral direction of a physician the advanced life
30 support services enumerated on the certificate or enumerated on a written document
31 filed with the department by the medical director for the emergency medical service

1 and approved by the department under its regulations; and

2 (5) licensure of a mobile intensive care paramedic and the medical
3 services that a mobile intensive care paramedic may perform, including the

4 (A) educational and other qualifications, which may include
5 education in pain management and opioid use and addiction;

6 (B) application and licensing procedures;

7 (C) scope of activities authorized; and

8 (D) responsibilities of a supervising or training physician.

9 * **Sec. 11.** AS 18.08.082(b) is amended to read:

10 (b) The department is the central certifying and licensing agency for a
11 person, organization, or governmental agency that is [PERSONNEL] certified or
12 licensed under (a) [(a)(1) AND (2)] of this section and under regulations adopted
13 under AS 18.08.080.

14 * **Sec. 12.** AS 18.08.084(a) is amended to read:

15 (a) One may not represent oneself, nor may an agency or business represent an
16 agent or employee of that agency or business, as an emergency medical dispatcher,
17 emergency medical technician, mobile intensive care paramedic, or emergency
18 medical technician instructor certified or licensed by the state unless the person
19 represented is certified or licensed for that occupation under AS 18.08.082.

20 * **Sec. 13.** AS 18.08.086(a) is amended to read:

21 (a) A person certified or licensed under AS 18.08.082 who administers
22 emergency medical services to an injured or sick person, a person or public agency
23 that employs, sponsors, directs, or controls the activities of persons certified or
24 licensed under AS 18.08.082 who administer emergency medical services to an
25 injured or sick person, or a health care professional or emergency medical dispatcher
26 acting within the scope of the person's certification or licensure who directs or
27 advises a person to administer emergency medical services to an injured or sick person
28 is not liable for civil damages as a result of an act or omission in administering those
29 services or giving that advice or those directions if the administering, advising, and
30 directing are done in good faith and the injured or sick person reasonably seems to be
31 in immediate danger of serious harm or death. This subsection does not preclude

1 liability for civil damages that are the proximate result of gross negligence or
2 intentional misconduct, nor preclude imposition of liability on a person or public
3 agency that employs, sponsors, directs, or controls the activities of persons certified **or**
4 **licensed** under AS 18.08.082 if the act or omission is a proximate result of a breach of
5 duty to act created under this chapter. **In** [FOR THE PURPOSES OF] this subsection,
6 "gross negligence" means reckless, wilful, or wanton misconduct.

7 * **Sec. 14.** AS 18.08.089(a) is amended to read:

8 (a) A mobile intensive care paramedic **licensed under this chapter, a** [OR]
9 physician assistant registered or licensed under AS 08.64.107, or an emergency
10 medical technician certified under this chapter may make a determination and
11 pronouncement of death of a person under the following circumstances:

12 (1) the **mobile intensive care** paramedic or emergency medical
13 technician is an active member of an emergency medical service certified under this
14 chapter;

15 (2) neither a physician licensed under AS 08.64 nor a physician
16 exempt from licensure under AS 08.64 is immediately available for consultation by
17 radio or telephone communications;

18 (3) the **mobile intensive care** paramedic, physician assistant, or
19 emergency medical technician has determined, based on acceptable medical standards,
20 that the person has sustained irreversible cessation of circulatory and respiratory
21 functions.

22 * **Sec. 15.** AS 18.08.200 is amended by adding a new paragraph to read:

23 (14) "mobile intensive care paramedic" means an individual licensed
24 by the department who has completed a paramedic training program approved by the
25 department and is authorized by law to provide advanced life support under the direct
26 or indirect supervision of a physician.

27 * **Sec. 16.** AS 29.45.050(r) is amended to read:

28 (r) A municipality may by ordinance exempt from taxation an amount not to
29 exceed \$10,000 of the assessed value of real property owned and occupied as a
30 permanent place of abode by a resident who provides in the municipality volunteer (1)
31 fire fighting services and is certified as a firefighter by the Department of Public

1 Safety, or (2) emergency medical services **or mobile intensive care paramedic**
2 **services** and is certified **or licensed** under AS 18.08.082. If two or more individuals
3 are eligible for an exemption for the same property, not more than two exemptions
4 may be granted.

5 * **Sec. 17.** AS 37.05.146(c)(77) is amended to read:

6 (77) the following fees, receipts, income, and monetary recoveries
7 collected by the Department of Health and Social Services:

8 (A) receipts of the Department of Health and Social Services,
9 Bureau of Vital Statistics;

10 (B) monetary recoveries of Medicaid expenditures from
11 recipients, third parties, and providers under AS 47;

12 (C) the state's share of overpayments collected under
13 AS 47.05.080;

14 (D) income received from a state or federal agency for children
15 in foster care under AS 47.14.100;

16 (E) fees received or collected under AS 44.29.022 for nursing
17 and planning services provided at health centers, genetic screening clinics and
18 specialty clinics, the certification of x-ray machines, the alcohol safety action
19 program, and other public health programs and services;

20 (F) fees received under AS 18.08.080 for the certification **or**
21 **licensure** of emergency medical technicians, emergency medical dispatchers,
22 **mobile intensive care paramedics,** and emergency medical technician
23 instructors;

24 (G) fees received under AS 47.32;

25 (H) the state's share of child support collections for
26 reimbursement of the cost of the Alaska temporary assistance program as
27 provided under AS 25.27.120, 25.27.130, and AS 47.27.040; and

28 (I) monetary recoveries under AS 09.58 (Alaska Medical
29 Assistance False Claim and Reporting Act);

30 * **Sec. 18.** AS 08.64.366, 08.64.380(3), and 08.64.380(4) are repealed.

31 * **Sec. 19.** The uncoded law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITION: EXISTING REGISTRATIONS; REGULATIONS. (a)

3 Notwithstanding the amendment to AS 08.64.107 made by sec. 3 of this Act, a registration of
4 a mobile intensive care paramedic issued before the effective date of sec. 3 of this Act is valid
5 until the registration

6 (1) expires under AS 08.64.107, as that section read on the day before the
7 effective date of sec. 3 of this Act;

8 (2) is suspended or revoked; or

9 (3) is converted to a license under AS 18.08.082(a) and (b), as amended by
10 secs. 10 and 11 of this Act.

11 (b) On January 1, 2022, the Department of Commerce, Community, and Economic
12 Development and the State Medical Board shall transfer the files of all pending records and
13 proceedings, including applications and disciplinary actions, relating to mobile intensive care
14 paramedics to the Department of Health and Social Services.

15 (c) The Department of Health and Social Services shall adopt regulations necessary to
16 implement this Act. The regulations must allow for the conversion of an unexpired
17 registration of a mobile intensive care paramedic issued under regulations authorized by
18 AS 08.64.107, as that section read on the day before the effective date of sec. 3 of this Act, to
19 a license under AS 18.08.082(a) and (b), as amended by secs. 10 and 11 of this Act.

20 * **Sec. 20.** Section 19(c) of this Act takes effect immediately under AS 01.10.070(c).

21 * **Sec. 21.** Except as provided in sec. 20 of this Act, this Act takes effect January 1, 2022.