

SENATE BILL NO. 115

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY SENATORS TOBIN BY REQUEST, Giessel, Gray-Jackson, Hughes, Dunbar

Introduced: 3/27/23

Referred: Health and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to physician assistants; relating to physicians; and relating to health
2 care insurance policies."

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

4 * **Section 1.** AS 08.64.107 is amended to read:

5 **Sec. 08.64.107. Licensure and scope of practice [REGULATION] of**
6 **physician assistants.** The board shall adopt regulations regarding the licensure of
7 physician assistants and the medical services that they may perform, including the

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

10 (2) application and licensing procedures;

11 (3) scope of activities authorized **in this section**; and

12 (4) responsibilities of **a** [THE] supervising or training physician.

13 * **Sec. 2.** AS 08.64.107 is amended by adding new subsections to read:

14 (b) A physician assistant may

- 1 (1) perform a comprehensive health history and physical examination
2 of a patient;
- 3 (2) evaluate, diagnose, manage, and treat disease and injury;
- 4 (3) order, perform, and interpret diagnostic studies and therapeutic
5 procedures;
- 6 (4) educate patients on health promotion and disease prevention;
- 7 (5) provide consultation upon request;
- 8 (6) write medical orders;
- 9 (7) supervise and delegate therapeutic and diagnostic measures to
10 licensed or unlicensed personnel, in compliance with regulations adopted under
11 AS 08.64.106;
- 12 (8) request, receive, and sign for professional samples and distribute
13 professional samples to patients;
- 14 (9) authenticate by signature, certification, stamp, verification,
15 affidavit, or endorsement a document that a physician would be authorized to
16 authenticate by signature, certification, stamp, verification, affidavit, or endorsement;
- 17 (10) prescribe, dispense, order, administer, and procure drugs and
18 medical devices;
- 19 (11) prescribe, dispense, order, and administer a schedule II, III, IV, or
20 V controlled substance under federal law if the physician assistant has a valid federal
21 Drug Enforcement Administration registration number;
- 22 (12) plan and initiate a therapeutic regimen that includes ordering and
23 prescribing non-pharmacological interventions, including durable medical equipment,
24 nutrition, blood, blood products, home health care, hospice, physical or occupational
25 therapy, and other diagnostic support services; and
- 26 (13) perform any other medical service that the physician assistant is
27 competent to perform based on education, training, and experience.

28 (c) A physician assistant with less than 2,000 hours of practice experience
29 may practice only under a collaborative agreement in a hospital, clinic, or other
30 clinical setting in which the physician assistant works with one or more collaborating
31 physicians to provide patient care. A collaborating physician or physicians shall

1 oversee the performance, practice, and activities of the physician assistant, and the
 2 physician assistant must be able to communicate with at least one collaborating
 3 physician during work hours in person or by telephone or another telecommunications
 4 device. The collaborative agreement must

5 (1) be in writing;

6 (2) describe how collaboration will occur in accordance with this
 7 chapter;

8 (3) describe the methods to be used for evaluating the physician
 9 assistant's competency, knowledge, and skills;

10 (4) establish that the physician assistant and collaborating physician
 11 have knowledge of the physician assistant's qualifications and limitations in caring for
 12 patients;

13 (5) require the physician assistant to consult with the collaborating
 14 physician while remaining responsible for care provided by the physician assistant;
 15 and

16 (6) require the collaborating physician to give direction and guidance
 17 to the physician assistant.

18 (d) The physician assistant or collaborating physician shall provide a copy of
 19 the collaborative agreement, along with documentation of compliance, to the board
 20 upon request of the board.

21 (e) In this section, "collaborative agreement" means a plan that is mutually
 22 agreed on by a physician assistant and a collaborating physician that designates the
 23 scope of services the physician assistant may provide to patients.

24 * **Sec. 3.** AS 08.64.170(a) is amended to read:

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

27 (1) a physician assistant may examine, diagnose, or treat persons **as**
 28 **authorized in AS 08.64.107** [UNDER THE SUPERVISION, CONTROL, AND
 29 RESPONSIBILITY OF EITHER A PHYSICIAN LICENSED UNDER THIS
 30 CHAPTER OR A PHYSICIAN EXEMPTED FROM LICENSING UNDER
 31 AS 08.64.370];

1 (2) a person who is licensed or authorized under another law of the
2 state may engage in a practice that is authorized under that law; and

3 (3) a person may perform routine medical duties delegated under
4 AS 08.64.106.

5 * **Sec. 4.** AS 11.71.900(20) is amended to read:

6 (20) "practitioner" means

7 (A) a physician, **physician assistant**, dentist, advanced practice
8 registered nurse, optometrist, veterinarian, scientific investigator, or other
9 person licensed, registered, or otherwise permitted to distribute, dispense,
10 conduct research with respect to, or to administer or use in teaching or
11 chemical analysis a controlled substance in the course of professional practice
12 or research in the state;

13 (B) a pharmacy, hospital, or other institution licensed,
14 registered, or otherwise permitted to distribute, dispense, conduct research with
15 respect to, or to administer a controlled substance in the course of professional
16 practice or research in the state;

17 * **Sec. 5.** AS 21.07.010(b) is amended to read:

18 (b) A contract between a participating health care provider and a health care
19 insurer that offers a health care insurance policy may not contain a provision that

20 (1) has as its predominant purpose the creation of direct financial
21 incentives to the health care provider for withholding covered medical care services
22 that are medically necessary; nothing in this paragraph shall be construed to prohibit a
23 contract between a participating health care provider and a health care insurer from
24 containing incentives for efficient management of the utilization and cost of covered
25 medical care services;

26 (2) requires the provider to contract for all products that are currently
27 offered or that may be offered in the future by the health care insurer; [OR]

28 (3) requires the health care provider to be compensated for medical
29 care services performed at the same rate as the health care provider has contracted
30 with another health care insurer; **or**

31 **(4) imposes a practice, education, or collaboration requirement on**

1 **physician assistants that is inconsistent with or more restrictive than the**
 2 **requirements imposed under AS 08.64.107 or a regulation adopted by the State**
 3 **Medical Board.**

4 * **Sec. 6.** AS 23.30.395(3) is amended to read:

5 (3) "attending physician" means one of the following designated by the
 6 employee under AS 23.30.095(a) or (b):

7 (A) a licensed medical doctor;

8 (B) a licensed doctor of osteopathy;

9 (C) a licensed dentist or dental surgeon;

10 (D) a licensed physician assistant [ACTING UNDER
 11 SUPERVISION OF A LICENSED MEDICAL DOCTOR OR DOCTOR OF
 12 OSTEOPATHY];

13 (E) a licensed advanced practice registered nurse; or

14 (F) a licensed chiropractor;

15 * **Sec. 7.** AS 33.30.901(10) is amended to read:

16 (10) "health care provider" means

17 (A) a physician assistant licensed to practice in the state [AND
 18 WORKING UNDER THE DIRECT SUPERVISION OF A LICENSED
 19 PHYSICIAN OR PSYCHIATRIST];

20 (B) a mental health professional as defined in AS 47.30.915; or

21 (C) an advanced practice registered nurse as defined in
 22 AS 08.68.850;