

HOUSE CS FOR CS FOR SENATE BILL NO. 115(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 5/10/24

Referred: Rules

Sponsor(s): SENATORS TOBIN BY REQUEST, Giessel, Gray-Jackson, Hughes, Dunbar

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; **and**

13 **(5) hours of practice experience, if any, that a physician assistant**
14 **must complete under a collaborative agreement to practice in a practice area that**

is substantively different than the physician assistant's previous practice areas; the board may not require that a physician assistant complete more than 4,000 hours under this paragraph, in addition to the hours required under (c) and (f) of this section, to practice in a new practice area without a collaborative agreement.

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

(b) A physician assistant may

(1) perform a comprehensive health history and physical examination of a patient;

(2) evaluate, diagnose, manage, and treat disease and injury;

(3) order, perform, and interpret diagnostic studies and therapeutic procedures in compliance with regulations adopted under AS 08.64.106;

(4) educate patients on health promotion and disease prevention;

(5) provide consultation upon request;

(6) write medical orders;

(7) supervise and delegate therapeutic and diagnostic measures to licensed or unlicensed personnel, in compliance with regulations adopted under AS 08.64.106;

(8) request, receive, and sign for professional samples and distribute professional samples to patients;

(9) authenticate by signature, certification, stamp, verification, affidavit, or endorsement a document that a physician would be authorized to authenticate by signature, certification, stamp, verification, affidavit, or endorsement;

(10) prescribe, dispense, order, administer, and procure drugs and medical devices;

(11) prescribe, dispense, order, and administer a schedule II, III, IV, or V controlled substance under federal law if the physician assistant has a valid federal Drug Enforcement Administration registration number; and

(12) plan and initiate a therapeutic regimen that includes ordering and prescribing non-pharmacological interventions, including durable medical equipment, nutrition, blood, blood products, home health care, hospice, physical or occupational therapy, and other diagnostic support services.

(c) Unless additional hours are required under (a)(5) or (f) of this section, a physician assistant with less than 6,000 hours of practice experience may practice only under a collaborative agreement in a hospital, clinic, or other clinical setting in which the physician assistant works with a collaborating physician to provide patient care. The collaborating physician shall oversee the performance, practice, and activities of the physician assistant, and the physician assistant must be able to communicate during work hours, in person or by telephone or another telecommunications device, with the collaborating physician. The collaborative agreement must

- (1) be in writing;
- (2) be between a physician assistant and a collaborating physician who practices in each of the practice areas of the physician assistant;
- (3) describe the practice areas of the physician assistant and the collaborating physician;
- (4) describe how collaboration will occur in accordance with this chapter;
- (5) describe the methods to be used for evaluating the physician assistant's competency, knowledge, and skills;
- (6) establish that the physician assistant and collaborating physician have knowledge of the physician assistant's qualifications and limitations in caring for patients;
- (7) require the physician assistant to consult with the collaborating physician while remaining responsible for care provided by the physician assistant; and
- (8) require the collaborating physician to give direction and guidance to the physician assistant.

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

(e) A physician assistant and collaborating physician shall maintain a record on a form provided by the department of the number of hours of practice experience obtained by the physician assistant. The form must include the

1 (1) area of practice specialty of the collaborating physician; and

2 (2) hours completed by practice type.

3 (f) Upon the physician assistant's completion of 4,000 hours of practice
4 experience, additional hours required under (a)(5) of this section, or additional hours
5 required under this subsection, the collaborating physician shall attest on a form
6 provided by the department that the physician assistant is competent to practice
7 without supervision. If the collaborating physician determines that the physician
8 assistant is not competent to practice without supervision, the board shall require that
9 the physician assistant practice under a collaborative agreement for additional hours,
10 as determined by the board.

11 (g) A physician assistant is entitled to a hearing conducted by the board to
12 appeal a determination by a collaborating physician that the physician assistant is not
13 competent to practice without supervision. The physician assistant may appeal an
14 adverse decision of the board to a court of competent jurisdiction. The board or court
15 may reverse the collaborating physician's determination that the physician assistant is
16 not competent to practice without supervision if the board or court finds that the
17 collaborating physician's determination was arbitrary and capricious or without just
18 cause.

19 (h) The board shall randomly audit three percent of the physician assistants
20 licensed under this section to assess each physician assistant's compliance with the
21 requirements of this chapter.

22 (i) Before a physician assistant may provide services under this section, the
23 physician assistant must inform the patient that the services will be performed by a
24 physician assistant.

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

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

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

31 (1) a physician assistant may examine, diagnose, or treat persons as

1 **authorized in AS 08.64.107** [UNDER THE SUPERVISION, CONTROL, AND
 2 RESPONSIBILITY OF EITHER A PHYSICIAN LICENSED UNDER THIS
 3 CHAPTER OR A PHYSICIAN EXEMPTED FROM LICENSING UNDER
 4 AS 08.64.370];

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

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

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

10 (20) "practitioner" means

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

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

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

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

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

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

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

(4) imposes a practice, education, or collaboration requirement on physician assistants that is inconsistent with or more restrictive than the requirements imposed under AS 08.64.107 or a regulation adopted by the State Medical Board.

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

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

(A) a licensed medical doctor;

(B) a licensed doctor of osteopathy;

(C) a licensed dentist or dental surgeon;

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

(E) a licensed advanced practice registered nurse; or

(F) a licensed chiropractor;

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

(10) "health care provider" means

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

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

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