

CS FOR SENATE BILL NO. 44(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 3/29/19

Referred: Finance

Sponsor(s): SENATOR GIESSEL BY REQUEST

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 **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)** [(c)] 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.

14 * **Sec. 5.** This Act takes effect March 1, 2020.