

SENATE CS FOR HOUSE BILL NO. 280(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 5/12/18

Referred: Second Supplemental Calendar

Sponsor(s): REPRESENTATIVE JOSEPHSON

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the termination date of the Board of Marital and Family Therapy;
2 relating to the State Medical Board; relating to the licensing of physicians, osteopaths,
3 and podiatrists; relating to the practice of medicine; relating to the practice of podiatry;
4 relating to the practice of osteopathy; and providing for an effective date."

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

6 * **Section 1.** AS 08.03.010(c)(11) is amended to read:

7 (11) Board of Marital and Family Therapy (AS 08.63.010) - June 30,
8 2026 [2018];

9 * **Sec. 2.** AS 08.64.101 is amended to read:

10 **Sec. 08.64.101. Duties.** The board shall

11 (1) except as provided in regulations adopted by the board under
12 (b) of this section, examine and issue licenses to applicants;

13 (2) develop written guidelines to ensure that licensing requirements are
14 not unreasonably burdensome and the issuance of licenses is not unreasonably

1 withheld or delayed;

2 (3) after a hearing, impose disciplinary sanctions on persons who
3 violate this chapter or the regulations or orders of the board;

4 (4) adopt regulations ensuring that renewal of licenses is contingent on
5 proof of continued competency on the part of the licensee;

6 (5) under regulations adopted by the board, contract with private
7 professional organizations to establish an impaired medical professionals program to
8 identify, confront, evaluate, and treat persons licensed under this chapter who abuse
9 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

10 (6) adopt regulations that establish guidelines for a physician who is
11 rendering a diagnosis, providing treatment, or prescribing, dispensing, or
12 administering a prescription drug to a person without conducting a physical
13 examination under AS 08.64.364; the guidelines must include a nationally recognized
14 model policy for standards of care of a patient who is at a different location than the
15 physician;

16 (7) require that a licensee who has a federal Drug Enforcement
17 Administration registration number register with the controlled substance prescription
18 database under AS 17.30.200(o).

19 * **Sec. 3.** AS 08.64.101 is amended by adding a new subsection to read:

20 (b) The board may adopt regulations authorizing

21 (1) the executive secretary to grant a license to an applicant under this
22 chapter; the regulations must provide

23 (A) that the applicant meet the requirements provided under
24 this chapter;

25 (B) that the executive secretary may not grant a license under
26 this chapter if the applicant has submitted

27 (i) a list of one or more negotiated settlements and
28 judgments under AS 08.64.200(a)(3);

29 (ii) information that the applicant had a license to
30 practice medicine in another state, country, province, or territory that
31 was suspended or revoked under AS 08.64.200(a)(4); or

1 (iii) information that requires consideration by the
2 board;

3 (C) other requirements that the board determines necessary;
4 and

5 (2) a member of the board, the executive secretary, or a person
6 designated by the board to issue a temporary permit under AS 08.64.270(a) or
7 08.64.275(a) if the applicant meets the requirements established under this chapter.

8 * **Sec. 4.** AS 08.64 is amended by adding a new section to read:

9 **Sec. 08.64.106. Delegation of routine medical duties.** The board shall adopt
10 regulations authorizing a physician, podiatrist, osteopath, or physician assistant
11 licensed under this chapter to delegate routine medical duties to an agent of the
12 physician, podiatrist, osteopath, or physician assistant. The regulations must

13 (1) require that an agent who is not licensed under this chapter may
14 perform duties delegated under this section only if the agent meets applicable
15 standards established by the board;

16 (2) require that a physician, podiatrist, osteopath, or physician assistant
17 may not delegate duties related to pain management and opioid use and addiction; and

18 (3) define the phrase "routine medical duties."

19 * **Sec. 5.** AS 08.64.170(a) is amended to read:

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

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

25 (2) a mobile intensive care paramedic may render emergency
26 lifesaving service; [AND]

27 (3) a person who is licensed or authorized under another chapter of this
28 title may engage in a practice that is authorized under that chapter; **and**

29 **(4) a person may perform routine medical duties delegated under**
30 **AS 08.64.106.**

31 * **Sec. 6.** AS 08.64.190 is amended to read:

1 **Sec. 08.64.190. Contents of application.** The application must state the name,
 2 age, residence, [THE DURATION OF RESIDENCE,] the time spent in medical or
 3 osteopathy study, the place, year, and school in which degrees were granted, the
 4 applicant's medical work history, and other information the board considers necessary.
 5 The application shall be made under oath. The board may verify information in the
 6 application through direct contact with the appropriate schools, medical boards, or
 7 other agencies that can substantiate the information.

8 * **Sec. 7.** AS 08.64.230(a) is amended to read:

9 (a) If a physician applicant passes the examination and meets the requirements
 10 of AS 08.64.200 and 08.64.255, the board **or its executive secretary** shall grant a
 11 license to the applicant to practice medicine in the state.

12 * **Sec. 8.** AS 08.64.230(b) is amended to read:

13 (b) If an osteopath applicant passes the examination and meets the
 14 requirements of AS 08.64.205 and 08.64.255, the board **or its executive secretary**
 15 shall grant a license to the applicant to practice osteopathy in the state.

16 * **Sec. 9.** AS 08.64.270(a) is amended to read:

17 (a) The board, **a member of the board, the executive secretary, or a person**
 18 **designated by the board to issue temporary permits** may issue a temporary permit
 19 to a physician applicant, osteopath applicant, or podiatry applicant who meets the
 20 requirements of AS 08.64.200, 08.64.205, 08.64.209, or 08.64.225 and pays the
 21 required fee.

22 * **Sec. 10.** AS 08.64.275(a) is amended to read:

23 (a) A member of the board, [OR] its executive secretary, **or a person**
 24 **designated by the board to issue temporary permits** may grant a temporary permit
 25 to a physician or osteopath for the purpose of

26 (1) substituting for another physician or osteopath licensed in this
 27 state;

28 (2) being temporarily employed by a physician or osteopath licensed in
 29 this state while that physician or osteopath evaluates the permittee for permanent
 30 employment; or

31 (3) being temporarily employed by a hospital or community mental

1 health center while the facility attempts to fill a vacant permanent physician or
2 osteopath staff position with a physician or osteopath licensed in this state.

3 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
6 Economic Development and the State Medical Board may adopt regulations necessary to
7 implement the changes made by this Act. The regulations take effect under AS 44.62
8 (Administrative Procedure Act), but not before the effective date of the relevant provision of
9 this Act implemented by the regulation.

10 * **Sec. 12.** Sections 1 and 11 of this Act take effect immediately under AS 01.10.070(c).

11 * **Sec. 13.** Except as provided in sec. 12 of this Act, this Act takes effect January 1, 2019.