

**CS FOR SENATE BILL NO. 3006(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - THIRD SPECIAL SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 9/9/21

Referred: Today's Calendar

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to utilization review requirements; making temporary changes to state**  
2 **law in response to the novel coronavirus disease; relating to telemedicine and telehealth;**  
3 **relating to background checks; and providing for an effective date."**

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

5 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 PURPOSE. The purpose of this Act is to provide for mitigation measures that enhance  
8 the state's ongoing efforts to reduce the spread of the novel coronavirus disease (COVID-19).

9 \* **Sec. 2.** AS 21.06.080 is amended by adding a new subsection to read:

10 (f) During a recognized federal or state public health disaster or emergency,  
11 the director may order health care insurers to waive utilization review requirements,  
12 including preauthorization requirements for medical services, concurrent review for  
13 inpatient hospital services, retrospective review of inpatient and outpatient services,  
14 emergency services and payment of claims, and requirements for placements of policy

1 holders in postacute facilities. In this subsection, "utilization review" has the meaning  
 2 given in AS 21.07.250.

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

5 TELEMEDICINE AND TELEHEALTH. (a) Notwithstanding any other provision of  
 6 law, the provisions of AS 08.64.170 and AS 08.68.160 do not apply to a health care provider  
 7 that is providing treatment, rendering a diagnosis, or prescribing, dispensing, or administering  
 8 a prescription, excluding a controlled substance listed in AS 11.71.140 - 11.71.190, through  
 9 telehealth as defined in AS 47.05.270(e), without first conducting an in-person physical  
 10 examination, if

11 (1) the health care provider is licensed, permitted, or certified to provide  
 12 health care services in another jurisdiction and is in good standing in the jurisdiction that  
 13 issued the license, permit, or certification;

14 (2) the health care services provided without an in-person physical  
 15 examination are within the health care provider's authorized scope of practice in the  
 16 jurisdiction that issued the health care provider's license, permit, or certification;

17 (3) in the event that the health care provider determines that the encounter will  
 18 extend beyond the scope of practice or scope of services described in this section, the health  
 19 care provider advises the patient that the health care provider is not authorized to provide the  
 20 services to the patient, recommends that the patient contact a health care provider licensed in  
 21 the state, and terminates the encounter.

22 (b) The amount charged by a health care provider for services provided under this  
 23 section must be reasonable and consistent with the ordinary fees typically charged for that  
 24 service and may not be more than the ordinary fees typically charged for that service. A health  
 25 care provider that is required to terminate an encounter under (a)(3) of this section may not  
 26 charge for any services provided during the encounter.

27 (c) In this section, "health care provider" has the meaning given in AS 18.15.395 and  
 28 includes a person that provides behavioral health care services.

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

31 BACKGROUND CHECKS; APPLICABILITY. Notwithstanding any other provision

1 of law, a hospital or nursing facility may employ a person without obtaining a background  
2 check from the Department of Health and Social Services if the hospital or nursing facility

3 (1) provides sufficient information to the Department of Health and Social  
4 Services attesting to the hiring process for each person employed at the facility and confirms  
5 that a background check has been conducted as part of the hiring process; and

6 (2) not later than July 1, 2022, obtains a background check from the  
7 Department of Health and Social Services for each person hired by the hospital or nursing  
8 facility between the effective date of this Act and July 1, 2022.

9 \* **Sec. 5.** Sections 3 and 4 of this Act are repealed July 1, 2022.

10 \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).