

CS FOR SENATE BILL NO. 78(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 4/21/21

Referred: Labor & Commerce

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to telehealth."**

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

3 * **Section 1.** AS 08.15 is amended by adding a new section to read:

4 **Sec. 08.15.045. Telehealth.** (a) A person licensed under this chapter may
5 practice behavior analysis through telehealth as defined in AS 47.05.270(e). A person
6 licensed to practice behavior analysis in another jurisdiction may practice behavior
7 analysis through telehealth with a patient in this state if the person's license is in good
8 standing in that jurisdiction.

9 (b) If a person licensed to practice behavior analysis determines in the course
10 of a telehealth encounter with a patient that the encounter will extend beyond the
11 licensee's authorized scope of practice, the licensee shall advise the patient that the
12 licensee is not authorized to provide the services to the patient, recommend that the
13 patient contact an appropriate provider, and terminate the encounter. The licensee may
14 not charge for services provided during an encounter described in this subsection.

15 (c) A fee for a service provided through telehealth under this section must be

1 reasonable and may not exceed the ordinary fees typically charged for that service.

2 * **Sec. 2.** AS 08.29 is amended by adding a new section to article 3 to read:

3 **Sec. 08.29.240. Telehealth.** (a) A person licensed under this chapter may
4 practice professional counseling through telehealth as defined in AS 47.05.270(e). A
5 person licensed to practice professional counseling in another jurisdiction may
6 practice professional counseling through telehealth with a client in this state if the
7 person's license is in good standing in that jurisdiction.

8 (b) If a person licensed to practice professional counseling determines in the
9 course of a telehealth encounter with a client that the encounter will extend beyond the
10 scope of practice or scope of services permitted under (a) of this section, the licensee
11 shall advise the client that the licensee is not authorized to provide the services to the
12 client, recommend that the client contact an appropriate provider, and terminate the
13 encounter. The licensee may not charge for services provided during an encounter
14 described in this subsection.

15 (c) A fee for a service provided through telehealth under this section must be
16 reasonable and may not exceed the ordinary fees typically charged for that service.

17 * **Sec. 3.** AS 08.63 is amended by adding a new section to read:

18 **Sec. 08.63.250. Telehealth.** (a) A person licensed under this chapter may
19 practice marital and family therapy through telehealth as defined in AS 47.05.270(e).
20 A person licensed to practice marital and family therapy in another jurisdiction may
21 practice marital and family therapy through telehealth with a client in this state if the
22 person's license is in good standing in that jurisdiction.

23 (b) If a person licensed to practice marital and family therapy determines in
24 the course of a telehealth encounter with a client that the encounter will extend beyond
25 the scope of practice or scope of services permitted under (a) of this section, the
26 licensee shall advise the client that the licensee is not authorized to provide the
27 services to the client, recommend that the client contact an appropriate provider, and
28 terminate the encounter. The licensee may not charge for services provided during an
29 encounter described in this subsection.

30 (c) A fee for a service provided through telehealth under this section must be
31 reasonable and may not exceed the ordinary fees typically charged for that service.

1 * **Sec. 4.** AS 08.64.170(a) is amended to read:

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

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

7 (2) a mobile intensive care paramedic may render emergency
8 lifesaving service;

9 (3) a person who is licensed or authorized under another chapter of this
10 title may engage in a practice that is authorized under that chapter; [AND]

11 (4) a person may perform routine medical duties delegated under
12 AS 08.64.106; **and**

13 **(5) a person may provide treatment, render a diagnosis, or**
14 **prescribe, dispense, or administer a prescription, excluding a controlled**
15 **substance listed under AS 11.71.140 - 11.71.190, as authorized under**
16 **AS 08.64.175.**

17 * **Sec. 5.** AS 08.64 is amended by adding a new section to read:

18 **Sec. 08.64.175. Telehealth.** (a) A health care provider may provide treatment,
19 render a diagnosis, or prescribe, dispense, or administer a prescription, excluding a
20 controlled substance listed under AS 11.71.140 - 11.71.190, through telehealth as
21 defined in AS 47.05.270(e), without first conducting an in-person physical
22 examination, if

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

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

29 (3) in the event that the health care provider determines that the
30 encounter will extend beyond the scope of practice or scope of services described in
31 this section, the health care provider advises the patient that the health care provider is

1 not authorized to provide the services to the patient, recommends that the patient
2 contact a health care provider licensed in the state, and terminates the encounter.

3 (b) The amount charged by a health care provider for services provided under
4 this section must be reasonable and may not exceed the ordinary fees typically charged
5 for that service. A health care provider who is required to terminate an encounter
6 under (a)(3) of this section may not charge for any services provided during the
7 encounter.

8 (c) In this section, "health care provider" means a person who is licensed,
9 permitted, or certified to practice medicine, podiatry, or osteopathy in this or another
10 jurisdiction.

11 * **Sec. 6.** AS 08.68.160 is amended to read:

12 **Sec. 08.68.160. License required.** A person practicing or offering to practice
13 registered, advanced practice registered, or practical nursing in the state shall submit
14 evidence of qualification to practice and shall be licensed under this chapter, **except**
15 **that a person practicing or offering to practice registered, advanced practice**
16 **registered, or practical nursing may provide treatment, render a diagnosis, or**
17 **prescribe, dispense, or administer a prescription, excluding a controlled**
18 **substance listed under AS 11.71.140 - 11.71.190, as authorized under**
19 **AS 08.68.163.**

20 * **Sec. 7.** AS 08.68 is amended by adding a new section to read:

21 **Sec. 08.68.163. Telehealth.** (a) A nurse may provide treatment, render a
22 diagnosis, or prescribe, dispense, or administer a prescription, excluding a controlled
23 substance listed under AS 11.71.140 - 11.71.190, through telehealth as defined in
24 AS 47.05.270(e), without first conducting an in-person physical examination, if

25 (1) the nurse is licensed, permitted, or certified to practice in another
26 jurisdiction and is in good standing in the jurisdiction that issued the license, permit,
27 or certification;

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

31 (3) in the event that the nurse determines that the encounter will extend

1 beyond the scope of practice or scope of services described in this section, the nurse
 2 advises the patient that the nurse is not authorized to provide the services to the
 3 patient, recommends that the patient contact a health care provider licensed in the
 4 state, and terminates the encounter.

5 (b) The amount charged by a nurse for services provided under this section
 6 must be reasonable and may not exceed the ordinary fees typically charged for that
 7 service. A nurse who is required to terminate an encounter under (a)(3) of this section
 8 may not charge for any services provided during the encounter.

9 (c) In this section, "nurse" means a person who is licensed, permitted, or
 10 certified to practice registered, advanced practice registered, or practical nursing in
 11 this or another jurisdiction.

12 * **Sec. 8.** AS 08.86 is amended by adding a new section to article 6 to read:

13 **Sec. 08.86.225. Telehealth.** (a) A psychologist or psychological associate
 14 licensed under this chapter may practice psychology or provide psychological
 15 services, as applicable, through telehealth as defined in AS 47.05.270(e). A person
 16 licensed to practice psychology or provide psychological services in another
 17 jurisdiction may practice psychology or provide psychological services through
 18 telehealth with a client in this state if the person's license is in good standing in that
 19 jurisdiction.

20 (b) If a person licensed to practice psychology or provide psychological
 21 services determines in the course of a telehealth encounter with a client that the
 22 encounter will extend beyond the scope of practice or scope of services permitted
 23 under (a) of this section, the licensee shall advise the client that the licensee is not
 24 authorized to provide the services to the client, recommend that the client contact an
 25 appropriate provider, and terminate the encounter. The licensee may not charge for
 26 services provided during an encounter described in this subsection.

27 (c) A fee for a service provided through telehealth under this section must be
 28 reasonable and may not exceed the ordinary fees typically charged for that service.