

SENATE BILL NO. 89

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATORS TOBIN, Gray-Jackson, Giessel, Hughes

Introduced: 2/7/25

Referred: Health and Social Services. Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to physician assistants; relating to collaborative agreements between
2 physicians and physician assistants; relating to the practice of medicine; relating to
3 health care providers; and relating to provisions regarding physician assistants in
4 contracts between certain health care providers and health care insurers."

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

6 * **Section 1.** AS 08.64.010 is amended to read:

7 **Sec. 08.64.010. Creation and membership of State Medical Board.** The
8 governor shall appoint a board of medical examiners, to be known as the State
9 Medical Board, consisting of five physicians licensed in the state and residing in as
10 many separate geographical areas of the state as possible, one physician assistant
11 licensed in the state [UNDER AS 08.64.107], and two persons with no direct
12 financial interest in the health care industry.

13 * **Sec. 2.** AS 08.64.107 is repealed and reenacted to read:

14 **Sec. 08.64.107. Scope of practice of physician assistants; collaborative**

1 **agreements.** (a) The board shall adopt regulations establishing

2 (1) acts within the practice of medicine, osteopathy, and podiatry that
3 physician assistants may perform; the regulations must, at a minimum, allow physician
4 assistants to perform acts that physician assistants are generally educated and trained
5 to perform by accredited physician assistant programs described in AS 08.64.206(1);
6 the regulations may not allow a physician assistant to perform surgery or operate on a
7 human without assistance;

8 (2) requirements for a physician assistant to practice a new specialty;
9 and

10 (3) methods of periodic assessment that a collaborating physician may
11 use to evaluate a physician assistant.

12 (b) Except as provided in (d) of this section, a physician assistant with less
13 than 4,000 hours of postgraduate clinical experience may practice only under a
14 collaborative agreement maintained with the employer of the physician assistant. The
15 collaborative agreement must

16 (1) be in writing;

17 (2) require a collaborating physician to oversee the performance,
18 practice, and activities of the physician assistant;

19 (3) describe the methods of periodic assessment the collaborating
20 physician will use to evaluate the physician assistant's competency, knowledge, and
21 skills; and

22 (4) describe each specialty in which the physician assistant is obtaining
23 clinical experience under the collaborative agreement.

24 (c) If a physician assistant is practicing in a remote area, a collaborating
25 physician may oversee the physician assistant under (b)(2) of this section by providing
26 the physician assistant with direct telephonic, electronic, or video access to the
27 collaborating physician or another senior health care provider.

28 (d) A physician assistant shall notify the board if the physician assistant begins
29 practicing in a new specialty. If the board determines that the new specialty requires
30 the physician assistant to obtain additional hours of postgraduate clinical experience,
31 the physician assistant may practice only under a collaborative agreement maintained

1 with the employer of the physician assistant until the hours of postgraduate clinical
2 experience required under this subsection and (b) of this section are obtained.

3 (e) A physician assistant shall provide a copy of the collaborative agreement
4 to the board. Upon obtaining the hours of postgraduate clinical experience required
5 under (b) and (d) of this section, the physician assistant shall notify the board and
6 attest to the number of hours of postgraduate clinical experience obtained by the
7 physician assistant on a form provided by the board.

8 (f) The board may not require a physician assistant to obtain hours of
9 postgraduate clinical experience in excess of the 4,000 hours required under (b) of this
10 section and the additional hours required when practicing a new specialty under (d) of
11 this section.

12 * **Sec. 3.** AS 08.64 is amended by adding a new section to read:

13 **Sec. 08.64.206. Qualifications for physician assistant applicants.** Each
14 physician assistant applicant shall meet the qualifications prescribed in
15 AS 08.64.200(a)(3) - (5) and shall submit

16 (1) a certificate of graduation obtained from a physician assistant
17 program accredited, at the time of graduation, by

18 (A) the American Medical Association's Committee on Allied
19 Health Education and Accreditation or the Commission on Accreditation of
20 Allied Health Education Programs if the applicant graduated before January 1,
21 2001; or

22 (B) the Accreditation Review Commission on Education for the
23 Physician Assistant if the applicant graduated on or after January 1, 2001;

24 (2) proof of current certification issued by the National Commission on
25 Certification of Physician Assistants;

26 (3) proof of receiving a passing score on the physician assistant
27 national certifying examination offered by the National Commission on Certification
28 of Physician Assistants;

29 (4) proof of any hours of postgraduate clinical experience obtained by
30 the applicant, including the specialties in which those hours were obtained.

31 * **Sec. 4.** AS 08.64.230 is amended by adding a new subsection to read:

(d) If a physician assistant applicant passes the examination and meets the requirements of AS 08.64.206 and 08.64.255, the board or its executive secretary shall grant a license to the applicant to practice the acts within the practice of medicine, osteopathy, and podiatry, as determined by the board under AS 08.64.107(a).

* **Sec. 5.** AS 08.64.250(a) is amended to read:

(a) The board may waive the examination requirement and license by credentials if the physician, osteopath, physician assistant, or podiatry applicant meets the requirements of AS 08.64.200, 08.64.205, 08.64.206, or 08.64.209, submits proof of continued competence as required by regulation, pays the required fee, and has

(1) an active license from a board of medical examiners established under the laws of a state or territory of the United States or a province or territory of Canada issued after thorough examination; or

(2) passed an examination as specified by the board in regulations.

* **Sec. 6.** AS 08.64.270(a) is amended to read:

(a) The board, a member of the board, the executive secretary, or a person designated by the board to issue temporary permits may issue a temporary permit to an [A PHYSICIAN APPLICANT, OSTEOPATH APPLICANT, OR PODIATRY] applicant who meets the requirements of AS 08.64.200, 08.64.205, 08.64.206, 08.64.209, or 08.64.225 and pays the required fee.

* **Sec. 7.** AS 08.64.275(a) is amended to read:

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

(1) substituting for another physician, [OR] osteopath, or physician assistant licensed in this state;

(2) being temporarily employed by a physician, [OR] osteopath, or physician assistant licensed in this state while that physician, [OR] osteopath, or physician assistant evaluates the permittee for permanent employment; or

(3) being temporarily employed by a hospital or community mental health center while the facility attempts to fill a vacant permanent physician, [OR]

osteopath, or physician assistant staff position with a physician, [OR] osteopath, or physician assistant licensed in this state.

* **Sec. 8.** AS 08.64.275 is amended by adding a new subsection to read:

(g) A physician assistant applying under (a) of this section shall pay the required fee and shall meet the requirements of AS 08.64.206 and 08.64.279. In addition, the physician assistant shall submit evidence of holding a license to practice in a state or territory of the United States or in a province or territory of Canada.

* **Sec. 9.** AS 08.64.312(c) is amended to read:

(c) The board or its designee may exempt a physician, osteopath, [OR] podiatrist, or physician assistant from the requirements of (b) of this section upon an application by the physician, osteopath, [OR] podiatrist, or physician assistant giving evidence satisfactory to the board or its designee that the physician, osteopath, [OR] podiatrist, or physician assistant is unable to comply with the requirements because of extenuating circumstances. However, a person may not be exempted from more than 15 hours of continuing education in a five-year period; a person may not be exempted from the requirement to receive at least two hours of education in pain management and opioid use and addiction unless the person has demonstrated to the satisfaction of the board that the person does not currently hold a valid federal Drug Enforcement Administration registration number.

* **Sec. 10.** AS 08.64.326(a) is amended to read:

(a) The board may impose a sanction if the board finds after a hearing that a licensee

(1) secured a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation while providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted, including conviction based on a guilty plea or plea of nolo contendere, of

(A) a class A or unclassified felony or a crime in another jurisdiction with elements similar to a class A or unclassified felony in this

jurisdiction;

(B) a class B or class C felony or a crime in another jurisdiction with elements similar to a class B or class C felony in this jurisdiction if the felony or other crime is substantially related to the qualifications, functions, or duties of the licensee; or

(C) a crime involving the unlawful procurement, sale, prescription, or dispensing of drugs;

(5) has procured, sold, prescribed, or dispensed drugs in violation of a law regardless of whether there has been a criminal action or harm to the patient;

(6) intentionally or negligently permitted the performance of patient care by persons under the licensee's supervision that does not conform to minimum professional standards even if the patient was not injured;

(7) failed to comply with this chapter, a regulation adopted under this chapter, or an order of the board;

(8) has demonstrated

(A) professional incompetence, gross negligence, or repeated negligent conduct; the board may not base a finding of professional incompetence solely on the basis that a licensee's practice is unconventional or experimental in the absence of demonstrable physical harm to a patient;

(B) addiction to, severe dependency on, or habitual overuse of alcohol or other drugs that impairs the licensee's ability to practice safely;

(C) unfitness because of physical or mental disability;

(9) engaged in unprofessional conduct, in sexual misconduct, or in lewd or immoral conduct in connection with the delivery of professional services to patients; in this paragraph, "sexual misconduct" includes sexual contact, as defined by the board in regulations adopted under this chapter, or attempted sexual contact with a patient outside the scope of generally accepted methods of examination or treatment of the patient, regardless of the patient's consent or lack of consent, during the term of the physician-patient relationship, as defined by the board in regulations adopted under this chapter, unless the patient was the licensee's spouse at the time of the contact or, immediately preceding the physician-patient relationship, was in a dating, courtship,

1 or engagement relationship with the licensee;

2 (10) has violated AS 18.16.010;

3 (11) has violated any code of ethics adopted by regulation by the
4 board;

5 (12) has denied care or treatment to a patient or person seeking
6 assistance from the **licensee** [PHYSICIAN] if the only reason for the denial is the
7 failure or refusal of the patient to agree to arbitrate as provided in AS 09.55.535(a);

8 (13) has had a license or certificate to practice medicine in another
9 state or territory of the United States, or a province or territory of Canada, denied,
10 suspended, revoked, surrendered while under investigation for an alleged violation,
11 restricted, limited, conditioned, or placed on probation unless the denial, suspension,
12 revocation, or other action was caused by the failure of the licensee to pay fees to that
13 state, territory, or province; or

14 (14) prescribed or dispensed an opioid in excess of the maximum
15 dosage authorized under AS 08.64.363.

16 * **Sec. 11.** AS 08.64.334 is amended to read:

17 **Sec. 08.64.334. Voluntary surrender.** The board, at its discretion, may accept
18 the voluntary surrender of a license. A license may not be returned unless the board
19 determines, under regulations adopted by it, that the licensee is competent to resume
20 practice. However, a license may not be returned to the licensee if the voluntary
21 surrender resulted in the dropping or suspension of civil or criminal charges against
22 the physician **or physician assistant**.

23 * **Sec. 12.** AS 08.64.336(a) is amended to read:

24 (a) A physician **or physician assistant** who professionally treats a person
25 licensed to practice medicine or osteopathy in this state for alcoholism or drug
26 addiction, or for mental, emotional, or personality disorders, shall report [IT] to the
27 board if there is probable cause that the person may constitute a danger to the health
28 and welfare of that person's patients or the public if that person continues in practice.
29 The report must state the name and address of the person and the condition found.

30 * **Sec. 13.** AS 08.64.336(e) is amended to read:

31 (e) A physician, **physician assistant**, hospital, hospital committee, or private

professional organization contracted with under AS 08.64.101(a)(5) to identify, confront, evaluate, and treat individuals licensed under this chapter who abuse addictive substances that in good faith submits a report under this section or participates in an investigation or judicial proceeding related to a report submitted under this section is immune from civil liability for the submission or participation.

* **Sec. 14.** AS 08.64.336(f) is amended to read:

(f) A physician, physician assistant, or hospital may not refuse to submit a report under this section or withhold from the board or its investigators evidence related to an investigation under this section on the grounds that the report or evidence

(1) concerns a matter that was disclosed in the course of a confidential physician-patient or psychotherapist-patient relationship or during a meeting of a hospital medical staff, governing body, or committee that was exempt from the public meeting requirements of AS 44.62.310; or

(2) is required to be kept confidential under AS 18.23.030.

* **Sec. 15.** AS 08.64.360 is amended to read:

Sec. 08.64.360. Penalty for practicing without a license or in violation of law. Except for [A PHYSICIAN ASSISTANT OR] a person licensed or authorized under another law of the state who engages in practices for which that person is licensed or authorized under that law, a person practicing medicine or osteopathy in the state without a valid license or permit is guilty of a class A misdemeanor. Each day of illegal practice is a separate offense.

* **Sec. 16.** AS 08.64.370 is amended to read:

Sec. 08.64.370. Exceptions to application of chapter. This chapter does not apply to

(1) officers in the regular medical service of the armed services of the United States or the United States Public Health Service while in the discharge of their official duties;

(2) a physician, [OR] osteopath, or physician assistant licensed in another state who is asked by a physician, [OR] osteopath, or physician assistant licensed in this state to help in the diagnosis or treatment of a case, unless the physician, osteopath, or physician assistant is practicing under AS 08.02.130(b);

(3) the practice of the religious tenets of a church;

(4) a physician or physician assistant in the regular medical service of the United States Public Health Service or the armed services of the United States volunteering services without pay or other remuneration to a hospital, clinic, medical office, or other medical facility in the state;

(5) a person who is certified as a direct-entry midwife by the department under AS 08.65 while engaged in the practice of midwifery whether or not the person accepts compensation for those services;

(6) a physician or physician assistant licensed in another state who, under a written agreement with an athletic team located in the state in which the physician or physician assistant is licensed, provides medical services to members of the athletic team while the athletic team is traveling to or from or participating in a sporting event in this state.

* **Sec. 17.** AS 08.64.380(6) is amended to read:

(6) "practice of medicine" or "practice of osteopathy" means [:]

(A) for a fee, donation, or other consideration, to diagnose, treat, operate on, prescribe for, or administer to [,] any human ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition; or to attempt to perform or represent that a person is authorized to perform any of the acts set out in this subparagraph;

(B) to use or publicly display a title in connection with a person's name, including "doctor of medicine," "physician," "M.D.," [OR] "doctor of osteopathic medicine," [OR] "D.O.," "physician assistant," or "P.A." or a specialist designation including "surgeon," "dermatologist," or a similar title in such a manner as to show that the person is willing or qualified to diagnose or treat the sick or injured;

* **Sec. 18.** AS 08.64.380(7) is amended to read:

(7) "practice of podiatry" means the medical, mechanical, and surgical treatment of ailments of the foot, the muscles and tendons of the leg governing the functions of the foot, and superficial lesions of the hand other than those associated with trauma; the use of preparations, medicines, and drugs as are necessary for the

1 treatment of these ailments; the treatment of the local manifestations of systemic
2 diseases as they appear in the hand and foot, except that

3 (A) a patient shall be concurrently referred to a physician, [OR]
4 osteopath, or physician assistant for the treatment of the systemic disease
5 itself;

6 (B) general anaesthetics may be used only in colleges of
7 podiatry approved by the board and in hospitals approved by the joint
8 commission on the accreditation of hospitals, or the American Osteopathic
9 Association; and

10 (C) the use of X-ray or radium for therapeutic purposes is not
11 permitted.

12 * **Sec. 19.** AS 11.71.900(20) is amended to read:

13 (20) "practitioner" means

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

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

24 * **Sec. 20.** AS 13.52.390(31) is amended to read:

25 (31) "physician assistant" means an individual licensed as a physician
26 assistant under AS 08.64 [AS 08.64.107].

27 * **Sec. 21.** AS 18.08.089(a) is amended to read:

28 (a) A mobile intensive care paramedic licensed under this chapter, a physician
29 assistant registered or licensed under AS 08.64 [AS 08.64.107], or an emergency
30 medical technician certified under this chapter may make a determination and
31 pronouncement of death of a person under the following circumstances:

(1) the mobile intensive care paramedic or emergency medical technician is an active member of an emergency medical service certified under this chapter;

(2) neither a physician licensed under AS 08.64 nor a physician exempt from licensure under AS 08.64 is immediately available for consultation by radio or telephone communications;

(3) the mobile intensive care paramedic, physician assistant, or emergency medical technician has determined, based on acceptable medical standards, that the person has sustained irreversible cessation of circulatory and respiratory functions.

* **Sec. 22.** AS 21.07.010(b) is amended to read:

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

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

(2) requires the provider to contract for all products that are currently 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 or a regulation adopted by the State Medical Board.

* **Sec. 23.** 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):

1 (A) a licensed medical doctor;

2 (B) a licensed doctor of osteopathy;

3 (C) a licensed dentist or dental surgeon;

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

7 (E) a licensed advanced practice registered nurse; or

8 (F) a licensed chiropractor;

9 * **Sec. 24.** AS 33.30.901(10) is amended to read:

10 (10) "health care provider" means

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

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

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

17 * **Sec. 25.** AS 08.64.170(a)(1) is repealed.