

**ALASKA STATE MEDICAL BOARD
Fiscal Year 2021 Annual Report**

Legislation Recommendations Proposed Legislation for FY 2022

No Recommendations

The Board has no recommendations for proposed legislation at this time.

Recommendations

The Board has the following recommendations for proposed legislation:

1. The Board identified AS 17.30.200 overly restrictive as it pertains to the ability to assign delegates to access the PDMP on behalf of the licensed practitioner. The Board recommends amending AS 17.30.200 (d) (3) to allow for more flexibility with respect to assigning delegates as follows:

AS 17.30.200 (d) (3) a licensed practitioner having authority to prescribe controlled substances or an agent or employee of the practitioner whom the practitioner has authorized to access the database on the practitioner's behalf, to the extent the information relates specifically to a current patient of the practitioner to whom the practitioner is prescribing or considering prescribing a controlled substance [THE AGENDT OR EMPLOYEE MUST BE LICENSED OR REGISTERD UNDER AS 08.]

(Words [CAPITALIZED AND BRACKETED] indicate language being deleted. Words **bolded and underlined** indicate language being added.)

2. To improve efficiencies for Board members to communicate with the Department, the Board recommends to allow communication under AS 08.01.087(b) via email or text, as follows:

AS 08.01.087 (b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or a provision of AS 43.70, or a provision of this title or regulation adopted under this title dealing with an occupation or board listed in AS 08.01.010, the commissioner may, if the commissioner considers it in the public interest, and after notification of a proposed order or action by telephone, **text, or email** [FACSIMILE] to all board members, if a board regulates the act or practice involved, unless a majority of the members of the board object within 10 days.

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Regulation Recommendations Proposed Legislation for FY 2022

No Recommendations

The Board has no recommendations for proposed regulations at this time.

Recommendations

The Board has the following recommendations for proposed regulations:

1. The Board recommends to make permanent the emergency regulations approved by the Board effective June 10, 2021 related to expanded language and flexibility for defining a public health emergency and the use of telemedicine to provide medication assisted treatment for opioid use disorder under 12 AAC 40.943 (b).
2. The Board recommends allowing for increased flexibility and modifications to the existing Physician Assistant Collaborative Agreement process beginning with allowing Physician Assistants to temporarily suspend collaborative agreements with a supervising physician while working outside of the designated practice community or region of the supervising physician.

The board passed a motion to amend 12 AAC. 40.430 (i) to modify the requirement for monthly direct personal contact between the physician assistant and the primary or alternate collaborating physician who share a collaborative to only during the period in which the physician assistant is actively practicing under the collaborative plan.

3. To streamline and make the approval and implementation process of the Pharmacist Cooperative Agreement more efficient, the Board passed a motion to amend 12 AAC 40.983 (k) such that the Board of Pharmacy will no longer be required to approve Physician-Pharmacy Cooperative Agreements.

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Goals and Objectives

Part I

FY 2021's goals and objectives, and how they were met:

- 1. The Board will ensure it addresses all findings reported in the 2019 sunset audit.***

The Board successfully addressed all findings reported in the 2019 Legislative Sunset Audit. See Sunset Audit Recommendations section (below) for more details.

- 2. The Board will work with the Board of Pharmacy and other health care related programs within the Division that interact with the PDMP to reframe the PDMP as a tool to improve patient care.***

The Division instituted monthly meetings of the health care board chairs to foster relationships and coordination related to PDMP compliance strategies amongst the different boards. A legislative subgroup is being formed to collaboratively identify recommended statutory changes to be presented during the 2022 Legislative session.

- 3. The Board will continue to evaluate the impact and effectiveness of current statutes and regulations, as well as recent emergency regulations, and the need to revise outdated regulations and/or new regulations.***

Regulation changes addressed during this year are listed under previous sections of this report. This remains an ongoing goal. As the health care industry rebounds and stabilizes after being consumed with responding to emergency issues related to the pandemic, the expectation is that the Board will be able to assume a systematic review of current statutes and regulations.

- 4. The Board will annually review and update its disciplinary guidelines and its policies and procedures.***

To comport with the new regulations implemented by the Board regarding the requirement of licensees to register with the PDMP within 30 days after licensure, the Board revised its disciplinary guidelines and policy and procedures with respect to sanctions for failure to register with the PDMP within the 30-day deadline. Instead of imposing a \$1000 fine for each violation, the Board decided upon a graduated civil fine schedule, beginning with a \$250 fine. At its June 3, 2021 meet, the Board reviewed and explored raising the civil fines for facilities who fail to report a loss of hospital privileges or other actions taken against a physician.

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Goals and Objectives (continued)

Part I (continued)

FY 2021's goals and objectives, and how they were met:

5. *The Board will gather information about the interstate medical licensure compact, nine basic criteria, and determine next steps. The Board plans to reach out to FSMB and boards in other jurisdictions to gain insight on the pros and cons of this licensure compact.*

The Board made no progress on this goal and intends to retain this goal for FY22.

6. *The Board will continue to be involved with the Federation of State Medical Boards and its affiliated organizations and require Board members and staff to attend their meetings and activities.*

The board chair and secretary attended the annual virtual House of Delegates meeting and participate in quarterly meetings. The FSMB continues to be a valued resource for guidance and support for addressing new and emerging challenges or policy issues in the medical profession.

7. *The Board will improve communication and outreach efforts with licensees and the public.*

Division staff updated online applications and attempted to keep up to date COVID-19 response information current on the Board websites. The Board's website was updated timely to reflect board business including meeting dates, agendas and minutes. This item will remain a priority goal for next year.

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Goals and Objectives

Part II

FY 2022's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

In the coming year, the Board plans to evaluate board functions and administrative processes to identify areas where further efficiencies may be implemented. Areas of focus include: 1) reducing the processing time for initial applications, including creating an expedited process for temporary licensure; 2) reviewing statutes and regulations for relevancy to today's practices; 3) collaborating with the Board of Pharmacy to enhance Physician-Pharmacist Cooperative Plans and processes, and to recommend statutory changes related to the prescription drug monitoring program; and 4) strengthening outreach and communication with licensees, the legislature and the public.

- 1. The Board will continue to evaluate the impact and effectiveness of current and new statutes and regulations, and the need to revise outdated regulations and/or new regulations especially as they relate to the initial application and licensing processes.***

Key objectives include 1) reducing the processing time for initial applications; 2) creating an expedited process for temporary licensure and military spouses; 3) reviewing and developing new streamlined processes for Physician Assistant Collaborative Plans and Pharmacist Cooperative Plans.

- 2. The Board will continue to work with the Board of Pharmacy and other health care related programs within the Division that interact with the PDMP to reframe the PDMP as a tool to improve patient care.***

The board chair and executive administrator will participate in monthly meetings of the health care board chairs and legislative to help identify and draft a white paper related to recommended statutory changes to be presented during the 2022 Legislative session.

- 3. The Board will gather information about the interstate medical licensure compact and determine next steps. The Board will draft a white paper on the pros and cons of a medical licensure compact for Alaska to present to the legislature.***

- 4. The Board will continue to be involved with the Federation of State Medical Boards and its affiliated organizations and require Board members and staff to attend their meetings and activities.***

The board chair, secretary and executive administrator will attend annual virtual House of Delegates meeting and participate in quarterly meetings.

- 5. The Board will improve communication and outreach efforts with licensees, the public and the legislature.***

Strategies will include 1) ensuring the Medical Board webpage is kept current with relevant information, updated forms, and FAQ's; 2) revitalizing and enhancing the use of the Listserv to promote timely updates to licensees Medical Board statute, regulation and policy changes.

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Sunset Audit Recommendations

Date of Last Legislative Audit: April 26, 2019
Board Sunset Date: June 30, 2023

Audit Recommendation:	The board should adopt regulations to provide guidance for registering with the controlled substance prescription database.
Action Taken:	The board adopted revised regulations, (effective 3/7/21) to require licensees with a DEA number to register in the controlled substance prescription database within 30 days of licensure. (12 AAC 40.450(a); 12 AAC 40.976)
Next Steps:	N/A
Date Completed:	March 7, 2021

Audit Recommendation:	The Board should develop procedures to ensure licensees with a Drug Enforcement Administration (DEA) number register in the controlled substance prescription database.
Action Taken:	The Board adopted a new Policy and Procedure during the Feb 18-19, 2021 meeting related to ensuring licensees with a Drug Enforcement Administration number register with the controlled substance prescription database. The P&P was submitted to Legislative audit, revised and reissued in March 2021, based on feedback from the auditors. Additional actions taken included editing and updating all online license applications to clearly highlight and articulate the PDMP registration requirement for Alaska licensees. Edits were also made to applications to streamline the fee process so that both the license and PDMP registration fee can be paid at the same time.
Next Steps:	Continue to monitor compliance and ensure staff follow the established procedures. Evaluate effectiveness to determine if revisions are necessary.
Date Completed:	February 2021/Ongoing

Sunset Audit Recommendations (continued)

Audit Recommendation:	The board chair should work with DCCED's Director of the Division of Corporations, Business, and Professional Licensing's to establish and implement procedures to ensure the board reports disciplinary actions in accordance with state law.
Action Taken:	The Division's Investigations Unit developed and implemented new procedures in January 2020 for reporting to the FSMB – "Case Closure and Disciplinary Action Reporting" (INV SOP 6).
Next Steps:	Continue to monitor compliance to ensure timely reporting of the imposition of civil fines and board actions.
Date Completed:	November 2019/Ongoing