



Notice of adoption of emergency regulation on telemedicine in the regulations of the Alaska State Medical Board

Emergency Regulation - FAQ

June 2021

1. What is the purpose of the emergency regulation? What will this regulation do?

The State Medical Board (Board) finds that an emergency exists under AS 44.62.250 and that an emergency regulation change is necessary to 12 AAC 40.943, dealing with standards of practice for telemedicine, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

The amendment is necessary to continue to allow the use of telemedicine to provide medication assisted treatment for opioid use disorders and avoid a negative health impact on the public by decreasing access to treatment during the public health emergency caused by the COVID-19 pandemic.

This emergency regulation will allow providers to prescribe a controlled substance, Buprenorphine through telemedicine for the treatment of opioid use disorder without the presence of an in-person provider in a public health or emergency situation. This regulation will align with the new language for HB 76 to expand the manner for which public health emergency may be declared to include a declaration by the governor, the commissioner of DHSS or during an emergency impacting all or part of the state.

2. What is the demonstrated public need or purpose of this emergency regulation?

Public testimony during the May 27, 2021 Board meeting demonstrated that the pandemic continues to limit patient access to in-person treatment and has exacerbated the opioid use emergency. There is a critical need for the ability to prescribe buprenorphine to new and existing patients in order to save lives from opioid overdose deaths.

3. What positive consequences may this emergency regulation have on public or private people?

Positive consequences include the ability for providers to quickly get life-saving treatment to individuals at risk or overdose and death and who do not have access to an in-person provider.

4. What are the costs to comply with the emergency regulation?

None known.

5. When will the emergency regulation be effective?

On June 3, 2021, the Board adopted the emergency regulation. The emergency regulation took effect on June 10, 2021, and will expire October 7, 2021 unless made permanent by the Board. The Board intends to make the emergency regulation permanent.

6. When will the emergency regulation be permanent?

After the public comment deadline, comments received are compiled and given to the Board for consideration. The Board may adopt the emergency regulation to be made permanent as written/publicly noticed, may amend and adopt them, choose to take no action and expire on the 120th day (October 7, 2021), or may withdraw the emergency regulation in part or in its whole. After Board action, the adopted permanent regulations go to Department of Law (DOL) for final review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it goes to the Lt. Governor for permanent filing.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.