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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Amy Demboski  
Department of Commerce Community and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor  
465.4081

A handwritten signature in blue ink, likely belonging to April Simpson, is written over the "FROM:" line.

**DATE:** May 12, 2020

**RE:** Filed Emergency Regulations: State Medical Board

State Medical Board emergency regulations re: telemedicine during a public health emergency - Amended (12 AAC 40.943)

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Attorney General File:	Emergency Regulations
Regulation Filed:	5/12/2020
Effective Date:	5/5/2020
Expiration Date:	September 1, 2020 unless made permanent by the adopting agency
Print:	234, July 2020

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis  
Sher Zinn, Regulations Specialist

FINDING OF EMERGENCY

The State Medical Board finds that an emergency exists and that the attached regulation changes are necessary to 12 AAC 40.943, dealing with telemedicine, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

The recent regulation allowing the initiation of medication assisted treatment via telemedicine was found too restrictive and an amendment was necessary to avoid a negative health impact on the public by decreasing access to and engagement with treatment during this public health emergency caused by the COVID-19 pandemic.

ORDER CERTIFYING ADOPTION

I certify that the State Medical Board, under the authority of AS 08.64.100, AS 08.64.101, and AS 08.64.364, adopted at its May 7, 2020 teleconference meeting the attached two pages of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: 5/11/2020  
Juneau, Alaska

Alysia D. Jones Digitally signed by Alysia D. Jones  
Date: 2020.05.11 16:30:27 -08'00'

Alysia Jones, Executive Administrator  
State Medical Board

*April Simpson for*

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on May  
12<sup>th</sup>, 2020, at 1:42 p.m., I filed the attached regulations according to the provisions of AS 44.62.

*for* *Kevin Meyer*  
Kevin Meyer, Lieutenant Governor

Effective: May 5, 2020

Register: 234, July 2020

Expires September 1<sup>st</sup> 2020  
unless made "permanent"  
by the adopting agency

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



*K-Meyer*  
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**KEVIN MEYER  
LIEUTENANT GOVERNOR**

EMERGENCY REGULATIONS

Register 234, July 2020 PROFESSIONAL REGULATIONS

Chapter 40. State Medical Board.

12 AAC 40.943 is amended to read:

**12 AAC 40.943. Standard of practice for telemedicine.** (a) The guiding principles for telemedicine practice in the American Medical Association (AMA), *Report 7 of the Council on Medical Service (A-14), Coverage of and Payment for Telemedicine*, dated 2014, and the Federation of State Medical Boards (FSMB), *Model Policy for the Appropriate Use of Telemedicine Technologies in the Practice of Medicine*, dated April 2014, are adopted by reference as the standards of practice when providing treatment, rendering a diagnosis, prescribing, dispensing, or administering a prescription or controlled substance without first conducting an in-person physical examination under AS 08.64.364.

**(b) During a public health emergency disaster declared by the governor of this state under AS 26.23.020, an appropriate licensed health care provider need not be present with the patient to assist a physician or physician assistant with examination, diagnosis, and treatment if the physician or physician-assistant is prescribing, dispensing, or administering buprenorphine to initiate treatment for opioid use disorder and the physician or physician assistant**

**(1) is a Drug Addiction Treatment Act (DATA) waived practitioner;**

**(2) documents all attempts to conduct a physical examination under AS 08.64.364(b) and the reason why the examination cannot be performed; and**

**(3) requires urine or oral toxicology screening as part of the patient's medication adherence plan.** (Eff. 10/8/2017, Register 224; am 515 / 2020, Register

234)

**EMERGENCY REGULATIONS**

Register 234, July 2020 **PROFESSIONAL REGULATIONS**

**Authority:** AS 08.64.100 AS 08.64.101 AS 08.64.364