



## **Notice of Proposed Regulations for Telemedicine Practice for Audiologists, Speech-Language Pathologists, and Speech-Language Pathology Assistants**

### **Proposed Regulations - FAQ**

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*April 2019*

#### **1. Why are new regulations being proposed?**

In 2016 SB 74 was passed in the legislature giving certain licensed healthcare providers authority to perform telemedicine services. The changes made by the legislature are found in AS 08.11.080(b), 08.11.083(b), and 08.11.085(b).

The proposed regulations are being implemented to outline the requirements for the licensee in performing telemedicine services.

#### **2. What are the new regulations being proposed?**

##### **12 AAC 07.020-**

The regulations being proposed outline what the requirements are for performing telemedicine services.

##### **12 AAC 07.030-**

###### **Subsection (a)**

The regulations under this subsection require the licensee to document that they have requested consent from the patient to send all records of the telemedicine services to the patient's primary care provider. The patient does not have to give consent to send the records to the patient's primary care provider, but this must be documented in the patient's records.

###### **Subsection (b)**

If the patient does give consent to send the records to the patient's primary care provider, the consent must be in writing and signed by the patient or the patient's legal guardian.

##### **12 AAC 07.040-**

This subsection is for defining the terms used for the telemedicine services under subsection (a) of the regulation.

### **3. Is there a fee or special license or permit to perform telemedicine services?**

No, the licensee must only be currently licensed with the division, and perform the telemedicine services as required by the new proposed regulations. The licensee does not need to notify the department of the telemedicine services, but must keep documentation in the patient's file of the services provided.

However, a business that performs telemedicine must have a business license and must be registered under the Telemedicine Business Registry with the division. For more information go to the business registry website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/TelemedicineBusinessRegistry.aspx>

### **4. What is telemedicine services?**

Telemedicine services is defined in AS 44.33.381(c)(2), see below. This statute is referred to in the proposed regulations under 12 AAC 07.040(4).

(c)(2) "telemedicine services" means the delivery of health care services using the transfer of medical data through audio, visual, or data communications that are performed over two or more locations by a provider who is physically separated from the recipient of the health care services.

### **5. Where did the new regulations originate from?**

The new statutes give the department authority to adopt regulations to implement telemedicine services. Many of the new proposed regulations were taken from the American Speech-Language Hearing Association (ASHA) recommendations for "telepractice".

Do you have a question that is not answered here? Please email [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov) so it can be added.