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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

DATE: June 10, 2021

RE: Filed Emergency Regulations: State Medical Board

State Medical Board Emergency Regulations re: standards of practice for telemedicine
(12 AAC 40.943(b))

Attorney General File:	Emergency Regulations
Regulation Filed:	6/10/2021
Effective Date:	6/10/2021
Expiration Date:	October 7, 2021 unless made permanent by the adopting agency
Print:	239, October 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

FINDING OF EMERGENCY

The State Medical 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.

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 June 3, 2021 videoconference 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: 6/4/2021
Juneau, Alaska

Natalie Norberg
Natalie Norberg, Executive Administrator
State Medical Board

April Simpson for
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on June 10, 2021 at 2:18 p.m., I filed the attached regulation according to the provisions of AS 44.62.

Kevin Meyer
Kevin Meyer, Lieutenant Governor

Effective: June 10, 2021
Register: 239, October 2021

Expires October 7, 2021
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 REGULATION

Register 239, October 2021 PROFESSIONAL REGULATIONS

Chapter 40. State Medical Board.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 40.943(b) is amended to read:

(b) During a **public health** [DISASTER] emergency declared by the governor **or**
commissioner of health and social services, or an emergency as defined in (c) of this section,

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 **or**
continue treatment for opioid use disorder and the physician or physician assistant

(1) is a waived practitioner under 21 U.S.C 823(g)(2) (Drug Addiction Treatment Act (DATA));

(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 the reason why**
another health care provider cannot be present with the patient; and

(3) requires urine or oral toxicology screening as part of the patient's medication adherence plan.

12 AAC 40.943 is amended by adding a new subsection to read:

(c) In this section, "emergency" means a health crisis affecting all or part of the state when circumstances prohibit another licensed health care provider's presence with the patient. (Eff. 10/8/2017, Register 224; am 5/5/2020, Register 234; am 9/20/2020, Register 235;

EMERGENCY REGULATION

Register 239, October 2021 PROFESSIONAL REGULATIONS

am 6 / 10 / 2021, Register 239)

Authority: AS 08.64.100 AS 08.64.101 AS 08.64.364