



## ALASKA

### What is the definition of “telemedicine” or “telehealth”?

“Telemedicine means the practice of health care delivery, evaluation, diagnosis, consultation, or treatment, using the transfer of medical data through audio, video, or data communications that are engaged in over two or more locations between providers who are physically separated from the patient or from each other.”

[ALASKA ADMIN. CODE tit. 7, § 12.499\(22\).](#)

Alaska’s Medical Assistance (Medicaid) statute defines the term “telehealth” to mean “the practice of health care delivery, evaluation, diagnosis, consultation, or treatment, using the transfer of health care data through audio, visual, or data communications, performed over two or more locations between providers who are physically separated from the recipient or from each other or between a provider and a recipient who are physically separated from each other.”

[ALASKA STAT. § 47.05.270\(e\).](#)

## PSYCHIATRISTS

### Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Alaska licensure is required, with limited exceptions.

Alaska’s Medical Practice Act provides that its provisions (including its physician licensure requirements) do not apply to “a physician or osteopath who is not a resident of [Alaska], who is asked by a physician or osteopath licensed in [Alaska] to help in the diagnosis or treatment of a case. . . .”

[ALASKA STAT. § 08.64.370\(2\).](#)

However, this statutory consultation exception to the licensure requirement is limited by Alaska State Medical Board Guidelines, which provide the following:

In order to provide care for a patient in the State of Alaska (including reading and interpreting films, samples, or images, or otherwise diagnosing), an out-of-state physician must be licensed by the Alaska State Medical Board. This requirement also applies to second opinions if the physician is charging a fee for providing the opinion. The only exception is for a “curbside” opinion given as a courtesy to a colleague (a licensed physician) for which there is no charge.



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[Alaska State Medical Board, Policies and Procedures, Board Issued Guidelines: Telemedicine \(last revised Aug. 2017\).](#)

Telemedicine may be practiced legally in the state as long as the physician holds a “current, active license issued by the Alaska State Medical Board.”

[Alaska State Medical Board, Policies and Procedures, Board Issued Guidelines: Telemedicine \(last revised Aug. 2017\).](#)

In order to provide telemedicine services, a business must be registered with the Alaska Department of Commerce, Community, and Economic Development’s telemedicine business registry.

[ALASKA STAT. § 44.33.381.](#)

Does a psychiatrist have prescribing authority? If so, under what conditions/limits may a psychiatrist prescribe via telemedicine/telehealth?

Generally, it is considered unprofessional conduct under Alaska’s State Medical Board regulations for a physician to prescribe, dispense, or furnish a prescription medication to a person without first conducting a physical examination of that person, unless the physician has a patient-physician relationship with the person. Furthermore, physicians are prohibited from “providing treatment, rendering a diagnosis, or prescribing medications based solely on a patient-supplied history” received via telephone, facsimile, or electronic format.

[ALASKA ADMIN. CODE tit. 12, §§ 40.967\(27\) & \(29\).](#)

However, Alaska’s newly enacted Telemedicine Law states the following:

The board may not impose disciplinary sanctions on a physician for rendering a diagnosis, providing treatment, or prescribing, dispensing, or administering a prescription drug that is not a controlled substance to a person without conducting a physical examination if:

- (1) the physician or another licensed health care provider or physician in the physician's group practice is available to provide follow-up care; and
- (2) the physician requests that the person consent to sending a copy of all records of the encounter to the person's primary care provider if the prescribing physician is not the person's primary care provider, and, if the patient consents, the physician sends the records to the person's primary care provider.



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### [ALASKA STAT. § 08.64.364\(a\).](#)

[A] physician may not (1) prescribe, dispense, or administer an abortion-inducing drug under [this section] unless the physician complies with AS 18.16.010; or (2) prescribe, dispense, or administer a prescription drug in response to an Internet questionnaire or electronic mail message to a person with whom the physician does not have a prior physician-patient relationship.

### [ALASKA STAT. § 08.64.364\(d\).](#)

What are the acceptable modalities (e.g., telephone, video) for the practice of psychiatry via telemedicine/telehealth that meet the standard of care for the state?

The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if the licensee

- (1) or another licensed health care provider is available to provide follow-up care;
- (2) requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and
- (3) meets the requirements established by the board in regulation.

### [ALASKA STAT. § 08.84.120\(c\).](#)

## PSYCHOLOGISTS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Telemedicine may be practiced legally in the state as long as the physician holds a "current, active license issued by the Alaska State Medical Board."

[Alaska State Medical Board, Policies and Procedures, Board Issued Guidelines: Telemedicine \(last revised Aug. 2017\).](#)



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In order to provide telemedicine services, a business must be registered with the Alaska Department of Commerce, Community, and Economic Development's telemedicine business registry.

[ALASKA STAT. § 44.33.381.](#)

What are the acceptable modalities (e.g., telephone, video) for the practice of psychology via telemedicine/telehealth that meet the standard of care for the state?

The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if:

- (1) the licensee or another licensed health care provider is available to provide follow-up care;
- (2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and
- (3) the licensee meets the requirements established by the board in regulation.

[ALASKA STAT. § 08.86.204\(c\).](#)

## SOCIAL WORKERS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

In order to provide telemedicine services, a business must be registered with the Alaska Department of Commerce, Community, and Economic Development's telemedicine business registry.

[ALASKA STAT. § 44.33.381.](#)



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What are the acceptable modalities (e.g., telephone, video) for the practice of social work via telemedicine/telehealth that meet the standard of care for the state?

The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if:

- (1) the licensee or another licensed health care provider is available to provide follow-up care;
- (2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and
- (3) the licensee meets the requirements established by the board in regulation.

[ALASKA STAT. § 08.95.050\(b\).](#)

## COUNSELORS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Alaska licensure is required.

The Alaska Board of Professional Counselors' website states the following:

The Board's position is that to provide services to Alaskans, you should be licensed in Alaska. They support the AASCB [(American Ass'n of State Counseling Boards)] stand that, if you have a patient in a state you should be licensed in that state. Per our statutes, we do not have practice protection, but one cannot represent them self as a Licensed Professional Counselor in Alaska if they are not an LPC licensed in the state of Alaska.

[State of Alaska, Department of Commerce, Community, and Economic Development, Corporations, Business & Professional Licensing, Board of Professional Counselors, \*Distance Counseling\* \(statement cited as being from minutes of Board's Jan. 2011 meeting\).](#)



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The website further states the following:

08.29.100. Unlicensed use of title prohibited.

(a) A person who is not licensed under this chapter may not

(1) profess to be a licensed professional counselor, a professional counselor, or a licensed counselor; or

(2) make use of a title, words, letters, or abbreviations that may reasonably be confused with the title of 'licensed professional counselor,' 'professional counselor,' or 'licensed counselor.'

[State of Alaska, Department of Commerce, Community, and Economic Development, Corporations, Business & Professional Licensing, Board of Professional Counselors, Distance Counseling.](#)

In order to provide telemedicine services, a business must be registered with the Alaska Department of Commerce, Community, and Economic Development's telemedicine business registry.

[ALASKA STAT. § 44.33.381.](#)

What are the acceptable modalities (e.g., telephone, video) for the practice of counseling via telemedicine/telehealth that meet the standard of care for the state?

The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if:

(1) the licensee or another licensed health care provider is available to provide follow-up care;

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and

(3) the licensee meets the requirements established by the board in regulation.

[ALASKA STAT. § 08.29.400\(b\).](#)



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### MARRIAGE/FAMILY THERAPISTS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

The Alaska Board of Marital and Family Therapy's website states the following:

Anyone considering utilizing e-therapy, or on-line therapy needs to know that if you are living in Alaska and receiving e-therapy, or on-line therapy, from a therapist outside of Alaska, there is no process available for the regulation of that therapist. Please inquire with the therapist as to their credentials and license.

[State of Alaska, Department of Commerce, Community, and Economic Development, Corporations, Business & Professional Licensing, Board of Marital & Family Therapy, Notice Regarding e-Therapy.](#)

In order to provide telemedicine services, a business must be registered with the Alaska Department of Commerce, Community, and Economic Development's telemedicine business registry.

[ALASKA STAT. § 44.33.381.](#)

What are the acceptable modalities (e.g., telephone, video) for the practice of marriage/family therapy via telemedicine/telehealth that meet the standard of care for the state?

The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if:

- (1) the licensee or another licensed health care provider is available to provide follow- up care;
- (2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and
- (3) the licensee meets the requirements established by the board in regulation.

[ALASKA STAT. § 08.63.210\(c\).](#)



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### ADVANCED PRACTICE REGISTERED NURSES (APRNs)

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

In order to provide telemedicine services, a business must be registered with the Alaska Department of Commerce, Community, and Economic Development's telemedicine business registry.

[ALASKA STAT. § 44.33.381.](#)

Does an APRN have prescribing authority? If so, under what conditions/limits may an APRN prescribe via telemedicine/telehealth?

Yes, but an Advanced Nurse Practitioner ("ANP") seeking to prescribe must apply for and obtain authorization to prescribe from the Alaska Board of Nursing (Nurse Practitioners also may apply for controlled substance prescriptive and dispensing authority for controlled substances in Schedules II-V).

[ALASKA ADMIN. CODE tit. 12, §§ 44.440 & 44.445.](#)

### MINORS

What are the requirements/restrictions regarding the provision of telemental/telebehavioral/telepsychiatric health services to minors?

The Alaska Board of Professional Counselors recommends as guidance the National Board for Certified Counselors, Inc. ("NBCC") Internet Counseling Guidelines, which state that counselors must first "determine if a client is a minor and therefore in need of parental/guardian consent."

[National Board for Certified Counselors, Inc., The Practice of Internet Counseling](#) (cited on [State of Alaska, Department of Commerce, Community, and Economic Development, Corporations, Business & Professional Licensing, Board of Professional Counselors, Distance Counseling](#)).





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### CONTROLLED SUBSTANCES

What are the requirements/laws governing the prescribing of “controlled” substances”?

The Alaska Board of Pharmacy has established a controlled substance prescription database, which “may not be shared with the federal government.”

[ALASKA STAT. § 17.30.200\(d\).](#)