

Nancy Dahlstrom
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Velma Thomas, Department of Labor and Workforce Development

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: July 24, 2023

RE: Filed Permanent Regulations: Department of Labor and Workforce Development
Department of Labor and Workforce Development Workers' Comp regulations re:
Fishermen's Fund Advisory & Appeals Council Benefits (8 AAC 55)

Attorney General File:	2023200015
Regulation Filed:	7/24/2023
Effective Date:	8/23/2023
Print:	247, October 2023

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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Juneau, Alaska 99811
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July 17, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *8 AAC 55: Dept of Labor Workers' Comp - Fishermen's Fund Advisory & Appeals Council Benefits*

Our file: 2023200015

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Labor and Workforce Development/Fishermen's Fund Advisory and Appeals Council against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The adoption of the regulations was certified by the Department of Labor and Workforce Development after the close of the public comment period.

The regulations concern claims for benefits from the Fishermen's Fund under AS 23.35.

The March 10, 2023 public notice and the June 19, 2023 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2023.07.17
14:28:25 -08'00'

RCP/scw

CC w/enclosure: Velma Thomas, Regulation Contact
Department of Labor and Workforce Development

Ned Brasington, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The attached 3 pages of regulations, dealing with Fishermen's Fund benefits, are adopted and certified to be a correct copy of the regulation changes that within the Department of Labor and Workforce Development, Workers' Compensation Division, under Fishermen's Fund Advisory and Appeals Council adopted at its November 15, 2022 meeting, under the authority of AS 23.35.030 and AS 23.35.050 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Fishermen's Fund Advisory and Appeals Council paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date:

6/19/23


Catherine Muñoz, Acting Commissioner

April Simpson for Nancy Dankstrom

FILING CERTIFICATION

I, [name of lieutenant governor], Lieutenant Governor for the State of Alaska, certify that on July 24, 2023 at 2:50 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


for Lieutenant Governor Nancy Dankstrom

Effective: August 23, 2023

Register: 29th, October 2023

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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:

April Simpson, Regulations and Initiatives Specialist

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Register 247, October, 2023

8 AAC 55.010(d)(1) is amended to read:

(1) the fisherman receives initial treatment **not** [NO] later than 120 days after the date of injury; **the initial treating provider shall submit a Physician's Report (Form 07-6126), unless the department accepts an alternate format that provides the same data in a form that the department can easily use;**

8 AAC 55.010(f) is amended to read:

(f) The department may require information regarding insurance coverage, including an insurance benefits statement, and may hold a claim in abeyance pending the receipt of required information. **Insurance benefit statements must be received by the department not later than 180 days after a fisherman receives an inquiry seeking clarification.**

(Eff. 3/8/74, Register 49; am 4/11/81, Register 78; am 7/28/93, Register 127; am 3/22/2003, Register 165; am 7/13/2012, Register 203; am 5/21/2021, Register 238; am 8 / 23 / 2023, Register 247)

Authority:	AS 23.35.050	AS 23.35.100	AS 23.35.150
	AS 23.35.070	AS 23.35.145	

8 AAC 55.020(a) is amended to read:

8 AAC 55.020. Claim proceedings. (a) A claim against the fund is commenced by filing an application with the department [,] on a **Fishermen's Report of Injury/Illness & Claim (Form 07-6125)** [FORM PRESCRIBED BY THE DEPARTMENT].

(Eff. 3/28/74, Register 49; am 4/11/81, Register 78; am 9/10/98, Register 147; am 12/30/99,

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Register 152; am 7/13/2012, Register 203; am 8 / 23 / 2023, Register 247)

Authority: AS 23.35.040 AS 23.35.050 AS 23.35.070

8 AAC 55.025 is amended by adding a new subsection to read:

(d) To request reimbursement of a vessel owner protection and indemnity deductible payment, the vessel owner must file a petition on a Vessel Owner Request for P&I Deductible Reimbursement (Form 07-6178) not later than two years after the date a fisherman covered by the protection and indemnity policy sustains an injury. (Eff. 7/13/2012, Register 203; am 8 / 23 / 2023, Register 247)

Authority: AS 23.35.040 AS 23.35.090 AS 23.35.130
AS 23.35.050 AS 23.35.100 AS 23.35.140
AS 23.35.070

8 AAC 55 is amended by adding a new section to read

8 AAC 55.045. Reimbursement for medical transportation and lodging expenses.

(a) This section applies to medical transportation and lodging expenses paid by the injured commercial fisherman who is receiving or has received medical treatment. All reimbursement requests must be substantiated by payment receipts.

(b) Transportation expenses include

(1) reimbursement for mileage, at a rate for the use of a private automobile equal to the Internal Revenue Service standard mileage rate for reimbursement of travel expenses on the given date if the usage is related to the medical examination or treatment;

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(2) the actual fare for public transportation, if reasonably incident to the medical examination or treatment; and

(3) ambulance service or other special means of transportation if substantiated by competent medical evidence.

(c) It is the responsibility of the injured commercial fisherman to use the most reasonable and efficient means of transportation under the circumstances.

(d) Lodging expenses include a reasonable amount for lodging purchased when obtaining necessary medical treatment and related to the medical examination or treatment.

(Eff. 8 / 23 / 2023, Register 247)

Authority:	AS 23.35.050	AS 23.35.100	AS 23.35.150
	AS 23.35.070	AS 23.35.145	