Byron Mallott Lieutenant Governor State Capitol Juneau, Alaska 99811 907.465.3520 465.5400 Fax WWW.LTGOV.ALASKA.GOV



530 West 7<sup>th</sup> Ave, Suite 1700 Anchorage, Alaska 99501 907.269.7460 269.0263 LT.GOVERNOR@ALASKA.GOV

### OFFICE OF THE LIEUTENANT GOVERNOR ALASKA

### MEMORANDUM

TO:	Jun Maiquis Department of Commerce, Community and Economic Development	
FROM:	Scott Meriwether, Office of the Lieutenant Governor	
DATE:	July 25, 2016	
RE:	Filed Permanent Regulations: Department of Commerce, Community, & Economic Development Regulations re: occupational licensing fees for department-regulated audiologists, speech-language pathologists, speech-language pathologist assistants, and hearing aid dealers (12 AAC 02.130)	
	Attorney General File:	JU2016200464
	Regulation Filed:	July 25, 2016

Print: 219, October 2016

Effective Date:

cc with enclosures:	osures: Linda Miller, Department of Law	
	Micaela Fowler, Department of Commerce, Community & Economic	
Development		
	Dianne Blumer, Administrative Regulation Review Committee	
	Judy Herndon, LexisNexis	

August 24, 2016

### ORDER ADOPTING CHANGES TO REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

The attached two pages of regulations, dealing with occupational licensing fees for audiologists, hearing aid dealers, speech-language pathologists, and speechlanguage pathologist assistants, are adopted and certified to be a correct copy of the regulation changes that the Department of Commerce, Community, and Economic Development adopts under the authority of AS 08.01.065, AS 08.11.010, AS 08.11.020, AS 08.11.050, AS 08.55.010, and AS 08.55.040 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.

In considering public comments, the Department of Commerce, Community, and Economic Development paid special attention to the cost to private persons of the regulatory action being taken.

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

11,2016 DATE: Jungau, Alaska

Janey Hovenden, Director Division of Corporations, Business and Professional Licensing

Laire Richardson for FILING CERTIFICATION I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on \_\_\_\_\_\_\_\_, 2016 at \_\_\_\_\_\_\_\_, I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Register: 219, October 2016. Effective:





GOVERNOR BILL WALKER

### Department of Commerce, Community, and Economic Development

OFFICE OF THE COMMISSIONER

P.O. Box 110800 Juneau, Alaska 99811-0800 Main: 907.465.2500 Programs fax: 907.465.5442

### ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

### **Delegation of Authority**

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations, outside of the Division of Corporations, Business and Professional Licensing (CBPL), but for the Department of Commerce, Community, and Economic Development (DCCED), under the Alaska Administrative Procedure Act, is hereby delegated to:

> Micaela Fowler Legislative Liaison Office of the Commissioner DCCED P.O. Box 110800 Juneau, AK 99811-0800 907-465-2503 micach fowlertralaska gov

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations of the Division of Corporations, Business and Professional Licensing, under the Alaska Administrative Procedure Act, is hereby delegated to:

Janey Hovenden Director CBPL DCCED P.O. Box 110806 Juneau, AK 99811-0806 907-465-2538 Department of Commerce, Community, and Economic Development Office of the Commissioner Page 2

This Delegation of Authority will remain in effect until modified or revoked by a subsequent delegation. This Delegation supersedes and revokes all delegations preceding it.

Dated the 16<sup>th</sup> day of March, 2015

Chris Hladick Commissioner Department of Commerce, Community, and Economic Development

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

I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

Claire Richardson, Special Assistant

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7<sup>th</sup> 2015.

BYRON MALLOTT LIEUTENANT GOVERNOR



### Register 219, October 2016 PROFESSIONAL REGULATIONS

### Chapter 02. General Occupational Licensing Functions.

12 AAC 02.130 is amended to read:

### 12 AAC 02.130. Audiologists, hearing aid dealers, speech-language pathologists, and

**speech-language pathologist assistants.** The following fees are established for audiologists, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants:

(1) application fee for initial license or registration, <u>\$150</u> [\$50];

(2) temporary license fee for audiologists or speech-language pathologists, \$100

[\$25];

(3) audiologist or speech-language pathologist license fee for all or part of the initial biennial license period, <u>\$150</u> [\$25];

(4) biennial audiologist or speech-language pathologist license renewal fee, <u>\$150</u>
 [\$25];

(5) hearing aid dealer license fee for all or part of the initial biennial license period, <u>\$150</u> [\$100];

(6) hearing aid dealer biennial license renewal fee, <u>\$150</u> [\$100];

(7) delinquent fee for delayed renewal, \$50;

(8) speech-language pathologist assistant registration fee for all or part of the

initial biennial registration period, **§100** [\$25];

(9) biennial speech-language pathologist assistant registration renewal fee, <u>\$100</u>
[\$25]. (Eff. 9/27/86, Register 99; am 10/1/88, Register 107; am 5/28/93, Register 126; am 9/11/94, Register 131; am 8/29/98, Register 147; am 11/14/99, Register 152; am 8/10/2000, Register 155; am 10/12/2000, Register 156; am 8/26/2004, Register 171; am 1/20/2005, Register

1

## Register 219 October 2016 PROFESSIONAL REGULATIONS

173; am 7/20/2006, Register 179; am 8 / 24 / 2016, Register 219) Authority: AS 08.01.065 AS 08.11.010 AS 08.11.050 AS 08.11.050 AS 08.11.025 AS 08.11.025 AS 08.11.025 AS 08.11.025 AS 08.11.025 AS 08.11.030 AS 08.11.043

# **MEMORANDUM**

To: Hon. Byron Mallott Lieutenant Governor

Steven C. Weaver Sr. Assistant Attorney General and Assistant Regulations Attorney

Legislation and Regulations Section

State of Alaska Department of Law

Date: July 18, 2016

File No.: JU2016200464

Tel. No.: 465-3600

Re: Regulations re: occupational licensing fees for department-regulated audiologists, speech-language pathologists, speech-language pathologist assistants, and hearing aid dealers (12 AAC 02.130)

We have reviewed the attached regulations from the Department of Commerce, Community, and Economic Development against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated July 14, 2016 from the Regulations Attorney. The regulations update fees for department-regulated audiologists, speech-language pathologists, speech-language pathologist assistants, and hearing aid dealers.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The May 26, 2016 public notice and the July 11, 2016 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 the footer and authority citation for the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

From:

cc w/enc: (via email)

Hon. Chris Hladick, Commissioner Department of Commerce, Community, and Economic Development

# **MEMORANDUM**

From:

To: Hon. Chris Hladick, Commissioner Department of Commerce, Community, and Economic Development

Steven C. Weaver Sr. Assistant Attorney General and Assistant Regulations Attorney Legislation and Regulations Section

State of Alaska Department of Law

Date: July 18, 2016

File No.: JU2016200464

Tel. No.: 465-3600

Re: Regulations re: occupational licensing fees for department-regulated audiologists, speech-language pathologists, speech-language pathologist assistants, and hearing aid dealers (12 AAC 02.130)

Under AS 44.62.060, we have reviewed the attached changes by the Department of Commerce, Community, and Economic Development and approve the changes for filing by the lieutenant governor. I have reviewed this project under a specific delegation dated July 14, 2016 from the Regulations Attorney.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulations changes.

The May 26, 2016 public notice and the July 11, 2016 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.

Hon. Chris Hladick, Commissioner Department of Commerce, Community, and Economic Development Our file: JU2016200464 July 18, 2016 Page 2

We have made some technical corrections to the footer and authority citation for the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Micaela Fowler, Regulations Contact Department of Commerce, Community, and Economic Development

Janey Hovenden, Director Division of Corporations, Business, and Professional Licensing Department of Commerce, Community, and Economic Development

Sara Chambers, Operations Manager Division of Corporations, Business, and Professional Licensing Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist Division of Corporations, Business, and Professional Licensing Department of Commerce, Community, and Economic Development

# **MEMORANDUM**

то: Hon. Byron Mallott Lieutenant Governor

FROM: Susan R. Pollard

# State of Alaska

### **Department of Law**

DATE: July 14, 2016

FILE NO.: JU2016200464

TELEPHONE NO.: 465-3600

SUBJECT: Specific delegation of authority regarding regulations review on Department of Commerce, Community, and Economic Development regulations re: fees for department-regulated audiologists, speech-language pathologists, speech-language pathologist assistants, and hearing aid dealers (12 AAC 02.130)

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SRP:SCW

cc w/enc:

Scott C. Meriwether, AAC Coordinator Office of the Lieutenant Governor

Steven C. Weaver Sr. Assistant Attorney General Legislation/Regulations Section-Juneau



Chief Assistant Attorney General & Regulations Attorney Legislation/Regulations Section—Juneau

#### STATE OF ALASKA ) ) ss. FIRST JUDICIAL DISTRICT )

### AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS AND FURNISHING OF ADDITIONAL INFORMATION

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 02.130, dealing with occupational licensing fees for audiologists, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants, has been given by being:

- 1. published in a newspaper or trade publication;
- 2. furnished to interested persons;
- 3. furnished to appropriate state officials;
- 4. furnished to the Department of Law, along with a copy of the proposed regulations;
- 5. electronically transmitted to incumbent State of Alaska legislators;
- 6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
- 7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- 8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: Juneau, Alaska

Jun Maiquis, **Regulations Specialist** 

SUBSCRIBED AND SWORN TO before me this

Notary Public in and for State of Alaska My commission expires:

2016.



STATE OF ALASKA

) ss.

FIRST JUDICIAL DISTRICT

### AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Commerce, Community, and Economic Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Commerce, Community, and Economic Development regulations on dealing with occupational licensing fees for audiologists, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants.

DATE:

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 2 day of , 2016.



Notary Public in and for the State of Alaska My commission expires: With office

### NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR AUDIOLOGISTS, HEARING AID DEALERS, SPEECH-LANGUAGE PATHOLOGISTS, AND SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

BRIEF DESCRIPTION: The Department of Commerce, Community, and Economic Development proposes to change occupational license fees charged to audiologists, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants.

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02 of the Alaska Administrative Code, dealing with occupational licensing fees related to audiologists, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants, including the following:

12 AAC 02.130, Audiologists, hearing aid dealers, speech-language pathologists, and speechlanguage pathologist assistants, is proposed to be changed to alter the application, registration, license, renewal, and temporary license fees for audiologists, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants.

Under AS 08.01.065, the Department must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The Department has reviewed the income and expenses for the occupational licensing programs mentioned above and proposes fee changes that reflect, to the extent possible, the actual costs of the activities under these occupational licensing areas.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Department will accept comments by facsimile at (907) 465-2974 and by electronic mail at jun.maiquis@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at http://notice.alaska.gov/181644, and using the comment link. The comments must be received not later than 4:30 p.m. on June 27, 2016.

You may submit written questions relevant to the proposed action to Jun Maiguis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at jun.maiguis@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Department will aggregate its response to substantially similar questions and make the questions and responses available on the Department's website at https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing.aspx or on the Alaska Online Public Notice System. The Department may, but is not required to, answer written questions received after the 10day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov not later than June 20, 2016 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Jun Maiquis at the address or phone number above, or go to https://www.commerce.alaska.gov/web/portals/5/pub/AUD-Fees-2016.pdf.

After the public comment period ends, the Department will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments and questions received are public records and are subject to public inspection.

**Statutory Authority:** AS 08.01.065; AS 08.11.010; AS 08.11.020; AS 08.11.050; AS 08.55.010; AS 08.55.040

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.01.065; AS 08.11.010; AS 08.11.020; AS 08.11.050; AS 08.55.010; AS 08.55.040

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 5

Jun Maiquis, Regulations Specialist Division of Corporations, Business and Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

### ADDITIONAL REGULATION NOTICE INFORMATION (AS 44.62.190(d))

- 1. Adopting agency: Department of Commerce, Community, and Economic Development Division of Corporations, Business and Professional Licensing.
- 2. General subject of regulation: Occupational licensing fees.
- 3. Citation of regulation: 12 AAC 02.130.
- 4. Department of Law file number: To be assigned.
- 5. Reason for the proposed action: Compliance with state statute.
- 6. Appropriation/Allocation: Corporations, Business and Professional Licensing #2360.
- 7. Estimated annual cost to comply with the proposed action to:

   A private person: \$100 increase for initial application; \$75 increase for temporary license; \$50 \$125 increase for initial biennial license or registration; \$50 \$125 increase for biennial license or registration renewal.
   Another state agency: None known.
  - A municipality: None known.
- 8. Cost of implementation to the state agency and available funding (in thousands of dollars): No costs are expected in FY 2016 or in subsequent years.
- 9. The name of the contact person for the regulation: Sara Chambers, Division Operations Manager Division of Corporations, Business and Professional Licensing Department of Commerce, Community, and Economic Development Telephone: (907) 465-2144 E-mail: sara.chambers@alaska.gov
- **10.** The origin of the proposed action: Division of Corporations, Business and Professional Licensing.

11. Date: \_ 5/25/16

he Man Prepared by:

un Maiquis Regulations Specialist (907) 465-2537

RECEIVED Juneau JUN 0 2 2016 CBPL

# AFFIDAVIT OF PUBLICATION

#### STATE OF ALASKA

THIRD JUDICIAL DISTRICT

#### Emma Dunlap

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

#### May 26, 2016

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Subscribed and sworn to before me his 26th day of May, 2016



Notary Public in and for The State of Alaska. Third Division Anchorage, Alaska MY COMMISSION EXPIRES



# NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR AUDIOLOGISTS, HEARING AID DEALERS, SPEECH-LANGUAGE PATHOLOGISTS, AND SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02 of the Alaska Administrative Code, dealing with occupational licensing fees related to audiologists, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants, including the following:

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Under AS 08.01.065, the Department must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The Department has reviewed the income and expenses for the occupational licensing programs mentioned above and proposes fee changes that reflect, to the extent possible, the actual costs of the activities under these occupational licensing areas.

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Statutory Authority: AS 08.01.065; AS 08.11.010; AS 08.11.020; AS 08.11.050; AS 08.55.010; AS 08.55.040 Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 08.11.010; AS 08.11.020; AS 08.11.050; AS 08.55.010; AS 08.55.040 Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation. This is a full time position in Mat Su. If you have excellent customer

Mications: High School Diploma or equivalent required Current Driver's License and insured 4WD or AWD vehicle Prior management and customer service experience Excellent communication skills Ability to manage time and delegate tasks accordingly Job Qualifications: