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**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 *cb*  
465.4081

**DATE:** July 25, 2016

**RE:** Filed Permanent Regulations: State Medical Board

Regulations re: reporting of criminal charges by licensees and federal exemptions for persons who practice in a tribal health program in this state (12 AAC 40.967(26); 12 AAC 40.981)

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Attorney General File:	JU2015200833
Regulation Filed:	July 25, 2016
Effective Date:	August 24, 2016
Print:	219, October 2016

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

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE STATE MEDICAL BOARD


The attached two pages of regulations, dealing with unprofessional conduct and federal licensure exemptions for persons who practice in an Alaska tribal health program, are hereby certified to be a correct copy of the regulation changes that the State Medical Board adopted at its November 5-6, 2015 meeting, under the authority of AS 08.01.070, AS 08.64.100, AS 08.64.107, AS 08.64.170, AS 08.64.313, and AS 08.64.326 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 State Medical Board 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.

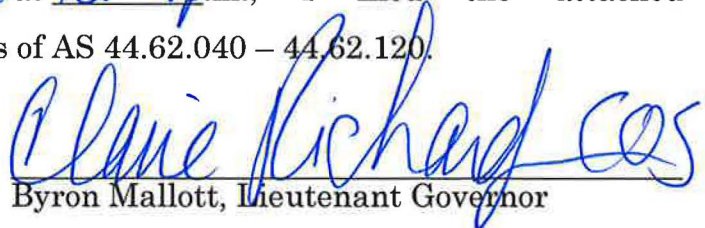
DATE: Nov 5, 2015  
Anchorage, Alaska

  
\_\_\_\_\_  
David A. Miller, M.D., President  
State Medical Board

*for Claire Richardson*

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on July 25, 2016 at 12:29 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

*for Claire Richardson*  
  
\_\_\_\_\_  
for Byron Mallott, Lieutenant Governor

Effective: August 24, 2016.

Register: 219, October 2016.

**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.**



A handwritten signature in dark ink, appearing to read "Byron Mallott", is written over a horizontal dotted line.

**BYRON MALLOTT  
LIEUTENANT GOVERNOR**

**Chapter 40. State Medical Board.**

12 AAC 40.967(26) is amended to read:

(26) failing to report to the board, no later than 30 days after

(A) the effective date of the action, any criminal charges by a law enforcement agency, or any disciplinary action against the licensee taken by another licensing jurisdiction, health care entity, or regulatory [LAW ENFORCEMENT] agency;

(B) the date of conviction, any conviction of a crime referred to in AS 08.64.326(a)(4);

(Eff. 3/16/2000, Register 153; am 9/5/2002, Register 163; am 4/2/2004, Register 169; am 10/14/2006, Register 180; am 7/25/2008, Register 187; am 9/9/2010, Register 195; am 5/8/2013, Register 206; am 8/24/2016, Register 219)

**Authority:** AS 08.01.070 AS 08.64.100 AS 08.64.326

12 AAC 40 is amended by adding a new section to read:

**12 AAC 40.981. Federal licensure exemptions for persons who practice in an Alaska**

*in bold the period*  
**tribal health program.** (a) A person who practices medicine, podiatry, or osteopathy, or who

practices as a physician assistant or mobile intensive care paramedic, in <sup>a</sup>an Alaska tribal health

<sup>in this state</sup> program must be licensed by the board unless they notify the board that they are practicing under

another license in accordance with ~~section 221 of 25 U.S.C. § 1621t~~ <sup>(sec. 221, Indian Health Care</sup> ~~(Patient Protection and~~

<sup>Improvement</sup> ~~Affordable Care Act, 2010~~). Notice required under this section must be received <sup>no later than</sup> within 14 days

<sup>after</sup> of employment at <sup>a</sup>an Alaska tribal health program, and must include <sup>in this state</sup>

(1) proof of a current active license in another state;



(2) proof of employment by a tribal health program that is operating under an

~~Indian Self-Determination and Education Assistance Act~~ agreement with the federal Indian  
(under 25 U.S.C. 450 - 458 ddd-2 (Indian Self-Determination and Education Assistance Act)  
Health Service.

Disapproved  
7/22/2016.  
XCDT  
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(b) A person practicing under the exemption ~~may not practice elsewhere in the state,~~

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~~however infrequently,~~ and may not practice beyond the scope of the other state license.

~~(c) The board shall notify the licensing board or authority of the other state license, and~~

~~any other appropriate state and federal authorities, of any complaints, investigations, violations,~~  
~~sanctions, or other adverse actions.~~ (Eff. 8/24/2016, Register 219)

Authority: AS 08.64.107 AS 08.64.170 AS 08.64.313

Withdrawn,  
7/22/2016  
XCDT  
SRP