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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Jun Maiquis
Department of Commerce, Community & Economic Development

FROM: April Simpson, Office of the Lieutenant Governor
465.3509 

DATE: September 8, 2017

RE: Filed Permanent Regulations: State Medical Board

State Medical Board regulations re: physician temporary permits, physician and physician assistant applications, keeping of records, unprofessional conduct, prescription of controlled substances, and telemedicine (12 AAC 40.035; 12 AAC 40.036(f); 12 AAC 40.038(d); 12 AAC 40.045(i); 12 AAC 40.400(d); 12 AAC 40.445(g); 12 AAC 40.940(e); 12 AAC 40.943; 12 AAC 40.967; 12 AAC 40.975)

Attorney General File:	JU2017200149
Regulation Filed:	9/8/2017
Effective Date:	10/8/2017
Print:	224, January 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE STATE MEDICAL BOARD

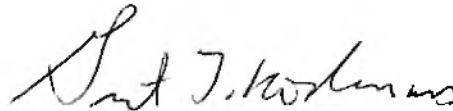
The attached nine pages of regulations, dealing with physician temporary permits, physician and physician assistant applications, standards of practice for record keeping, unprofessional conduct, prescribing controlled substances, and standards of practice for telemedicine, are hereby certified to be a correct copy of the regulation changes that the State Medical Board adopted at its May 4-5, 2017 meeting, under the authority of AS 08.01.062, AS 08.01.070, AS 08.64.100, AS 08.64.101, AS 08.64.107, AS 08.64.180, AS 08.64.240, AS 08.64.270, AS 08.64.272, AS 08.64.275, AS 08.64.279, AS 08.64.326, AS 08.64.364, and AS 08.64.380 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.

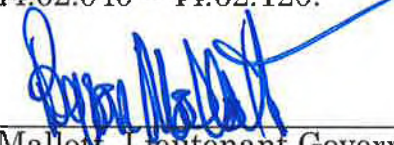
DATE: May 5, 2017
Anchorage, Alaska



Grant T. Roderer, M.D., President
State Medical Board

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on September 8, 2017 at 1038a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: October 8th, 2017

Register: 224, January 2018

Chapter 40. State Medical Board.

The introductory language of 12 AAC 40.035(a) is amended to read:

(((bold/underline "may"))) → # may #
(a) A member of the board or its designee, will, in the member's discretion, issue a temporary physician permit to an applicant who *(((Conf. 12))*

...

12 AAC 40.035 is amended by adding a new subsection to read:

(d) A member of the board *or* may ~~will, in the member's discretion~~, expedite the issuance of a temporary physician permit to an applicant who

(1) meets the requirements of AS 08.64.270; and

(2) has on file with the division

(A) a completed application on a form provided by the department, including a photograph of the applicant *or* and the applicant's notarized signature;

(B) a completed authorization for release of records on a form provided by the department and signed by the applicant;

payment of
(C) all required application and licensing fees;

(D) a complete profile and credentials verification documents sent directly to the division from the Federation Credentials Verification Service of the Federation of State Medical Boards of the United States, Inc.;

(E) verification of passing the licensing examination required under 12 AAC 40.010(c)(1) or 12 AAC 40.020;

(F) clearance from the federal Drug Enforcement Administration (DEA);

(G) clearance from the Federation of State Medical Boards or the Federation of Podiatric State Medical Boards; and

(H) clearance from the National Practitioner Data Bank; and

(3) has no adverse or derogatory history, including ~~but not limited to:~~

(A) grounds for which the board may impose disciplinary sanctions under AS 08.64.326;

(B) malpractice settlements or payments in excess of \$50,000 individually or \$100,000 in the aggregate;

(C) any criminal charge or conviction, including conviction based on a guilty plea or plea of nolo contendere;

(D) any complaint, investigation, or action, regarding the practice of medicine, in another state or territory of the United States, a province or territory of the armed forces of the Canada, a federal agency, United States military or any international jurisdiction;

(E) any adverse action taken by a hospital, health care facility, health care entity, residency program or fellowship program. (Eff. 5/18/85, Register 94; am 8/2/86, Register 99; am 4/10/88, Register 106; am 8/17/97, Register 143; am 8/9/2000, Register 155; am 10 / 8 / 2017, Register 224.)

Authority: AS 08.64.100 AS 08.64.270 AS 08.64.279
AS 08.64.180

12 AAC 40.036 is amended by adding a new subsection to read:

(f) Notwithstanding (b) of this section, an applicant for a locum tenens permit may submit the credentials verification documents through the Federation Credentials Verification Service

(FCVS) of the Federation of State Medical Boards of the United States, Inc., sent directly to the department from FCVS. (Eff. 5/18/85, Register 94; am 4/10/88, Register 106; am 8/17/97, Register 143; am 8/9/2000, Register 155; am 6/15/2001, Register 158; am 9/9/2010, Register 195; am 10 / 8 / 2017, Register 224)

Authority: AS 08.64.100 AS 08.64.275 AS 08.64.279
AS 08.64.180

12 AAC 40.038 is amended by adding a new subsection to read:

(d) Notwithstanding (b) of this section, an applicant for a residency ~~resident~~ permit may submit the credentials verification documents through the Federation Credentials Verification Service (FCVS) of the Federation of State Medical Boards of the United States, Inc., sent directly to the department from FCVS. (Eff. 8/2/86, Register 99; am 8/20/87, Register 103; am 4/10/88, Register 106; am 8/17/97, Register 143; am 12/16/99, Register 152; am 8/9/2000, Register 155; am 10/14/2006, Register 180; am 9/9/2010, Register 195; am 10 / 8 / 2017, Register 224)

Authority: AS 08.64.100 AS 08.64.272 AS 08.64.279

12 AAC 40.045 is amended by adding a new subsection to read:

(i) Notwithstanding (d) of this section, an applicant for a courtesy license may submit the credentials verification documents through the Federation Credentials Verification Service (FCVS) of the Federation of State Medical Boards of the United States, Inc., sent directly to the department from FCVS. (Eff. 5/1/94, Register 130; am 8/9/95, Register 135; am 12/18/2001, Register 160; am 10 / 8 / 2017, Register 224)

Authority: AS 08.01.062 AS 08.64.100 AS 08.64.240

12 AAC 40.400 is amended by adding a new subsection to read:

(d) a physician assistant license
(e) Notwithstanding (b) of this section, an applicant for ~~licensure by credentials~~ may submit the credentials verification documents through the Federation Credentials Verification Service (FCVS) of the Federation of State Medical Boards of the United States, Inc., sent directly to the department from FCVS. (Eff. 1/13/80, Register 73; am 7/4/84, Register 90; am 5/18/85, Register 94; am 8/20/87, Register 103; am 3/12/89, Register 109; am 5/1/94, Register 130; am 6/28/97, Register 142; am 8/9/2000, Register 155; am 6/15/2001, Register 158; am 9/1/2007, Register 183; am 5/8/2013, Register 206; am 10 / 8 / 2017, Register 224)

Authority: AS 08.64.100 AS 08.64.107

12 AAC 40.445 is amended by adding a new subsection to read:

a graduate physician assistant license
(g) Notwithstanding (b) of this section, an applicant for ~~licensure by credentials~~ may submit the credentials verification documents through the Federation Credentials Verification Service (FCVS) of the Federation of State Medical Boards of the United States, Inc., sent directly to the department from FCVS. (Eff. 3/12/89, Register 109; am 6/28/97, Register 142; am 9/1/2007, Register 183; am 10 / 8 / 2017, Register 224)

Authority: AS 08.64.100 AS 08.64.107

12 AAC 40.940 is amended by adding a new subsection to read:

(e) The patient records for a physician practicing under AS 08.64.364 must comply with the requirements of this section and include

(1) the physical location of the patient and the physician when the patient care was provided;

(2) a description of the method of the communication between the physician and patient;

(3) the name, location, and phone number, state of licensure and license number of the physician or other licensed health care provider available to provide follow-up care; and

(4) if the prescribing physician is not the patient's primary care provider, documentation of the patient's consent to sending a copy of all records of the encounter to the patient's primary care provider, and if the patient consents, confirmation that the records were sent to the patient's primary care provider. (Eff. 6/15/2001, Register 158; am 10 / 8 / 2017, Register 224)

Authority: AS 08.64.100

AS 08.64.107

AS 08.64.364

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

12 AAC 40.943. Standards of practice for telemedicine. The guiding principles for telemedicine practice ⁱⁿ adopted by the American Medical Association (AMA) ^{Cs Report 7 of the} in the ~~AMA Council~~ ^(A-14) on Medical Service Reports, Coverage of and Payment for Telemedicine ^{Cs dated} Adopted 2014 Annual Meeting, and the ^y Model Policy for the Appropriate Use of Telemedicine Technologies in the Practice of Medicine of the Federation of State Medical Boards (FSMB) ^{dated} adopted April 2014, are adopted by reference as the standards of practice when providing treatment, rendering a diagnosis, prescribing, dispensing, or administering a prescription or controlled substance without first conducting an in-person physical examination under AS 08.64.364. (Eff.

10 / 8 / 2017, Register 224)

Authority: ~~AS 08.01.070~~

AS 08.64.101

AS 08.64.364

AS 08.64.100

(initial 11) → Report 7 of the
Editor's note: A copy of the American Medical Association (AMA) Council on Medical (A-14)
Service Reports, Coverage of and Payment for Telemedicine (adopted 2014 Annual Meeting), Ced *(do not italicize the comma)*
adopted by reference in 12 AAC 40.943, may be obtained from the American Medical Association,
AMA Plaza, 330 N. Wabash Ave. Suite 39300, Chicago, IL 60611-5885, or website at
on the association's Internet
<https://www.ama-assn.org/about-us/council-medical-service-reports>. A copy of the ~~Federation of~~
~~State Medical Boards (FSMB) Model Policy for the Appropriate Use of Telemedicine~~
~~Technologies in the Practice of Medicine (adopted April 2014)~~, adopted by reference in 12 AAC
(do not italicize the comma)
40.943, may be obtained from the Federation of State Medical Boards, 400 Fuller Wiser Road,
on the Federation's Internet
Euless, TX 76039, or website at <https://www.fsmb.org/policy/advocacy-policy/policy->
documents.

The introductory language of 12 AAC 40.967(29) is amended to read:
(bold/underline 11) → for
(29) **if a physician assistant**, prescribing, dispensing, or furnishing a prescription
medication to a person without first conducting a physical examination of that person, unless the
licensee has a [PATIENT-PHYSICIAN OR] patient-physician assistant relationship with the
person; this paragraph does not apply to prescriptions written or medications issued

...

12 AAC 40.967(32) is amended to read:

(32) any conduct described in (1) - (35) (1) - [(31)] of this section that occurred in
(bold/underline 11)
another licensing jurisdiction and is related to the applicant's or licensee's qualifications to
practice; [.]

12 AAC 40.967 is amended by adding new paragraphs to read:

(33) permitting patient care that includes administering a botulinum toxin or dermal filler, autotransplanting ~~autotransplantation of~~ biological materials, or treating with chemical peels below the dermal layer, or hot lasers, by a person who is not an appropriate health care provider trained and licensed under AS 08 to perform the treatment;

of a licensee who has a federal Drug Enforcement Administration (DEA) registration number

(34) failure to register with the controlled substance prescription database established under AS 17.30.200 ~~by a licensee who has a Federal Drug Enforcement~~

~~Administration registration number;~~

of a licensee or licensee's designee to review

(35) failure to check the controlled substance prescription database established under AS 17.30.200, ~~by a licensee or licensee's designee~~ when prescribing, dispensing, or administering a controlled substance designated schedule II or III under federal law to a patient.

(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; am 10 / 8 / 2017, Register 224)

Authority: AS 08.01.070

AS 08.64.101

AS 08.64.364

AS 08.64.100

AS 08.64.326

AS 08.64.380

AS 17.30.200

12 AAC 40.975 is repealed and readopted to read:

12 AAC 40.975. Prescribing controlled substances. (a) When prescribing a drug that is 12 AAC

a controlled substance, ~~as defined in AS 11.71.900~~ an individual licensed under this chapter 40.975(b) and (c). 201

shall create and maintain a complete, clear, and legible written record of care that includes

(1) a patient history and evaluation sufficient to support a diagnosis;

(2) a diagnosis and treatment plan for the diagnosis;

(3) a plan for monitoring the patient for the primary condition that necessitates the drug, side effects of the drug, and results of the drug, as appropriate;

(4) a record of each drug prescribed, administered, or dispensed, including the type of drug, dose, and any authorized refills.

~~(b) When prescribing a drug that is a controlled substance as defined in AS 11.71.900, an individual licensed under this chapter shall check the controlled substance prescription database established under AS 17.30.200, or the licensee's designee shall check the database and give the information to the licensee, before the licensee initially dispenses, prescribes, or administers a controlled substance designated schedule II or III under federal law to a patient, and at least once every 30 days for up to 90 days, and at least once every three months if a course of treatment continues for more than 90 days. This requirement shall not apply if~~

~~(1) the controlled substance is dispensed or prescribed to a patient currently receiving treatment in a licensed health care facility, and that prescription is non-refillable;~~

~~(2) the controlled substance is dispensed or prescribed to a patient currently receiving treatment at the scene of an emergency or in an ambulance, and that prescription is non-refillable; in this sub-paragraph, "ambulance" has the meaning given in AS 18.08.200;~~

~~(3) the controlled substance is dispensed or prescribed to a patient currently receiving treatment in an emergency room in a licensed health care facility, and that prescription is non-refillable;~~

~~(4) the controlled substance is dispensed or prescribed to a patient immediately before, during, or within the first 48 hours of undergoing a medical or surgical procedure in a licensed health care facility, and that prescription is non-refillable;~~

~~(5) the controlled substance is dispensed or prescribed to a patient currently~~

Withdrawn. ACJ 9/5/2017

~~receiving care in hospice or a nursing home that has an in-house pharmacy;~~

(6) the quantity of the controlled substance prescribed and dispensed does not exceed an amount which is adequate for a single three-day treatment period, the prescription does not allow a refill, and no subsequent prescriptions are written or dispensed for the next 15 days;

(7) the controlled substance is directly administered to the patient by the prescriber or the prescriber's designee authorized to administer a controlled substance;

(8) it is not possible to check the controlled substance prescription database in a timely manner due to an emergency situation, and the check is made when the emergency situation is resolved; or

(9) the prescription controlled substance prescription database is not operational due to temporary technological or electrical failure or natural disaster.

(c) A licensee treating a patient with a prescription for a controlled substance that was initially written at least 90 days before ___/___/___ (fill in effective date of regulation) shall check the controlled substance prescription database established under AS 17.30.200 at least once every three months for the duration of the prescription. ^{9/}

10 / 8 / 2017, Register 224)

Authority: AS 08.64.100 AS 08.64.107 AS 08.64.380

MEMORANDUM


State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: September 5, 2017

File No.: JU2017200149

Tel. No.: 465-3600

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

Re: State Medical Board regulations re:
physician temporary permits,
physician and physician assistant
applications, keeping of records,
unprofessional conduct, prescription
of controlled substances, and
telemedicine (12 AAC 40.035;
12 AAC 40.036(f); 12 AAC
40.038(d); 12 AAC 40.045(i);
12 AAC 40.400(d); 12 AAC
40.445(g); 12 AAC 40.940(e);
12 AAC 40.943; 12 AAC 40.967;
12 AAC 40.975)

We have reviewed the attached regulations from the State Medical Board against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated September 5, 2017, from the Regulations Attorney. The regulations update requirements and procedures regarding physician temporary permits and physician and physician assistant applications, addressing in particular the option to submit credentials verification documents through the Federal Credentials Verification Service (FCVS) of the Federation of State Medical Boards of the United States, Inc.; update requirements and procedures regarding the keeping of records and telemedicine; and update requirements, procedures, and provisions regarding unprofessional conduct and prescription of controlled substances, including changes to reflect statutory amendments made under ch. 25, SLA 2016.

We find no legal problems. We have received confirmation from the agency staff that we defer our review of proposed 12 AAC 40.975(b) and (c)--to either a Part 2 of this regulations project or to a new regulations project, depending on the agency's future decision--pending additional board review of those provisions. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the rest of the attached regulations; we note our opinion that those regulations are consistent with statutory provisions as amended not only under ch. 25, SLA 2016 but also under ch. 2, SSSLA 2017: a more recent session law that made additional amendments to a number of the same statutory provisions, particularly AS 17.30.200 (controlled substance prescription database).

The March 16, 2017 public notice and the May 5, 2017 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 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: (via email):

Grant Roderer, M.D., President
State Medical Board
(via email through Jun Maiquis)

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

Debora Stovern, Executive Administrator
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

Megyn A. Greider, Assistant Attorney General
Commercial and Fair Business Section

SCW

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: September 5, 2017

FILE NO.: JU2017200149

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
State Medical Board regulations
re: physician temporary permits,
physician and physician assistant
applications, keeping of records,
unprofessional conduct,
prescription of controlled
substances, and telemedicine
(12 AAC 40.035; 12 AAC
40.036(f); 12 AAC 40.038(d);
12 AAC 40.045(i); 12 AAC
40.400(d); 12 AAC 40.445(g);
12 AAC 40.940(e); 12 AAC
40.943; 12 AAC 40.967; 12 AAC
40.975)

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.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

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

THIRD JUDICIAL DISTRICT

AFFIDAVIT OF BOARD ACTION

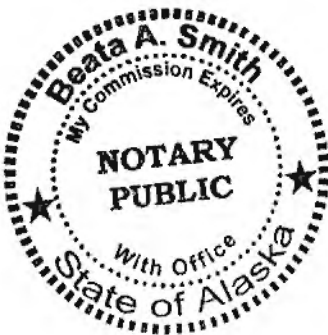
I, Debora Stovern, Executive Administrator for the State Medical Board, being duly sworn, state the following:

The attached motion dealing with physician temporary permits, physician and physician assistant applications, standards of practice for record keeping, unprofessional conduct, prescribing controlled substances, and standards of practice for telemedicine was passed by the State Medical Board during its May 4-5, 2017 meeting.

Date: 5/11/17
Anchorage, Alaska

Debora Stovern
Debora Stovern, Executive Administrator

SUBSCRIBED AND SWORN TO before me this 11th day of May, 2017.



Brook A. Smith
Notary Public in and for the
State of Alaska
My commission expires: with office

Excerpt from the Draft Minutes of the
May 4-5, 2017 Meeting
Of the Alaska State Medical Board

May 4, 2017:

Approved Regulation Project – applications, telemedicine, prescription drug monitoring program

The Board has identified a number of regulation changes that will streamline the medical application process and improve licensure processing times by allowing applicants for more license types to submit credentials documents through the Federation Credential Verification Service (FCVS) and by providing for an expedited process for granting temporary permits. In addition, the Board is required to adopt regulations to implement SB 74, including standards for “telemedicine” practice, adopting a national model policy for standard of care, and requirements for the registration and use of the prescription drug monitoring program, as well as certain exceptions. SB 74 requires these regulations to take effect by July 17, 2017.

As published in the public notice, this regulations project proposes to update various regulations relating to physician temporary permits, physician and physician assistant applications, standards of practice for record keeping, unprofessional conduct, prescribing controlled substances, and to establish standards of practice for telemedicine, including the following:

- 12 AAC 40.035. Temporary permit application requirements, is proposed to be changed to alter the temporary permit application requirements. It will preserve the existing process for the issuance of temporary permits (under section a), and add criteria (under section b) to allow for an expedited temporary permit to be issued to a qualified applicant who has a clean record and has applied with an FCVS profile (which includes verification of identity, medical school, postgraduate training, and most examination types.)
- 12 AAC 40.036. Locum tenens permit application requirements, is proposed to be changed to allow an applicant for a locum tenens permit the option to submit credentials verification documents through the Federation Credentials Verification Service (FCVS).
- 12 AAC 40.038. Residency permit, is proposed to be changed to allow an applicant for a resident permit the option to submit credentials verification documents through the Federation Credentials Verification Service (FCVS).
- 12 AAC 40.045. Courtesy license, is proposed to be changed to allow an applicant for a courtesy license the option to submit credentials verification documents through the Federation Credentials Verification Service (FCVS).
- 12 AAC 40.400. Physician assistant license, is proposed to be changed to allow an applicant for a physician assistant license the option to submit credentials verification documents through the Federation Credentials Verification Service (FCVS).

- 12 AAC 40.445. Graduate physician assistant license, is proposed to be changed to allow an applicant for a graduate physician assistant license the option to submit credentials verification documents through the Federation Credentials Verification Service (FCVS).
- 12 AAC 40.940. Standards of practice for record keeping, is proposed to be changed to implement standards for record keeping for telemedicine practice.
- 12 AAC 40.943. Standards of practice for telemedicine, is a proposed new section that establishes standards of practice for telemedicine that the Board adopts by reference (as required by SB74).
- 12 AAC 40.967. Unprofessional conduct, is proposed to be changed to amend the provisions related to unprofessional conduct to comply with SB 74 related to “telemedicine” practice, requirements for registering for the prescription drug monitoring program, requirements for the use of the prescription drug monitoring program, and allowing for certain exceptions.
- 12 AAC 40.975, Prescribing controlled substances, is proposed to be changed to amend the requirements for prescribing controlled substances to comply with SB 74.

The Board discussed adopting practice standards published by other organizations versus developing and drafting their own standards.

In considering the proposed regulations project, the Board reviewed and considered public comments. The Board does not expect the regulations change to incur cost to private persons, or to require an increased appropriation.

Upon a motion duly made by Dr. Humphreys, seconded by Dr. Liu, and approved by unanimous consent, the Board adopted the proposed regulation changes regarding temporary permits, license applications, recordkeeping, unprofessional conduct, prescribing controlled substances, and standards of practice for telemedicine, as publicly noticed.

The adoption order was signed by the Chair.

STATE OF ALASKA

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 40.035 through 12 AAC 40.975, dealing with physician temporary permits, physician and physician assistant applications, standards of practice for record keeping, unprofessional conduct, prescribing controlled substances, and standards of practice for telemedicine, has been given by being:

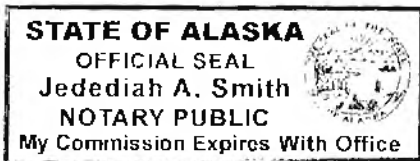
1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished 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: 5/12/17
Juneau, Alaska


Jun Marquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 12 day of May, 2017.



Lee Smith
Notary Public in and for the
State of Alaska
My commission expires: with office

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

$$\left. \begin{array}{l}) \\) \\) \end{array} \right\} \text{SS.}$$

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

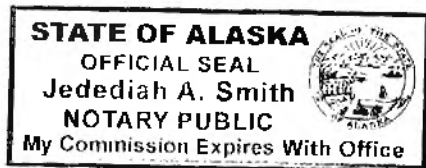
I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the State Medical Board 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 State Medical Board regulations on dealing with physician temporary permits, physician and physician assistant applications, standards of practice for record keeping, unprofessional conduct, prescribing controlled substances, and standards of practice for telemedicine.

DATE: 5/12/17
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 12 day of May, 2017.



Ed Smith
Notary Public in and for the
State of Alaska
My commission expires: with office

NOTICE OF PROPOSED CHANGES RELATING TO THE PRACTICE OF MEDICINE IN THE REGULATIONS OF THE STATE MEDICAL BOARD

BRIEF DESCRIPTION: The State Medical Board proposes to update various regulations relating to physician temporary permits, physician and physician assistant applications, standards of practice for record keeping, unprofessional conduct, prescribing controlled substances, and to establish standards of practice for telemedicine.

The State Medical Board (Board) proposes to adopt regulation changes in Title 12, Chapter 40 of the Alaska Administrative Code including the following:

1. **12 AAC 40.035. Temporary permit application requirements**, is proposed to be changed to alter the temporary permit application requirements.
2. **12 AAC 40.036. Locum tenens permit application requirements**, is proposed to be changed to allow an applicant for a locum tenens permit the option to submit credentials verification documents through the Federation Credentials Verification Service (FCVS).
3. **12 AAC 40.038. Residency permit**, is proposed to be changed to allow an applicant for a resident permit the option to submit credentials verification documents through the Federation Credentials Verification Service (FCVS).
4. **12 AAC 40.045. Courtesy license**, is proposed to be changed to allow an applicant for a courtesy license the option to submit credentials verification documents through the Federation Credentials Verification Service (FCVS).
5. **12 AAC 40.400. Physician assistant license**, is proposed to be changed to allow an applicant for a physician assistant license the option to submit credentials verification documents through the Federation Credentials Verification Service (FCVS).
6. **12 AAC 40.445. Graduate physician assistant license**, is proposed to be changed to allow an applicant for a graduate physician assistant license the option to submit credentials verification documents through the Federation Credentials Verification Service (FCVS).
7. **12 AAC 40.940. Standards of practice for record keeping**, is proposed to be changed to implement standards for record keeping for telemedicine practice.
8. **12 AAC 40.943. Standards of practice for telemedicine**, is a proposed new section that establishes standards of practice for telemedicine that the Board adopts by reference.
9. **12 AAC 40.967. Unprofessional conduct**, is proposed to be changed to amend the provisions related to unprofessional conduct.
10. **12 AAC 40.975. Prescribing controlled substances**, is proposed to be changed to amend the requirements for prescribing controlled substances.

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 Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@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/185025>, and using the comment link. **The comments must be received not later**

than 5:00 p.m. on April 17, 2017. Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at jun.maiquis@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/StateMedicalBoard.aspx>. The Board may, but is not required to, answer written questions received after the 10-day 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 April 10, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MED-0317.pdf>.

A copy of the material proposed for adoption by reference may be viewed at the Board's office at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Atwood Building, 550 West 7th Avenue, Suite 1500, Anchorage, AK.


After the public comment period ends, the Board 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 08.01.062; AS 08.01.070; AS 08.64.100; AS 08.64.101; AS 08.64.107; AS 08.64.180; AS 08.64.240; AS 08.64.270; AS 08.64.272; AS 08.64.275; AS 08.64.279; AS 08.64.326; AS 08.64.364; AS 08.64.380

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.01.070; AS 08.64.100; AS 08.64.101; AS 08.64.107; AS 08.64.180; AS 08.64.240; AS 08.64.270; AS 08.64.272; AS 08.64.275; AS 08.64.279; AS 08.64.326; AS 08.64.364; AS 08.64.380

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

DATE: 3/15/17



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:** State Medical Board – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Physician temporary permits, physician and physician assistant applications, record keeping, standards of practice for telemedicine, unprofessional conduct, and prescribing controlled substances.
3. **Citation of regulation:** 12 AAC 40.035, 12 AAC 40.036, 12 AAC 40.038, 12 AAC 40.045, 12 AAC 40.400, 12 AAC 40.445, 12 AAC 40.940, 12 AAC 40.943, 12 AAC 40.967, and 12 AAC 40.975.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with new state statute (SB 74); update and clarification of current regulations.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None known.
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 2017 or in subsequent years.
9. **The name of the contact person for the regulation:**
Debora Stovern, Executive Administrator
Alaska State Medical Board
Division of Corporations, Business and Professional Licensing
Telephone: (907) 269-8163
E-mail: debora.stovern@alaska.gov
10. **The origin of the proposed action:** State Medical Board.
11. **Date:** 3/15/17

Prepared by: _____


Jun Maiguis
Regulations Specialist
(907) 465-2537

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Juneau

MAR 20 2017

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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

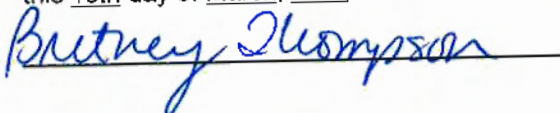
March 16, 2017

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
this 16th day of March, 2017



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

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

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