

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

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

FROM: Scott Meriwether, Office of the Lieutenant Governor *CM*
465.4081

DATE: March 27, 2018

RE: Filed Permanent Regulations: Department of Commerce, Community, and Economic Development

Department of Commerce, Community, and Economic Development regulations re: registration fees for pharmacists and practitioners required under AS 17.30.200 to register with the prescription drug monitoring program (PDMP) controlled substance prescription (12 AAC 02.107)

Attorney General File:	2018200055
Regulation Filed:	3/23/2018
Effective Date:	4/22/2018
Print:	226, July 2018

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

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

The attached one page of regulations, dealing with prescription drug monitoring program (PDMP) controlled substance prescription database registration fees, is 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 and AS 17.30.200, 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.

DATE:

March 16, 2018
Juneau, Alaska



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

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on March 23, 2018 at 140 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: April 22, 2018.

Register: 226, July 2018.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**
OFFICE OF THE COMMISSIONER

P.O. Box 110800
Juneau, AK 99811-0800
Main: 907.465.2500
Fax: 907.465.5442

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
micaela.fowler@alaska.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 McCullough
Director
CBPL
DCCED
P.O. Box 110806
Juneau, AK 99811-0806
907-465-2538
janey.mccullough@alaska.gov

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 29th day of January, 2018

A handwritten signature in dark ink, appearing to read "Mike Navarre", written over a horizontal line.

Mike Navarre
Commissioner
Department of Commerce, Community,
and Economic Development

Chapter 02. General Occupational Licensing Functions.

12 AAC 02 is amended by adding a new section to read:

12 AAC 02.107. Prescription drug monitoring program controlled substance

as required under AS 17.30.200

prescription database registration. The following fees are established for registration with the

prescription drug monitoring program (PDMP) controlled substance prescription

database by a pharmacist who dispenses, or a practitioner who prescribes, administers, or directly

dispenses a scheduled II, III, or IV controlled substance under federal law as required under

AS 17.30.200.

(1) initial registration fee, \$25;

(2) biennial registration renewal fee, \$25. (Eff. 4/22/2018, Register 226)

Authority: AS 08.01.065 AS 17.30.200

MEMORANDUM


State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: March 23, 2018

File No.: 2018200055

Tel. No.: 465-3600

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

Re: Department of Commerce,
Community, and Economic
Development regulations re:
registration fees for pharmacists and
practitioners required under
AS 17.30.200 to register with the
prescription drug monitoring program
(PDMP) controlled substance
prescription database (12 AAC
02.107)

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 of authority dated March 22, 2018 from the Regulations Attorney. The regulations establish registration fees for pharmacists and practitioners required under AS 17.30.200 to register with the prescription drug monitoring program (PDMP) controlled substance prescription database.

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 January 14, 2018 public notice and the March 16, 2018 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. Byron Mallott, Lieutenant Governor
Our file: 2018200055

March 23, 2018
Page 2

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

SCW

cc w/enc: (via email)

Hon. Mike Navarre, Commissioner
Department of Commerce, Community, and Economic Development

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

Janey McCullough, Director
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

Joan M. Wilson, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: March 22, 2018

FILE NO.: 2018200055

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
Department of Commerce,
Community, and Economic
Development regulations re:
registration fees for pharmacists
and practitioners required under
AS 17.30.200 to register with the
prescription drug monitoring
program (PDMP) controlled
substance prescription database
(12 AAC 02.107)

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

**NOTICE OF PROPOSED CHANGES REGARDING THE ALASKA PRESCRIPTION DRUG
MONITORING PROGRAM'S CONTROLLED SUBSTANCE PRESCRIPTION DATABASE
(PDMP) REGISTRATION FEES IN THE REGULATIONS OF THE DEPARTMENT OF
COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT**

BRIEF DESCRIPTION: The Department of Commerce, Community, and Economic Development proposes to establish fees for registration with the Alaska prescription drug monitoring program's controlled substance prescription database (PDMP) by a pharmacist who dispenses or a practitioner who prescribes, administers, or directly dispenses a schedule II, III, or IV controlled substance under federal law as required under AS 17.30.200.

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02 of the Alaska Administrative Code including the following:

12 AAC 02.107. Prescription drug monitoring program controlled substance prescription database registration, is a proposed new section that establishes initial registration and biennial registration renewal fees for registration with the database by a pharmacist who dispenses, or a practitioner who prescribes, administers, or directly dispenses a schedule II, III, or IV controlled substance under federal law, to implement Sec. 34 Chapter 25 SLA 2016 (SB 74).

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 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/188398>, and using the comment link. **The comments must be received not later than 5:00 p.m. on February 21, 2018.** Comments received after this deadline will not be considered by the Department.

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 RegulationsAndPublicComment@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 Alaska Online Public Notice System and on the home pages of each licensing board's web site at <http://professionallicense.alaska.gov>. The Department 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 RegulationsAndPublicComment@alaska.gov not later than February 14, 2018 to ensure that any necessary accommodations 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 RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/PDMP-Fees-0118.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 17.30.200

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 17.30.200

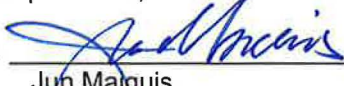
Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 1/12/18


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 02.107.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with new state statute – Sec. 34 Chapter 25 SLA 2016 (SB 74).
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: \$50 initial registration; \$50 biennial 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 2018 or in subsequent years.
9. **The name of the contact person for the regulation:**
Sara Chambers, Deputy Director
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:** 1/12/18 **Prepared by:** 
Jun Maiquis
Regulations Specialist
(907) 465-2537

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 02.107, dealing with prescription drug monitoring program (PDMP) controlled substance prescription database registration fees, 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: 3/19/18
Juneau, Alaska


Jun Maiquis, Regulation

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 19 day of March, 2018.



Notary Public in and for the
State of Alaska

My commission expires: Office

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

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 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 prescription drug monitoring program (PDMP) controlled substance prescription database registration fees.

DATE:

3/19/18

Juneau, Alaska

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 19 day of March, 2018.

Notary Public in and for the
State of Alaska

My commission

My commission expires: 07/2016



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RECEIVED
Juneau

JAN 23 2018

CBPL

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

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

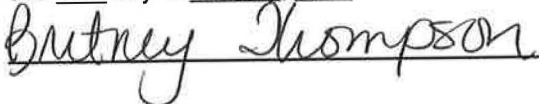
January 14, 2018

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.

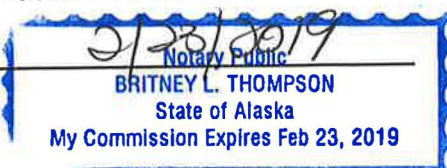
Signed



Subscribed and sworn to before me
this 16th day of January, 2018



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



NOTICE OF PROPOSED CHANGES REGARDING THE ALASKA PRESCRIPTION DRUG MONITORING PROGRAM'S CONTROLLED SUBSTANCE PRESCRIPTION DATABASE (PDMP) REGISTRATION FEES IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

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Statutory Authority: AS 08.01.065; AS 17.30.200
Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 17.30.200

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

DATE: 1/12/18

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

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Published: January 14, 2018

STATE OF ALASKA
FIRST JUDICIAL DISTRICT } ss.

AFFIDAVIT OF DEPARTMENT CONSIDERATION OF
BOARD RECOMMENDATIONS

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:


As required by AS 08.01.065(c) and AS 17.30.200(s), the Department of Commerce, Community, and Economic Development has considered the recommendations of the Board of Dental Examiners, State Medical Board, Board of Nursing, Board of Examiners in Optometry, Board of Pharmacy, and the Board of Veterinary Examiners before adopting changes to the fees in 12 AAC 02.107.

DATE: 3/19/18
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 19 day of march, 2018.




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