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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

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

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

A handwritten signature in blue ink, appearing to read "SM", is placed over the name "Scott Meriwether".

**DATE:** July 18, 2018

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

State Medical Board Regulation re Licensure Requirements (12 AAC 40.010; 12 AAC 40.023; 12 AAC 40.058; 12 AAC 40.200; 12 AAC 40.210; 12 AAC 40.310; 12 AAC 40.350; 12 AAC 40.400; 12 AAC 40.405; 12 AAC 40.975)

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Attorney General File: 2018200258  
Regulation Filed: 7/18/2018  
Effective Date: 8/17/2018  
Print: 227, October 2018

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

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE STATE MEDICAL BOARD

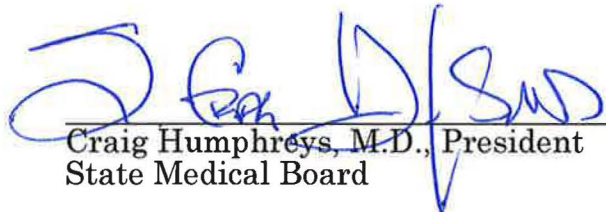
The attached twelve pages of regulations, dealing with licensure requirements, continuing medical education requirements, checklists, renewal requirements, physician assistant requirements, and prescribing controlled substances, are hereby certified to be a correct copy of the regulation changes that the State Medical Board adopted at its May 3-4, 2018 meeting, under the authority of AS 08.01.062, AS 08.01.100, AS 08.64.075, AS 08.64.100, AS 08.64.107, AS 08.64.180, AS 08.64.190, AS 08.64.200, AS 08.64.205, AS 08.64.209, AS 08.64.210, AS 08.64.225, AS 08.64.240, AS 08.64.250, AS 08.64.255, AS 08.64.270, AS 08.64.272, AS 08.64.279, AS 08.64.312, AS 08.64.326, AS 08.64.363, AS 08.64.380, 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.

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 July 1, 2018, as provided in AS 44.62.180.

DATE: 5/31/18  
Anchorage, Alaska

  
\_\_\_\_\_  
Craig Humphreys, M.D., President  
State Medical Board

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on July 18, 2018 at 9:45 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
\_\_\_\_\_  
Byron Mallott, Lieutenant Governor

Effective: August 17, 2018.

Register: 227, October 2018.

**Chapter 40. State Medical Board.**

12 AAC 40.010(b)(1) is amended by adding a new subparagraph to read:

(H) verification of the applicant's completion of at least two hours of education in pain management and opioid use and addiction

(i) ~~education must be earned~~ in a Category I continuing medical education program accredited by the American Medical Association, or ~~earned in~~ a Category I or II continuing medical education program accredited by the American Osteopathic Association, or ~~earned in~~ a continuing medical education program from a provider that is approved by the Council on Podiatric Medical Education <sup>for an</sup>

(ii) <sup>who</sup> if the applicant does not currently hold a valid federal Drug Enforcement Administration registration number, <sup>will</sup> the verification may be waived until the applicant applies for a valid registration number <sup>;</sup>

(Eff. 12/30/70, Register 36; am 5/18/85, Register 94; am 8/2/86, Register 99; am 4/10/88, Register 106; am 5/1/94, Register 130; am 6/28/97, Register 142; am 8/17/97, Register 143; am 11/7/98, Register 148; am 8/9/2000, Register 155; am 6/15/2001, Register 158; am 4/2/2004, Register 169; am 10/14/2006, Register 180; am 3/4/2007, Register 181; am 12/21/2007, Register 184; am 5/8/2013, Register 206; am 8 / 17 / 2018, Register 227)

**Authority:** AS 08.64.100      AS 08.64.210      AS 08.64.250  
AS 08.64.200      AS 08.64.225      AS 08.64.255  
AS 08.64.205      AS 08.64.240

12 AAC 40.015(b)(1) is amended by adding a new subparagraph to read:

(H) verification of the applicant's completion of at least two hours of education in pain management and opioid use and addiction

~~(i) education must be~~ earned in a Category I continuing medical education program accredited by the American Medical Association, or earned in a Category I or II continuing medical education program accredited by the American Osteopathic Association, or earned in a continuing medical education program from a provider that is approved by the Council on Podiatric Medical Education <sup>for an</sup>

~~(ii) if the~~ applicant <sup>who</sup> does not currently hold a valid federal Drug Enforcement Administration registration number, <sup>will</sup> the verification <sup>may</sup> be waived until the applicant applies for a valid registration number <sup>;</sup>

(Eff. 7/29/83, Register 87; am 3/30/84, Register 89; am 4/10/88, Register 106; am 6/28/97, Register 142; am 8/17/97, Register 143; am 6/15/2001, Register 158; am 4/2/2004, Register 169; am 3/4/2007, Register 181; am 12/21/2007, Register 184; am 8 / 17 / 2018, Register 227)

|                   |              |              |              |
|-------------------|--------------|--------------|--------------|
| <b>Authority:</b> | AS 08.64.100 | AS 08.64.205 | AS 08.64.225 |
|                   | AS 08.64.180 | AS 08.64.209 | AS 08.64.240 |
|                   | AS 08.64.190 | AS 08.64.210 | AS 08.64.255 |

12 AAC 40.023 is amended to read:

**12 AAC 40.023. Training [RESIDENCY TRAINING] requirements for podiatry applicant. (a)** In addition to meeting the application requirements in AS 08.64.209, an applicant

for a license to practice podiatry shall submit to the board a certified true copy of a certificate verifying the applicant's successful completion of at least one year of surgical residency training in a hospital accredited by the American Podiatric Medical Association Council on Podiatric Medical Education or the American Board of Podiatric Surgery.

**(b) Verification of the applicant's completions of at least two hours of education in**

**opioid use and addiction:**

(A)

*Under this paragraph*

**(1) education must be earned in a continuing medical education program**

**from a provider that is approved by the Council on Podiatric Medical Education;**

**(2) in accord with AS 08.64.380, the practice of podiatry does not include pain management, therefore the board will accept only verification of the applicant's**

**education in opioid use and addiction;**

(B) *For an*

*who*

**(3) if the applicant does not currently hold a valid federal Drug Enforcement**

**Administration registration number, the verification <sup>will</sup> may be waived until the applicant**

**applies for a valid registration number.** (Eff. 8/9/95, Register 135; am 8 / 17 / 2018,

Register 227)

**Authority:** AS 08.64.100 AS 08.64.190 AS 08.64.209

**Editor's note:** Information on accredited hospitals described in 12 AAC 40.023 may be obtained by contacting the American Podiatric Medical Association Council on Podiatric Medical Education, 9312 Old Georgetown Road, Bethesda, Maryland 20814-1621 or the American Board of Podiatric Surgery, 1601 Dolores Street, San Francisco, California 94110-4906.

*Withdraw circled text  
SEP 7/3/18*

12 AAC 40.058(b) is amended to read:

(b) The form titled *Alaska State Medical Board Checklist - Temporary Permit*, dated **February 2018** [JULY 2012], is adopted by reference. This form is established by the board for the use by the executive secretary or another employee of the division in completing the application processing for a temporary permit under AS 08.64.270.

12 AAC 40.058(c) is amended to read:

(c) The form titled *Alaska State Medical Board Checklist - Resident Permit*, dated **February 2018** [JULY 2012], is adopted by reference. This form is established by the board for the use by the executive secretary or another employee of the division in completing the application processing for a residency permit under AS 08.64.272.

12 AAC 40.058(d) is amended to read:

(d) The form titled *Alaska State Medical Board Courtesy License Checklist*, dated **February 2018** [JULY 2012], is adopted by reference. This form is established by the board for the use by the executive secretary or another employee of the division in completing the application processing for a courtesy license under AS 08.01.062 and 12 AAC 40.045. (Eff. 4/10/88, Register 106; am 8/17/97, Register 143; am 6/15/2001, Register 158; am 9/5/2002, Register 163; am 3/27/2003, Register 165; am 10/14/2006, Register 180; am 3/4/2007, Register 181; am 5/8/2013, Register 206; am 8 / 17 / 2018, Register 227)

|                   |              |              |              |
|-------------------|--------------|--------------|--------------|
| <b>Authority:</b> | AS 08.01.062 | AS 08.64.205 | AS 08.64.270 |
|                   | AS 08.64.075 | AS 08.64.209 | AS 08.64.272 |
|                   | AS 08.64.100 | AS 08.64.255 | AS 08.64.279 |

AS 08.64.200

**Editor's note:** The application checklist forms listed in 12 AAC 40.058 are available at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing offices in Anchorage and Juneau.

12 AAC 40.200(a) is amended to read:

(a) A physician, osteopath, or podiatrist seeking renewal of a license shall obtain

(1) an average of 25 credit hours of continuing medical education during each year of the previous license period; and

(2) at least two of the total hours required to qualify for the renewal must be education in pain management and opioid use and addiction, unless the licensee provides a certification under 12 AAC 40.220 that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number.

(Eff. 10/8/81, Register 80; am 1/16/99, Register 149; am 8/9/2000, Register 155; am 3/27/2003, Register 165; am 10/14/2006, Register 180; am 8 / 17 / 2018, Register 227)

**Authority:** AS 08.01.100            AS 08.64.100            AS 08.64.312

AS 08.64.075

12 AAC 40.210 is amended to read:

**12 AAC 40.210. Credit hours.** (a) Except as provided in (b) of this section, a licensee may meet the continuing medical education requirements set out in 12 AAC 40.200(a) only by obtaining

(1) credit hours in a Category I continuing medical education program accredited

by the American Medical Association; [OR]

(2) Category I or II continuing medical education hours accredited by the American Osteopathic Association; or

**(3) continuing medical education hours earned from providers that are approved by the Council on Podiatric Medical Education.**

(b) The board will accept the following as the equivalent of the credit hours required under **12 AAC 40.200(a)(1)** [12 AAC 40.200(a)]:

(1) a current physician's recognition award from the American Medical Association, American Podiatry Association, American Osteopathic Association, or a recognized subspecialty board; or

(2) initial certification or recertification during the concluding licensing period by a specialty board recognized by the American Medical Association or the American Osteopathic Association; or

(3) participation in a residency program during the concluding licensing period.

(Eff. 10/8/81, Register 80; am 5/1/94, Register 130; am 3/27/2003, Register 165; am 10/14/2006, Register 180; am 8 / 17 / 2018, Register 227)

**Authority:** AS 08.64.100 AS 08.64.312

12 AAC 40.310(a) is amended by adding a new paragraph to read:

(9) submit verification of the applicant's completion of at least two hours of education in pain management and opioid use and addiction ~~education must be earned~~ in a continuing medical education program accepted by the National Registry of Emergency Medical Technicians, ~~or~~ offered by a paramedic training program approved by the board, or must be



Category I accredited by the American Medical Association, or Category I or II accredited by the American Osteopathic Association.

The introductory language of 12 AAC 40.310(b) is amended to read:

(b) An applicant for licensure as a mobile intensive care paramedic who is currently licensed in another state must fulfill the requirements of (a)(1) - (4) and (6) – (9) [(8)] of this section and

• • •

(Eff. 1/13/80, Register 73; am 5/11/85, Register 94; am 8/20/87, Register 103; am 4/10/88, Register 106; am 8/24/90, Register 115; am 6/15/2001, Register 158; am 8/17/2018, Register 227)

**Authority:** AS 08.64.100 AS 08.64.107 AS 08.64.240

12 AAC 40.350(a)(2) is amended to read:

(2) satisfactory evidence of completion of continuing medical education consisting of not less than 60 classroom or clinical hours, or combination of classroom and clinical hours, for each complete 12-month period the applicant has held a mobile intensive care paramedic license during the concluding license period; not more than **one-third** [ONE-QUARTER] of the total hours of continuing medical education required under this paragraph may be awarded for completion of a formal correspondence or other individual study program; at least six hours of the total hours of continuing medical education required under this paragraph must be specific to pediatrics emergency education;

(Eff. 1/13/80, Register 73; am 8/20/87, Register 103; am 8/24/90, Register 115; am 6/15/2001, Register 158; am 4/2/2004, Register 169; am 10/14/2006, Register 180; am 7/25/2008, Register 187; am 5/8/2013, Register 206; am 8 / 17 / 2018, Register 227)

**Authority:** AS 08.01.100 AS 08.64.100 AS 08.64.107

12 AAC 40.400(b)(7) is amended to read: *((Publisher: 12 AAC 40.400(b)(1) - (6) are unchanged.))*

(b) The application must contain documented evidence of

(1) graduation from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or, before 2001, by its predecessor accrediting agencies the American Medical Association's Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs;

(2) a passing score on the certifying examination administered by the National Commission on Certification of Physician Assistants;

(3) verification of current certification issued by the National Commission on Certification of Physician Assistants (NCCPA);

(4) compliance with continuing medical education standards established by the National Commission on Certification of Physician Assistants;

(5) verification of registration or licensure in all other states where the applicant is or has been registered or licensed as a physician assistant or any other health care professional;

(6) verification of successful completion of a physician assistant program that meets the requirements of (1) of this subsection; that verification must be sent directly from the program to the board;

(7) verification of the applicant's completion of at least two hours of education in pain management and opioid use and addiction

(A) education must be earned in a continuing medical education program approved by the National Commission on Certification of Physician assistants (NCCPA), or a Category I continuing medical education program accredited by the American Medical Association, or a Category I or II continuing medical education program accredited by the American Osteopathic Association

(B) if the applicant <sup>for an</sup> does not currently hold a valid federal Drug

Enforcement Administration registration number, the verification <sup>will</sup> may be waived

until the applicant applies for a valid registration number;

(8) clearance from the Board Action Data Bank maintained by the Federation of

State Medical Boards; and

(9) [(8)] clearance from the federal Drug Enforcement Administration (DEA).

(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 8 / 17 / 2018, Register 227.)

**Authority:** AS 08.64.100 AS 08.64.107

12 AAC 40.405(e) is amended to read:

(e) An applicant who meets the requirements on the checklist established in this section has demonstrated the necessary qualifications for the temporary permit applied for and will be approved by the board or the board's designee for issuance of that permit. An applicant who does

*(Publisher: 12 AAC 40.405(b)(7) becomes (b)(8) (b)(8) becomes (b)(9).))*

not meet the requirements on the checklist established in this section for that permit will not be issued a temporary permit unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.64 and this chapter for that permit. The form titled *Alaska State Medical Board - Checklist, Temporary Permit for Physician Assistant*, dated **February 2018** [JULY 2012], is adopted by reference. This form is established by the board for the use by the executive secretary or another employee of the division in completing the application processing for a temporary permit under this section. (Eff. 9/19/80, Register 76; am 7/4/84, Register 90; am 3/12/89, Register 109; am 6/28/97, Register 142; am 7/25/2008, Register 187; am 5/8/2013, Register 206; am 8 / 17 / 2018, Register 227)

**Authority:** AS 08.64.100 AS 08.64.107

**Editor's note:** The application checklist form listed in 12 AAC 40.405 is available at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing offices in Anchorage and Juneau.

12 AAC 40.975 is amended to read:

**12 AAC 40.975. Prescribing controlled substances.** When prescribing a drug that is a controlled substance, an individual licensed under this chapter shall

**(1)** create and maintain a complete, clear, and legible written record of care that includes

**(A)** [(1)] a patient history and evaluation sufficient to support a diagnosis;

**(B)** [(2)] a diagnosis and treatment plan for the diagnosis;

**(C)** [(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;

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

(2) review the information from the controlled substance prescription database under AS 17.30.200 before initially dispensing, prescribing, or administering a controlled substance designated schedule II or III under federal law to the 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; <sup>the</sup> ~~this~~ requirement <sup>under this paragraph w/</sup> shall not apply if the licensee is not required under AS 17.30.200 to review the information in the controlled substance prescription database before dispensing, prescribing, or administering the controlled substance to the patient;

(3) comply with the maximum dosage for opioid prescriptions under AS 08.64.363; the maximum daily dosage for an initial opioid prescription issued under AS 08.64.363(a) may not exceed 50 morphine milligram equivalents;

(4) practice pain management <sup>(a)</sup> with sufficient knowledge, skills, and training, and in accordance with specialty board practice standards, <sup>and (B) in accordance</sup> with the Federation of State Medical Boards (FSMB) Guidelines for the Chronic Use of Opioid Analgesics, dated April 2017, and the Centers for Disease Control (CDC) Guidelines for Prescribing Opioids for Chronic Pain, dated March 2016, which are adopted by reference as the standards of practice for prescribing controlled substances for pain management; <sup>(c)</sup> or refer <sup>to</sup> patients <sup>to</sup> a pain management physician. (Eff. 6/28/97, Register 142; am 10/8/2017, Register 224; am

8/17/2018, Register 227)

Authority: AS 08.64.100      AS 08.64.326      AS 08.64.380

AS 08.64.107      AS 08.64.363      AS 17.30.200

Editor's note: A copy of the *Guidelines for the Chronic Use of Opioid Analgesics* adopted as policy by the Federation of State Medical Boards (FSMB), dated April 2017, adopted by reference in 12 AAC 40.975, may be obtained from the Federation of State Medical Boards, 400 Fuller Wiser Road, Euless, TX 76039, or website at <https://www.fsmb.org/policy/advocacy-policy/policy-documents>. A copy of the *CDC Guidelines for Prescribing Opioids for Chronic Pain*, dated March 2016, adopted by reference in 12 AAC 40.975, may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, GA 30329, or website at <https://www.cdc.gov/drugoverdose/prescribing/guideline.html>.

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Byron Mallott  
Lieutenant Governor

**Date:** July 13, 2018

**File No.:** 2018200258

**Tel. No.:** 465-3600

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

**Re:** State Medical Board Regulation re:  
Licensure Requirements; 12 AAC  
40.010 (licensure by credentials),  
.023 (podiatrist training), .058  
(review of applications), .200  
(general requirements), .210 (credit  
hours), .310 (paramedic initial  
licenses), .350 (paramedic renewal),  
.400 (physician assistant license),  
.405 (temporary license), .975  
(prescribing controlled substances).

We have reviewed the attached regulations adopted by the State Medical Board against the statutory standards of the Administrative Procedure Act. Based upon our review, 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 regulations concern licensure requirements, continuing medical education requirements, checklists, renewal requirements and provisions on prescribing controlled substances. Materials adopted by reference are included for your records.

The regulations were adopted by the State Medical Board after the close of the public comment period. The March 23, 2018 public notice and the certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations. Further, the board's executive administrator has approved the corrections and the withdrawal of 12 AAC 40.023(b)(2) for further consideration; that withdrawal is noted on the attached copy.

SRP

cc: (*via email*)

Craig Humphreys, M. D., President  
State Medical Board  
(via email through Jun Maiquis)

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

Janey McCullough  
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  
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Debora Stovern, Executive Administrator  
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Jun Maiquis, Regulations Specialist  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Sher Zinn, Regulations Specialist  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General  
Commercial and Fair Business Section  
Department of Law



**NOTICE OF PROPOSED CHANGES RELATING TO LICENSURE, CONTINUING MEDICAL EDUCATION, RENEWAL, PHYSICIAN ASSISTANT REQUIREMENTS, AND PRESCRIBING CONTROLLED SUBSTANCES IN THE REGULATIONS OF THE STATE MEDICAL BOARD**

**BRIEF DESCRIPTION:** The State Medical Board proposes to update various regulations relating to licensure requirements, checklists used for review of applications, continuing education requirements, renewal, physician assistant requirements, and prescribing controlled substances.

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 40.010. Application for license by credentials**, is proposed to be changed to amend the requirements for licensure by credentials.
2. **12 AAC 40.015. Application for license by examination**, is proposed to be changed to amend the requirements for licensure by examination.
3. **12 AAC 40.023. Training requirements for podiatry applicant**, is proposed to be changed to amend the application requirements for a license to practice podiatry.
4. **12 AAC 40.058. Review of applications**, is proposed to be changed to adopt by reference the updated checklists used for review of applications.
5. **12 AAC 40.200. General requirements**, is proposed to be changed to amend the continuing medical education requirements for a physician, osteopath, or podiatrist seeking license renewal.
6. **12 AAC 40.210. Credit hours**, is proposed to be changed to amend the continuing medical education credit hours requirements.
7. **12 AAC 40.310. Qualifications for initial license**, is proposed to be changed to amend the application requirements for licensure as a mobile intensive care paramedic.
8. **12 AAC 40.350. Renewal of license**, is proposed to be changed to amend the provisions related to continuing medical education hours required for renewal of a mobile intensive care paramedic.
9. **12 AAC 40.400. Physician assistant license**, is proposed to be changed to amend the verification requirements for physician assistant licensure.
10. **12 AAC 40.405. Temporary license**, is proposed to be changed to adopt by reference the updated checklists used for review of applications.
11. **12 AAC 40.975. Prescribing controlled substances**, is proposed to be changed to amend the provisions related to prescribing controlled substances, and to establish standards of practice for prescribing controlled substances for pain management that the Board adopts by reference.

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](mailto: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/189322>, and using the comment link. **The comments must be received not later than 5:00 p.m. on April 25, 2018.** 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 [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@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 [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov) not later than April 18, 2018 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 [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/Portals/5/pub/MED-0318.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 08.01.100; AS 08.64.075; AS 08.64.100; AS 08.64.107; AS 08.64.180; AS 08.64.190; AS 08.64.200; AS 08.64.205; AS 08.64.209; AS 08.64.210; AS 08.64.225; AS 08.64.240; AS 08.64.250; AS 08.64.255; AS 08.64.270; AS 08.64.272; AS 08.64.279; AS 08.64.312; AS 08.64.326; AS 08.64.363; AS 08.64.380; AS 17.30.200

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.01.062; AS 08.01.100; AS 08.64.075; AS 08.64.100; AS 08.64.107; AS 08.64.180; AS 08.64.190; AS 08.64.200; AS 08.64.205; AS 08.64.209; AS 08.64.210; AS 08.64.225; AS 08.64.240; AS 08.64.250; AS 08.64.255; AS 08.64.270; AS 08.64.272; AS 08.64.279; AS 08.64.312; AS 08.64.326; AS 08.64.363; AS 08.64.380; AS 17.30.200


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

DATE: 3/23/18

  
\_\_\_\_\_  
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:** State Medical Board – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Application for license by credentials, application for license by examination, training requirements for podiatry applicant, review of applications, general requirements, credit hours, qualifications for initial license, renewal of license, physician assistant license, temporary license, and prescribing controlled substances.
3. **Citation of regulation:** 12 AAC 40.010, 12 AAC 40.015, 12 AAC 40.023, 12 AAC 40.058, 12 AAC 40.200, 12 AAC 40.210, 12 AAC 40.310, 12 AAC 40.350, 12 AAC 40.400, 12 AAC 40.405, 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 (Ch. 2 SSSLA 2017 - HB 159); 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 2018 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:** 3/23/18      **Prepared by:**   
Jun Marquis  
Regulations Specialist  
(907) 465-2537

STATE OF ALASKA )  
FIRST JUDICIAL DISTRICT ) ss.

**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 40.010 through 12 AAC 40.975, dealing with licensure requirements, continuing medical education requirements, checklists, renewal requirements, physician assistant requirements, and prescribing controlled substances, 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: 5/23/18  
Juneau, Alaska

  
\_\_\_\_\_  
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 23rd day of May, 2018.



  
\_\_\_\_\_  
Notary Public in and for the  
State of Alaska  
My commission expires: w/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 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 licensure requirements, continuing medical education requirements, checklists, renewal requirements, physician assistant requirements, and prescribing controlled substances.

DATE: 5/23/18  
Juneau, Alaska

*Jun Maiquis*  
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 23 day of May, 2018.



*D. Ames*  
Notary Public in and for the  
State of Alaska  
My commission expires: w/o office

# ANCHORAGE DAILY NEWS

RECEIVED  
Juneau

APR 02 2018

## AFFIDAVIT OF PUBLICATION

CBPL

Account #: 268972  
ST OF AK/DEC/OCCU  
PO BOX 110806  
JUNEAU, AK 998110806

Order# 0001418634 Product ANC-Anchorage Daily News  
Cost \$622.52 Placement 0300  
Position 0301

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 Anchorage Daily 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 25, 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 Joleesa Stepetin  
Joleesa Stepetin

Subscribed and sworn to before me  
this 26th day of March, 2018

Britney Thompson  
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

### NOTICE OF PROPOSED CHANGES RELATING TO LICENSURE, CONTINUING MEDICAL EDUCATION, RENEWAL, PHYSICIAN ASSISTANT REQUIREMENTS, AND PRESCRIBING CONTROLLED SUBSTANCES IN THE REGULATIONS OF THE STATE MEDICAL BOARD

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

- 12 AAC 40.010. Application for license by credentials**, is proposed to be changed to amend the requirements for licensure by credentials.
- 12 AAC 40.015. Application for license by examination**, is proposed to be changed to amend the requirements for licensure by examination.
- 12 AAC 40.023. Training requirements for podiatry applicant**, is proposed to be changed to amend the application requirements for a license to practice podiatry.
- 12 AAC 40.058. Review of applications**, is proposed to be changed to adopt by reference the updated checklists used for review of applications.
- 12 AAC 40.200. General requirements**, is proposed to be changed to amend the continuing medical education requirements for a physician, osteopath, or podiatrist seeking license renewal.
- 12 AAC 40.210. Credit hours**, is proposed to be changed to amend the continuing medical education credit hours

To request a copy of the Notice and Summons, please contact the Department of Law, 333 West 12th Avenue, Anchorage, Alaska 99501, or call 907-263-3333.

A Dependency Petition was filed on 2/21/18. A Fact Finding hearing will be held on this matter on: 4/23/18 at 9:00am at Chelan County Juvenile Center, 300 Washington St. Wenatchee, WA 98801. YOU SHOULD BE PRESENT AT THIS HEARING. THE HEARING WILL DETERMINE IF YOUR CHILD IS DEPENDENT AS DEFINED IN RCW 13.34.050(5). THIS BEGINS A JUDICIAL PROCESS WHICH COULD RESULT IN PERMANENT LOSS OF YOUR PARENTAL RIGHTS. IF YOU DO NOT APPEAR AT THE HEARING THE COURT MAY ENTER A DEPENDENCY ORDER IN YOUR ABSENCE.

TO: Louis Holger Eklund, father  
BY PUBLICATION (Dependency)  
NOTICE AND SUMMONS  
CAUSE NO.: 18-7-70006-2  
D.O.B.: 8/28/2010  
BRODY LAINE HUNTER  
In re the Dependency of:

STATE OF WASHINGTON  
SUPERIOR COURT OF WASHINGTON  
COUNTY OF CHELAN  
JUVENILE DIVISION

Legals & Public Notices  
301

2004 Jeep Grand Cherokee, AWD, Runs and drives excellent, 122K miles, 4.7 V8, AT, Dual air bags, ABS, Reliable, Great Heater, Leather interior, sunroof, power, loaded. All maintenance completed, \$4450. Call 907-223-9351.



Automobiles  
8025

Automotive  
8000

R-985 Oil Cooler, Brass w/Pressure Release Valve & Bypass Valve - \$1250 OBO. Air Generator w/ 12" adjustable propeller - \$350. Tail wheel assembly, Goodyear, new rubber, 12.50 & DJV - \$350. Call 907-947-0340.

Airplanes  
7025

Recreation  
7000

**Project Manager/Engineer**  
Design Alaska is accepting applications for a Project Manager/Engineer who is dynamic, hardworking, and passionate about the building construction industry. See [www.designalaska.com/pages/join-us-for-more-attributes-and-application](http://www.designalaska.com/pages/join-us-for-more-attributes-and-application). Design Alaska is an EOE/AA employer.

STATE OF ALASKA )  
THIRD JUDICIAL DISTRICT ) ss.

**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 licensure requirements, continuing medical education requirements, checklists, renewal requirements, physician assistant requirements, and prescribing controlled substances was passed by the State Medical Board during its May 3-4, 2018 meeting.

Date: 5/11/18 Debora Stovern  
Anchorage, Alaska Debora Stovern, Executive Administrator

SUBSCRIBED AND SWORN TO before me this 11<sup>th</sup> day of May, 2018.



[Signature]  
Notary Public in and for the  
State of Alaska  
My commission expires: with office

Excerpt from the Draft Minutes of the  
May 3-4, 2018 Meeting of the  
Alaska State Medical Board

Approved Regulation Project

The Board has identified a number of regulation changes to implement House Bill (HB) 159, enacted last year, including opioid prescription limits, opioid education for new and renewal licenses, and requirements for PDMP registration and use. Many of the provisions of HB 159 take effect July 1, 2018. The Board also initiated regulations changes to update the checklists that are used for review of completed applications, and allow for additional paramedic renewal education required to be completed in a formal correspondence or other individual study program.

As published in the public notice, this regulations project proposes to update various regulations relating to licensure requirements, checklists, renewal requirements, and prescribing controlled substances, including the following:

- 12 AAC 40.010, 12 AAC 40.015, 12 AAC 40.023, 12 AAC 40.310, and 12 AAC 40.400. Implements the requirement for new license applicants to include completion of at least two hours of education in pain management and opioid use and addiction, in accordance with HB 159.
- 12 AAC 40.058 and 12 AAC 40.405. Adopts updated checklists for use in processing applications, to include recent changes for expedited temporary permits, and streamlining the application review process.
- 12 AAC 40.200 and 12 AAC 40.210. Implements the requirement for renewal license applicants to include completion of at least two hours of education in pain management and opioid use and addiction, in accordance with HB 159.
- 12 AAC 40.35. At the request of the Alaska Paramedic Association, this change will allow up to 1/3 of the total hours of required continuing medical education to be completed in a formal correspondence or other individual study program.
- 12 AAC 40.975. Revises the standards for prescribing controlled substances to comply with HB 159, which allows the Board to sanction a licensee that has prescribed or dispensed an opioid in excess of the maximum dosage, adds a new section limiting opioid dosage to a seven-day supply, applies the new opioid requirements to the telemedicine statute, and amends the definition of opioids. It authorizes the Board to require that a licensee review PDMP information when dispensing, prescribing, or administering Schedule II or II controlled substances; and it implements professional standards for the practice of pain management.

In considering the proposed regulations project, the Board reviewed and considered public comments received from: Douglas Migden MD, Stephanie Forbes, Thomas Mego MD, Pamela Samash, Oliver M. Korshin MD, Ellen M. Provost DO, Bill Mackreth MICP, Todd Green DO,



Elizabeth Ferucci MD, Chelsea Frank, Thomas Check MD, Mignon F. Benjamin MD, Kathryn Newberry PA, Raine Richards, Cheryl Bowie, and Todd McDowell (Alaska Dept. of Health and Social Services),

In response to comments, the Board determined to revise the proposed language of 12 AAC 40.200(a)(2) to clarify that *at least two of the total hours required to qualify for the renewal* must be the new opioid education (the requirement is not for two hours of opioid education each year, which would total four years for each biennial renewal.) In addition, the proposed language of 12 AAC 40.310(a)(9) was revised to reference continuing medical education programs for paramedics as being “accepted” by the National Registry of Emergency Medical Technicians (rather than “approved” by them.)

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. Clift, seconded by Dr. Neyhart, and approved unanimously, the Board adopted the proposed regulation changes regarding licensure requirements, checklists, renewal requirements, and prescribing controlled substance, as revised.**

The adoption order was signed by the Chair.