

Valerie Nurr'araaluk Davidson
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Tally Teal
Department of Labor and Workforce Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: October 26, 2018

RE: Filed Permanent Regulations: Alaska Workers' Compensation Board

Alaska Workers' Compensation Board and Department of Labor and Workforce
Development Regulations re: Fees for Medical Treatment and Services (8 AAC
45.083(a), (m)(10))

| | |
|------------------------|-------------------|
| Attorney General File: | 2018200781 |
| Regulation Filed: | 10/26/2018 |
| Effective Date: | 1/1/2019 |
| Print: | 228, January 2019 |

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

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE ALASKA WORKERS' COMPENSATION BOARD

The attached 1 page of regulations, dealing with fees for medical treatment and services, is certified to be a correct copy of the regulation changes that the Alaska Workers' Compensation Board adopted at its October 4-5, 2018 meeting, under the authority of AS 23.30.005 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 Alaska Workers' Compensation 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 January 1, 2019, as provided in AS 44.62.180.

Date: 10/11/18

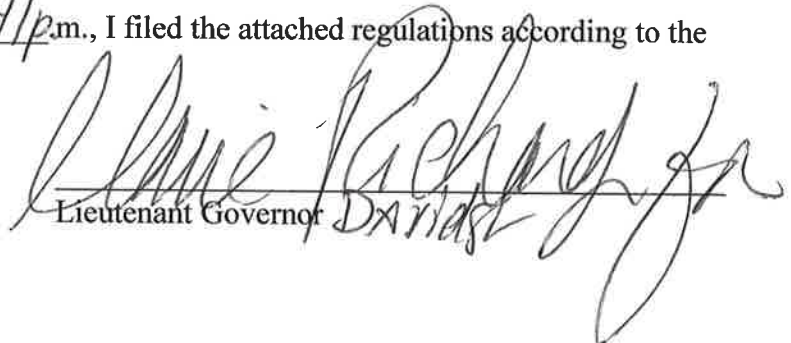


Marie Marx, Director




FILING CERTIFICATION

I, ~~Byron Mallott~~, Lieutenant Governor for the State of Alaska, certify that on 10 OCT 20, 2018 at 12:41p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor ~~DANASE~~

Effective: January 1, 2019.

Register: 228, January 2019.

ORDER ADOPTING CHANGES TO REGULATIONS OF THE
ALASKA DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The attached 1 page of regulations, dealing with fees for medical treatment and services, is adopted and certified to be a correct copy of the regulation changes that the Alaska Department of Labor and Workforce Development adopts under the authority of AS 23.30.005 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 Alaska Department of Labor and Workforce Development 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 January 1, 2019, as provided in AS 44.62.180.

Date:

10/12/18

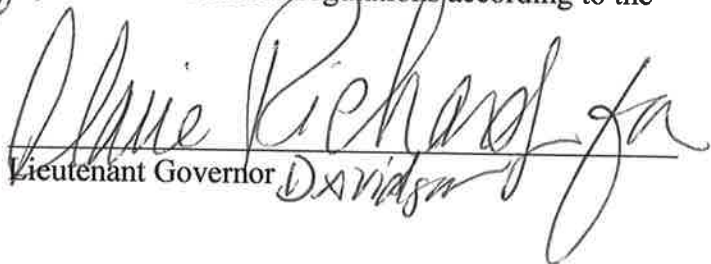

Heidi Drygas, Commissioner


Valerie Davidson

FILING CERTIFICATION

I, ~~Brynn Mallett~~, Lieutenant Governor for the State of Alaska, certify that on

10 OCT. 26, 2018, at 12:40 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Lieutenant Governor Davidson

Effective: January 1, 2019.

Register: 228, January 2019.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, VALERIE NURR'ARAALUK DAVIDSON, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

**Claire Richardson
Scott Meriwether
April Simpson
Kady Levale**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Anchorage, on October 24,
2018.**




.....
**VALERIE NURR'ARAALUK DAVIDSON
LIEUTENANT GOVERNOR**

Register 228, January 2019 LABOR AND WORKFORCE DEV.

8 AAC 45.083(a) is amended to read:

(a) A fee or other charge for medical treatment or service may not exceed the maximums in AS 23.30.097. The fee or other charge for medical treatment or service

(1) provided on or after December 1, 2015, but before April 1, 2017, may not exceed the fee schedules set out in (b) – (d) of this section; ^{bald/ul} [.]

(2) provided on or after April 1, 2017, but before January 1, 2018, may not exceed the maximum allowable reimbursement established in the *Official Alaska Workers' Compensation Medical Fee Schedule*, effective April 1, 2017, and adopted by reference;

(3) provided on or after January 1, 2018, but before January 1, 2019, may not exceed the maximum allowable reimbursement established in the *Official Alaska Workers' Compensation Medical Fee Schedule*, effective January 1, 2018, and adopted by reference;

(4) provided on or after January 1, 2019, may not exceed the maximum allowable reimbursement established in the *Official Alaska Workers' Compensation Medical Fee Schedule*, effective January 1, 2019, and adopted by reference.

8 AAC 45.083(m)(10) is amended to read:

(10) *Hospital Outpatient Prospective Payment System*, effective January 1, 2019 [2018], produced by the federal Centers for Medicare and Medicaid Services;

(Eff. 12/1/2015, Register 216; am 3/11/2016, Register 217; am 4/1/2017, Register 221; am 1/1/2018, Register 224; am 1 / 1 / 2019, Register 228)

Authority: AS 23.30.005 AS 23.30.097 AS 23.30.098

MEMORANDUM

State of Alaska Department of Law

To: The Honorable
Valerie Nurr'araaluk Davidson
Lieutenant Governor

Date: October 22, 2018

File No.: 2018200781

Tel. No.: 465-3600

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

Re: Alaska Workers' Compensation
Board and Department of Labor and
Workforce Development Regulations
re: Fees for Medical Treatment and
Services (8 AAC 45.083(a), (m)(10))

We have reviewed the attached regulations from the Alaska Workers' Compensation Board and the Department of Labor and Workforce Development against the statutory standards of the Administrative Procedure Act. The regulations update the requirements regarding fees for medical treatment of and medical services to injured employees.

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. We note that the Department of Labor and Workforce Development adoption order and the Alaska Workers' Compensation Board certification of adoption order both set a *special effective date of January 1, 2019* for these regulations.

The August 20, 2018 public notice, the October 11, 2018 certification of adoption order from the Alaska Workers' Compensation Board, and the October 12, 2018 adoption order from the Department of Labor and Workforce Development all 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 one technical correction as shown on the attached copy.

SRP/ljm
cc w/enc: (via email)

Hon. Heidi Drygas, Commissioner, Department of Labor and Workforce Development
Tally Teal, Regulations Contact, Department of Labor and Workforce Development
Marie Marx, Director, Div. of Workers' Compensation, Department of Labor and Workforce Development
Kimber Rodgers, Assistant Attorney General, Department of Law

NOTICE OF PROPOSED CHANGES RELATING TO FEES FOR MEDICAL TREATMENT
AND SERVICES IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF LABOR
AND WORKFORCE DEVELOPMENT AND THE ALASKA WORKERS' COMPENSATION
BOARD

BRIEF DESCRIPTION

The Alaska Department of Labor and Workforce Development and the Alaska Workers' Compensation Board propose to change regulations relating to fees for medical treatment and services.

The Alaska Department of Labor and Workforce Development and the Alaska Workers' Compensation Board propose to adopt regulation changes in Title 8 of the Alaska Administrative Code, dealing with fees for medical treatment and services, including the following:

- (1) 8 AAC 45.083 is proposed to be changed as follows: amend to update and clarify the medical fee schedule for treatment and services provided to injured workers.

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 the Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512. Additionally, the Department of Labor and Workforce Development, Division of Workers' Compensation will accept comments by facsimile at (907) 465-2797 and by electronic mail at workerscompregs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 p.m. on September 24, 2018.

Oral comments may be submitted at a hearing to be held on October 4, 2018, in Room 208, 3301 Eagle St., Anchorage, Alaska 99503. Public comment will be heard from 10:15am to 11:15am, and might be extended to accommodate those present before 10:15am who did not have an opportunity to comment.

You may submit written questions relevant to the proposed action to the Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512 or by electronic mail at workerscompregs@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Department of Labor and Workforce Development, Division of Workers' Compensation will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Division of Workers' Compensation's website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Alexis Newman at (907) 465-6059 or alexis.newman@alaska.gov not later than September 20, 2018 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes and the material proposed for adoption by reference

is available on the Alaska Online Public Notice System and by contacting Alexis Newman at (907) 465-6059 or alexis.newman@alaska.gov.


After the public comment period ends, the Department of Labor and Workforce Development and the Workers' Compensation 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.

Statutory authority: AS 23.30.005; AS 23.30.097; AS 23.30.098

Statutes being implemented, interpreted, or made specific: AS 23.30.097; AS 23.30.098

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

Date: 8/15/18



Heidi Drygas, Commissioner
Department of Labor and Workforce Development

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agencies: Department of Labor and Workforce Development and Alaska Workers' Compensation Board
2. General subject of regulation: Fees for medical treatment and services
3. Citation of regulation: 8 AAC 45.083
4. Department of Law file number, if any: 2018200781
5. Reason for the proposed action:
Compliance with state statute relating to medical fee schedules.
6. Appropriation/Allocation: Workers' Compensation - #344.
7. Estimated annual cost to comply with the proposed action to:

A private person: The Department and the Board anticipate that complying with the regulations will not increase costs to private persons. The proposed medical fee schedules are anticipated to lower payments made to healthcare providers who treat workers' compensation claimants. If medical costs decrease, it is anticipated that will help reduce workers' compensation insurance premium rates paid by employers.

Another state agency: The Department and the Board anticipate that complying with the regulations will not increase costs to other state agencies. The State of Alaska is self-insured for workers' compensation. Lower workers' compensation medical costs will benefit the State of Alaska as an employer.

A municipality: The Department and the Board anticipate that complying with the regulations will not increase costs to municipalities. As employers, municipalities will benefit from lower workers' compensation medical costs.

8. Cost of implementation to the state agency and available funding:
No costs are expected in FY 2019 or in subsequent years.
9. The name of the contact person for the regulation:

Marie Marx

Director
Division of Workers' Compensation
Department of Labor and Workforce Development
1111 W. 8th, Suite 305
Juneau, AK 99811
Telephone: (907) 465-2790
E-mail: Marie.Marx@alaska.gov

10. The origin of the proposed action:

Staff of state agency

11. Date: August 15, 2018

Prepared by: Marie Marx

Marie Marx
Director
(907) 465-2790

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268981

Order #: 0001426508

Cost: \$378.48

RECEIVED
AUG 24 2018
ADMINISTRATIVE
SERVICES

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath
deposes and says that 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

August 20, 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 21 day of August
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 FEES FOR MEDICAL TREATMENT AND SERVICES IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT AND THE ALASKA WORKERS' COMPENSATION BOARD

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After the public comment period ends, the Department of Labor and Workforce Development and the Workers' Compensation 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.

Statutory authority: AS 23.30.005; AS 23.30.097; AS 23.30.098

Statutes being implemented, interpreted, or made specific: AS 23.30.097; AS 23.30.098

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

Heidi Drygas, Commissioner
Department of Labor and Workforce Development

Published: August 20, 2018

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Natalie Teal, Legislative Liaison, of the Alaska Department of Labor and Workforce Development, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to regulations relating to fees for medical treatment and services has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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);

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2) through (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 23 Aug 2018

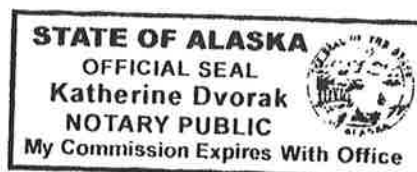


Natalie Teal, Legislative Liaison

Subscribed and sworn to before me at DOLWD- CO office Juneau on August 23, 2018.



Notary Public in and for the State of Alaska



AFFIDAVIT OF ORAL HEARING

I, Marie Marx, Director of the Alaska Department of Labor and Workforce Development Division of Workers' Compensation, being sworn, state the following:

On October 4, 2018, at 10:15am, in Room 208, 3301 Eagle Street, Anchorage, Alaska, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 8 AAC 45.083, dealing with fees for medical treatment and services.

Date: 10/11/18

Marie Marx
Marie Marx, Director

Subscribed and sworn to before me at Juneau, Alaska on
October 11, 2018
(date)



Susan Reithus-O'Brien
Notary Public in and for the State of Alaska

#150601001 exp. 6/1/19

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

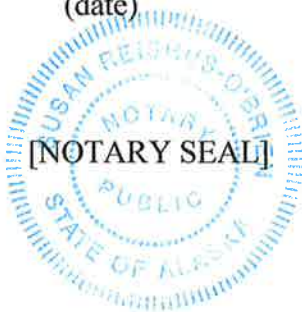
I, Marie Marx, Director for the Alaska Department of Labor and Workforce Development Division of Workers' Compensation, being duly sworn, state the following:

In compliance with AS 44.62.215, the Alaska Department of Labor and Workforce Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Department of Labor and Workforce Development regulation on fees for medical treatment and services.

Date: 10/11/18

Marie Marx
Marie Marx, Director

Subscribed and sworn to before me at Juneau, Alaska on
October 11, 2018.
(date)



Susan Reishus-O'Brien
Notary Public in and for the State of Alaska
#150601001 exp. 6/1/19

Alaska Workers' Compensation Board
October 4, 2018
Excerpt from Unapproved Minutes

Board member Linda Murphy moved and member David Kester seconded the following motion:

“I move to adopt fee schedule regulations at 8 AAC 45.083.”

The motion carried unanimously.

AFFIDAVIT OF BOARD ACTION

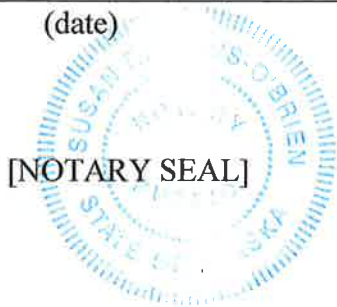
I, Marie Marx, Director of the Alaska Department of Labor and Workforce Development Division of Workers' Compensation, being duly sworn, state the following:

The attached motion dealing with fees for medical treatment and services was passed by the Alaska Workers' Compensation Board during its October 4-5, 2018 meeting.

Date: 10/11/18

Marie Marx
Marie Marx, Director

Subscribed and sworn to before me at Juneau, Alaska on
October 11, 2018
(date)



Susan Reusch-O'Brien
Notary Public in and for the State of Alaska
#150601001 exp. 6/1/19