

AMENDED NOTICE OF PROPOSED CHANGES RELATING TO ELECTRONIC FILING, AGENCY FORMS, HEARINGS, MATERIAL ADOPTED BY REFERENCE, FILING NOTICES, SECOND INDEPENDENT MEDICAL EVALUATIONS, CASE FILES, REPORTING COMPENSATION, CONTROVERSION NOTICES, AND EMPLOYEE STATUS 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 electronic filing, agency forms, hearings, material adopted by reference, filing notices, second independent medical evaluations, case files, reporting compensation, controversion notices, and employee status.

This amended notice extends the date for written public comment and changes the date for in-person public comment.

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 electronic filing, agency forms, hearings, material adopted by reference, filing notices, second independent medical evaluations, case files, reporting compensation, controversion notices, and employee status, including the following:

- (1) 8 AAC 45.020 is proposed to be changed as follows: Amend procedures relating to filing a document.
- (2) 8 AAC 45.025 is proposed to be changed as follows: Amend the regulation to reference the correct agency mailing address and clarify where agency forms may be obtained.
- (3) 8 AAC 45.060 is proposed to be changed as follows: Amend procedures relating to filing and serving a document.
- (4) 8 AAC 45.070 is proposed to be changed as follows: Clarify hearing procedures.
- (5) 8 AAC 45.083 is proposed to be repealed and readopted as follows: Update fee schedule material adopted by reference.
- (6) 8 AAC 45.085 is proposed to be changed as follows: Amend procedures relating to filing a document.
- (7) 8 AAC 45.092 is proposed to be changed as follows: Amend procedures relating to the second independent medical evaluation process.

- (8) 8 AAC 45.110 is proposed to be changed as follows: Clarify hearing procedures.
- (9) 8 AAC 45.134 is proposed to be repealed: Change how compensation may be offset.
- (10) 8 AAC 45.136 is proposed to be repealed and readopted as follows: Change the procedures for reporting compensation.
- (11) 8 AAC 45.182 is proposed to be changed as follows: Clarify controversion notice filing procedures.
- (12) 8 AAC 45.890 is proposed to be repealed: Remove regulatory definition of employee status.

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 January 17, 2019.

Oral comments may be submitted at a hearing to be held on January 24, 2019, 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 January 10, 2019 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 23.30.025; AS 23.30.030; AS 23.30.085; AS 23.30.095; AS 23.30.097; AS 23.30.098; AS 23.30.110; AS 23.30.135; AS 23.30.155; AS 23.30.180

Statutes being implemented, interpreted, or made specific: AS 23.30.025; AS 23.30.030; AS 23.30.095; AS 23.30.097; AS 23.30.098; AS 23.30.110; AS 23.30.135; AS 23.30.155; AS 23.30.180

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

Date: December 21, 2018



Dr. Tamika L Ledbetter, Commissioner
Department of Labor and Workforce Development