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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Debbie Morgan
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor *AS*
465.4081

DATE: March 18, 2019

RE: Filed Permanent Regulations: Board of Examiners in Optometry

Board of Examiners in Optometry regulations re: prescription and use of pharmaceutical agents or controlled substances (12 AAC 48.340; 12 AAC 48.350)

Attorney General File:	2018200668.002
Regulation Filed:	3/18/2019
Effective Date:	4/17/2019
Print:	230, July 2019

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

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF EXAMINERS IN OPTOMETRY

The attached 3 pages of regulations, dealing with the prescription and use of pharmaceutical agents, and use of controlled substances, is certified to be a correct copy of the regulation changes that the Board of Examiners in Optometry adopted at its January 22, 2019 meeting, under the authority of AS 08.72.050, AS 08.72.272, and AS 08.72.278, 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.

It is estimated that this action will not require an increased appropriation.

Although no public comments were received, the Board of Examiners in Optometry paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 1/24/19



Dr. Paul Barney, Chair
Board of Examiners in Optometry

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on March 18, 2019 at 9:43 Am., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Kevin Meyer, Lieutenant Governor

Effective: April 17, 2019

Register: 230, July 2019

Chapter 48. Board of Examiners in Optometry.

12 AAC 48 is amended by adding a new section to read:

12 AAC 48.340 Prescription and use of a pharmaceutical agent or controlled substance. (a) A licensee may not prescribe, order, or administer a pharmaceutical agent, including a controlled substance, for the treatment of eye disease unless the use of the pharmaceutical agent or controlled substance is

(1) within the scope of the licensee's education and training from an accredited school of optometry;

(2) in compliance ~~complies~~ with 12 AAC 48.350 and this section; and

(3) for the treatment of ocular disease or conditions, ocular adnexal disease or conditions, or emergency anaphylaxis.

(b) A licensee may prescribe, order, or administer a controlled substance if the requirements of (a) of this section are met and

(1) the controlled substance is not a schedule IA, IIA, or VIA controlled substance; however, a licensee may prescribe, order, or administer a pharmaceutical agent containing hydrocodone;

(2) the licensee has filed with the department a current federal Drug Enforcement Administration number that is valid for the substance prescribed, ordered, or administered;

(3) the licensee has registered with the Alaska Prescription Drug Monitoring Program (PDMP) and 12 AAC 43.360 controlled substance prescription database under AS 17.30.200; and

(4) the licensee prescribes in accordance with AS 08.72.276.

(c) In this section, "controlled substance" has the meaning given in AS 11.71.900. (Eff.

4/17/2019, Register 230)

Authority: AS 08.72.050 AS 08.72.272 AS 08.72.278
AS 08.72.140 AS 08.72.170
↓

12 AAC 48 is amended by adding a new section to read:

12 AAC 48.350. Use of controlled substances; limitations. (a) Before prescribing, ordering, or administering a controlled substance, a licensee shall

(1) evaluate the patient and include complete medical, pain, alcohol, and substance abuse histories;

(2) diagnose the patient and document in the patient's medical record the nature of the underlying disease, presence of pain, and pain mechanism if discernable;

(3) develop an individual treatment plan and document in the patient's medical record medical justification for controlled substance therapy; and

if a patient is admitted to a health care facility, (4) that ensure any out patient or guardian is informed verbally and in writing of the benefits and risks of controlled substance therapy and any reasonable non-opioid alternative, or that ensure inpatient standards of informed consent are applied.

(b) A licensee who has complied with (a) of this section and prescribes a controlled substance shall

(1) document and maintain in the patient's medical record, accurate and complete records of all history, physical, and other examinations and evaluations, consultations, laboratory and diagnostic reports, treatment plans and objectives, controlled substance and other medication therapy, informed consents, periodic assessments and reviews;

(2) maintain complete records of each controlled substance that the licensee prescribes, orders, or administers the records which shall clearly identify the controlled substance, the patient, the date of prescription, and the amount prescribed;

(3) make records required by this section available for examination, inspection, or

Register 230, July 2019 **PROFESSIONAL REGULATIONS**

not later than

after a

copying, ~~within~~ 10 days ~~of~~ request by the board or its designee. (Eff. 4/17/2019, Register

230)

AS 08.72.276

Authority: AS 08.72.050

AS 08.72.272

AS 08.72.278

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: March 5, 2019

File No.: 2018200668.002

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

Tel. No.: 465-3600

From: Steven C. Weaver *SCW*
Senior Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Board of Examiners in Optometry
regulations re: prescription and use of
pharmaceutical agents or controlled
substances (12 AAC 48.340; 12 AAC
48.350)

The Department of Law has reviewed the attached regulations of the Board of Examiners in Optometry 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 were adopted by the Board of Examiners in Optometry after the close of the public comment period. Reflecting amendments to AS 08.72 resulting from enactment of ch. 17, SLA 2017 and ch. 2, SSSLA 2017, the regulations establish requirements and procedures for a licensee regulated by the Board of Examiners in Optometry to prescribe and use a pharmaceutical agent or controlled substance.

This project was split into two parts; the regulatory changes in Part 1 were filed January 22, 2019, and took effect February 21, 2019. With Part 2 of this project we have supplied original supporting paperwork, including an original affidavit of publication for a supplemental public notice. For your files we have also included photocopies of the initial public notice and affidavit of publication for the initial public notice.

The June 26, 2018 initial public notice, the November 21, 2018 supplemental public notice, and the January 24, 2019 certification of adoption order 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 some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc: Dr. Paul Barney, Chair
Board of Examiners in Optometry
(via e-mail through Sher Zinn)

Debbie Morgan, Regulations Contact
Department of Commerce, Community, and Economic Development

Sara Chambers, Director
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

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

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with my office

The board reviewed 12 AAC 48.340, Prescription and use of pharmaceutical agent or controlled substance and 12 AAC 48.350, Use of controlled substances: limitations that had gone out for public comment. There was no public comment to review.

On a motion duly made by Dr. Damien Delzer, seconded by Dr. Erik Christianson and approved, it was:
RESOLVED to adopt 12 AAC 48.340 and 12 AAC 48.350 and move those regulations forward to be enacted.

ROLL CALL VOTE:

Board Member	Yea	Nay	Abstain/Recuse
Dr. Damien Delzer	X		
Mr. Eric Lingle	X		
Dr. Pamela Steffes	X		
Dr. Erik Christianson	X		
Dr. Barney	X		

The board discussed Military Lapsed Licensing and how to transition a licensee from the military exemption license once a person has been discharged from the military. The board concluded reinstating a lapsed military license for someone who was no longer in the military did not make sense as the intent of the military exemption is to exempt people who are currently active in the military service. The board will review this further during the April 5, 2019 board meeting and start any new regulation projected needed at that time. The board briefly discussed, in general, applying by examination and applying by credentials. Staff asked if the board would accept an affidavit of clinical practice hours signed by a relative of an applicant. The board discussed that a potential bias could exist, but everyone should recognize that falsifying a document would not only put the licensee's license in jeopardy, and also put the verifying license in jeopardy.

The conference call adjourned at 1:05 PM

Respectfully Submitted:

Patricia Lonergan, Licensing Examiner

Date

Dr. Paul Barney, Chairman
Alaska Board of Optometry

Date

Supplemental Notice of Proposed Changes in the Regulations of the Board of Optometry

BRIEF DESCRIPTION: The Board of Optometry proposes to update regulations regarding prescription and use of pharmaceutical agents by optometrists.

The Board of Optometry (Board) proposes to adopt regulation changes in Title 12, Chapter 48 of the Alaska Administrative Code including the following:

1. **12 AAC 48.340. Prescription and use of a pharmaceutical agent or controlled substance**, is a proposed new section for prescription and use of a pharmaceutical agent by an optometrist.
2. **12 AAC 48.350. Use of controlled substances; limitations**, is a proposed new section outlining the requirements of utilizing a controlled substance by an optometrist.

This is a **SUPPLEMENTAL NOTICE** adding to the **NOTICE OF PROPOSED CHANGES** that was issued June 27, 2018, concerning these proposed regulation changes contained in the Department of Law file number JU2018200668. This **SUPPLEMENTAL NOTICE** is being issued because the Board of Optometry, during its October 19, 2018 meeting, made amendments to its initial **NOTICE OF PROPOSED CHANGES**, and is opening a written comment period regarding the amended proposed regulation changes. If you previously submitted written comments under the June 27, 2018 **NOTICE OF PROPOSED CHANGES**, you need not resubmit those comments under this notice as those comments are part of the record and will be considered by the Board of Optometry.

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 Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/192160>, and using the comment link. **The comments must be received not later than 5:00 p.m. on December 21, 2018.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Sher Zinn, 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 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/BoardofOptometry.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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, not later than December 14, 2018, to ensure that any necessary accommodation can be provided.

A copy of the amended proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to https://www.commerce.alaska.gov/web/portals/5/pub/OPT_Supplemental-1118.pdf.

For a copy of the initial proposed regulation changes issued on June 27, 2018, go to <https://www.commerce.alaska.gov/web/portals/5/pub/OPT-0618.pdf>

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 regulations may be different from that of the proposed regulations. **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 08.72.050; AS 08.72.272; AS 08.72.278

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.72.050; AS 08.72.272; AS 08.72.278

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

DATE: 11/20/18



Sher Zinn, 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:** Board of Optometry – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Prescription and use of pharmaceutical agents.
3. **Citation of regulation:** 12 AAC 48.350; and 12 AAC 48.360.
4. **Department of Law file number:** JU2018200668.
5. **Reason for the proposed action:** Compliance with state statutes; 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 2019 or in subsequent years.
9. **The name of the contact person for the regulation:**
Patricia Lonergan, Licensing Examiner
Board of Optometry
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-1037
E-mail: patricia.lonergan@alaska.gov
10. **The origin of the proposed action:** Board of Optometry

11. Date: 11/20/18

Prepared by: Sher Zinn
Sher Zinn
Regulations Specialist

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972

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PO BOX 110806

JUNEAU, AK 998110806

Order#

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Cost

\$562.76

Product

ADN-Anchorage Daily News

Placement

0300

Position

0301

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Sarah Jennett

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

November 21, 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

Sarah Jennett

Subscribed and sworn to before me
this 21st day of November, 2018

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

Supplemental Notice of Proposed Changes in the Regulations of the Board of Optometry

The Board of Optometry (Board) proposes to adopt regulation changes in Title 12, Chapter 48 of the Alaska Administrative Code including the following:

1. **12 AAC 48.340. Prescription and use of a pharmaceutical agent or controlled substance.** is a proposed new section for prescription and use of a pharmaceutical agent by an optometrist.

2. **12 AAC 48.350. Use of controlled substances; limitations.** is a proposed new section outlining the requirements of utilizing a controlled substance by an optometrist.

This is a **SUPPLEMENTAL NOTICE** adding to the **NOTICE OF PROPOSED CHANGES** that was issued June 27, 2018, concerning these proposed regulation changes contained in the Department of Law file number JU2018200668. This **SUPPLEMENTAL NOTICE** is being issued because the Board of Optometry, during its October 19, 2018 meeting, made amendments to its initial **NOTICE OF PROPOSED CHANGES**, and is opening a written comment period regarding the amended proposed regulation changes. If you previously submitted written comments under the June 27, 2018 **NOTICE OF PROPOSED CHANGES**, you need not resubmit those comments under this notice as those comments are part of the record and will be considered by the Board of Optometry.

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 Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/192160>, and using the comment link. **The comments must be received not later than 5:00 p.m. on December 21, 2018.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Sher Zinn, 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 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/BoardofOptometry.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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, not later than December 14, 2018, to ensure that any necessary accommodation can be provided.

A copy of the amended proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to https://www.commerce.alaska.gov/web/portals/5/pub/OPT_Supplemental-1118.pdf.

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION

I, Sher Zinn, 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 48.340 – 12 AAC 48.350 dealing with the prescription and use of pharmaceutical agents, and use of controlled substances, 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), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 1/29/19


Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau Alaska on 1-29-2019

(date)



Notary Public in and for the State of Alaska
My commission expires cut off

STATE OF ALASKA

)

) ss.

FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Sher Zinn, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

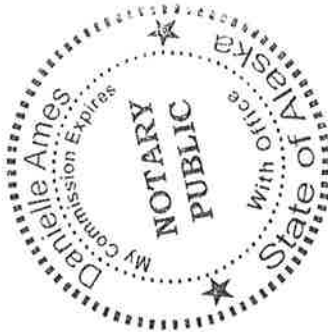
The Board of Examiners in Optometry did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Examiners in Optometry on dealing with the prescription and use of pharmaceutical agents, and use of controlled substances.

Date: 1/29/19


Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau Alaska on 1-29-2019

(date)



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

Notice of Proposed Changes Relating to Continuing Education and Licensure Requirements, Registration with the Controlled Substance Prescription Database, and Prescription of Pharmaceutical Agents, in the Regulations of the Board of Optometry

BRIEF DESCRIPTION: The Board of Optometry proposes to update regulations regarding continuing education requirements, licensure, prescription drug monitoring program controlled substance prescription database (PDMP), and prescription of pharmaceutical agents, to implement amendments to AS 08.72 and AS 17.30 enacted under Chapter 25, SLA 2016 (SB 74) and Chapter 2, SSSLA 2017 (HB 159).

The Board of Optometry (Board) proposes to adopt regulation changes in Title 12, Chapter 48 of the Alaska Administrative Code including the following:

1. **12 AAC 48.011. License by examination**, is proposed to be changed to amend the requirements for license by examination to practice optometry.
2. **12 AAC 48.020. License by credentials**, is proposed to be changed to amend the requirements for license by credentials to practice optometry.
3. **12 AAC 48.200. License renewals and continuing education**, is proposed to amend the continuing education requirements for license renewal.
4. **12 AAC 48.210. Hours of continuing education required**, is proposed to amend the continuing education requirements for license renewal.
5. **12 AAC 48.230. Exception from continuing education requirements for active duty military service**, is proposed to amend the active duty military requirements for continuing education for license renewal.
6. **12 AAC 48.240. Exemption from continuing education requirements for active duty member of commissioned corps during deployment**, is a proposed new section for exemption of continuing education for license renewal for members of the Commissioned Corps Service.
7. **12 AAC 48.340. Prescription and use of pharmaceutical agent**, is a proposed new section for prescription and use of a pharmaceutical agent by an optometrist.
8. **12 AAC 48.350. Use of controlled substances; limitations**, is a proposed new section outlining the requirements of utilizing a controlled substance by an optometrist.
9. **12 AAC 48.360. Registration with the prescription drug monitoring program controlled substance prescription database**, is a proposed new section that establishes the requirement for registration with the prescription drug monitoring program's controlled substance prescription database for optometrists.

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 Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/190518>, and using the comment link. **The comments must be received not later than 5:00 p.m. on July 31, 2018.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Sher Zinn, 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 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/BoardofOptometry.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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, not later than July 23, 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 Sher Zinn at (907) 465-1049 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/OPT-0618.pdf>.

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 regulations may be different from that of the proposed regulations. **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 08.01.100; AS 08.72.050; AS 08.72.060; AS 08.72.110; AS 08.72.140, AS 08.72.150; AS 08.72.160; AS 08.72.170; AS 08.72.181; AS 08.72.272; AS 08.72.278; AS 17.30.200
Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.100; AS 08.72.050; AS 08.72.060; AS 08.72.110; AS 08.72.140; AS 08.72.150; AS 08.72.160; AS 08.72.170; AS 08.72.181; AS 08.72.272; AS 08.72.278; AS 17.30.200

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

DATE: 6/26/18


Sher Zinn, 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:** Board of Optometry – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Continuing education requirements, licensure, prescription drug monitoring program controlled substance (PDMP), and prescription and use of pharmaceutical agents.
3. **Citation of regulation:** 12 AAC 48.011; 12 AAC 48.020; 12 AAC 48.200; 12 AAC 48.210; 12 AAC 48.230; 12 AAC 48.240; 12 AAC 48.340; 12 AAC 48.350; and 12 AAC 48.360.
4. **Department of Law file number:** To be assigned.

5. **Reason for the proposed action:** Compliance with new state statutes; 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 2019 or in subsequent years.
9. **The name of the contact person for the regulation:**
Patricia Lonergan, Licensing Examiner
Board of Optometry
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-1037
E-mail: patricia.lonergan@alaska.gov
10. **The origin of the proposed action:** Board of Optometry
11. **Date:** 6/26/18 **Prepared by:** Sher Zinn
Sher Zinn
Regulations Specialist

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

June 27, 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

Subscribed and sworn to before

me this 4 day of October
20 18

Britney Thompson

Notary Public in and for
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES Public

Britney Thompson
State of Alaska

My Commission Expires Feb 23, 2019

COPY

and Licensure Requirements, Registration with the Controlled
Substance Prescription Database, and Prescription of
Pharmaceutical Agents, in the Regulations of the Board of
Optometry

The Board of Optometry (Board) proposes to adopt regulation changes
in Title 12, Chapter 48 of the Alaska Administrative Code including the
following:

1. 12 AAC 48.011. License by examination, is proposed to be
changed to amend the requirements for license by examination to
practice optometry.

2. 12 AAC 48.020. License by credentials, is proposed to be
changed to amend the requirements for license by credentials to
practice optometry.

3. 12 AAC 48.200. License renewals and continuing education,
is proposed to amend the continuing education requirements for
license renewal.

4. 12 AAC 48.210. Hours of continuing education required, is
proposed to amend the continuing education requirements for license
renewal.

5. 12 AAC 48.230. Exception from continuing education
requirements for active duty military service, is proposed to
amend the active duty military requirements for continuing education
for license renewal.

6. 12 AAC 48.240. Exemption from continuing education
requirements for active duty member of commissioned corps
during deployment, is a proposed new section for exemption of
continuing education for license renewal for members of the
Commissioned Corps Service.

7. 12 AAC 48.340. Prescription and use of pharmaceutical
agent, is a proposed new section for prescription and use of a
pharmaceutical agent by an optometrist.

8. 12 AAC 48.350. Use of controlled substances; limitations, is a
proposed new section outlining the requirements of utilizing a
controlled substance by an optometrist.

9. 12 AAC 48.360. Registration with the prescription drug
monitoring program controlled substance prescription
database, is a proposed new section that establishes the requirement
for registration with the prescription drug monitoring program's
controlled substance prescription database for optometrists.

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 Sher Zinn, Regulations
Specialist, Division of Corporations, Business and Professional
Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the
Board will accept comments by facsimile at (907) 465-2974 and by
electronic mail at RegulationsAndPublicComment@alaska.gov.
Comments may also be submitted through the Alaska Online Public
Notice System by accessing this notice on the system at
<http://notice.alaska.gov/190518>, and using the comment link. The
comments must be received not later than 5:00 p.m. on July
31, 2018. Comments received after this deadline will not be considered
by the Board.

You may submit written questions relevant to the proposed action to
Sher Zinn, 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 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/Bo](https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardOfOptometry.aspx)
ardOfOptometry.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
Sher Zinn at (907) 465-1049 or
RegulationsAndPublicComment@alaska.gov, not later than July 23,
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 Sher Zinn at (907) 465-
1049 or RegulationsAndPublicComment@alaska.gov, or go to
<https://www.commerce.alaska.gov/web/portals/5/pub/OPT-0618.pdf>.

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 regulations may be different from that of the
proposed regulations. 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 08.01.100; AS 08.72.050; AS 08.72.060; AS
08.72.110; AS 08.72.140; AS 08.72.150; AS 08.72.160; AS 08.72.170; AS
08.72.181; AS 08.72.272; AS 08.72.278; AS 17.30.200

Statutes Being Implemented, Interpreted, or Made Specific: AS
08.01.100; AS 08.72.050; AS 08.72.060; AS 08.72.110; AS 08.72.140; AS
08.72.150; AS 08.72.160; AS 08.72.170; AS 08.72.181; AS 08.72.272; AS
08.72.278; AS 17.30.200

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

DATE: 6/26/18