

MEMORANDUM

State of Alaska Department of Law

TO: April Simpson, AAC Coordinator
Office of the Lieutenant Governor

DATE: May 10, 2019

FILE NO.:

TELEPHONE NO.: 465-3600

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

SUBJECT: Revisor's change to Alaska
Administrative Code (AAC):
editor's note following 8 AAC
45.083

In accordance with the authority of the regulations attorney under AS 44.62.125(b), please forward to the publisher for publication in the Alaska Administrative Code (AAC) the change to the editor's note described below. I have forwarded this change under a specific delegation dated December 3, 2018 from the regulations attorney. The purpose of the change is to identify amended versions of materials previously adopted by reference.

The editor's note to be changed appears after 8 AAC 45.083. After the existing text of the editor's note, please add the following new paragraph to read as follows:

On March 14, 2019, as required by AS 23.30.098 and AS 44.62.245, the department gave notice that the following amended versions of material, previously adopted by reference in 8 AAC 45.083(m), would be in effect on January 1, 2019: the *Current Procedural Terminology*, 2019 edition, produced by Optum360°; the *Healthcare Common Procedure Coding System (HCPCS)*, 2019 edition, produced by Optum360°; the *Relative Value Guide*, 2019 edition, produced by the American Society of Anesthesiologists; the *Current Dental Terminology*, 2019 edition, published by the American Dental Association; the *Resource-Based Relative Value Scale*, effective January 1, 2019, produced by the federal Centers for Medicare and Medicaid Services; the *Ambulatory Payment Classifications*, effective January 1, 2019, produced by the federal Centers for Medicare and Medicaid Services; and the *Medicare Severity Diagnosis Related Groups*, effective January 1, 2019, produced by the federal Centers for Medicare and Medicaid Services. The amended versions may be reviewed at the Department of Labor and Workforce Development, Division of Workers' Compensation, 1111 West 8th Street, Suite 305, Juneau, Alaska, 99811; telephone: (907) 465-2790.

We have enclosed an affidavit of notice for your files, as well as originals of the updated items to be adopted by reference.

In the notice of amended version of material previously adopted by reference, and citing AS 23.30.098 as authority, the department lists the *Hospital Outpatient Prospective Payment System*, effective January 1, 2019, produced by the federal Centers for Medicare and Medicaid Services. However, we have not included that item with the updated items to be adopted by reference. Under AS 44.62.245(a)(2), the department may incorporate future amended versions of a document or reference material incorporated by reference if the item appears on the list set out in AS 23.30.098. The list in AS 23.30.098 does not include the *Hospital Outpatient Prospective Payment System*. Similarly, we have not addressed that document in the update to the editor's note for 8 AAC 45.083. We note that current 8 AAC 45.083(m)(10) already explicitly adopts by reference the version of the *Hospital Outpatient Prospective Payment System* that took effect January 1, 2019; there is no need to incorporate the same document as a future amended version.

Thank you for your assistance, and please contact me if you have additional questions.

SCW

cc: Becky Weimer, Regulations Contact
Department of Labor and Workforce Development

Grey Mitchell, Director
Division of Workers' Compensation
Department of Labor and Workforce Development

Rebecca E. Hattan, Assistant Attorney General
Labor and State Affairs Section

NOTICE OF AMENDED VERSION OF MATERIAL
PREVIOUSLY ADOPTED BY REFERENCE

As required by AS 44.62.245, the Department of Labor and Workforce Development and the Alaska Workers' Compensation Board give notice that the following amended versions of material adopted by reference in 8 AAC 45.083, under authority of AS 23.30.098, and dealing with fees for medical treatment and services, is in effect:

Current Procedural Terminology Codes (2019 edition), produced by the American Medical Association.

Healthcare Common Procedure Coding System (2019 edition), produced by the American Medical Association.

Relative Value Guide (2019 edition), produced by the American Society of Anesthesiologists.

Current Dental Terminology (2019 edition), published by the American Dental Association.

Resource-Based Relative Value Scale (effective January 1, 2019), produced by the federal Centers for Medicare and Medicaid Services.

Ambulatory Payment Classifications (effective January 1, 2019), produced by the federal Centers for Medicare and Medicaid Services.

Medicare Severity Diagnosis Related Groups (effective January 1, 2019), produced by the federal Centers for Medicare and Medicaid Services.

Hospital Outpatient Prospective Payment System (effective January 1, 2019), produced by the federal Centers for Medicare and Medicaid Services.

A copy of the above material is available for public review at Department of Labor and Workforce Development, Division of Workers' Compensation at 1111 W. 8th St., Suite 305 Juneau, AK 99811.

The effective date for the amended versions of the material described above is January 1, 2019.

For more information, please contact Grey Mitchell, Department of Labor and Workforce Development, Division of Workers' Compensation at 1111 W 8th St., Suite 305 Juneau, Alaska 99811, (907) 465-2790.

Date: March 12, 2019



Grey Mitchell, Director
Division of Workers' Compensation

AFFIDAVIT OF NOTICE OF AMENDED VERSION
OF MATERIAL PREVIOUSLY ADOPTED BY REFERENCE

I, Alexis Newman, Administrative Officer II, of the Alaska Department of Labor and Workforce Development, being sworn, state the following:

As required by AS 44.62.245, notice of the amended version of material previously adopted by reference in 8 AAC 45.083, dealing with fees for medical treatment and services, has been given by being

- (1) posted on the Alaska Online Public Notice System;
- (2) published in a newspaper of general circulation or trade or industry publication or in a regularly published agency newsletter or similar printed publication;
- (3) furnished to interested persons; and
- (4) furnished to the regulations attorney in the Department of Law.

As required by AS 44.62.175(a)(8) and (b) and 44.62.245(b), a copy of the notice has been posted on the Alaska Online Public Notice System.

Date: 5/6/19



Alexis Newman, Administrative Officer II

Subscribed and sworn to before me at Department of Labor on

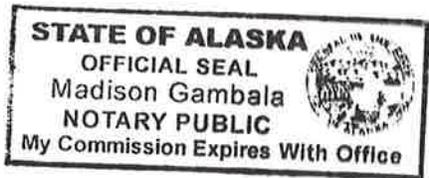
May 6, 2019

(date)



Notary Public in and for the State of Alaska

[NOTARY SEAL]



ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 390837

ST OF AK/ DIV OF WORKERS COMPENSATION
PO BOX 115512
JUNEAU, AK 99811

Order# 0001435634
Cost \$273.90

Product ADN-Anchorage Daily News
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 14, 2019

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 15th day of March, 2019

[Signature]
Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2020

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- Medicare Severity Diagnosis Related Groups (effective January 1, 2019), produced by the federal Centers for Medicare and Medicaid Services.
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For more information, please contact Grey Mitchell, Department of Labor and Workforce Development, Division of Workers' Compensation at 1111 W 8th St., Suite 305 Juneau, Alaska 99811, (907) 465-2790.

Date:
Grey Mitchell, Director
Division of Workers' Compensation
Published: March 14, 2019

STATE OF ALASKA
NOTARY
PUBLIC
Jada L. Nowling

Workers' Compensation - NOTICE OF AMENDED VERSION OF MATERIAL PREVIOUSLY ADOPTED BY REFERENCE

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Date: _____

Grey Mitchell, Director
Division of Workers' Compensation

[Attachments, History, Details](#)

Attachments

[Public Notice of Amended Material Previously Adopted by Reference 2019.pdf](#)

Revision History

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Details

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Division of Workers' Compensation