

Kevin Meyer
Lieutenant Governor
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Anchorage, Alaska 99501
907.269.7460
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Becky Weimer
Department of Labor and Workforce Development

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, likely belonging to April Simpson, is placed next to the "FROM:" line.

DATE: November 21, 2019

RE: Filed Permanent Regulations: Alaska Workers Compensation Board

Department of Labor and Workforce Development and Alaska Workers Compensation
Board Regulation re: Fees for Medical Treatment and Service (8 AAC 45.083, 45.415)

Attorney General File:	2019200695
Regulation Filed:	11/21/2019
Effective Date:	12/21/2019
Print:	232, January 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

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


The attached 2 pages of regulations, dealing with material adopted by reference and the definition of rehabilitation specialist, are 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 adopted under 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: 10/25/19



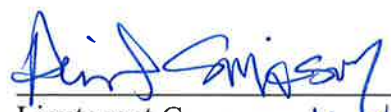
Dr. Tamika L. Ledbetter, Commissioner

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

November 21, 2019, at 10:55a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



for Lieutenant Governor *Kevin Meyer*

Effective: December 21, 2019.

Register: 232, January 2020.

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

The attached 2 pages of regulations, dealing with material adopted by reference and the definition of rehabilitation specialist, are certified to be a correct copy of the regulation changes that the Alaska Workers' Compensation Board adopted at its October 3-4, 2019 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 the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date:

10/24/2019



Grey Mitchell, Division Director

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

November 21, 2019 at 10:54 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



for Lieutenant Governor Kevin Meyer

Effective: December 21, 2019.

Register: 232, January 2020.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, 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:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



A handwritten signature in blue ink, appearing to read "K-Meyer", is written over a horizontal dotted line.

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Register 232, January 2020 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;

(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, **but before January 1, 2020,** 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(a) is amended by adding a new subsection to read:

(5) provided on or after January 1, 2020, may not exceed the maximum allowable reimbursement established in the *Official Alaska Workers' Compensation Medical Fee Schedule*, effective January 1, 2020, and adopted by reference.

Register 232, January 2020 LABOR AND WORKFORCE DEV.

(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; am 5/12/2019, Register 230; am 12/21/2019, Register 232)

Authority: AS 23.30.005 AS 23.30.097 AS 23.30.098

8 AAC 45.415(3)(A) is amended to read:

(3) a "person who has equivalent or better qualifications" means

(A) a person in another state or country who has at least a bachelor's degree from an accredited college and a minimum of four years of full-time, paid employment providing vocational rehabilitation services to disabled persons [RECEIVING BENEFITS FROM A DISABILITY COMPENSATION SYSTEM]; or

...

(Eff. 7/1/88, Register 107; am 10/28/88, Register 108; am 7/2/98, Register 146; am 4/16/2010, Register 194; am 12/21/2019, Register 232)

Authority: AS 23.30.005 AS 23.30.041

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: November 19, 2019

File No.: 2019200695

Tel. No.: 465-3600

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

Re: Department of Labor and
Workforce Development and
Alaska Workers Compensation
Board. re: 8 AAC 45.083, 45.415:
Fees for Medical Treatment and
Service

The Department of Law has reviewed the attached regulations of the Department of Labor and Workforce Development and the Alaska Workers' Compensation Board (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 annual updates to medical fee schedules. Under AS 23.30.005(h) and 23.30.005(l), the department (through the commissioner) and the Alaska Workers' Compensation Board are required to make annual updates to medical fee schedules adopted by the board in regulation. The Alaska Workers' Compensation board and the department commissioner have broad regulatory authority to adopt regulations to carry out the Alaska Workers' Compensation Act (AS 23.30).

The department and board request that these be filed in time to be in effect by January 1, 2020. The regulations adopt by reference the Alaska Medical Fee Schedule that is designed to coordinate with the codes and rules established by the Center of Medicare and Medicaid Services and the American Medical Association, most of which are updated effective January 1 of each calendar year. Medical providers throughout the state prime their databases to begin billing with the new codes and rules at the beginning of each year. Accordingly, the regulations with the updated fee schedule need to be effective by January 1, 2020.

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

SRP:nlw

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

Becky Weimer, Regulations Contact
Department of Labor and Workforce Development

Rebecca Hattan, Assistant Attorney General
Department of Law

NOTICE OF PROPOSED CHANGES RELATING TO MATERIAL ADOPTED BY
REFERENCE AND THE DEFINITION OF REHABILITATION SPECIALIST 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 material adopted by reference and the definition of rehabilitation specialist.

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 material adopted by reference and the definition of rehabilitation specialist, including the following:

- (1) 8 AAC 45.083 is proposed to be amended as follows: Update fee schedule material adopted by reference.
- (2) 8 AAC 45.415 is proposed to be changed as follows: Clarify definition of rehabilitation specialist.

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 October 1, 2019.

Oral comments may be submitted at a hearing to be held on October 3, 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 September 20, 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 23.30.041; AS 23.30.097; AS 23.30.098;

Statutes being implemented, interpreted, or made specific: AS 23.30.097; AS 23.30.098; AS 23.30.041

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

Date: 8/20/19



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

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Labor and Workforce Development
2. General subject of regulation: Relating to Alaska medical fee schedule and definition of rehabilitation specialist
3. Citation of regulation (may be grouped): 8 AAC 45.083, 8 AAC 45.415
4. Department of Law file number, if any: 2019200695
5. Reason for the proposed action:
Compliance with state statute.
6. Appropriation/Allocation: _____
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.

Another state agency: The Department and the Board anticipate that complying with the regulations will not increase costs to other state agencies.

A municipality: The Department and the Board anticipate that complying with the regulations will not increase costs to municipalities.
8. Cost of implementation to the state agency and available funding (in thousands of dollars):
No costs are expected in FY 2020 or in subsequent years.
9. The name of the contact person for the regulation:

Name: Alexis Newman
Title: Administrative Officer II
Address: P.O. Box 111149, Juneau, AK 99811
Telephone: 907-465-6059
E-mail address: alexis.newman@alaska.gov
10. The origin of the proposed action:

Staff of state agency

11. Date: 08/30/2019

Prepared by: 

Alexis Newman
Administrative Officer II
(907) 465-6059

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 390837 ST OF AK/ DIV OF WORKERS COMPENSATION

Order #: W0011384

Cost: \$463.18

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

09/01/2019

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



Subscribed and sworn to before me
this 3rd day of September 2019.

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

STATE OF ALASKA
NOTARY

PUBLIC

Jada L. Nowling

MY COMMISSION EXPIRES

7/14/2020

NOTICE OF PROPOSED CHANGES RELATING TO MATERIAL ADOPTED BY REFERENCE AND THE DEFINITION OF REHABILITATION SPECIALIST IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT AND THE ALASKA WORKERS' COMPENSATION BOARD

BRIEF DESCRIPTION

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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 October 1, 2019.

Oral comments may be submitted at a hearing to be held on October 3, 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.

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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, 2019 to ensure that any necessary accommodations can be provided.

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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 23.30.041; AS 23.30.097; AS 23.30.098;

Statutes being implemented, interpreted, or made specific: AS 23.30.097; AS 23.30.098; AS 23.30.041

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

Date:

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

Published: September 1, 2019

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

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

As required by AS 44.62.190, notice of the proposed adoption of changes to 8 AAC 45.083 and 8 AAC 45.415, relating to Alaska medical fee schedule and definition of rehabilitation specialist, 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).

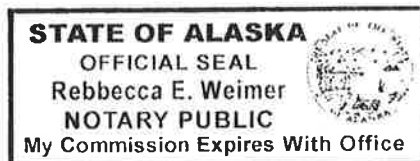
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.


Date: 9/4/19



Alexis Newman, Administrative Officer II

Subscribed and sworn to before me at Juneau, Alaska on September 4, 2019.




Notary Public in and for the State of Alaska
My Commission Expires: with office

AFFIDAVIT OF ORAL HEARING

I, Grey Mitchell, Director of the Alaska Department of Labor and Workforce Development Division of Workers' Compensation, state the following:

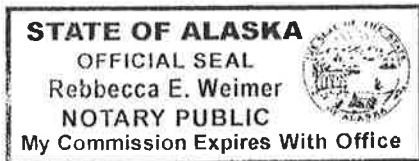
On October 3-4, 2019, at 9:01am, in room 208, 3301 Eagle Street, Anchorage, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 8 AAC 45.083 and 8 AAC 45.415, relating to Alaska medical fee schedule and definition of rehabilitation specialist.


Date: October 24, 2019



Grey Mitchell, Director

Subscribed and sworn to before me at Juneau, Alaska on October 24, 2019.





Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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

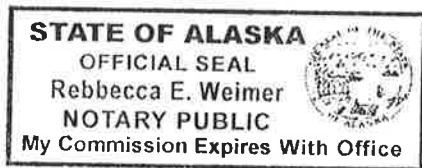
In compliance with AS 44.62.215, the Division of Workers' Compensation has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Department of Labor and Workforce Development regulation material adopted by reference and the definition of rehabilitation specialist.

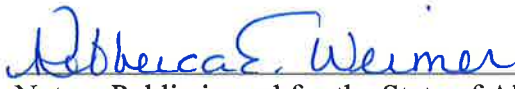
Date: October 24, 2019



Grey Mitchell, Division Director

Subscribed and sworn to before me at Juneau, Alaska on October 24, 2019.





Notary Public in and for the State of Alaska

Workers' Compensation Board

Meeting Minutes

October 3-4, 2019

Thursday, October 3, 2019

I. Call to Order

Workers' Compensation Director Grey Mitchell called the Board to order at 9:01 am on Thursday, October 3, 2019 in Anchorage, Alaska.

Director Mitchell conducted roll call. The following Board members were present:

Brad Austin	Pamela Cline	Chuck Collins	Bob Doyle
Julie Duquette	Sara Faulkner	Bronson Frye	Jacob Howdeshell
Sarah Lefebvre	Donna Phillips	Nancy Shaw	Diane Thompson
Lake Williams	Kimberly Ziegler		

Members Randy Beltz, Justin Mack, Rick Traini and Robert Weel were absent. Quorum was established.

Director Mitchell introduced senior staff present.

II. Agenda Approval

A motion to approve the agenda was made by member Austin, and seconded by member Shaw. Due to a scheduling conflict, Director Mitchell requested that New Business be moved to allow for the ethics presentation to begin at 4:00pm on October 3, 2019. Member Austin amended his motion as requested, and member Shaw seconded. The agenda as amended was approved by unanimous vote.

III. Approval of Meeting Minutes

A motion to adopt the minutes from the May 2-3, 2019 regular Board Meeting was made by member Doyle and seconded by member Howdeshell. The minutes were adopted without objection.

IV. Director's Report

Acting Chief of Adjudications Ringel reviewed the list of board designees. Chief Ringel noted that Anchorage Workers' Compensation Officer Sam Woolfenden was replaced by Jan Hardy. Member Austin moved that the Board approve the amended list of Board Designees, and member Lefebvre seconded. The motion passed unanimously.

Director Mitchell noted changes to the 2020 Hearing Calendar. A motion to adopt the revised 2020 hearing calendar was made by member Doyle, and seconded by member Collins. Member Lefebvre suggested that January 2nd not be included as a hearing day, but did not make a motion. The motion to adopt the revised calendar passed without objection.

Break 9:36am-9:47am

Director Mitchell provided staffing updates and provided legislative updates.

V. Public Comment Period 10:15am- 11:15am

Beni Labrada – representing AMLJIA

- Has concerns with the EDI sequencing requirements for compensation reporting.
- Reminded the Board that insurers/adjusters are penalized when compensation is not timely reported, and stated that EDI sequencing requirements can make it difficult to file timely.
- Requested that sequencing requirements be relaxed.

Duane Gurlac – representing self

- Did not have any public comment.

McKenna Wentworth – President of Wilton Adjustment Services and Workers' Compensation Committee of Alaska

- Voiced support for MSRC efforts.
- Does not support amendment of 8 AAC 45.415, as she felt it removes credentialing requirements for out of state rehabilitation specialists.
- Requested that the Division explore implementing a registration system for adjusters, to ensure that adjusters are following the resident adjuster requirements.
- Encourages the Board look into Utilization Standards.
- Encouraged the Board to look into certification for non-attorney representatives.

Barbara Williams – representing Injured Worker's Alliance

- Supports regulatory proposals.
- Opposes "value book-based medicine."
- Feels there is not equal access to attorneys between employees and employers.
- Thanked staff for handling a recent ADA issue very well.
- Feels that injured workers need to be better supported by the board.
- Cited *Drewry v. Jones*.
- Suggested that the State implement a training program for non-attorney representatives.
- Feels non-attorney representatives should be allowed to be compensated for the time they spend assisting injured workers.

Samantha Atlas – representing self

- Claims that her phone calls are not returned by the board.
- Suggested that the board proactively call injured workers to ask if they need assistance.

Joel Webb - representing Risk Manager for Colaska

- Expressed concerns with Medical Fee Schedule.
- Expressed frustration with how employees can be caught in the system when medical opinions are disputed.
- Requests that the board explore options for standard care metrics to sway medical providers from excessive treatment.
- Gave example of three similar shoulder injuries with widely varied total medical costs.

Heather Johnson – Patient Advocate

- Claims Providence Hospital has conflicts of interest with attorneys and case workers.
- Provided several case examples.
- Stated injured workers don't choose to be injured and should not be treated as such.

Eric McDonald - representing self

- Does not support evidence-based treatment guidelines.
- Has not been successful finding an attorney to represent him.

Tanya Tresino - representing Arctic Slope Regional Corporation

- Thanked the MSRC for the work they have done.
- Supports the Medical Fee Schedule.
- Gave examples of doctors who are encouraging individuals to fraudulently state that injuries are work related, so the Doctor may be paid at the Workers' Compensation Fee Schedule rate because it is higher than private insurance.
- Feels the Workers' Compensation fee schedule should be consistent with fees for non-Workers' Compensation medical care.

Jennifer White – representing self

- Advocated for assistance for disabled injured workers.

Bill Wise - representing Wise Physical Therapy

- Expressed concern that the four Lay members of the MSRC have a background in insurance industry, and feels that the MSRC is too industry heavy.
- Opposes the Medical Fee Schedule.
- Feels that physical therapists should be paid at 100% of the Physician Maximum Allowable Reimbursement.
- Expressed concern that special interests are driving the Fee Schedule.
- Responded to comments from Tanya Tresino – Explained that doctors will repeatedly ask if an injury is work related to avoid billing errors which can take many hours of work to correct.

Sandy Travis - representing self

- Opposes evidence-based treatment guidelines.
- Claims that many doctors refuse to see workers' compensation patients.
- Feels that injured workers do not have fair access to care due to medical providers having agreements with employers.
- Ms. Travis also provided written public comment,

Break 11:18 – 11:35

VI. Old Business

Amend 8 AAC 45.415(3)(A), relating to the definition of rehabilitation specialist. Director Mitchell provided background on this proposal. Member Austin moved to adopt the amendment of 8 AAC 45.415(3)(A). Member Shaw seconded the motion. The motion passed on an 11 to 2 vote, with members Austin, Collins, Faulkner, Howdeshell, Lefebvre, Mack, Phillips, Shaw, Thompson, Williams, and Ziegler voting in favor, members Cline and Doyle voting against, and member Duquette abstaining.

Amend 8 AAC 45.083(a), relating to fees for medical treatment and services. The intent of the amendment is to clarify the existing fee schedule and incorporate the most recent recommendations. Member Collins moved to adopt the amendment of 8 AAC 45.083. Member Lefebvre seconded the motion. Director Mitchell summarized the changes between the 2019 and proposed 2020 Alaska Medical Fee Schedule. Member Phillips asked that the topic of treatments outside the scope of practice be added to the list of MSRC Action Items, to be revisited when they meet to make recommendations for the 2021 Fee Schedule. Director Mitchell called the question. The motion passed on a 13 to 1 vote, with members Austin, Cline, Collins, Doyle, Duquette, Faulkner, Howdeshell, Lefebvre, Mack, Phillips, Thompson, Williams, and Ziegler voting in favor, and member Shaw voting against.

Lunch Break 12:20pm-1:30pm

VII. New Business

Ken Eichler of Official Disability Guidelines (ODG) provided a presentation on evidence-based treatment guidelines.

Break 3:45pm-3:50pm

VIII. 2018 Annual Report

Dani Byers, Acting Workers' Compensation Officer II, reviewed SIME statistics.

IX. Board Training

Assistant Attorney General Maria Bahr provided ethics training to the board members.

Meeting recessed 4:56 pm

Friday, October 4, 2019

I. Call to Order

Director Mitchell resumed the Alaska Workers' Compensation Board meeting at 9:01am on Friday, October 4, 2019, in Anchorage, Alaska. The following Board members were present

Brad Austin	Pamela Cline	Chuck Collins	Bob Doyle
Julie Duquette	Sara Faulkner	Bronson Frye	Jacob Howdeshell
Sarah Lefebvre	Donna Phillips	Diane Thompson	Lake Williams
Kimberly Ziegler			

Director Mitchell noted that member Nancy Shaw was excused. Members Randy Beltz, Justin Mack, Rick Traini and Robert Weel were absent. Members Lefebvre and Phillips arrived after roll call. Quorum was established.

II. 2018 Annual Report Continued

Alexis Newman, Administrative Officer, provided an overview of the various budget components within the Division, the FY19 budget performance, and the FY20 budget performance year-to-date. In response to public comment regarding compensation reporting through Electronic Data Interchange (EDI), Ms. Newman also provided an overview of the Division's EDI efforts. The board expressed that they would like to put forth a Board Resolution, encouraging the Department and Division to increase efforts to address the reporting issues that claim administrators are experiencing. The director will draft language for approval at the January 2020 Board meeting.

Velma Thomas, Program Coordinator, reviewed statistics from the Division's 2018 annual report, a compilation of statistics and benefit data obtained from insurers and self-insured employers pursuant to AS 23.30.155(m). Ms. Thomas also reviewed the funds and programs administered by the Division: the Benefits Guaranty Fund, the Fishermen's Fund, the Second Injury Fund, the Self-Insurance Program, and the Proof of Coverage Program.

Break 11:06am-11:17am

Rhonda Gerharz, Chief of the Special Investigations Unit (SIU), gave an overview of the SIU's performance.

Stacy Niwa, Reemployment Benefits Administrator, reviewed the performance of the Reemployment Benefits Program.

Ron Ringel, Acting Chief of Adjudications, reviewed the performance of the Adjudications Section.

III. New Business Continued

Member Faulkner brought forth a question regarding insurance requirements for revocable trusts. Under the new requirements established by HB79, it is unclear if revocable trusts are required to carry workers' compensation insurance. After some discussion, Director Mitchell stated he would review the issue and seek an opinion from the Department of Law.

Member Collins motioned to establish a working group to investigate evidence-based treatment guidelines, to include two members of the Workers' Compensation Board, one representing industry and one representing labor, and two members of the Medical Services Review Committee, one representing physicians and one representing insurance. The intent of the group would be to address the question: Would this work for Alaska; and to bring recommendations before the Board at the January 9-10, 2020 meeting. Member Thompson seconded. Director Mitchell called the question and the motion passed unanimously.

Member Williams suggested that the Board explore options to allow for non-attorney representatives to receive compensation. This would require a statutory change. Acting Chief Ringel suggested providing training for non-attorney representatives, or possibly creating training materials.

Director Mitchell reminded the Board members the next regular board meeting is January 9-10, 2019. The meeting will be by teleconference for those outside of Anchorage.

Motion to adjourn was made by Member Williams at 1:01pm. Member Doyle seconded the motion. The motion passed unanimously.

Meeting Adjourned 1:01pm

AFFIDAVIT OF BOARD ACTION

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

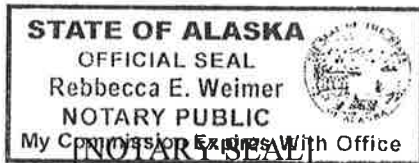
The attached motion dealing with material adopted by reference and the definition of rehabilitation specialist was passed by the Alaska Workers' Compensation Board during its October 3-4, 2019 meeting.


Date: Oct 24, 2019



Grey Mitchell, Division Director

Subscribed and sworn to before me at Juneau, Alaska on October 24, 2019.





Notary Public in and for the State of Alaska

Alaska Workers' Compensation Board
October 3-4, 2019
Excerpt from Unapproved Minutes

Board member Charles Collins moved and member Sarah Lefebvre seconded the following motion:

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

The motion carried unanimously.

Board member Bradley Austin moved and member Nancy Shaw seconded the following motion:

“I move to adopt rehabilitation specialist definition regulations at 8 AAC 45.415(3)(A).”

The motion carried unanimously.