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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Debbie Morgan
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: November 25, 2019

RE: Filed Permanent Regulations: State Medical Board

The State Medical Board Regulation re: Training Requirements, Delegation of Authority, Review of Applications, Board Meeting, Ethics (12 AAC 40.023 - .955)

Attorney General File:	2019200336
Regulation Filed:	11/25/2019
Effective Date:	12/25/2019
Print:	232, January 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE STATE MEDICAL BOARD

The attached fourteen pages of regulations, relating to training requirements, board discretion to delegate authority, checklists used for review of applications, exemptions, board meetings, code of ethics, and standards for delegation of routine medical duties to assistive personnel, are hereby certified to be a correct copy of the regulation changes that the State Medical Board adopted at its August 8-9, 2019 meeting, under the authority of AS 08.01.062, AS 08.01.070, AS 08.64.010, AS 08.64.070, AS 08.64.075, AS 08.64.085, AS 08.64.090, AS 08.64.100, AS 08.64.101, AS 08.64.106, AS 08.64.107, AS 08.64.170, AS 08.64.180, AS 08.64.190, AS 08.64.200, AS 08.64.205, AS 08.64.209, AS 08.64.240, AS 08.64.255, AS 08.64.270, AS 08.64.272, AS 08.64.275, AS 08.64.279, AS 08.64.326, AS 08.64.336, and AS 08.64.380 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 State Medical 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: 8/8/2019
Anchorage, Alaska

Catherine Hyndman MD
Catherine Hyndman, MD, Chair
State Medical Board

FILING CERTIFICATION

I, ^{for} April Simpson Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on November 25, 2019 at 3:14 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

April Simpson
for Kevin Meyer, Lieutenant Governor

Effective: December 25, 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.



Kevin Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 40. State Medical Board.

12 AAC 40.023 is amended to read:

12 AAC 40.023. Training requirements for podiatry applicant. In addition to meeting the application requirements in AS 08.64.209, an applicant for a license to practice podiatry shall submit to the board

(1) a certified true copy of a certificate verifying the applicant's successful completion of [AT LEAST ONE YEAR OF] surgical residency training in a hospital accredited by the American Podiatric Medical Association Council on Podiatric Medical Education or the American Board of Podiatric Surgery for a period of at least

(A) one year if the applicant graduated from an accredited school of podiatry on or before December 31, 2010; or

(B) two years if the applicant graduated from an accredited school of podiatry on or after January 1, 2011;

(2) verification of the applicant's completions of at least two hours of education in opioid use and addiction

(A) education under this paragraph must be earned in a continuing medical education program from a provider that is approved by the Council on Podiatric Medical Education;

(B) for an applicant who does not currently hold a valid federal Drug Enforcement Administration registration number, the verification will be waived until the applicant applies for a valid registration number. (Eff. 8/9/95, Register 135; am 8/17/2018, Register 227; am 12 / 25 / 2019, Register 232)

Authority: AS 08.64.100 AS 08.64.190 AS 08.64.209

~~**Editor's note:** Information on accredited hospitals described in 12 AAC 40.023 may be obtained by contacting the American Podiatric Medical Association Council on Podiatric Medical Education, 9312 Old Georgetown Road, Bethesda, Maryland 20814-1621 or the American Board of Podiatric Surgery, 1601 Dolores Street, San Francisco, California 94110-4906.~~ *((Publisher: No change to editor's note.))*

The introductory language of 12 AAC 40.035(a) is amended to read:

(a) A member of the board, the executive secretary, or a person designated by the board to issue temporary permits, [ITS DESIGNEE] may issue a temporary physician permit to an applicant who

...

The introductory language of 12 AAC 40.035(d) is amended to read:

(d) A member of the board, the executive secretary, or a person designated by the board to issue temporary permits, [ITS DESIGNEE] may expedite the issuance of a temporary physician permit to an applicant who

...

(Eff. 5/18/85, Register 94; am 8/2/86, Register 99; am 4/10/88, Register 106; am 8/17/97, Register 143; am 8/9/2000, Register 155; am 10/8/2017, Register 224; am 12/25/2019, Register 232.)

Authority: AS 08.64.100 AS 08.64.180 AS 08.64.279

AS 08.64.101

AS 08.64.270

The introductory language of 12 AAC 40.036(a) is amended to read:

(a) A member of the board, **the executive secretary, or a person designated by the board to issue temporary permits** [WILL, IN THE MEMBER'S DISCRETION], **may** issue a locum tenens permit to an applicant who

...

(Eff. 5/18/85, Register 94; am 4/10/88, Register 106; am 8/17/97, Register 143; am 8/9/2000, Register 155; am 6/15/2001, Register 158; am 9/9/2010, Register 195; am 10/8/2017, Register 224; am 12/25/2019, Register 232)

Authority: AS 08.64.100 AS 08.64.180 AS 08.64.279

AS 08.64.101 AS 08.64.275

The introductory language of 12 AAC 40.038(a) is amended to read:

(a) A member of the board **or the executive secretary** [WILL, IN THE MEMBER'S DISCRETION], **may** issue a residency permit to an applicant who

...

(Eff. 8/2/86, Register 99; am 8/20/87, Register 103; am 4/10/88, Register 106; am 8/17/97, Register 143; am 12/16/99, Register 152; am 8/9/2000, Register 155; am 10/14/2006, Register 180; am 9/9/2010, Register 195; am 10/8/2017, Register 224; am 12/25/2019, Register 232)

Authority: AS 08.64.100 AS 08.64.272 AS 08.64.279

AS 08.64.101

The introductory language of 12 AAC 40.045(d) is amended to read:

(d) The board, a member of the board, or the executive secretary may [WILL] issue a courtesy license to an applicant who

...

(Eff. 5/1/94, Register 130; am 8/9/95, Register 135; am 12/18/2001, Register 160; am 10/8/2017, Register 224; am 12 / 25 / 2019, Register 232)

Authority: AS 08.01.062 AS 08.64.101 AS 08.64.240
AS 08.64.100

12 AAC 40.058 is amended to read:

12 AAC 40.058. Review of applications. (a) An applicant who meets the requirements on the appropriate checklist established in this section has demonstrated the necessary qualifications for the temporary permit, residency permit, [OR] courtesy license, or physician license applied for and will be approved by the board, executive secretary, or the board's designee for issuance of that license or permit. An applicant who does not meet the requirements on the appropriate checklist in this section for that permit or [COURTESY] license will not be issued a permit or [COURTESY] license unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.64 and this chapter for the permit or [COURTESY] license applied for.

(b) The form titled *Alaska State Medical Board Checklist – Physician [TEMPORARY*

PERMIT], dated April 2019 [FEBRUARY 2018], is adopted by reference. This form is established by the board for the use by the executive secretary or **a person designated by the board** [ANOTHER EMPLOYEE OF THE DIVISION] in completing the application processing for a temporary permit under AS 08.64.270 **or a podiatrist license under AS 08.64.209; this form is also used by a board member or the executive secretary in completing the application processing for a physician or osteopath license under AS 08.64.230, or a podiatrist license under AS 08.64.209.**

(c) The form titled *Alaska State Medical Board Checklist - Resident Permit*, dated February 2018, is adopted by reference. This form is established by the board for the use by the executive secretary [OR ANOTHER EMPLOYEE OF THE DIVISION] in completing the application processing for a residency permit under AS 08.64.272.

(d) The form titled *Alaska State Medical Board Courtesy License Checklist*, dated February 2018, is adopted by reference. This form is established by the board for the use by the executive secretary [OR ANOTHER EMPLOYEE OF THE DIVISION] in completing the application processing for a courtesy license under AS 08.01.062 and 12 AAC 40.045.

(e) The form titled *Alaska State Medical Board Checklist – Locum Tenens Permit*, dated April 2019, is adopted by reference. This form is established by the board for the use by a board member, the executive secretary, or a person designated by the board in completing the application processing for a temporary permit for locum tenens practice under AS 08.64.275. (Eff. 4/10/88, Register 106; am 8/17/97, Register 143; am 6/15/2001, Register 158; am 9/5/2002, Register 163; am 3/27/2003, Register 165; am 10/14/2006, Register 180; am 3/4/2007, Register 181; am 5/8/2013, Register 206; am 8/17/2018, Register 227; am 12 / 25 / 2019, Register 232.)

Authority: AS 08.01.062 AS 08.64.205 AS 08.64.270
AS 08.64.075 AS 08.64.209 AS 08.64.272
AS 08.64.100 AS 08.64.255 AS 08.64.279
AS 08.64.200

~~**Editor's note:** The application checklist forms listed in 12 AAC 40.058 are available at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing offices in Anchorage and Juneau.~~

(((Publisher:
No change to
editor's note.)))

12 AAC 40.355(a) is amended to read:

(a) A member [, OR DESIGNEE,] of the board, **the executive secretary, or a person designated by the board to issue temporary permits**, may issue a temporary mobile intensive care paramedic permit to an applicant who meets the requirements of 12 AAC 40.310.

12 AAC 40.355(c) is amended to read:

(c) The board **may** [WILL, IN ITS DISCRETION,] renew a temporary permit for good cause, one time only.

12 AAC 40.355(e) is amended to read:

(e) In this section, "temporary permit" means a permit issued by a member [, OR DESIGNEE,] of the board, **the executive secretary, or a person designated by the board to issue temporary permits** to an individual who has applied for licensure, has fulfilled the requirements set out in 12 AAC 40.310, and is awaiting the next meeting of the board for consideration of the application. (Eff. 5/11/85, Register 94; am 8/24/90, Register 115; am

12 / 25 / 2019, Register 232)

Authority: AS 08.64.100 AS 08.64.101 AS 08.64.107

12 AAC 40.405(a) is amended to read:

(a) A member [OR DESIGNEE] of the board, the executive secretary, or a person designated by the board to issue temporary permits, may approve a temporary physician assistant license of an applicant who meets the requirements of 12 AAC 40.400 or 12 AAC 40.445 and pays the fee set out in 12 AAC 02.250.

12 AAC 40.405(e) is amended to read:

(e) An applicant who meets the requirements on the checklist established in this section has demonstrated the necessary qualifications for the temporary permit applied for and will be approved by the board, the executive secretary, or the board's designee for issuance of that permit. An applicant who does not meet the requirements on the checklist established in this section for that permit will not be issued a temporary permit unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.64 and this chapter for that permit. The form titled *Alaska State Medical Board - Checklist, Temporary Permit for Physician Assistant*, dated February 2018, is adopted by reference. This form is established by the board for the use by the executive secretary or another employee of the division in completing the application processing for a temporary permit under this section. (Eff. 9/19/80, Register 76; am 7/4/84, Register 90; am 3/12/89, Register 109; am 6/28/97, Register 142; am 7/25/2008, Register 187; am 5/8/2013, Register 206; am 8/17/2018, Register 227; am

12 / 25 / 2019, Register 232)

Authority: AS 08.64.100 AS 08.64.101 AS 08.64.107

~~**Editor's note:** The application checklist form listed in 12 AAC 40.405 is available at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing offices in Anchorage and Juneau.~~ *((Publisher: No change to editor's note.))*

12 AAC 40.480(b) is amended to read:

(b) Nothing in this chapter regulates, restricts, or alters the functions of a person traditionally employed in an office, by a physician, **performing duties** [IN A POSITION] not regulated by the State Medical Board under AS 08.64. (Eff. 1/13/80, Register 73; am 7/11/81, Register 79; am 12/25/2019, Register 232)

Authority: AS 08.64.100 AS 08.64.107

12 AAC 40 is amended by adding a new section to Article 6 to read:

12 AAC 40.905. Meetings. (a) ^{Subject to available funds and consideration of travel costs,} The board ^{may} will hold at least four in-person meetings each year at times and places designated by the board, in as many separate geographical areas of the state as possible.

^{Subject to available funds and consideration of travel costs,} (b) Special meetings may be held upon the call of the president or a majority of the members of the board, at the time and place as may be designated in the call.

(Eff. 12/25/2019, Register 232)

Authority: AS-08.64.010⁰ AS 08.64.085 AS 08.64.100
AS-08.64.070⁰ AS-08.64.090⁰ AS 08.64.101

12 AAC 40.910 is amended to read:

12 AAC 40.910. Delegation of authority to the board's designee. (a) At least once each year, at a scheduled meeting of the board, the board will take formal action to identify the board's primary designee to perform duties that may be delegated to that designee under AS 08.64. The board will identify an alternative designee, either a single board member, the executive secretary, or another employee of the **division** [DEPARTMENT] who may act as the board's designee in the absence of the primary designee.

(b) The board may designate another employee of the division to issue temporary permits to applicants who meet the requirements of 12 AAC 40.035, 12 AAC 40.036, 12 AAC 40.058, 12 AAC 40.355, or 12 AAC 40.405. (Eff. 8/9/2000, Register 155; am 12/25/2019, Register 232)

Authority: AS 08.64.075 AS 08.64.100 AS 08.64.101

12 AAC 40 is amended by adding a new section to Article 6 to read:

12 AAC 40.920. Standards for delegation of routine duties. (a) A physician, podiatrist, osteopath, or physician assistant licensed under AS 08.64 may delegate the performance of routine medical duties to an agent of the physician, podiatrist, osteopath, or physician assistant, if the following conditions are met:

(1) the duty to be delegated must be within the scope of practice of the delegating physician, podiatrist, osteopath, or physician assistant;

(2) a licensed physician, podiatrist, osteopath, or physician assistant must assess the patient's medical condition and needs to determine if a duty for that patient may be safely delegated;

(3) the patient's medical condition must be stable and predictable;

(4) the person to whom the duty is to be delegated has received the training needed to safely perform the delegated duty, and this training has been documented;

(5) the delegating physician, podiatrist, osteopath, or physician assistant determines that the person to whom a duty is to be delegated is competent to perform the delegated duty correctly and safely and accepts the delegation of the duty and the accountability for carrying out the duty correctly;

(6) performance of the delegated duty would not require the person to whom it ~~was~~^{is} delegated to exercise professional medical judgment or ~~knowledge~~^{have} of complex medical skills;

(7) the delegating physician, podiatrist, osteopath, or physician assistant provides to the person, with a copy maintained on record, written instructions that include

(A) a clear description of the procedure to follow to perform each task in the delegated duty;

(B) the predicted outcomes of the delegated task;

procedures for observing, reporting, and responding to

(C) ~~how the person is to observe and report~~ side effects, complications, or unexpected outcomes in the patient, ~~and the actions appropriate to respond to any of these~~; and

(D) the procedure to document the performance of the duty in the patient's record.

(b) A physician, podiatrist, osteopath, or physician assistant who has delegated a routine duty to another person shall provide appropriate direction and supervision of the person, including the evaluation of patient outcomes. Another physician, podiatrist, osteopath, or

physician assistant may assume delegating responsibilities from the delegating physician, podiatrist, osteopath, or physician assistant if the substitute physician, podiatrist, osteopath, or physician assistant has assessed the patient, the skills of the person to whom the delegation was made, and the plan of care. Either the original or substitute delegating physician, podiatrist, osteopath, or physician assistant shall remain readily available for consultation by the person, either in person or by telecommunication.

to whom the duty is delegated

(c) The delegation of a routine duty to another person under this section is specific to that person and for that patient, and does not authorize any other person to perform the delegated duty.

(d) The physician, podiatrist, osteopath, or physician assistant who delegated the routine duty to another person remains responsible for the quality of the medical care provided to the patient.

(e) Routine duties that may be delegated to another person under the standards set out in this section ^{means duties} ~~are those~~ that

medical

- (1) occur frequently in the daily care of a patient or group of patients;
- (2) do not require the person to whom the duty is delegated to exercise professional medical knowledge or judgment;
- (3) do not require the exercise of complex medical skills;
- (4) have a standard procedure and predictable results; and
- (5) present minimal potential risk to the patient.

(f) Duties that require the exercise of professional medical knowledge or judgment or complex medical skills may not be delegated. Duties that may not be delegated include

- (1) the assessment of the patient's medical condition, and referral and follow-up;

(2) formulation of the plan of medical care and evaluation of the patient's response to the care provided;

(3) counseling of the patient and the patient's family or significant others regarding the patient's health;

(4) transmitting verbal prescription orders, without written documentation, from the patient's health care provider;

(5) duties related to pain management and opioid use and addiction;

(6) the initiation, administration, and monitoring of intravenous therapy, including blood or blood products;

(7) the initiation administration, and monitoring of procedural sedation;

(8) assessing sterile wound or decubitus ulcer care;

(9) managing and monitoring home dialysis therapy;

(10) oral tracheal suction;

(11) medication management for unstable medical conditions requiring ongoing assessment and adjustment of dosage or timing of administration;

(12) placement and administration of nasogastric tubes and fluids;

(13) initial assessment and management of newly-placed gastrostomy tubes and the patient's nutrition; and

(14) the administration of injectable medications, unless

(A) it is a single intramuscular, intradermal, or subcutaneous injection, not otherwise prohibited under 12 AAC 40.967(33); and

(B) all other provisions of this section are met; and

(C) the delegating physician, podiatrist, osteopath, or physician assistant is

immediately available on site.

(g) The provisions of this section apply only to the delegation of routine ^{medical} duties by a physician, podiatrist, osteopath, or physician assistant licensed under AS 08.64; they do not apply when duties have not been delegated, including when a person is acting

(1) within the scope of the person's own license;

(2) under other legal authority; or

(3) under the supervision of another health care provider licensed under AS 08,

who has authority to delegate routine duties. (Eff. 12/25/2019, Register 232)

Authority: AS 08.64.100 AS 08.64.170 AS 08.64.336
AS 08.64.106 AS 08.64.326 AS 08.64.380
AS 08.64.107

12 AAC 40.955 is amended to read:

12 AAC 40.955. Ethical standards. (a) The 2016 edition of the [PRINCIPLES OF MEDICAL ETHICS OF THE AMERICAN MEDICAL ASSOCIATION ON PAGE XIV OF THE 2002-2003 EDITION OF THE COUNCIL ON ETHICAL AND JUDICIAL AFFAIRS,] *Code of Medical Ethics*, of [PUBLISHED BY] the American Medical Association are adopted by reference as the ethical standards for physicians and applies to all physicians subject to this chapter.

(b) The 2016 [1996] edition of the *Code of Ethics of the American Osteopathic Association* is adopted by reference as the ethical standards for osteopaths and applies to all osteopaths subject to this chapter.

(c) The 2017 [1998] edition of the *Code of Ethics of the American Podiatric Medical*

Association is adopted by reference as the ethical standards for podiatrists and applies to all podiatrists subject to this chapter.

(d) The 2013 [JUNE 2006] edition of the Guidelines for Ethical Conduct for [*CODE OF ETHICS OF*] *the Physician Assistant Profession of the American Academy of Physician Assistants* is adopted by reference as the ethical standards for physician assistants and applies to all physician assistants subject to this chapter.

(e) The 2013 [THIRD] edition of the *EMT Oath and Code of Conduct, Code of Ethics for EMS Practitioners* of the *National Association of EMT's* is adopted by reference as the ethical standards for mobile intensive care paramedics and applies to all mobile intensive care paramedics subject to this chapter. (Eff. 12/16/99, Register 152; am 4/2/2004, Register 169; am 12/21/2007, Register 184; am 12 / 25 / 2019, Register 232)

Authority: AS 08.01.070 AS 08.64.107 AS 08.64.326
AS 08.64.100

Editor's note: Copies of the Code [*PRINCIPLES*] of *Medical Ethics* the American Medical Association [,] *Code of Ethics of the American Osteopathic Association, American Podiatric Medical Association Code of Ethics, Guidelines for Ethical Conduct for [CODE OF ETHICS OF] the Physician Assistant Profession of the American Academy of Physician Assistants, and the [EMT] *Code of Ethics for EMT Practitioners of the National Association of EMTs* described in 12 AAC 40.955, are available for inspection at and may be obtained at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806.*

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: November 25, 2019

File No.: 2019200336

Tel. No.: 465-3600

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

Re: The State Medical Board Regulation
re: 12 AAC 40.023 - .955: Training
Requirements, Delegation of
Authority, Review of Applications,
Board Meetings, Ethics

The Department of Law has reviewed the attached regulations of the State Medical 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 were adopted by the State Medical Board after the close of the public comment period. The regulations concern surgical residency training requirements for podiatrists. The regulations implement ch. 45, SLA 2018, which added new statutes to allow delegation of routine medical duties to an agent of the physician, podiatrist, osteopath, or physician assistant; AS 08.64.106 requires the state medical board to adopt regulations authorizing this delegation. Further, the regulations implement changes to allow the board's executive secretary to grant a license under direction of board regulatory limits. Other amendments update regulations on board meetings, code of ethics, and standards for the delegation of routine medical duties.

The April 21, 2019, public notice and the August 8, 2019, certification of adoption order both 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.

SRP:hjh

cc:

Amy Demboski, Assistant Commissioner
Department of Commerce, Community and Economic Development

Sara Chambers, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Catherine Hyndman, M. D., Chair
State Medical Board
(via email through Jun Maiquis)

Debbie Morgan, Executive Secretary
Department of Commerce, Community, and Economic Development

Glenn Hoskinson, Special Assistant to Commissioner
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

Sher Zinn, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General
Commercial and Fair Business Section
Department of Law

Notice of proposed changes relating to training requirements, board discretion to delegate authority to staff or a person designated by the board to issue licenses or temporary permits, checklists, board meetings, code of ethics, and standards for delegation of routine medical duties in the regulations of the State Medical Board

BRIEF DESCRIPTION: The State Medical Board proposes to update various regulations relating to training requirements for podiatrist applicants, add board discretion to delegate authority, checklists used for review of applications, exemptions, board meetings, code of ethics, and to establish standards for delegation of routine medical duties to assistive personnel.

The State Medical Board (Board) proposes to adopt regulation changes in Title 12, Chapter 40 of the Alaska Administrative Code including the following:

1. **12 AAC 40.023. Training requirements for podiatry applicant**, is proposed to be changed to amend the application requirements for a license to practice podiatry.
2. **12 AAC 40.035. Temporary permit application requirements**, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a temporary physician permit.
3. **12 AAC 40.036. Locum tenens permit application requirements**, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a locum tenens permit.
4. **12 AAC 40.038. Residency permit**, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a residency permit.
5. **12 AAC 40.045. Courtesy license**, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a member of the board to issue a courtesy license.
6. **12 AAC 40.058. Review of applications**, is proposed to be changed to amend the provisions related to review of applications, and to adopt by reference the updated checklists used for review of applications by a board member, the executive secretary, or a person designated by the board to issue licenses or permits to applicants meeting certain requirements.
7. **12 AAC 40.355. Temporary permits**, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a temporary mobile intensive care paramedic permit.
8. **12 AAC 40.405. Temporary license**, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a temporary physician assistant license.
9. **12 AAC 40.480. Exemptions**, is proposed to be changed to amend the provisions related to exemptions for medical office employees.
10. **12 AAC 40.905. Meetings**, is a proposed new section that establishes criteria for board meetings.
11. **12 AAC 40.910. Delegation of authority to the board's designee**, is proposed to be changed to add board discretion to delegate authority to another employee of the division to issue temporary permits to applicants who meets certain requirements.
12. **12 AAC 40.920. Standards for delegation of routine duties**, is a proposed new section that establishes standards and conditions under which a licensed physician, osteopath, podiatrist, or physician assistant may delegate the performance of routine medical duties to their assistive

personnel.

13. **12 AAC 40.955. Ethical standards**, is proposed to be changed to reflect the current version of the code of ethics that the board adopts by reference for licensed physicians, osteopaths, podiatrists, physician assistants, and mobile intensive care paramedics.

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 Jun Maiquis, 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/193919>, and using the comment link. **The comments must be received not later than 4:30 p.m. on May 22, 2019.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, 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/StateMedicalBoard.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 Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than May 15, 2019 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 Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/Portals/5/pub/MED-0419.pdf>.

A copy of the material proposed for adoption by reference may be viewed at the Board's office at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Atwood Building, 550 West 7th Avenue, Suite 1500, Anchorage, AK.


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 regulation may be different from that of the proposed regulation. **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 08.01.062; AS 08.01.070; AS 08.64.010; AS 08.64.070; AS 08.64.075; AS 08.64.085; AS 08.64.090; AS 08.64.100; AS 08.64.101; AS 08.64.106; AS 08.64.107; AS 08.64.170; AS 08.64.180; AS 08.64.190; AS 08.64.200; AS 08.64.205; AS 08.64.209; AS 08.64.240; AS 08.64.255; AS 08.64.270; AS 08.64.272; AS 08.64.275; AS 08.64.279; AS 08.64.326; AS 08.64.336; AS 08.64.380

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.01.070; AS 08.64.010; AS 08.64.070; AS 08.64.075; AS 08.64.085; AS 08.64.090; AS 08.64.100; AS 08.64.101; AS 08.64.106; AS 08.64.107; AS 08.64.170; AS 08.64.180; AS 08.64.190; AS 08.64.200; AS 08.64.205; AS 08.64.209; AS 08.64.240; AS 08.64.255; AS 08.64.270; AS 08.64.272; AS 08.64.275; AS 08.64.279; AS 08.64.326; AS 08.64.336; AS 08.64.380

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

DATE: 4/19/19


Jun Maiquis, 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:** State Medical Board – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Training requirements for podiatry applicant, board discretion to delegate authority to staff or a person designated by the board to issue licenses or temporary permits to applicant meeting certain requirements, checklists, board meetings, and standards for delegation of routine duties.
3. **Citation of regulation:** 12 AAC 40.023 – 12 AAC 40.955.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with new state statute (Chapter 45 SLA 2018 – HB 280); 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:**
Debora Stovern, Executive Administrator
Alaska State Medical Board
Division of Corporations, Business and Professional Licensing
Telephone: (907) 269-8163
E-mail: debora.stovern@alaska.gov
10. **The origin of the proposed action:** State Medical Board.

11. **Date:** 4/19/19

Prepared by: 
Jun Maiquis
Regulations Specialist
(907) 465-2637

ANCHORAGE DAILY NEWS

RECEIVED
Juneau
JUN 12 2019

AFFIDAVIT OF PUBLICATION

CBPL

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Order #: 0001437208

Cost: \$791.84

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

April 21, 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

Subscribed and sworn to before

me this 16 day of June
20 19

Jade L. Nowling

Notary Public in and for
The State of Alaska,
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA
NOTARY
PUBLIC
Jade L. Nowling

MANLEY & BRAUTIGAM P.C.
Counsel for Devery Prince,
Successor Trustee

By: Peter B. Brautigam
Alaska Bar No. 841100
peter@mb-lawyers.com

Published: April 14, 21, 28, 2019

IN THE SUPERIOR COURT FOR
THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT
ANCHORAGE

In the Matter of the
KAZUKO BRADLEY,
Case No. 3AN-19-00656 PR

**NOTICE TO CREDITORS AND
OTHER INTERESTED
PERSONS**

Notice is hereby given that
Bernadette Bradley has been
appointed Personal
Representative of the above
named estate. All interested
persons having an interest in the
estate or those having claims
against the decedent are
required to present their claims
to the personal representative,
c/o Maribeth Conway, Manley &
Brautigam P.C., 1127 W. 7th
Avenue, Anchorage, AK 99501
within four months after the
date of first publication of this
notice or said claims will be
decedent are required to
present their claims within (4)
months after the date of the first
publication of this notice of said
claims will be forever barred.
heirs, devisees, beneficiaries,
spouses, creditors, beneficiaries,
and other persons having
property rights in or claims
against a trust estate or the
estate of a decedent, ward or
protected person, ...
DATED this 19th day of April,
2019.

MANLEY & BRAUTIGAM P.C.
Attorneys for Bernadette
Bradley
Alaska Bar No. 9706040
maribeth@mb-lawyers.com

Published: April 21, 28, May 5,
2019

IN THE SUPERIOR COURT FOR
THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT
ANCHORAGE

In the Matter of the Estate of,
Eliza F. Bush,
Deceased.
Case No. 3AN-19-0298 PR

NOTICE TO CREDITORS

You are notified that the court
appointed Michael Pitka
personal representative of the
above named estate. All persons
having claims against the
Estate IS HEREBY GIVEN THAT

THE MUNICIPALITY OF ANCHORAGE
will be conducting a one day
only sealed bid sale of Tax
and/or Special Assessment
Forfeited Properties on
Wednesday, May 1, 2019 from
8am to 3pm. For more
information and a list of
our
web site:
www.muni.org/Departments/hb
/pages/RES/forfeitedProperties
.aspx

Pub: April 7, 14, 21, 28, 2019

**Notice To Creditors
302**

IN THE SUPERIOR COURT FOR
THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT
ANCHORAGE

In the Matter of the Estate of
Andy Engresen
Decedent.
DOB: February 26, 1926
Case No. 3AN-07-1125 PR

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN THAT
David Engresen has been
appointed the Personal
Representative of the above-
named estate. All persons
having claims against the
Decedent are required to
present their claims within (4)
months after the date of the first
publication of this notice of said
claims will be forever barred.
heirs, devisees, beneficiaries,
spouses, creditors, beneficiaries,
and other persons having
property rights in or claims
against a trust estate or the
estate of a decedent, ward or
protected person, ...
DATED this 19th day of April,
2019.

MANLEY & BRAUTIGAM P.C.
Attorneys for Bernadette
Bradley
Alaska Bar No. 9706040
maribeth@mb-lawyers.com

Published: April 21, 28, May 5,
2019

IN THE SUPERIOR COURT FOR
THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT
ANCHORAGE

In the Matter of the
Estate of
Michael Francis Soltis,
Deceased.
Case No. 3AN-18-01729PR

NOTICE TO CREDITORS

You are notified that the court
appointed Michael Pitka
personal representative of the
above named estate. All persons
having claims against the
Estate IS HEREBY GIVEN THAT

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss.

**AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Jun Maiquis, 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 40.023 through 12 AAC 40.955, dealing with training requirements, board discretion to delegate authority, checklists used for review of applications, exemptions, board meetings, code of ethics, and standards for delegation of routine medical duties to assistive personnel, 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 persons 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: 9/5/19
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 5th day of September, 2019.





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

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

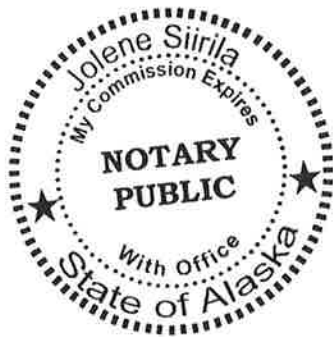
I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the State Medical Board has kept a record of its use or rejection of 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 State Medical Board regulations on dealing with training requirements, board discretion to delegate authority, checklists used for review of applications, exemptions, board meetings, code of ethics, and standards for delegation of routine medical duties to assistive personnel.

DATE: 9/5/19
Juneau, Alaska

Jun Maiquis
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 5th day of September, 2019.



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

Excerpt from the Draft Minutes of the
August 8-9, 2019 Meeting of the
Alaska State Medical Board

Approved regulation projects:

The Board has proposed changes to various regulations. As published in the public notice, this regulations projects includes changes relating to training requirements for podiatrist applicants, board discretion to delegate authority, checklists used for review of applications, exemptions, board meetings, codes of ethics, and establishing standards for delegation of routine medical duties to assistive personnel, including the following:

- 12 AAC 40.023. Training requirements for podiatry applicant, is proposed to be changed to amend the application requirements for a license to practice podiatry.
- 12 AAC 40.035. Temporary permit application requirements, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a temporary physician permit.
- 12 AAC 40.036. Locum tenens permit application requirements, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a locum tenens permit.
- 12 AAC 40.038. Residency permit, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a residency permit.
- 12 AAC 40.045. Courtesy license, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a member of the board to issue a courtesy license.
- 12 AAC 40.058. Review of applications, is proposed to be changed to amend the provisions related to review of applications, and to adopt by reference the updated checklists used for review of applications by a board member, the executive secretary, or a person designated by the board to issue licenses or permits to applicants meeting certain requirements.
- 12 AAC 40.355. Temporary permits, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a temporary mobile intensive care paramedic permit.
- 12 AAC 40.405, Temporary license, is proposed to be changed to add board discretion to delegate authority to the executive secretary or a person designated by the board to issue a temporary physician assistant license.
- 12 AAC 40.480. Exemptions, is proposed to be changed to amend the provisions related to exemptions for medical office employees.
- 12 AAC 40.905. Meetings, is a proposed new section that establishes criteria for board meetings.
- 12 AAC 40.910. Delegation of authority to the board's designee, is proposed to be changed to add board discretion to delegate authority to another employee of the division to issue temporary permits to applicants who meets certain requirements.
- 12 AAC 40.920. Standards for delegation of routine duties, is a proposed new section that establishes standards and conditions under which a licensed physician, osteopath, podiatrist, or physician assistant may delegate the performance of routine medical duties to their assistive personnel.

- 12 AAC 40.955 Ethical standards, is proposed to be changed to reflect the current version of the code of ethics that the board adopts by reference for licensed physicians, osteopaths, podiatrists, physician assistants, and mobile intensive care paramedics.

In considering the proposed regulations project, the Board reviewed and considered public comments received in support of the proposed changes from: Ponekham Kantiyavong, William W. Resinger MD, Donald A. Balasa on behalf of the Alaska Medical Assistants Society and the American Association of Medical Assistants, Robin Holmes MD, Nicole Worrall CMA, Catherine Brankin, Kimberly Schumacher DO, Amy Samuel CMA, and Diane Moore CCMA,

The Board does not expect the regulations change to incur cost to private persons, or to require an increased appropriation.

Upon a motion duly made by Mrs. Carlson, seconded by Dr. Clift, and approved unanimously, the Board adopted the proposed regulation changes relating to training requirements for podiatrist applicants, add board discretion to delegate authority, checklists used for review of applications, exemptions, board meetings, code of ethics, and to establish standards for delegation of routine medical duties to assistive personnel, as written and publicly noticed.

The adoption order was signed by the Chair.

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

AFFIDAVIT OF BOARD ACTION

I, Debora Stovern, Executive Administrator for the State Medical Board, being duly sworn, state the following:

The attached motion dealing with training requirements, board discretion to delegate authority, checklists used for review of applications, exemptions, board meetings, code of ethics, and standards for delegation of routine medical duties to assistive personnel was passed by the State Medical Board during its August 8-9, 2019 meeting.

Date: 8/20/19
Anchorage, Alaska

Debora Stovern
Debora Stovern, Executive Administrator

SUBSCRIBED AND SWORN TO before me this 20th day of August, 2019.



Nancy Harris
Notary Public in and for the
State of Alaska
My commission expires: with office