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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: February 24, 2020

RE: Filed Permanent Regulations: State Medical Board

State Medical Board regulations re: requirements for foreign medical graduates and prescriptive authority of physician assistants (12 AAC 40.010 - 12 AAC 40.016; 12 AAC 40.021; 12 AAC 40.040; 12 AAC 40.940(e); 12 AAC 40.967)

Attorney General File:	2019200764
Regulation Filed:	2/24/2020
Effective Date:	3/25/2020
Print:	233, April 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

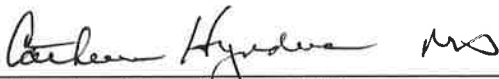
The attached ten pages of regulations, dealing with licensure requirements for foreign medical graduates, acceptable examinations, approved postgraduate training program, telehealth standards of practice for physician assistants, and unprofessional conduct, are hereby certified to be a correct copy of the regulation changes that the State Medical Board adopted at its November 7-8, 2019 meeting, under the authority of AS 08.01.070, AS 08.64.100, AS 08.64.101, AS 08.64.107, AS 08.64.180, AS 08.64.190, AS 08.64.200, AS 08.64.205, AS 08.64.209, AS 08.64.210, AS 08.64.220, AS 08.64.225, AS 08.64.240, AS 08.64.250, AS 08.64.255, AS 08.64.326, AS 08.64.364, AS 08.64.380, and AS 17.30.200, 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: 1/15/2020
Anchorage, Alaska



Catherine Hyndman, MD, President
State Medical Board

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on Febr. 24th, 2020 at 2:25 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Kevin Meyer, Lieutenant Governor

Effective: March 25, 2020.

Register: 233, April 2020.

Chapter 40. State Medical Board.

12 AAC 40.010(b)(2)(I) is amended to read:

(I) for foreign medical graduates, verification from the Educational Commission for Foreign Medical Graduates (ECFMG) of successful ECFMG certification, or a certified true copy of the applicant's certificate from the Educational Commission for Foreign Medical Graduates (ECFMG).

(Eff. 12/30/70, Register 36; am 5/18/85, Register 94; am 8/2/86, Register 99; am 4/10/88, Register 106; am 5/1/94, Register 130; am 6/28/97, Register 142; am 8/17/97, Register 143; am 11/7/98, Register 148; am 8/9/2000, Register 155; am 6/15/2001, Register 158; am 4/2/2004, Register 169; am 10/14/2006, Register 180; am 3/4/2007, Register 181; am 12/21/2007, Register 184; am 5/8/2013, Register 206; am 8/17/2018, Register 227; am 3 / 25 / 2020, Register 233)

Authority: AS 08.64.100 AS 08.64.210 AS 08.64.250
AS 08.64.200 AS 08.64.225 AS 08.64.255
AS 08.64.205 AS 08.64.240

12 AAC 40.015(b)(2)(E) is repealed:

(E) repealed 3 / 25 / 2020;

12 AAC 40.015(b)(2)(F) is amended to read:

(F) verification from the applicant's medical school that the applicant completed medical school and [OR] received a medical school diploma;

12 AAC 40.015(b)(2)(G) is amended to read:

(G) if applicable, verification of completion of [THE FIRST YEAR OF]

post-graduate training from the facility where the applicant completed the [FIRST YEAR
OF] internship or residency program; training periods of less than 12 months will not
be accepted;

12 AAC 40.015(b)(2) is amended by adding a new subparagraph to read:

(H) for foreign medical graduates, verification from the Educational

Commission for Foreign Medical Graduates (ECFMG) of successful ECFMG
(the Educational Commission for Foreign Medical Graduates) certification, or a certified true copy of the applicant's certificate from ECFMG.

(Eff. 7/29/83, Register 87; am 3/30/84, Register 89; am 4/10/88, Register 106; am 6/28/97,
Register 142; am 8/17/97, Register 143; am 6/15/2001, Register 158; am 4/2/2004, Register 169;
am 3/4/2007, Register 181; am 12/21/2007, Register 184; am 8/17/2018, Register 227; am
3 / 25 / 2020, Register 233)

Authority:	AS 08.64.100	AS 08.64.205	AS 08.64.225
	AS 08.64.180	AS 08.64.209	AS 08.64.240
	AS 08.64.190	AS 08.64.210	AS 08.64.255

Editor's note: [COPIES OF *MEDICAL SCHOOLS RECOGNIZED BY THE MEDICAL BOARD OF CALIFORNIA*, ADOPTED BY REFERENCE IN 12 AAC 40.016, MAY BE OBTAINED FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT, DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING, STATE MEDICAL BOARD, 550 W. 7TH AVENUE, SUITE 1500, ANCHORAGE, ALASKA 99501-3567; TELEPHONE: (907) 269-8163.]

Information on the verification process described in 12 AAC 40.015(g) may be obtained from the Federation of State Medical Boards of the United States, Inc., P.O. Box 619850, Dallas,

TX 75261-9850; telephone: (817) 868-4000; website at www.fsmb.org.

12 AAC 40.016 is repealed and readopted to read:

12 AAC 40.016. Application for license by foreign medical graduates. (a) An applicant for licensure by examination who is a graduate of a medical college not accredited by the Association of American Medical Colleges and the Council on Medical Education of the American Medical Association must

*World Directory of Medical Schools,
produced by the World Federation
for Medical Education,*

*((italicizing
the title)))*

(1) have graduated from a school listed in the ~~International Medical Education~~

~~Directory~~ after successful completion of a medical curriculum extending over a period of at least four academic years *(; the four academic years must consist of at least* for 32 months of actual instruction, consisting of a minimum of 4,000 hours, with at least 80 percent of actual in-person attendance required; if an applicant has matriculated in more than one medical school, the applicant must have matriculated in the medical school awarding the degree of doctor of medicine or its equivalent for at least the last full academic year of medical education received *before* ~~prior to~~ the granting of the degree;

(2) meet the requirements of AS 08.64.225, 12 AAC 40.015, 12 AAC 40.020, and this section; and

(3) have successfully completed three years of postgraduate training that meets the requirements of AS 08.64.225(a)(2)(A) and ~~12 AAC 40.040~~, including

(training periods of less than 12 months in a program will not be accepted;)
(A) at least one continuous year of training in a general medical program that includes basic clinical training; and

(B) at least two years of training in one continuous single program; a year of full-time employment as a faculty member at a medical college accredited by the Association of American Medical Colleges and the Council on Medical

Education of the American Medical Association may be substituted for a year of

required postgraduate training, up to the maximum required under this subsection

lowercase,))

Training periods of less than 12 months *in a program* will not be accepted.

italicize the title))

(b) An applicant for licensure by credentials who is a graduate of a medical college not accredited by the Association of American Medical Colleges and the Council on Medical

Education of the American Medical Association must

World Directory of Medical Schools, produced by the World Federation for Medical Education,

(1) have graduated from a school listed in the ~~International Medical Education~~

~~Directory~~ after successful completion of a medical curriculum extending over a period of at least

four academic years *(C; the four academic years must consist of at least)* for 32 months of actual instruction, consisting of a minimum of 4,000 hours,

with at least 80 percent of actual in-person attendance required; if an applicant has matriculated

in more than one medical school, the applicant must have matriculated in the medical school

awarding the degree of doctor of medicine or its equivalent for at least the last full academic year

of medical education received *before* ~~prior to~~ the granting of the degree;

(2) meet the requirements of AS 08.64.225, ~~AS~~ 08.64.250, 12 AAC 40.010, and this section; and

(3) establish proof of competency and professional qualifications by meeting one of the following requirements:

have successfully completed)
(A) ~~successful completion~~ of three years of postgraduate training that

meets the requirements of AS 08.64.225(a)(2)(A) and ~~12 AAC 40.040~~, including

(i) at least one continuous year of training in a general medical

training periods of less than 12 months in a program will not be accepted; and)
program that includes basic clinical training;

(ii) at least two years of training in one continuous single

program; a year of full-time employment as a faculty member at a medical

college accredited by the Association of American Medical Colleges and the Council on Medical Education of the American Medical Association may be substituted for a year of required postgraduate training, up to the maximum required under this subsection. ^{licensee} Training periods of less than 12 months ^{in a program} will not be accepted;

(B) hold a current, active, unrestricted license to practice medicine in another state and

(i) have engaged in the active practice of medicine in that state for at least three years before the date of application for licensure in this state;

(ii) hold a current certification in a practice specialty issued by the American Board of Medical Specialties; and

(iii) ^{have successfully completed} ~~successful completion of~~ postgraduate training that meets the requirements of AS 08.64.225(a)(2)(A) and ~~12 AAC 40.040~~ and includes at least one continuous year in a general medical program that includes basic clinical training.

(c) If necessary to determine whether an applicant for licensure who is a graduate of a medical college not accredited by the Association of American Medical Colleges and the Council on Medical Education of the American Medical Association is competent and able to safely practice medicine in this state, the board may require the applicant to pass the Special Purpose Examination (SPEX) administered by the Federation of State Medical Boards or to undergo a formal assessment of professional competency by a program approved by the board for that purpose.

(d) Nothing in this section ^{requires} shall be construed to require the board to evaluate for equivalency any education or training required under this section.

~~(e) In this section, "International Medical Education Directory" means the World Directory of Medical Schools, a public database of worldwide medical schools published by the World Federation of Medical Education (WFME), and developed by the World Federation for Medical Education (WFME) and the Foundation for Advancement of International Medical Education and Research (FAIMER).~~ (Eff. 3/4/2007, Register 181; am 3/25/2020,

Register 233)

Authority:	AS 08.64.100	AS 08.64.205	AS 08.64.225
	AS 08.64.180	AS 08.64.209	AS 08.64.250
	AS 08.64.200	AS 08.64.210	AS 08.64.255

italicize **Editor's note:** Information about the ~~listing~~ published by the World Directory of Medical Schools described in 12 AAC 40.016 ^{(a) and (b)} may be obtained from the World Federation for Medical Education, c/o Medical Schools Council, Woburn House, 20 Tavistock Square, London WC1H 9HD; website at <https://wfme.org/world-directory/>.

12 AAC 40.021 is ^{repeated and readopted} amended to read:

12 AAC 40.021. Acceptable examination combinations. ^{abolish and underline not necessary} **(a)** The board will accept the following combinations of examinations described in 12 AAC 40.020 if successfully completed before January 1, 2000:

(1) (NBME part one or USMLE step one) plus (NBME part two or USMLE step two) plus (NBME part three or USMLE step three);

(2) (FLEX component one) plus (USMLE step three); or

(3) (NBME part one or USMLE step one) plus (NBME part two or USMLE step two) plus (FLEX component two).

*before and under-
lining not necessary*

(b) Applicants who are graduates of medical colleges not accredited by the Association of American Medical Colleges and the Council on Medical Education of the American Medical Association shall pass all components of an examination described in 12 AAC 40.020. ^{8 = Caf} the board will not accept combinations of examinations. (Eff. 5/1/94, Register 130; am 3 / 25 / 2020, Register 233)

Authority: AS 08.64.100 AS 08.64.210 AS 08.64.220

12 AAC 40.040 is amended to read:

12 AAC 40.040. Recognized hospital. For the purpose of AS 08.64.200(a)(2), a recognized hospital is one ^{that} ~~which~~ ^{and} has a postgraduate training program located in the United State or its territories, or in Canada, that has been approved for internship or residency training by the Accreditation Council for Graduate Medical Education (ACGME) or the Royal College of Physicians and Surgeons of Canada. (Eff. 12/20/70, Register 36; am 5/1/94, Register 130; am 4/14/96, Register 138; am 3 / 25 / 2020, Register 233)

Authority: AS 08.64.100 AS 08.64.200

12 AAC 40.940(e) is amended to read:

(e) The patient records for a physician or physician assistant practicing under AS 08.64.364 must comply with the requirements of this section and include

(1) the physical location of the patient and the physician or physician assistant when the patient care was provided;

(2) a description of the method of the communication between the physician or physician assistant and patient;

(3) the name, location, and phone number, state of licensure and license number of the physician, physician assistant, or other licensed health care provider available to provide follow-up care; and

(4) if the prescribing physician or physician assistant is not the patient's primary care provider, documentation of the patient's consent to sending a copy of all records of the encounter to the patient's primary care provider, and if the patient consents, confirmation that the records were sent to the patient's primary care provider. (Eff. 6/15/2001, Register 158; am 10/8/2017, Register 224; am 3 / 25 / 2020, Register 233)

Authority: AS 08.64.100 AS 08.64.107 AS 08.64.364

12 AAC 40.967(29) is amended to read:

(29) for a physician or physician assistant, prescribing, dispensing, or furnishing a prescription medication [TO A PERSON] without first conducting a physical examination of the [THAT] person, unless the licensee has a patient-physician or patient physician assistant relationship with the person; this paragraph does not apply to prescriptions written or medications issued

(A) for use in emergency treatment;

(B) for expedited partner therapy for sexually transmitted diseases; [OR]

(C) in response to an infectious disease investigation, public health emergency, infectious disease outbreak, or act of bioterrorism; or

(D) by a physician or physician assistant practicing telemedicine

under AS 08.64.364;

12 AAC 40.967(32) is repealed and readopted to read:

(32) permitting patient care that includes administering a botulinum toxin or dermal filler, autotransplanting biological materials, or treating with chemical peels below the dermal layer, or hot lasers, by a person who is not an appropriate health care provider trained and licensed under AS 08 to perform the treatment;

12 AAC 40.967(33) is repealed and readopted to read:

(33) failure of a licensee who has a federal Drug Enforcement Administration (DEA) registration number to register with the controlled substance prescription database under AS 17.30.200;

12 AAC 40.967(34) is repealed and readopted to read:

(34) failure of a licensee or licensee's designee to review the controlled substance prescription database under AS 17.30.200, when prescribing, dispensing, or administering a controlled substance designated schedule II or III under federal law to a patient;

12 AAC 40.967(35) is repealed and readopted to read:

(35) any conduct described in (1) – (34) of this section that occurred in another licensing jurisdiction and is related to the applicant's or licensee's qualifications to practice. (Eff. 3/16/2000, Register 153; am 9/5/2002, Register 163; am 4/2/2004, Register 169; am 10/14/2006, Register 180; am 7/25/2008, Register 187; am 9/9/2010, Register 195; am 5/8/2013, Register

Register 233, April 2020 **PROFESSIONAL REGULATIONS**

206; am 8/24/2016, Register 219; am 10/8/2017, Register 224; am 3 / 25 / 2020, Register 233)

Authority:	AS 08.01.070	AS 08.64.326	AS 08.64.380
	AS 08.64.100	AS 08.64.364	AS 17.30.200
	AS 08.64.101		

MEMORANDUM


State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: February 19, 2020

File No.: 2019200764

Tel. No.: 465-3600

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

Re: State Medical Board regulations re:
requirements for foreign medical
graduates and prescriptive authority
of physician assistants (12 AAC
40.010 - 12 AAC 40.016; 12 AAC
40.021; 12 AAC 40.040; 12 AAC
40.940(e); 12 AAC 40.967)

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. I have reviewed this project under a delegation of authority dated December 3, 2018 from the regulations attorney. 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 update requirements for foreign medical graduates and, to implement amendments to AS 08.64 enacted under secs. 1 - 4, ch. 18, SLA 2019, update regulations to provide procedures and requirements under which a physician assistant may prescribe drugs without a physical examination, i.e., through telehealth.

The October 1, 2019 public notice and the January 15, 2020 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.

SCW

cc w/enc: Catherine Hyndman, MD, President
State Medical Board
(via e-mail through Jun Maiquis)

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

Alysia Jones, Executive Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Senior Assistant Attorney General
Commercial, Fair Business, and Child Support Section

Notice of proposed changes relating to licensure requirements for foreign medical graduates, acceptable examinations, approved postgraduate training program, telehealth practice for physician assistants, and unprofessional conduct in the regulations of the State Medical Board

BRIEF DESCRIPTION: The State Medical Board proposes to update regulations relating to licensure requirements for foreign medical graduates, and to implement changes made in Chapter 18, SLA 2019 (Senate Bill 44) relating to telehealth practice for physician assistants.

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 40.010. Application for license by credentials**, is proposed to be changed to amend the licensure by credentials requirements for foreign medical graduates.
2. **12 AAC 40.015. Application for license by examination**, is proposed to be changed to amend the requirements for licensure by examination.
3. **12 AAC 40.016. Application for license by foreign medical graduates**, is proposed to be changed to amend the licensure requirements for graduates of unaccredited foreign medical schools.
4. **12 AAC 40.021. Acceptable examination combinations**, is proposed to be changed to amend the examination requirements for licensure.
5. **12 AAC 40.040. Recognized hospital**, is proposed to be changed to amend the provisions related to accredited postgraduate training program from a recognized hospital for internship or residency training.
6. **12 AAC 40.940. Standards of practice for record keeping**, is proposed to be changed to add telehealth practice to physician assistants.
7. **12 AAC 40.967. Unprofessional conduct**, is proposed to be changed to amend the regulations related to unprofessional conduct by a physician or physician assistant practicing telemedicine.

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/195610>, and using the comment link. **The comments must be received not later than 4:30 p.m. on October 30, 2019.** Written comments received after this deadline will not be considered by the Board.

Oral comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, may also be given at a hearing to be held on November 7, 2019, at the Providence Hospital Cancer Center, 3851 Piper Street, Room 2401, Anchorage, AK. **Written comments will not be accepted at the hearing.** The hearing will begin at 3:30 p.m. and will end when those who have called in or signed up before 3:30 p.m. to give oral testimony have had the opportunity to comment. If you wish to give your comments via telephone, please call 1-800-315-6338 access code 63305. The chair of the Board may limit each participant's length of oral testimony, determined by the chair before the hearing begins, to allow enough time for all those who have called in or signed up and timely registered to give testimony.

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 October 23, 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-0919.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final 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 08.01.070; AS 08.64.100; AS 08.64.101; AS 08.64.107; AS 08.64.180; AS 08.64.190; AS 08.64.200; AS 08.64.205; AS 08.64.209; AS 08.64.210; AS 08.64.220; AS 08.64.225; AS 08.64.240; AS 08.64.250; AS 08.64.255; AS 08.64.326; AS 08.64.364; AS 08.64.380; AS 17.30.200

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.070; AS 08.64.100; AS 08.64.101; AS 08.64.107; AS 08.64.180; AS 08.64.190; AS 08.64.200; AS 08.64.205; AS 08.64.209; AS 08.64.210; AS 08.64.220; AS 08.64.225; AS 08.64.240; AS 08.64.250; AS 08.64.255; AS 08.64.326; AS 08.64.364; AS 08.64.380; AS 17.30.200

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


DATE: 9/27/19



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:** Licensure requirements for foreign medical graduates, examination requirements, postgraduate training program, unprofessional conduct, and telehealth practice for physician assistants.
3. **Citation of regulation:** 12 AAC 40.010, 12 AAC 40.015, 12 AAC 40.016, 12 AAC 40.021, 12 AAC 40.040, 12 AAC 40.940, and 12 AAC 40.967.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations; compliance with new state statute (Chapter 18, SLA 2019 – SB 44).
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 2020 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:** 9/27/19 **Prepared by:** 
Jun Maiquis
Regulations Specialist
(907) 465-2537

FIRST JUDICIAL DISTRICT

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 40.010 through 12 AAC 40.967, dealing with licensure requirements for foreign medical graduates, acceptable examinations, approved postgraduate training program, telehealth standards of practice for physician assistants, and unprofessional conduct, 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: 1/6/2020
Juneau, Alaska


Jun Maiquis, Regulations

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 6 day of January, 2020.

Colene Linder
Notary Public in and for the State of California

Notary Public in and for the
State of Alaska

My commission expires: W office

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

AFFIDAVIT OF ORAL HEARING

I, Rebecca Powers, Licensing Supervisor for the Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

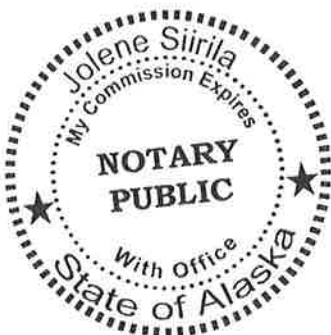
The State Medical Board presided over the following public hearing held in accordance with AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 12 AAC 40.010 – 12 AAC 40.967 dealing with licensure requirements for foreign medical graduates, acceptable examinations, approved postgraduate training program, telehealth standards of practice for physician assistants, and unprofessional conduct.

November 7, 2019, at 3:30 p.m., at the Providence Hospital
Cancer Center, 3851 Piper Street, Room 2401, Anchorage,
Alaska.

Date: 1.14.2020
Anchorage, Alaska

Rebecca Powers
Rebecca Powers, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 14 day of January, 2020.



John L. Linn
Notary Public in and for the
State of Alaska
My Commission Expires: w/office

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

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 and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the State Medical Board regulations on dealing with licensure requirements for foreign medical graduates, acceptable examinations, approved postgraduate training program, telehealth standards of practice for physician assistants, and unprofessional conduct.

DATE: 1/6/2020
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 6 day of January, 2020.



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

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU
Attention To: ATTN TO: JUN MAIQUIS
PO BOX 110806, JUNEAU, AK 99811

RECEIVED
Juneau

OCT 03 2019

Order #: W0011818

Cost: \$697.24

CBPL

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa 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 afore-said 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

10/01/2019

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 1st day of October 2019.

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

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA
NOTARY
PUBLIC

Jada L. Nowlin

Notice of proposed changes relating to licensure requirements for foreign medical graduates, acceptable examinations, approved postgraduate training program, telehealth practice for physician assistants, and unprofessional conduct in the regulations of the State Medical Board

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 40.010. Application for license by credentials**, is proposed to be changed to amend the licensure by credentials requirements for foreign medical graduates.
2. **12 AAC 40.015. Application for license by examination**, is proposed to be changed to amend the requirements for licensure by examination.
3. **12 AAC 40.016. Application for license by foreign medical graduates**, is proposed to be changed to amend the licensure requirements for graduates of unaccredited foreign medical schools.
4. **12 AAC 40.021. Acceptable examination combinations**, is proposed to be changed to amend the examination requirements for licensure.
5. **12 AAC 40.040. Recognized hospital**, is proposed to be changed to amend the provisions related to accredited postgraduate training program from a recognized hospital for internship or residency training.
6. **12 AAC 40.940. Standards of practice for record keeping**, is proposed to be changed to add telehealth practice to physician assistants.
7. **12 AAC 40.967. Unprofessional conduct**, is proposed to be changed to amend the regulations related to unprofessional conduct by a physician or physician assistant practicing telemedicine.

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/195610>, and using the comment link. **The comments must be received not later than 4:30 p.m. on October 30, 2019.** Written comments received after this deadline will not be considered by the Board.

Oral comments relevant to the proposed action, including the potential costs to private persons of complying with the proposed action, may also be given at a hearing to be held on November 7, 2019, at the Providence Hospital Cancer Center, 3851 Piper Street, Room 2401, Anchorage, AK. **Written comments will not be accepted at the hearing.** The hearing will begin at 3:30 p.m. and will end when those who have called in or signed up before 3:30 p.m. to give oral testimony have had the opportunity to comment. If you wish to give your comments via telephone, please call 1-800-315-6338 access code 63305. The chair of the Board may limit each participant's length of oral testimony, determined by the chair before the hearing begins, to allow enough time for all those who have called in or signed up and timely registered to give testimony.

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 October 23, 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-0919.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final 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 08.01.070; AS 08.64.100; AS 08.64.101; AS 08.64.107; AS 08.64.180; AS 08.64.190; AS 08.64.200; AS 08.64.205; AS 08.64.209; AS 08.64.210; AS 08.64.220; AS 08.64.225; AS 08.64.240; AS 08.64.250; AS 08.64.255; AS 08.64.326; AS 08.64.364; AS 08.64.380; AS 17.30.200
Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.070; AS 08.64.100; AS 08.64.101; AS 08.64.107; AS 08.64.180; AS 08.64.190; AS 08.64.200; AS 08.64.205; AS 08.64.209; AS 08.64.210; AS 08.64.220; AS 08.64.225; AS 08.64.240; AS 08.64.250; AS 08.64.255; AS 08.64.326; AS 08.64.364; AS 08.64.380; AS 17.30.200

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

DATE: September 27, 2019

By: /s/ 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.

Published: October 1, 2019

THIRD JUDICIAL DISTRICT

AFFIDAVIT OF BOARD ACTION

I, Rebecca Powers, Licensing Supervisor for the Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

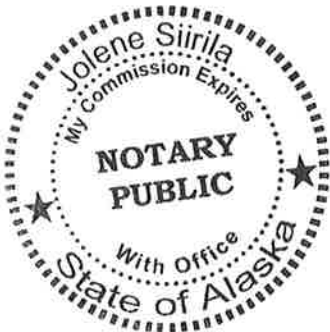
The attached motion dealing with licensure requirements for foreign medical graduates, acceptable examinations, approved postgraduate training program, telehealth standards of practice for physician assistants, and unprofessional conduct was passed by the State Medical Board during its November 7-8, 2019 meeting.

Date: 1.14.2020
Anchorage, Alaska

Rebecca Powers
Rebecca Powers, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 4 day of January, 2020.

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



Excerpt from the Draft Minutes of the
November 7-8, 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 licensure requirements for foreign medical graduates, acceptable examinations, approved postgraduate training program, telehealth practice for physician assistants, and unprofessional conduct in the regulations of the State Medical Board, including the following:

- **12 AAC 40.010. Application for license by credentials**, is proposed to be changed to amend the licensure by credentials requirements for foreign medical graduates.
- **12 AAC 40.015. Application for license by examination**, is proposed to be changed to amend the requirements for licensure by examination.
- **12 AAC 40.016. Application for license by foreign medical graduates**, is proposed to be changed to amend the licensure requirements for graduates of unaccredited foreign medical schools.
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- **12 AAC 40.967. Unprofessional conduct**, is proposed to be changed to amend the regulations related to unprofessional conduct by a physician or physician assistant practicing telemedicine.

In considering the proposed regulations project, the Board reviewed and considered public comments received in support of the proposed changes from Andrew Jimmie with the Alaska Native Health Board.

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 Dr. Clift, seconded by Cam Carlson, after a roll call vote, the Board unanimously adopted the proposed regulation changes relating to licensure requirements for foreign medical graduates, acceptable examinations, approved postgraduate training program, telehealth practice for physician assistants, and unprofessional conduct in the regulations of the State Medical Board, as written and publicly noticed.

The adoption order was signed by the Chair.