

Kevin Meyer
Lieutenant Governor
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Juneau, Alaska 99811
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Anchorage, Alaska 99501
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Triptaa Surve
Department of Health and Social Services

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: September 4, 2020

RE: Filed Permanent Regulations: Department of Health and Social Services

Department of Health and Social Services regulations re: administrative fees for state loan repayment program for health care practitioners (7 AAC 80.045)

Attorney General File:	2020200348
Regulation Filed:	9/4/2020
Effective Date:	10/4/2020
Print:	236, January 2021

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

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached 1 page of regulations, dealing with the Alaska Health Care Practitioner State Loan Repayment Program Administrative Fees, specifically, 7 AAC 80.045. Fees for Department Services; Fees for state loan repayment program, is adopted and certified to be a correct copy of the regulation changes that the Department of Health and Social Services adopts under the authority of AS 18.05.040, AS 44.29.020, and AS 44.29.022, 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.

Although no public comments were received, the Department of Health and Social Services paid special attention to the cost to private persons of the regulatory action being taken.

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

Adam Crum

Digitally signed by Adam Crum
Date: 2020.08.27 11:43:22
-08'00'

Adam Crum, Commissioner
Department of Health & Social Services

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that¹ on September 4th, 2020, at 1:25 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for April Simpson

Lieutenant Governor *Kevin Meyer*

Effective: October 4, 2020

Register: 236, January 2021.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

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

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



A handwritten signature in blue ink, appearing to read "K. Meyer", followed by a horizontal dotted line.

**KEVIN MEYER
LIEUTENANT GOVERNOR**

7 AAC 80 is amended by adding a new section to read:

7 AAC 80.045. Fees for state loan repayment program. (a) The department will calculate and charge an administrative fee for each contract with a health care practitioner participating in the state loan repayment program for state health care practitioners. The amount of the fee will be an amount equal to five percent of the total contract value for each participant.

(b) The department may charge an additional fee for each contract with a participating health care practitioner if the department contracts for fiscal agent services. The amount of the fee will be an amount equal to one and one-half percent of the total contract value for each participant in the state loan repayment program for state health care practitioners.

(c) In this section, "state loan repayment program" means the loan repayment program available to states under 42 U.S.C. 254q-1(a) - (i) (sec. 338I(a) - (i), Public Health Service Act).

(Eff. 10 / 4 / 2020, Register 236)

Authority: AS 18.05.040 AS 44.29.020 AS 44.29.022

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: September 2, 2020

File No.: 2020200348

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

Tel. No.: 465-3600

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

Re: Department of Health and Social
Services regulations re:
administrative fees for state loan
repayment program for health care
practitioners (7 AAC 80.045)

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services 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 Department of Health and Social Services after the close of the public comment period. The regulations establish administrative fees for the state loan repayment program for health care practitioners: the loan repayment program available to states under 42 U.S.C. 254q-1(a) - (i) (sec. 338I(a) - (i), Public Health Service Act).

The May 15, 2020 public notice and the August 27, 2020 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.

SCW

cc w/enc: Hon. Adam Crum, Commissioner
Department of Health and Social Services

Triptaa Surve, Regulations Contact
Department of Health and Social Services

Tricia Franklin
Division of Public Health
Department of Health and Social Services

Kelly E. Henriksen, Senior Assistant Attorney General
Human Services Section

NOTICE OF PROPOSED CHANGES ON THE ALASKA SHARP-1 STATE HEALTH CARE PRACTITIONER LOAN REPAYMENT PROGRAM FEES IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on the Alaska SHARP-1 state health care practitioner loan repayment program administrative fees.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the Alaska SHARP-1 State Health Care Practitioner Loan Repayment Program, including the following:

- **7 AAC 80.030. Fees for Department Services. Fee schedule and procedures,** is proposed to be changed as follows: Adopt regulations to administer the program, including an administrative fee for each contract and fiscal agent services.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, SHARP Program, Attn: Robert Sewell, P.O. Box 110616, Juneau, AK 99811-0616. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-4101 and by electronic mail at sharp.inquiry@alaska.gov. The comments must be received not later than 5 p.m. on July 6, 2020.

You may provide oral comments relevant to the proposed action **via telephone** at the hearing to be held on June 22, 2020, **by calling 1-888-392-4560, and using the participant access code number 5818485#.** **Please note that in-person attendance will not be permitted at the hearing site because of the public health and safety concerns associated with the COVID – 19 pandemic. Please prepare to share your oral comments by telephone only.** If you call to provide oral testimony, you should be on the line **before** the hearing begins at 10:00 a.m. The Department of Health & Social Services will give priority to those who call in before 12:00 p.m. The Department of Health & Social Services may, before the hearing begins, limit the time allotted for each person providing oral testimony. The time limit may be necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to Robert Sewell by e-mail at sharp.inquiry@alaska.gov or mail at State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, P.O. Box 110616, Juneau, AK 99811-0616. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and at <http://dhss.alaska.gov/dph/healthplanning/pages/sharp/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Robert Sewell by electronic mail at robert.sewell@alaska.gov or phone at (907) 465-4065 not later than June 15, 2020, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Robert Sewell at sharp.inquiry@alaska.gov or by phone at (907) 465-4065.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System or through the electronic link [https://uscode.house.gov/view.xhtml?req=\(title:42%20section:254q-1%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:254q-1%20edition:prelim)). A copy of material proposed for adoption by reference may be also be viewed at the agency's office at the Department of Health & Social Services, Division of Public Health, 350 Main Street, Suite 508, Juneau, AK 99801.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.**

Statutory authority: AS 18.05.040; AS 44.29.020; AS 44.29.022.

Statutes being implemented, interpreted, or made specific: AS 18.05.040; AS 44.29.020; AS 44.29.022.

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

DATE: May 8, 2020.
/s/Adam Crum
Commissioner,
Department of Health & Social Services
State of Alaska.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Fees to administer the AK SHARP-1 State Health Care Practitioner Loan Repayment Program.
3. Citation of regulation (may be grouped): 7 AAC 80.030
4. Department of Law file number, if any: 2020200348

5. Reason for the proposed action:
- () Compliance with federal law or action (identify): _____
- (X) Compliance with new or changed state statute
- () Compliance with federal or state court decision (identify): _____
- () Development of program standards
- () Other (identify): _____

6. Appropriation/Allocation: N/A

7. Estimated annual cost to comply with the proposed action to: None.

A private person: \$0.

Another state agency: \$0.

A municipality: \$0.

8. Cost of implementation to the state agency and available funding (in thousands of dollars): None.

	Initial Year FY _____	Subsequent Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____

9. The name of the contact person for the regulation:
Name: Tricia Franklin
Title: Health Program Manager III
Address: 3601 C Suite 424, Anchorage, AK 99503.
Telephone: (907) 269-3445
E-mail address: tricia.franklin@alaska.gov

10. The origin of the proposed action:

☐ Staff of state agency

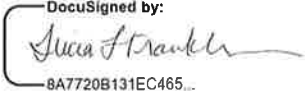
☐ Federal government

☐ General public

☐ Petition for regulation change⁷

☒ Other (identify): Fees to offset costs of administering the program.

11. Date: 5/8/2020

Prepared by:  _____

[signature]

Name (printed): Tricia Franklin

Title (printed): Health Program Manager III

Telephone: (907) 269-3445

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Tricia Franklin, Health Program Manager III, of the Department of Health & Social Services, under penalty of perjury, certify the following:


As required by AS 44.62.190, notice of the proposed adoption of changes to State Loan Repayment Program Administrative Fees, specifically, 7 AAC 80.030. Fees for Department Services, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

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

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

DocuSigned by:

8A7720B131EC465... 7/9/2020
[original or password-protected electronic signature]
Tricia Franklin, Health Program Manager III

State of Alaska
Anchorage, AK 99503

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270229 ST OF AK/DHSS/COMMISSIONERS
3601 C STREET STE 902, ANCHORAGE, AK 99503

Order #: W0015236

Cost: \$473.14

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

05/15/2020

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 18th day of May 2020.

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

MY COMMISSION EXPIRES

7/14/2020

NOTICE OF PROPOSED CHANGES ON THE ALASKA SHARP-1 STATE HEALTH CARE PRACTITIONER LOAN REPAYMENT PROGRAM FEES IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the Alaska SHARP-1 State Health Care Practitioner Loan Repayment Program, including the following:

*** 7 AAC 80.030. Fees for Department Services.** Fee schedule and procedures, is proposed to be changed as follows: Adopt regulations to administer the program, including an administrative fee for each contract and fiscal agent services.

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A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Robert Sewell at sharp.inquiry@alaska.gov or by phone at (907) 465-4065. A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System or through the electronic link [https://uscode.house.gov/view.xhtml?req=\(title:42%20section:254q-1%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:42%20section:254q-1%20edition:prelim)).

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Statutory authority: AS 18.05.040; AS 44.29.020; AS 44.29.022.

Statutes being implemented, interpreted, or made specific: AS 18.05.040; AS 44.29.020; AS 44.29.022.

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

DATE: May 8, 2020.
/s/Adam Crum
Commissioner,
Department of Health & Social Services
State of Alaska.

Published: May 15, 2020

AFFIDAVIT OF ORAL HEARING

I, Tricia Franklin, Health Program Manager III, of the Department of Health & Social Services, under penalty of perjury, state the following:

On June 22, 2020, at 10 a.m., via teleconference and without in-person attendance because of the public health and safety concerns related to the COVID-19 pandemic, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to State Loan Repayment Program Administrative Fees, specifically, 7 AAC 80.030. Fees for Department Services.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

DocuSigned by:

8A7720B131EC465... 7/15/2020

[original or password-protected electronic signature]
Tricia Franklin, Health Program Manager III

State of Alaska
Anchorage, AK 99503

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Tricia Franklin, Health Program Manager III, of the Department of Health & Social Services, under penalty of perjury, state the following:

The Department of Health & Social Services did not receive any factual or other substantive information that was submitted in writing or orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on State Loan Repayment Program Administrative Fees, specifically, 7 AAC 80.030. Fees for Department Services.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

DocuSigned by:
 7/9/2020
8A7720B131EC465...

[original or password-protected electronic signature]

Tricia Franklin, Health Program Manager III

State of Alaska
Anchorage, AK 99503