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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Amy Demboski
Department of Commerce, Community, and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

DATE: November 17, 2020

RE: Filed Emergency Regulations: State Medical Board

State Medical Board - Emergency Regulations re: notarized signatures and emergency
courtesy license (12 AAC 40.010 - 12 AAC 40.963)

Attorney General File:	Emergency Regulations
Regulation Filed:	11/16/2020
Effective Date:	11/16/2020
Expiration Date:	March 15, 2021 unless made permanent by the adopting agency
Print:	236, January 2021

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

FINDING OF EMERGENCY

The Alaska State Medical Board finds that an emergency exists under AS 44.62.250 requiring an immediate expansion of courtesy licenses, and that an emergency regulation change is necessary to 12 AAC 40, dealing with emergency courtesy license and notarized signatures, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

Facilities are unable to maintain staffing levels due to the current and ongoing spike in COVID-19 hospitalizations and the increase in medical staff unable to report to work due to COVID-positive tests, quarantine awaiting test results, or caring for a COVID-positive relative—especially in rural areas and in facilities serving special needs populations. The commissioner of the Department of Health and Social Services has specifically requested health care boards implement emergency measures to allow qualified providers in other jurisdictions to become licensed quickly in Alaska to fill these gaps.

ORDER CERTIFYING ADOPTION

I certify that the Alaska State Medical Board, under the authority of AS 08.01.062 and AS 08.64, adopted at its November 5, 2020 teleconference meeting the attached five pages of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: 11/16/2020
Sitka, Alaska

DocuSigned by:
Richard Wein, MD
Richard Wein, MD, Chair
Alaska State Medical Board

FILING CERTIFICATION

April Simpson for
I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on November 16th, 2020 at 4:50 p.m., I filed the attached regulation according to the provisions of AS 44.62.

for April Simpson
Kevin Meyer, Lieutenant Governor

Effective: November 16, 2020
Register: 236, January 2021

Expires March 15, 2021
unless made "permanent"
by the adopting agency

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
LIEUTENANT GOVERNOR**

EMERGENCY REGULATION

Register 236, January 2021 **PROFESSIONAL REGULATIONS**

Chapter 40. State Medical Board.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 40.010(b)(1)(A) is amended to read:

(A) a completed application on a form provided by the department,
including a photograph of the applicant [AND THE APPLICANT'S NOTARIZED
SIGNATURE];

(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; am 4/21/2020 – 8/18/2020, Register 234; am 11 / 16 / 2020, Register 236)

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)(1)(A) is amended to read:

(A) a completed application on a form provided by the department,
including a photograph of the applicant [AND THE APPLICANT'S NOTARIZED
SIGNATURE];

(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

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3/25/2020, Register 233; em am 4/21/2020 – 8/18/2020, Register 234; am 11 / 16 / 2020,

Register 236)

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

12 AAC 40.035(d)(2)(A) is amended to read:

(A) a completed application on a form provided by the department,
including a photograph of the applicant [AND THE APPLICANT’S NOTARIZED
SIGNATURE];

(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; em am 4/21/2020 – 8/18/2020, Register 234; am 11 / 16 / 2020, Register 236)

Authority:	AS 08.64.100	AS 08.64.270	AS 08.64.279
	AS 08.64.180		

12 AAC 40.045(a) is amended to read:

(a) A courtesy license authorizes the holder to practice medicine, osteopathy, or
podiatry for limited purposes recognized by the board in (b) **and (j)** of this section. A courtesy
license does not authorize the holder to perform medical services outside the scope of the
courtesy license issued under this section.

The introductory language of 12 AAC 40.045(b)(4) is amended to read:

(4) physicians who come to the state to provide emergency medical care or

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emergency mental health care, except under an emergency courtesy license as provided in

(j) of this section, if

...

12 AAC 40.045(e) is amended to read:

(e) A courtesy license is valid only for the shorter of the following periods:

(1) the duration of the activity as listed in (b) of this section;

(2) a period not to exceed

(A) one year after the date the courtesy license is issued under (b)(1) -

(b)(3) or (b)(5) - (b)(6) of this section; or

(B) for an emergency courtesy license, six months with a six-month

extension upon request, if [90 DAYS AFTER THE DATE THE COURTESY

LICENSE IS] issued under (i) [(b)(4)] of this section, or the board has determined

the urgent situation no longer requires an emergency courtesy license.

12 AAC 40.045 is amended by adding new subsections to read:

(j) The board may determine that there exists an urgent situation that requires issuance of an emergency courtesy license. In an urgent situation, the board, executive administrator, or the board's designee may issue an emergency courtesy license under this subsection to an applicant who practices medicine or osteopathy, or who practices as a physician assistant or mobile intensive care paramedic, to provide emergency medical or mental health care within the scope and duration of the declared urgent situation. A courtesy license may be issued under this subsection to a person who

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(1) holds a current unencumbered license to practice as a physician, osteopath, physician assistant, or mobile intensive care paramedic in another jurisdiction, or holds a retired license under AS 08.64.276 that has been issued less than two years;

(2) submits a completed application on a form provided by the department, and

(A) if a physician or osteopath,

(i) verification of a current license to practice medicine or osteopathy in good standing and not under investigation in the jurisdiction in which the applicant resides, or verification of a retired license issued under AS 08.64.276;

(ii) clearance from the Federation of State Medical Boards;

(iii) clearance from the National Practitioner Data Bank; and

(iv) clearance from the federal Drug Enforcement Administration;

(B) if a physician assistant,

(i) verification of a current license to practice medicine in good standing and not under investigation in the jurisdiction in which the applicant resides;

(ii) clearance from the Federation of State Medical Boards;

(iii) clearance from the National Practitioner Data Bank; and

(iv) clearance from the federal Drug Enforcement Administration

(C) if a mobile intensive care paramedic,

(i) verification of a current license as a mobile intensive care paramedic in good standing and not under investigation in the jurisdiction in which the applicant resides;

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(ii) clearance from the National Practitioner Data Bank; and

(iii) a declaration of sponsorship form signed by a physician or osteopath who holds a license in this state, or an emergency courtesy license issued under this subsection, who will provide supervision as required by 12 AAC 40.310(a)(3).

(k) The board may refuse to issue a courtesy license or an emergency courtesy license for the same reasons it may deny, suspend, or revoke a license under AS 08.64.326.

(l) In this section, “urgent situation” means a health crisis affecting all or part of the state that requires increased availability of healthcare providers licensed under this chapter.

(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; em am 4/21/2020 – 8/18/2020, Register 234; am 11 / 16 / 2020, Register 236)

Authority: AS 08.01.062 AS 08.64.100 AS 08.64.240

12 AAC 40.963(a) is amended to read:

(a) If, upon receipt by the division of the last document required to complete an application file, the file contains an application form or verification that has a postmark date that is more than 12 [SIX] months old, the document will be considered to be stale and the applicant must resubmit the document or cause the document to be resubmitted as appropriate before the application will be considered by the board or the board’s designee.

(Eff. 9/30/2001, Register 159; am 4/2/2004, Register 169; em am 4/21/2020 – 8/18/2020, Register 234; am 11 / 16 / 2020, Register 236)

Authority: AS 08.64.100

Excerpt of November 5, 2020, State Medical Board Videoconference

4. Adoption of Emergency Regulations- 12 AAC 40.010, 40.015, 40.035, 40.045, 40.963- Emergency Courtesy License

The board reviewed the draft as presented. The emergency courtesy license regulation language was changed by making the courtesy license valid for six months, with a six-month extension if requested. It was noted the emergency courtesy license holder would be required to obtain a full permanent license if they want to continue working in the state. A letter would be sent with the initial courtesy license notifying the provider of the expiration date and the requirement to obtain a permanent license.

On a motion duly made by Dr. Parker and seconded by Dr. Freeman, the medical board recognized the emergency and declared the emergency, and moves the regulation project forward as an emergency regulation with the intent to make the regulations permanent.

Roll call- Yeas: David Boswell, Dr. Freeman, Dr. Gay, Lydia Milke, Dr. Parker, Dr. Wein.
No nays.

AFFIDAVIT OF BOARD ACTION

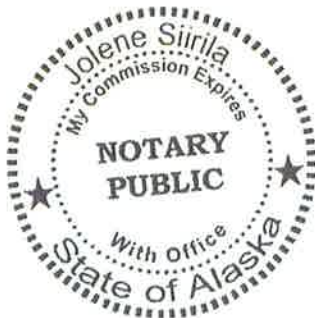
I, Sher Zinn, Acting Executive Administrator for the State Medical Board, being duly sworn, state the following:

The attached motion dealing with notarized signatures and emergency courtesy license was passed by the State Medical Board during its November 5, 2020 teleconference meeting.

Date: 11/16/2020
Juneau, Alaska

Sher Zinn
Sher Zinn, Acting Executive Administrator

SUBSCRIBED AND SWORN TO before me this 16 day of November, 2020.



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