

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Becky Weimer
Department of Labor and Workforce Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: November 19, 2020

RE: Filed Permanent Regulations: Department of Labor and Workforce Development
Department of Labor and Workforce Development and the Alaska Workers'
Compensation Board Regulation re: Alaska Workers' Compensation Board - Fees for
Medical (8 AAC 45.083)

Attorney General File:	2020200548
Regulation Filed:	11/19/2020
Effective Date:	1/1/2021
Print:	236, January 2021

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

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

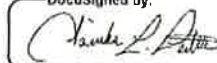
The attached 2 pages of regulations, dealing with fees for medical treatment and services, are adopted and certified to be a correct copy of the regulation changes that the Department of Labor and Workforce Development adopts under the authority of AS 23.30.005 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Labor and Workforce Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on January 1, 2021, as provided in AS 44.62.180.

Date: 11/13/2020

DocuSigned by:

A9A54431D7664E7

Dr. Tamika L. Ledbetter, Commissioner

FILING CERTIFICATION

April Simpson for

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

November 19, 2020, at 1:53 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: January 1, 2021

Register: 236, January 2021

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

The attached 2 pages of regulations, dealing with fees for medical treatment and services, are certified to be a correct copy of the regulation changes that the Alaska Workers' Compensation Board adopted at its October 1-2, 2020 meeting, under the authority of AS 23.30.005 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Alaska Workers' Compensation Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on January 1, 2021, as provided in AS 44.62.180.

Date: 11/10/2020

Charles Collins

Digitally signed by Charles
Collins
Date: 2020.11.10 09:08:35 -09'00'

Charles Collins, Division Director

FILING CERTIFICATION

April Simpson for

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

November 19, 2020 at 1:54 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: January 1, 2021.

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.**



K-Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

8 AAC 45.083(a) is amended to read:

(a) A fee or other charge for medical treatment or service may not exceed the maximums in AS 23.30.097. The fee or other charge for medical treatment or service

(1) provided on or after December 1, 2015, but before April 1, 2017, may not exceed the fee schedules set out in (b) – (d) of this section;

(2) provided on or after April 1, 2017, but before January 1, 2018, may not exceed the maximum allowable reimbursement established in the *Official Alaska Workers' Compensation Medical Fee Schedule*, effective April 1, 2017, and adopted by reference;

(3) provided on or after January 1, 2018, but before January 1, 2019, may not exceed the maximum allowable reimbursement established in the *Official Alaska Workers' Compensation Medical Fee Schedule*, effective January 1, 2018, and adopted by reference;

(4) provided on or after January 1, 2019, but before January 1, 2020, may not exceed the maximum allowable reimbursement established in the *Official Alaska Workers' Compensation Medical Fee Schedule*, effective January 1, 2019, and adopted by reference.

(5) provided on or after January 1, 2020, but before January 1, 2021, may not exceed the maximum allowable reimbursement established in the *Official Alaska Workers' Compensation Medical Fee Schedule*, effective January 1, 2020, and adopted by reference;

8 AAC 45.083(a) is amended to add a new paragraph to read:

(6) provided on or after January 1, 2021, may not exceed the maximum allowable reimbursement established in the *Official Alaska Workers' Compensation Medical Fee Schedule*, effective January 1, 2021, and adopted by reference.

Register 236, January 2021 LABOR AND WORKFORCE DEV.

(Eff. 12/1/2015, Register 216; am 3/11/2016, Register 217; am 4/1/2017, Register 221; am 1/1/2018, Register 224; am 1/1/2019, Register 228; am 5/12/2019, Register 230; am 12/21/2019, Register 232; am 1 / 1 / 2021, Register 236)

Authority: AS 23.30.005 AS 23.30.097 AS 23.30.098

8 AAC 45.083(m)(10) is amended to read:

(10) *Hospital Outpatient Prospective Payment System*, effective January 1, **2021**

2019], produced by the federal Centers for Medicare and Medicaid Services;

(Eff. 12/1/2015, Register 216; am 3/11/2016, Register 217; am 4/1/2017, Register 221; am 1/1/2018, Register 224; am 1/1/2019, Register 228; am 5/12/2019, Register 230; am 12/21/2019, Register 232; am 1 / 1 / 2021, Register 236)

Authority: AS 23.30.005 AS 23.30.097 AS 23.30.098

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: November 17, 2020

File No.: 2020200548

Tel. No.: 465-3600

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

Re: Department of Labor and Workforce
Development and the Alaska
Workers' Compensation Board
Regulation re: 8 AAC 45.083: Alaska
Workers' Compensation Board - Fees
for Medical

The Department of Law has reviewed the attached regulations of the Department of Labor and Workforce Development and the Alaska Workers' Compensation Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems that would prevent the filing of these regulations. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations concern annual updates to medical fee schedules. Under AS 23.30.035(h) and 23.30.005(l), the department and the board are required to make annual updates to medical fee schedules adopted by the board in regulation. *The department requests that these be filed in time to be in effect by January 1, 2021.*

The regulations were adopted more than 30 days after the initial public notice, and the public was given an opportunity to provide written comments and an opportunity to provide oral comments at its October 1 and 2, 2020 meeting.

The public notice and the 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:srp

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

Becky Weimer, Regulations Contact
Department of Labor and Workforce Development

Charles Collins, Director
Division of Workers' Compensation
Department of Labor and Workforce Development

Charles E. Brasington, Assistant Attorney General
Department of Law

NOTICE OF PROPOSED CHANGES RELATING TO FEES FOR MEDICAL TREATMENT
AND SERVICES IN THE REGULATIONS OF THE DEPARTMENT OF LABOR AND
WORKFORCE DEVELOPMENT

BRIEF DESCRIPTION

The Alaska Department of Labor and Workforce Development, Alaska Workers' Compensation Board, proposes to change regulations relating to fees for medical treatment and services.

The Alaska Department of Labor and Workforce Development, Alaska Workers' Compensation Board, proposes to adopt regulation changes in Title 8 of the Alaska Administrative Code, dealing with fees for medical treatment and services, including the following:

- (1) 8 AAC 45.083 is proposed to be amended to update and clarify the medical fee schedule and material adopted by reference for treatment and services provided to injured workers.

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 Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512. Additionally, the Department of Labor and Workforce Development, Division of Workers' Compensation will accept comments by facsimile at (907) 465-2797 and by electronic mail at workerscompregs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00p.m. on September 28, 2020.

You may provide oral comments relevant to the proposed action **via telephone or videoconference** at the hearing to be held on October 1, 2020, by **calling 800-315-6338, access code 92019, or to obtain the video conference link please contact Alexis Newman at (907) 465-6059 or alexis.newman@alaska.gov**. **Due to public health and safety concerns associated with the COVID – 19 pandemic, there will not be in-person attendance provided at the hearing site, so please prepare to share your oral comments by telephone or video only.** Public comment will be heard from 10:15am to 11:15am, and might be extended to accommodate those present before 10:15am who did not have an opportunity to comment. Prior to the start of the hearing, the Chair of the Board, Charles Collins, may limit the time allotted for each person providing oral testimony, as reasonably necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to the Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512 or by electronic mail at workerscompregs@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Department of Labor and Workforce Development, Division of Workers' Compensation will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Division of Workers' Compensation's website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Alexis Newman at (907) 465-6059 or alexis.newman@alaska.gov not later than September 18, 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 Alexis Newman at (907) 465-6059 or alexis.newman@alaska.gov.

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

Statutory authority: AS 23.30.005; AS 23.30.240

Statutes being implemented, interpreted, or made specific: AS 23.30.005; AS 23.30.097; AS 23.30.098

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

Date: 8/27/2020

DocuSigned by:

7562CED58E7944A

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

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Labor and Workforce Development, Alaska Workers' Compensation Board
2. General subject of regulation: Fees for medical treatment and services
3. Citation of regulation (may be grouped): 8 AAC 45.083
4. Department of Law file number, if any: 2020200548
5. Reason for the proposed action:
 - () Compliance with federal law or action (identify): _____
 - () Compliance with new or changed state statute
 - () Compliance with federal or state court decision (identify): _____
 - () Development of program standards
 - (X) Other (identify): Compliance with state statute relating to medical fee schedule
6. Appropriation/Allocation: Workers' Compensation - #344
7. Estimated annual cost to comply with the proposed action to:
 - 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):

	Initial Year FY <u>2021</u>	Subsequent Years
Operating Cost	\$0	\$0
Capital Cost	\$0	\$0
1002 Federal receipts	\$0	\$0
1003 General fund match	\$0	\$0
1004 General fund	\$0	\$0
1005 General fund/		

program	\$0	\$0
Other (identify)	\$0	\$0

9. The name of the contact person for the regulation:

Name: Charles Collins
Title: Director
Address: 1111 W. 8th, Suite 305, Juneau, AK 99811
Telephone: (907) 465-2790
E-mail address: charles.collins@alaska.gov

10. The origin of the proposed action:

Staff of state agency
 Federal government
 General public
 Petition for regulation change
 Other (identify): _____

11.

Date: 8/27/2020

Prepared by:

DocuSigned by:
Alexis Newman
[signature]

Name (printed): Alexis Newman

Title (printed): Administrative Officer II

Telephone: (907) 465-6059

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Alexis Hildebrand, Administrative Officer II, of the Department of Labor and Workforce Development, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 8 AAC 45.083 relating to fees for medical treatment and 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.

Date: 11/09/2020

Alexis Hildebrand

Digitally signed by Alexis Hildebrand
Date: 2020.11.09 17:23:39 -09'00'

Alexis Hildebrand, Administrative Officer II

State of Alaska •
City and Borough of Juneau

AFFIDAVIT OF ORAL HEARING

I, Charles Collins, Director of the Alaska Department of Labor and Workforce Development, Division of Workers' Compensation under penalty of perjury, state the following:

On October 1-2, 2020, at 9:00am, by video conference at 1111 W. 8th St., Rm. 305, Juneau, AK 99811, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 8 AAC 45.083 relating to fees for medical treatment and 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.

Date: 11/10/2020

Charles Collins Digitally signed by Charles Collins
Date: 2020.11.10 08:24:52 -09'00'

Charles Collins, Director

State of Alaska
City and Borough of Juneau

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Charles Collins, Director of the Alaska Department of Labor and Workforce Development, Division of Workers' Compensation, under penalty of perjury, state the following:

The Department of Labor and Workforce Development 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 Labor and Workforce Development regulation on 8 AAC 45.083 relating to fees for medical treatment and 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.

Date: 11/10/2020

Charles Collins Digitally signed by Charles Collins
Date: 2020.11.10 08:21:49 -09'00'

Charles Collins, Director

State of Alaska
City and Borough of Juneau

Alaska Workers' Compensation Board Meeting
October 1-2, 2020 Excerpt from Unapproved Minutes

Board member Robert Weel moved and member Bradley Austin seconded the following motion:

"I move to adopt 8 AAC 45.083 as written"

The motion carried unanimously.

AFFIDAVIT OF BOARD ACTION

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

The attached motion dealing with fees for medical treatment and services was passed by the Alaska Workers' Compensation Board during its October 1-2, 2020 meeting.

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.

Date: 11/10/2020

Charles Collins

Digitally signed by Charles
Collins
Date: 2020.11.10 09:06:30 -09'00'

Charles Collins, Division Director

State of Alaska
City and Borough of Juneau

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 390837 ST OF AK/ DIV OF WORKERS COMPENSATION
PO BOX 115512, JUNEAU, AK 99811

Order #: W0017527

Cost: \$453.22

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

08/31/2020

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 31st day of August 2020.



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

MY COMMISSION EXPIRES

4/14/21

ANGELA M SIMMONS
NOTARY PUBLIC
State of Alaska
My Commission Expires Apr. 14, 2021

NOTICE OF PROPOSED CHANGES RELATING TO FEES FOR MEDICAL TREATMENT AND SERVICES IN THE REGULATIONS OF THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

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Statutory authority: AS 23.30.005; AS 23.30.240

Statutes being implemented, interpreted, or made specific: AS 23.30.005, AS 23.30.097, AS 23.30.098

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

Date: 8/27/2020

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

Published: August 31, 2020