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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 *AS*
465.4081

DATE: December 4, 2020

RE: Filed Emergency Regulations: Board of Certified Direct-Entry Midwives

Board of Certified Direct-Entry Midwives Emergency Regulation re: emergency courtesy license (12 AAC 14.125)

Attorney General File:	Emergency Regulations
Regulation Filed:	12/03/2020
Effective Date:	12/03/2020
Expiration Date:	April 2, 2021 unless made permanent by the adopting agency
Print:	237, April 2021

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

FINDING OF EMERGENCY

The Board of Certified Direct-Entry Midwives finds that an emergency exists under AS 44.62.250, and that an emergency regulation change is necessary to 12 AAC 14, dealing with emergency courtesy license, requiring regulations to enable additional direct-entry midwives services to be quickly available in the state, 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 Board of Certified Direct-Entry Midwives, under the authority of AS 08.01.062, AS 08.65.030, and AS 08.65.050, adopted at its November 10, 2020 teleconference meeting the attached two 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: 11-16-20
Anchorage, Alaska



Bethel Belisle, Chair
Board of Certified Direct-Entry Midwives

April Simpson for
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on December 3rd, 2020 at 4:18 p.m., I filed the attached regulation according to the provisions of AS 44.62.

April Simpson
for _____
Kevin Meyer, Lieutenant Governor

Effective: December 3, 2020.

Register: 237, April 2021.

Expires April 1st, 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.**



K-Meyer
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**KEVIN MEYER
LIEUTENANT GOVERNOR**

EMERGENCY REGULATION

Register 237, April 2021 PROFESSIONAL REGULATIONS

Chapter 14. Board of Certified Direct-Entry Midwives.

12 AAC 14 is amended by adding a new section to read:

12 AAC 14.125. Emergency courtesy license. (a) In an urgent situation, the board may issue an emergency courtesy license to practice as a direct-entry midwife to an applicant who has a license in good standing to practice direct-entry midwifery in another jurisdiction with licensing requirements at least equivalent to those of this state, and who meets the requirements of this section. The board may limit the scope of a license issued under this section, as appropriate to respond to the urgent situation.

(b) An applicant for an emergency courtesy license under this section must submit to the department a completed application on a form provided by the department. A complete application includes

- (1) the applicable application and licensing fees established in 12 AAC 02.145;
- (2) verification of a current license in good standing to practice direct-entry midwifery in another state or other jurisdiction;
- (3) certification that the applicant is not the subject of an unresolved complaint or disciplinary action before a regulatory authority in any jurisdiction;
- (4) evidence satisfactory to the board that the applicant has not engaged in conduct that is ground for imposing disciplinary sanctions under AS 08.65.110;
- (5) certification that the applicant has completed a course of study and supervised clinical experience of at least one year's duration, and has passed the national examination required of certified direct-entry midwives in this state.

(c) An emergency courtesy license issued under this section is valid for the period

EMERGENCY REGULATION

Register 237, April 2021 **PROFESSIONAL REGULATIONS**

specified by the board and may not exceed 120 consecutive days.

(d) While practicing under an emergency courtesy license issued under this section, the holder of the license must comply with the standards of practice set out in AS 08.65 and this chapter and is subject to discipline for actions taken or omitted while practicing under the emergency courtesy license.

(e) The board may refuse to issue an emergency courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.65.110.

(f) In this section, "urgent situation" means a health crisis that requires increased availability of direct-entry midwives. (Eff. 12 / 3 / 2020, Register 237)

Authority: AS 08.01.062 AS 08.65.030 AS 08.65.050

Excerpt from the Draft Minutes of the
November 10, 2020 Teleconference Meeting of the
Board of Certified Direct-Entry Midwives

Emergency regulations dealing with emergency courtesy license – 12 AAC 14.125:

The Board of Certified Direct-Entry Midwives finds that an emergency exists under AS 44.62.250, and that an emergency regulation change is necessary to 12 AAC 14, dealing with emergency courtesy license, requiring regulations to enable additional direct-entry midwives services to be quickly available in the state, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

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In a motion duly made by Dr. Dana Espindola and seconded by Hannah St. George, with unanimous consent, it was

RESOLVED to adopt 12 AAC 14.125 as presented and amended, with the intent to make the emergency regulation permanent.

The motion passed with no further discussion.

AFFIDAVIT OF BOARD ACTION

I, Lacey Derr, Licensing Supervisor for the Board of Certified Direct-Entry Midwives, being duly sworn, state the following:

The attached motion dealing with emergency courtesy license was passed by the Board of Certified Direct-Entry Midwives during its November 10, 2020 teleconference meeting.

Date: 12/2/2020
Juneau, Alaska

Lacey E Derr
Lacey Derr, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 2 day of December, 2020.



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