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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: December 9, 2020

RE: Filed Emergency Regulations: State Medical Board

State Medical Board - Emergency Regulations re: performance and assessment of
practice for physician assistant (12 AAC 40.430)

Attorney General File:	Emergency Regulations
Regulation Filed:	12/8/2020
Effective Date:	12/8/2020
Expiration Date:	April 6, 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 State Medical Board finds that an emergency exists under AS 44.62.250, and that an emergency regulation change is necessary to 12 AAC 40.430, dealing with direct personal contact for physician assistant assessments, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

The restrictive nature of these regulations could negatively impact the health of the public by decreasing healthcare worker availability, and putting healthcare workers' health under risk, during this public health emergency caused by the COVID-19 pandemic.

ORDER CERTIFYING ADOPTION

I certify that the State Medical Board, under the authority of AS 08.64.100 and AS 08.64.107, adopted at its November 20, 2020 videoconference meeting the attached one page 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: December 7, 2020

Sitka, Alaska

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

FILING CERTIFICATION

Kady Leake for
I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on December 8, 2020 at 1:00 p.m., I filed the attached regulation according to the provisions of AS 44.62.

Kady Leake for
Kevin Meyer, Lieutenant Governor

Effective: December 8, 2020

Register: 237, April 2021

Expires April 6, 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
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

EMERGENCY REGULATION

Register 237, April 2021 PROFESSIONAL REGULATIONS

Chapter 40. State Medical Board.

12 AAC 40.430 is amended by adding a new subsection to read:

12 AAC 40.430. Performance and assessment of practice.

...

(r) During an urgent situation as determined by the board, direct personal contact as required under this section may be met by audio and video or other electronic means; “urgent situation” has the meaning given in 12 AAC 40.045. (Eff. 1/13/80, Register 73; am 7/11/81, Register 79; am 7/4/84, Register 90; am 3/12/89, Register 109; am 6/28/97, Register 142; am 3/27/2003, Register 165; am 9/1/2007, Register 183; am 5/8/2013, Register 206; am

12/08/2020, Register 237)

Authority: AS 08.64.100 AS 08.64.107

Excerpt of November 20, 2020 State Medical Board meeting, Emergency Regulations

On a motion duly made by Dr. Wein, seconded by Dr. Freeman, and approved by roll call vote the board adopted the emergency regulations for 12 AAC 40.430(r) to read, (r) During an urgent situation as determined by the board, direct personal contact as required under this section may include audio and video electronic means; "urgent situation" has the meaning given in 12 AAC 40.045(j).

Roll call vote: Yeas, Mr. Boswell, Dr. Daugherty, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Wein
Dr. Parker was not in attendance at the time of the vote.

The board decided to make the regulations permanent due to the definition of "urgent situation" in 12 AAC 40.045.

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 direct personal contact for physician assistant assessments was passed by the State Medical Board during its November 20, 2020 videoconference 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: 12/7/2020

DocuSigned by

A52EE59D83C54C7

Sher Zinn, Acting Executive Administrator

State of Alaska
Juneau