



## Notice of Proposed Changes in the Regulations of the Division of Corporations, Business and Professional Licensing

### Proposed Regulations - FAQ

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*December 2020*

#### 1. What are the regulations being proposed?

See each section and changes below.

#### **12 AAC 02.010. Licensing and renewal fees.**

The changes to this section include:

- Adding a provision for an applicant for initial licensure to enter into a payment plan agreement with the division.
- New language that will require an applicant to submit the full license fee within twelve months after approval for a license. If the applicant does not submit the full license fee within the twelve months after approval, the applicant will be required to reapply for the license. This requirement will not affect the applicant who enters into a payment plan agreement with the division allowed under the new subsection (f).

#### **12 AAC 02.102. Fees for a temporary license issued under AS 14.43.148 or AS 25.27.244; waivers; refunds.**

This section is regarding the issuance of a temporary license for being in arrears for a post-secondary education loan. Alaska Statute 14.43.148 authorizing the issuance of the temporary license was repealed in 2018. The regulations applying to the temporary license are being amended to remove wording pertaining to this type of temporary license. The changes do not affect the temporary license pertaining to arrears in child support payments, in accordance with AS 25.27.244. Also in this section, the citation for the boxing and wrestling licensing statutes under the Athletic Commission, which is no longer in existence, have been removed (AS 05.10).

#### **12 AAC 02.105. Administrative fees.**

New fees are being added for the application fee and temporary license fee for a license issued to a spouse of a member of the military, and a member of the military. The new regulations for the temporary licenses can be found in two new sections in this project.

**12 AAC 02.155. Board of Social Work Examiners.**

This subsection (b) is being repealed. Current language does not allow for an initial renewal of a clinical social worker license to be prorated if the applicant qualifies for one, however, the division has allowed this practice since 2004. All other programs provide for a prorated fee for the first renewal under 12 AAC 02.030. This will align the clinical social worker prorated renewal fee with current practices.

**12 AAC 02.255. Mobile home dealers.**

This section is being repealed regarding licensing fees for Mobile Home Dealers. Alaska Statute 08.67, licensing of mobile home dealers, was repealed in 1999 and no longer regulated by the department. The regulations are being amended to remove the fee requirements.

**12 AAC 02.915. Application form and verifications for licensure.**

This section is being proposed to add a time limit on applications that have been approved for licensure. The purpose is to ensure an applicant does not keep their application active for more than a year without having to resubmit certain documents verifying their personal information, or a license in another state has not been disciplined without the division knowing the current status of that license.

**12 AAC 02.930. Date of license lapse.**

This section is being amended to remove the citation for the temporary license for a person in arrears with a post-secondary education loan.

**12 AAC 02.935. Effective date of license.**

This subsection is being repealed to remove the wording for the temporary license for a person in arrears with a post-secondary education loan. This is a conforming amendment.

**12 AAC 02.955. Courtesy license.**

This subsection (c)(2) is being amended to clarify an applicant for a courtesy license must submit the application and the courtesy license fees.

**12 AAC 02.956. Temporary license for spouses of military personnel.**

This is a new section outlining the requirements for a temporary license for spouses of military personnel. The statute, AS 08.01.063 for the temporary courtesy license, was enacted in 2011. The addition of this section will allow the issuance of a temporary permit for spouses of military members for a profession regulated by the department.

**12 AAC 02.957. Temporary license for military personnel.**

This is a new section outlining the requirements for a temporary license for members of the military. The statute, AS 08.01.064 for the temporary license, was enacted in 2011. The addition of this section will allow issuance of the temporary permit for members of the military who may have received some or all of their training while in the military. This is for professions regulated by the department only.

#### **12 AAC 02.960. Audit of compliance with continuing competency requirements.**

This section is being amended to allow for internet continuing education course providers verifying attendance of the course. A new subsection is also being added in (k), giving the department authority to deny continuing education if the department cannot verify the student's attendance.

#### **12 AAC 02.965. Failure to meet the continuing education requirements for renewal and reinstatement of license.**

This section is being amended to clarify for the licensee that the continuing education (CE) required for renewal must be completed during the concluding license period, and clarify that CE may be completed after the concluding license period with the appropriate board or division approval for an applicant who is renewing or reinstating the license after the license has lapsed.

### **2. Why are the regulations being amended?**

- Two new temporary military courtesy licenses are being added for professions regulated by the division, due to a new statute that took effect in 2011. The new licenses will allow for a spouse of a military member to start work in Alaska earlier than going through the normal licensing process, and allow a military member to use training or experience obtained while in the military to apply towards licensure in Alaska.
- Certain statutes have also been repealed or amended which require regulations to be updated in conformance with the changes.
- Clarify continuing education requirements for the licensee.

### **3. How will these changes affect current licensees?**

Changes to the continuing education requirements will clarify for the licensee what is allowed and required. This may keep a licensee from inadvertently not complying with current continuing education requirements, which may save the applicant time and the division in litigation.

### **4. What are the anticipated benefits?**

- Removing outdated regulations from the books;
- Easing and expediting licensure for members of military families, allowing them to practice in their profession sooner;
- Reducing administrative time in managing outdated licensing files;

- Improve safety to the public by reducing the possibility of unknowingly licensing someone who has been disciplined by another jurisdiction;
- Reduce the possibility of continuing education litigation, therefore saving the division and licensees money;
- Potential fiscal savings.

**5. What are the costs to comply with the proposed regulations?**

\$100 application fee and \$100 temporary license fee for temporary licenses issued to spouses of members of the military, and members of the military.

**6. When will the new regulations be effective?**

After the public comment deadline, comments received are compiled and given to the Division Director for consideration. The division may adopt the regulation as written/publicly noticed, may amend and adopt them, or choose to take no action, or may withdraw the proposed regulations in part or in its whole. After division action, the adopted regulations goes to Department of Law (DOL) for final review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it goes to the lieutenant governor for filing. Regulations takes effect on the 30th day after they have been filed by the lieutenant governor.

Do you have a question that is not answered here? Please email [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov) so it can be added.