

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



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

**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

A handwritten signature in blue ink, likely belonging to April Simpson, the author of the memorandum.

**DATE:** February 5, 2021

**RE:** Filed Permanent Regulations: State Medical Board

State Medical Board regulations re: registration of physicians and physician assistants with the prescription drug monitoring program (PDMP) controlled substance prescription database (12 AAC 40.450(a); 12 AAC 40.976)

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Attorney General File:	2020200525
Regulation Filed:	2/5/2021
Effective Date:	3/7/2021
Print:	237, April 2021

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

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE STATE MEDICAL BOARD

The attached two pages of regulations, dealing with registration and reporting with the prescription drug monitoring program controlled substance prescription database, are hereby certified to be a correct copy of the regulation changes that the State Medical Board adopted at its November 20, 2020 teleconference meeting, under the authority of AS 08.64.100, AS 08.64.107, AS 08.64.326, AS 08.64.363, AS 08.64.380, and AS 17.30.200, 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.

On the record, in considering public comments, the State Medical 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 the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

12/4/2020

DATE:

Sitka, Alaska

DocuSigned by:

Richard J. Wein, M.D.

Richard J. Wein, M.D., Chair  
State Medical Board

April Simpson for  
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on February 5<sup>th</sup>, <sup>2021</sup>~~2020~~ at 4:12 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for Kevin Meyer

Kevin Meyer, Lieutenant Governor

Effective: March 7, 2021

Register: 237, April 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**

**Chapter 40. State Medical Board.**

12 AAC 40.450(a) is amended to read:

(a) A physician assistant who prescribes, orders, administers, or dispenses controlled substances must

(1) have a current Drug Enforcement Administration (DEA) registration number, valid for that handling of that controlled substance on file with the department; **and**

(2) **comply with 12 AAC 40.976.** (Eff. 1/13/80, Register 73; am 3/12/89, Register 109; am 4/27/97, Register 142; am 6/28/97, Register 142; am 3/16/98, Register 146; am 12/16/99, Register 152; am 10/14/2006, Register 180; am 9/1/2007, Register 183; am 3 / 7 / 2021, Register 237)

Authority: AS 08.64.100 AS 08.64.107 AS 17.30.200

12 AAC 40 is amended by adding a new section to read:

**12 AAC 40.976. Registration and reporting with the prescription drug monitoring program controlled substance prescription database.** A physician or physician assistant licensed under this chapter who holds a federal Drug Enforcement Administration (DEA) registration number must

(1) register and comply with the prescription drug monitoring program (PDMP) controlled substance prescription database (not later than) (after) within 30 days of initial licensure or registration with the DEA, whichever is later; and

(2) comply with the requirements of AS 17.30.200 and 12 AAC 52.865. (Eff.

3 / 7 / 2021, Register 237)

<b>Authority:</b>	AS 08.64.100	AS 08.64.326	AS 08.64.380
	AS 08.64.107	AS 08.64.363	AS 17.30.200


# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** February 5, 2021

**File No.:** 2020200525

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

**Tel. No.:** 465-3600

**From:** Steven C. Weaver *SCW*  
Senior Assistant Attorney General  
Legislation and Regulations Section

**Re:** State Medical Board regulations re:  
registration of physicians and  
physician assistants with the  
prescription drug monitoring program  
(PDMP) controlled substance  
prescription database (12 AAC  
40.450(a); 12 AAC 40.976)

The Department of Law has reviewed the attached regulations of the State Medical Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. 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 were adopted by the State Medical Board after the close of the public comment period. The regulations establish requirements for physicians and physician assistants to register with the prescription drug monitoring program (PDMP) controlled substance prescription database, as established by the Board of Pharmacy and required under AS 17.30.200; and to comply with AS 17.30.200 and with regulations of the Board of Pharmacy under 12 AAC 52.865 (reporting and reviewing PDMP information).

The August 6, 2020 public notice and the December 4, 2020 certification of 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.

SCW

cc w/enc: Richard Wein, M.D., Chair  
State Medical Board  
(via e-mail through Jun Maiquis)

Amy Demboski, Assistant Commissioner and Regulations Contact  
Department of Commerce, Community, and Economic Development

Sher Zinn, Acting Executive Administrator, State Medical Board  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Megyn Weigand, Assistant Attorney General  
Commercial, Fair Business, and Child Support Section

## NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA STATE MEDICAL BOARD

**BRIEF DESCRIPTION:** The Alaska State Medical Board proposes to adopt regulations regarding registration and reporting with the prescription drug monitoring program controlled substance prescription database.

The Alaska State Medical Board (Board) proposes to adopt regulation changes in Title 12, Chapter 40, of the Alaska Administrative Code including the following:

1. **12 AAC 40.450. Authority to prescribe, order, administer, and dispense medications**, is proposed to add conforming section citation regarding registration and reporting with the prescription drug monitoring program controlled substance prescription database (PDMP).
2. **12 AAC 40.976. Registration and reporting with the prescription drug monitoring program controlled substance prescription database**, is a proposed new section to require physicians or physician assistants licensed in this state who holds a federal Drug Enforcement Administration (DEA) registration number to register and report with the PDMP.

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 Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/199078>, and using the comment link. **The comments must be received not later than 4:30 p.m. on September 11, 2020.**

Oral comments relevant to the proposed regulations, including the potential costs to private persons of complying with the proposed changes, may also be given at a hearing to be held on August 20, 2020 **via zoom/video and teleconference**. You may participate **via [www.zoom.us](http://www.zoom.us) by entering Meeting ID: 994 3999 2536 Access Code 781784**, or you may participate **via teleconference by calling 253-215-8782 or 408-638-0968 and enter the Meeting ID and Access Code noted above**. The hearing will be held from 1:00 p.m. to 1:30 p.m. and might be extended to accommodate those present before 1:00 p.m. who did not have an opportunity to comment. Callers should be on the line before the hearing begins at 1:00 p.m. if they would like to provide oral testimony. Priority will be given to those who called in before 1:00 p.m., and the chair of the Board may limit each participant's length of oral testimony, determined before the hearing begins, to provide for those who timely called in to participate. **Due to the COVID-19 pandemic, no in-person testimony or written comments will be accepted at the hearing.**

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/StateMedicalBoard.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov) not later than September 4, 2020 to ensure that any necessary accommodation can be provided.



A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MED-PDMP-0720.pdf>.

After the public comment period ends, the Board 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.** Written comments and questions received are public records and are subject to public inspection.

**Statutory Authority:** AS 08.64.100; AS 08.64.107; AS 08.64.326; AS 08.64.363; AS 08.64.380; AS 17.30.200

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.64.100; AS 08.64.107; AS 08.64.326; AS 08.64.363; AS 08.64.380; AS 17.30.200

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


DATE: 8/5/2020



Jun Maiquis, Regulations Specialist  
Division of Corporations, Business and  
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

**ADDITIONAL REGULATION NOTICE INFORMATION**  
**(AS 44.62.190(d))**

1. **Adopting agency:** Alaska State Medical Board – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Registration and reporting with the prescription drug monitoring program controlled substance prescription database (PDMP).
3. **Citation of regulation:** 12 AAC 40.450 and 12 AAC 40.976.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations; compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**  
A private person: \$25 initial PDMP registration fee; \$25 PDMP biennial registration renewal fee.  
Another state agency: None known.  
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**  
No costs are expected in FY 2021 or in subsequent years.
9. **The name of the contact person for the regulation:**  
Alysia Jones, Executive Administrator  
Alaska State Medical Board  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community, and Economic Development  
Telephone: (907) 465-1074  
E-mail: alysia.jones@alaska.gov
10. **The origin of the proposed action:** Alaska State Medical Board.
11. **Date:** 8/5/2020      **Prepared by:**   
Jun Maiquis  
Regulations Specialist  
(907) 465-2537

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU  
Attention To: ATTN TO: JUN MAIQUIS  
PO BOX 110806, JUNEAU, AK 99811

Order #: W0017226

Cost: \$582.7

RECEIVED  
Juneau

JAN 11 2021

CBPL

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

08/06/2020

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 22nd day of December 2020.

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

MY COMMISSION EXPIRES

7/14/2024



### NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA STATE MEDICAL BOARD

The Alaska State Medical Board (Board) proposes to adopt regulation changes in Title 12, Chapter 40, of the Alaska Administrative Code including the following:

1. 12 AAC 40.450. Authority to prescribe, order, administer, and dispense medications, is proposed to add conforming section citation regarding registration and reporting with the prescription drug monitoring program controlled substance prescription database (PDMP).

2. 12 AAC 40.976. Registration and reporting with the prescription drug monitoring program controlled substance physicians or physician assistants licensed in this state who holds a federal Drug Enforcement Administration (DEA) registration number to register and report with the PDMP.

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 Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/199078>, and using the comment link. The comments must be received not later than 4:30 p.m. on September 11, 2020.

Oral comments relevant to the proposed regulations, including the potential costs to private persons of complying with the proposed changes, may also be given at a hearing to be held on August 20, 2020 via zoom/video and teleconference. You may participate via [www.zoom.us](http://www.zoom.us) by entering Meeting ID: 994 3999 2536 Access Code 781784, or you may participate via teleconference by calling 253-215-8782 or 408-638-0968 and enter the Meeting ID and Access Code noted above. The hearing will be held from 1:00 p.m. to 1:30 p.m. and might be extended to accommodate those present before 1:00 p.m. who did not have an opportunity to comment. Callers should be on the line before the hearing begins at 1:00 p.m. if they would like to provide oral testimony. Priority will be given to those who called in before 1:00 p.m., and the chair of the Board may limit each participant's length of oral testimony, determined before the hearing begins, to provide for those who timely called in to participate. Due to the COVID-19 pandemic, no in-person testimony or written comments will be accepted at the hearing.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). The questions must be received at least 10 days before the end of the public comment period. The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/StateMedicalBoard.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov) not later than September 4, 2020 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MED-PDMP-0720.pdf>.

After the public comment period ends, the Board 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. Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.64.100; AS 08.64.107; AS 08.64.326; AS 08.64.363; AS 08.64.380; AS 17.30.200

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.64.100; AS 08.64.107; AS 08.64.326; AS 08.64.363; AS 08.64.380; AS 17.30.200

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

DATE: 8/5/2020  
By: /s/ Jun Maiquis,  
Regulations Specialist  
Division of Corporations, Business and  
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

Published: August 6, 2020

**AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 40.450 and 12 AAC 40.976, dealing with registration and reporting with the prescription drug monitoring program controlled substance prescription database, has been given by being

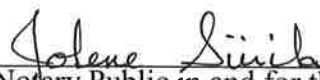
1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the 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).

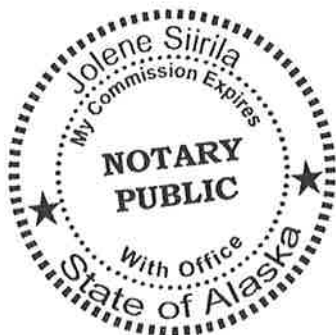
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to persons in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

DATE: 12/18/2020  
Juneau, Alaska

  
\_\_\_\_\_  
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 18 day of December, 2020.

  
\_\_\_\_\_  
Notary Public in and for the  
State of Alaska  
My commission expires: W/ office



## AFFIDAVIT OF ORAL HEARING

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


The State Medical Board presided over the following public hearing held in accordance with AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 12 AAC 40.450 and 12 AAC 40.976, dealing with registration and reporting with the prescription drug monitoring program controlled substance prescription database.

August 20, 2020, at 1:00 p.m., via teleconference and videoconference.

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: 12/21/2020

DocuSigned by:  
  
A52FE59D83C54C7...  
\_\_\_\_\_  
Sher Zinn, Acting Executive Administrator

State of Alaska  
Juneau



**AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT**


I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the State Medical Board has kept a record of its use or rejection of 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 State Medical Board regulations on dealing with registration and reporting with the prescription drug monitoring program controlled substance prescription database.

DATE: 12/18/2020  
Juneau, Alaska

  
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 18 day of December, 2020.

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



Excerpt of State Medical Board meeting, November 20, 2020

After discussion, the board adopted the regulations as public noticed.

**On a motion duly made by Dr. Wein, seconded by Mr. Boswell, and approved by roll call vote, the board adopted the regulations for 12 AAC 40.450 and 40.976, as public noticed, considering public comment and the cost to the public.**

Roll call vote: Yeas, Mr. Boswell, Dr. Freeman, Dr. Gay, Ms. Mielke, Dr. Wein  
Nays, Dr. Daugherty, Dr. Parker

## 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 registration and reporting with the prescription drug monitoring program controlled substance prescription database was passed by the State Medical Board during its November 20, 2020 teleconference meeting.

Date: 12/10/20  
Juneau, Alaska

Sher Zinn  
Sher Zinn, Acting Executive Administrator

SUBSCRIBED AND SWORN TO before me this 10 day of December, 2020.



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