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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

A handwritten signature in blue ink, appearing to read "April Simpson".

**DATE:** February 24, 2021

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

State Medical Board emergency regulations made permanent re: use of a notary for applications, establishment of emergency courtesy licenses, and staleness of application documents (12 AAC 40.010(b)(1)(A); 12 AAC 40.015(b)(1)(A); 12 AAC 40.035(d)(2)(A); 12 AAC 40.045; 12 AAC 40.963(a))

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Attorney General File:	2020200671
Regulation Filed:	2/24/2021
Effective Date:	11/16/2020
Print:	237, April 2021

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

## CERTIFICATION OF COMPLIANCE

I, Dr. Richard Wein, Chair for the State Medical Board, certify that, as required by AS 44.62.260 in order to make the attached five pages of regulations permanent, as of this date a legal opinion of the Department of Law has been requested under AS 44.62.060, a notice conforming to AS 44.62.200 was issued in compliance with AS 44.62.190, and an opportunity for public comment was provided under AS 44.62.210, for the following emergency regulation:

12 AAC 40.010, 12 AAC 40.015, 12 AAC 40.035, 12 AAC 40.045, and 12 AAC 40.963, dealing with notarized signature requirements and emergency courtesy license.

This regulation originally was filed as an emergency regulation on November 16, 2020.

This action is not expected to require an increased appropriation.

Although no public comments were received, the State Medical Board paid special attention to the cost to private persons of the regulatory action being taken.

DATE: 2/2/2021  
Sitka, Alaska

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

## FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on Febr. 24<sup>th</sup>, 2021 at 3:08 P.m., I filed the attached regulation according to the provisions of AS 44.62.

Kevin Meyer  
Kevin Meyer, Lieutenant Governor

Register: 237, April 2021

**Chapter 40. State Medical Board.**

The emergency amendment of 12 AAC 40.010(b)(1)(A) is made permanent to read:

(A) a completed application on a form provided by the department,  
including a photograph of the applicant;

(Eff. 12/30/70, Register 36; am 5/18/85, Register 94; am 8/2/86, Register 99; am 4/10/88, Register 106; am 5/1/94, Register 130; am 6/28/97, Register 142; am 8/17/97, Register 143; am 11/7/98, Register 148; am 8/9/2000, Register 155; am 6/15/2001, Register 158; am 4/2/2004, Register 169; am 10/14/2006, Register 180; am 3/4/2007, Register 181; am 12/21/2007, Register 184; am 5/8/2013, Register 206; am 8/17/2018, Register 227; am 3/25/2020, Register 233; em am 4/21/2020 – 8/18/2020, Register 234; am 11/16/2020, Register 236)

<b>Authority:</b>	AS 08.64.100	AS 08.64.210	AS 08.64.250
	AS 08.64.200	AS 08.64.225	AS 08.64.255
	AS 08.64.205	AS 08.64.240	

The emergency amendment of 12 AAC 40.015(b)(1)(A) is made permanent to read:

(A) a completed application on a form provided by the department,  
including a photograph of the applicant;

(Eff. 7/29/83, Register 87; am 3/30/84, Register 89; am 4/10/88, Register 106; am 6/28/97, Register 142; am 8/17/97, Register 143; am 6/15/2001, Register 158; am 4/2/2004, Register 169; am 3/4/2007, Register 181; am 12/21/2007, Register 184; am 8/17/2018, Register 227; am 3/25/2020, Register 233; em am 4/21/2020 – 8/18/2020, Register 234; am 11/16/2020, Register 236)

**Authority:** AS 08.64.100 AS 08.64.205 AS 08.64.225  
AS 08.64.180 AS 08.64.209 AS 08.64.240  
AS 08.64.190 AS 08.64.210 AS 08.64.255

The emergency amendment of 12 AAC 40.035(d)(2)(A) is made permanent to read:

(A) a completed application on a form provided by the department,  
including a photograph of the applicant;  
(Eff. 5/18/85, Register 94; am 8/2/86, Register 99; am 4/10/88, Register 106; am 8/17/97,  
Register 143; am 8/9/2000, Register 155; am 10/8/2017, Register 224; am 12/25/2019, Register  
232; em am 4/21/2020 – 8/18/2020, Register 234; am 11/16/2020, Register 236)

**Authority:** AS 08.64.100 AS 08.64.270 AS 08.64.279  
AS 08.64.180

The emergency amendment of 12 AAC 40.045(a) is made permanent to read:

(a) A courtesy license authorizes the holder to practice medicine, osteopathy, or podiatry  
for limited purposes recognized by the board in (b) and (j) of this section. A courtesy license does  
not authorize the holder to perform medical services outside the scope of the courtesy license  
issued under this section.

The emergency amendment to the introductory language of 12 AAC 40.045(b)(4) is made  
permanent to read:

(4) physicians who come to the state to provide emergency medical care or  
emergency mental health care, except under an emergency courtesy license as provided in (j) of

this section, if

...

*CC Publisher: Existing 12 AAC 40.045(b)(4)(A) and (B) are missing from the printed emergency regulation. Please ensure that these provisions are not omitted when preparing the permanent text.)))*

The emergency amendment of 12 AAC 40.045(e)(2)(B) is made permanent to read:

(B) for an emergency courtesy license, six months with a six-month extension upon request, if issued under (j) of this section, or the board has determined the urgent situation no longer requires an emergency courtesy license.

The emergency adoption of 12 AAC 40.045(j) is made permanent to read:

(j) The board may determine that there exists an urgent situation that requires issuance of an emergency courtesy license. In an urgent situation, the board, executive administrator, or the board's designee may issue an emergency courtesy license under this subsection to an applicant who practices medicine or osteopathy, or who practices as a physician assistant or mobile intensive care paramedic, to provide emergency medical or mental health care within the scope and duration of the declared urgent situation. A courtesy license may be issued under this subsection to a person who

(1) holds a current unencumbered license to practice as a physician, osteopath, physician assistant, or mobile intensive care paramedic in another jurisdiction, or holds a retired license under AS 08.64.276 that has been issued less than two years;

(2) submits a completed application on a form provided by the department, and

(A) if a physician or osteopath,

(i) verification of a current license to practice medicine or

osteopathy in good standing and not under investigation in the jurisdiction in which the applicant resides, or verification of a retired license issued under AS 08.64.276;

(ii) clearance from the Federation of State Medical Boards;

(iii) clearance from the National Practitioner Data Bank; and

(iv) clearance from the federal Drug Enforcement Administration;

(B) if a physician assistant,

(i) verification of a current license to practice medicine in good standing and not under investigation in the jurisdiction in which the applicant resides;

(ii) clearance from the Federation of State Medical Boards;

(iii) clearance from the National Practitioner Data Bank; and

(iv) clearance from the federal Drug Enforcement Administration;

(C) if a mobile intensive care paramedic,

(i) verification of a current license as a mobile intensive care paramedic in good standing and not under investigation in the jurisdiction in which the applicant resides;

(ii) clearance from the National Practitioner Data Bank; and

(iii) a declaration of sponsorship form signed by a physician or osteopath who holds a license in this state, or an emergency courtesy license issued under this subsection, who will provide supervision as required by 12 AAC 40.310(a)(3).

The emergency adoption of 12 AAC 40.045(k) is made permanent to read:

(k) The board may refuse to issue a courtesy license or an emergency courtesy license for the same reasons it may deny, suspend, or revoke a license under AS 08.64.326.

The emergency adoption of 12 AAC 40.045(l) is made permanent to read:

(l) In this section, “urgent situation” means a health crisis affecting all or part of the state that requires increased availability of healthcare providers licensed under this chapter. (Eff. 5/1/94, Register 130; am 8/9/95, Register 135; am 12/18/2001, Register 160; am 10/8/2017, Register 224; am 12/25/2019, Register 232; em am 4/21/2020 – 8/18/2020, Register 234; am 11/16/2020, Register 236)

**Authority:** AS 08.01.062 AS 08.64.100 AS 08.64.240

The emergency amendment of 12 AAC 40.963(a) is made permanent to read:

(a) If, upon receipt by the division of the last document required to complete an application file, the file contains an application form or verification that has a postmark date that is more than 12 months old, the document will be considered to be stale and the applicant must resubmit the document or cause the document to be resubmitted as appropriate before the application will be considered by the board or the board’s designee.

(Eff. 9/30/2001, Register 159; am 4/2/2004, Register 169; em am 4/21/2020 – 8/18/2020, Register 234; am 11/16/2020, Register 236)

**Authority:** AS 08.64.100