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Lieutenant Governor  
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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 sender of the memorandum.

**DATE:** March 17, 2021

**RE:** Filed Permanent Regulations: Board of Social Work Examiners

Board of Social Work Examiners emergency regulations made permanent re: emergency  
courtesy license (12 AAC 18.111)

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Attorney General File:	2020200679
Regulation Filed:	3/17/2021
Effective Date:	11/30/2020
Print:	238, July 2021

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

## CERTIFICATION OF COMPLIANCE

I, Mindy Swisher, Chair for the Board of Social Work Examiners, certify that, as required by AS 44.62.260 in order to make the attached two 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:

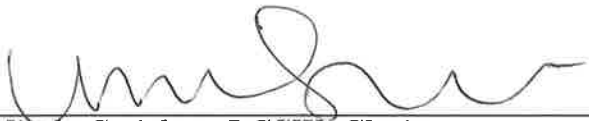
12 AAC 18.111, dealing with emergency courtesy license.

This regulation originally was filed as an emergency regulation on November 30, 2020.

This action is not expected to require an increased appropriation.

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

DATE: 2/10/21  
Palmer, Alaska

  
Mindy Swisher, LCSW, Chair  
Board of Social Work Examiners

## FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on March 17<sup>th</sup>, 2021 at 9:23 Am., I filed the attached regulation according to the provisions of AS 44.62.

  
Kevin Meyer, Lieutenant Governor

Register: 238, July 2021.

**Chapter 18. Board of Social Work Examiners.**

The emergency adoption of 12 AAC 18.111 is made permanent to read:

**12 AAC 18.111. Emergency courtesy license.** (a) In an urgent situation, the board may issue an emergency courtesy license to practice clinical social work to an applicant who has a license in good standing to practice clinical social work 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 the applicable application and licensing fees established in 12 AAC 02.155, verification of a current license in good standing to practice clinical social work in another state or other jurisdiction, and certification that the applicant is not under investigation in the state or other jurisdiction in which the applicant is licensed.

(c) An emergency courtesy license issued under this section is valid for the period specified by the board and may not exceed 90 consecutive days. An emergency courtesy license may be renewed for one additional period specified by the board, not to exceed 90 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 08.95 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 08.95.050.

(f) In this section, "urgent situation" means a health crisis that requires increased availability of clinical social workers. (Eff. 11/30/2020, Register 237)

**Authority:** AS 08.01.062 AS 08.95.030 AS 08.95.110


# MEMORANDUM

## State of Alaska Department of Law

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

**Date:** March 15, 2021

**File No.:** 2020200679

**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:** Board of Social Work Examiners  
emergency regulations made  
permanent re: emergency courtesy  
licenses (12 AAC 18.111)

The Department of Law has reviewed, against the statutory standards of the Administrative Procedure Act, the attached emergency regulations that the Board of Social Work Examiners intends to make permanent. Based upon our review, we find no legal problems. The emergency regulations were adopted on November 12, 2020, and were filed and took effect on November 30, 2020. The Board of Social Work Examiners action to make the regulations permanent occurred on February 2, 2021, after the state legislative session began. *The emergency regulations will expire on March 29, 2021 unless made permanent.*

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 emergency regulations were approved by the Board of Social Work Examiners, after the close of the public comment period, as permanent regulations. To increase the availability of social work services during the COVID-19 pandemic and future health crises, the regulations provide for emergency courtesy licenses in urgent situations.

The November 19, 2020 certification of adoption order, the December 2, 2020 public notice, and the February 10, 2021 certification of compliance all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

In accordance with AS 44.62.125, we have made a technical correction to the footer of the regulations. The correction is shown on the attached copy of the regulations.

SCW

cc w/enc: Mindy Swisher, LCSW, Chair  
Board of Social Work Examiners  
(via e-mail through Jun Maiquis)

Amy Demboski, Regulations Contact  
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

Harriet Dinegar Milks, Senior Assistant Attorney General  
Commercial, Fair Business, and Child Support Section

**NOTICE OF ADOPTION OF EMERGENCY REGULATION ON EMERGENCY  
COURTESY LICENSE IN THE REGULATIONS OF THE  
ALASKA BOARD OF SOCIAL WORK EXAMINERS**

**BRIEF DESCRIPTION:** The Board of Social Work Examiners proposes to make permanent regulation changes made by emergency regulation regarding emergency courtesy license.

On **November 12, 2020**, the Board of Social Work Examiners (Board) adopted, as an emergency regulation, changes in 12 AAC 18 of the Alaska Administrative Code dealing with emergency courtesy license, including the following:

**12 AAC 18.111. Emergency courtesy license**, is a proposed new section to allow for an emergency courtesy license for clinical social workers, specific to the public health emergency or crisis due to COVID-19 pandemic.

The emergency regulation took effect on **November 30, 2020**, and will expire **March 29, 2021** unless made permanent. The Board intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the 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/200328>, and using the comment link. **The comments must be received not later than 4:30 p.m. on January 7, 2021.** Comments received after this deadline will not be considered by the Board.

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/SocialWorkExaminers.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 December 31, 2020 to ensure that any necessary accommodation can be provided.

A copy of the emergency regulation 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/CSW-EmergencyReg-1120.pdf>.

The language of the permanent regulation may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. **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 08.01.062; AS 08.95.030; AS 08.95.110

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.01.062; AS 08.95.030; AS 08.95.110


**Fiscal Information:** The regulations are not expected to require an increased appropriation.

DATE: 12/1/2020

  
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:** Board of Social Work Examiners – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Emergency courtesy license.
3. **Citation of regulation:** 12 AAC 18.111.
4. **Department of Law file number:** 2020200679.
5. **Reason for the proposed action:** Emergency regulation due to COVID-19.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**  
A private person: \$50 application and \$80 emergency courtesy license fees.  
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:**  
Lauren (Osborn) Bales, Licensing Examiner  
Board of Social Work Examiners  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community, and Economic Development  
Telephone: (907) 465-2551  
E-mail: lauren.osborn@alaska.gov
10. **The origin of the emergency regulation action:** Board of Social Work Examiners.
11. **Date:** 12/1/2020      **Prepared by:**   
Jun Maiquis  
Regulations Specialist

# 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 #: W0019272

Cost: \$458.2

RECEIVED  
Juneau

DEC 10 2020

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

12/02/2020

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 7th day of December 2020.

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

MY COMMISSION EXPIRES

NOTARY PUBLIC  
JADA L. NOWLING  
STATE OF ALASKA  
MY COMMISSION EXPIRES July 14, 2024

### NOTICE OF ADOPTION OF EMERGENCY REGULATION ON EMERGENCY COURTESY LICENSE IN THE REGULATIONS OF THE ALASKA BOARD OF SOCIAL WORK EXAMINERS

On November 12, 2020, the Board of Social Work Examiners (Board) adopted, as an emergency regulation, changes in 12 AAC 18 of the Alaska Administrative Code dealing with emergency courtesy license, including the following:

12 AAC 18.111. Emergency courtesy license, is a proposed new section to allow for an emergency courtesy license for clinical social workers, specific to the public health emergency or crisis due to COVID-19 pandemic.

The emergency regulation took effect on November 30, 2020, and will expire March 29, 2021 unless made permanent. The Board intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the 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/200328>, and using the comment link. The comments must be received not later than 4:30 p.m. on January 7, 2021. Comments received after this deadline will not be considered by the Board.

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. 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/SocialWorkExaminers.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 not later than December 31, 2020 to ensure that any necessary accommodation can be provided.

A copy of the emergency regulation is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/CSW-EmergencyReg-1120.pdf>.

The language of the permanent regulation may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. 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 08.01.062; AS 08.95.030; AS 08.95.110

Statutes Being Implemented, Interpreted, or Made Specific:  
AS 08.01.062; AS 08.95.030; AS 08.95.110

Fiscal Information: The regulations are not expected to require an increased appropriation.

DATE: 12/1/2020  
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: December 2, 2020

**AFFIDAVIT OF NOTICE OF ADOPTION OF EMERGENCY 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 44.62.250, notice of the November 30, 2020 emergency changes to 12 AAC 18.111, dealing with emergency courtesy license, has been given under AS 44.62.190(a) by being

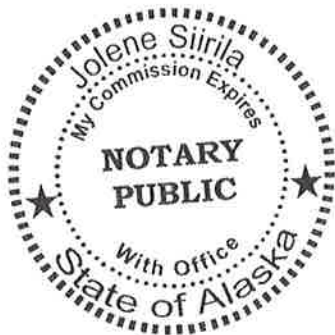
1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the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

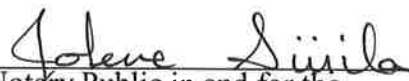
As required by AS 44.62.190, additional regulation notice information regarding the November 30, 2020 emergency changes to the regulation described above has been furnished to interested persons and furnished to those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

DATE: 2/22/21  
Juneau, Alaska

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

SUBSCRIBED AND SWORN TO before me this 22 day of February, 2021.



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

**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:

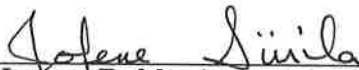
In compliance with AS 44.62.215, the Board of Social Work Examiners did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Social Work Examiners regulations on dealing with emergency courtesy license.

DATE: 2/22/21  
Juneau, Alaska

  
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 22 day of February, 2021.



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

## AFFIDAVIT OF BOARD ACTION

I, Lacey Derr, Licensing Supervisor for the Board of Social Work Examiners, being duly sworn, state the following:

The attached motion dealing with emergency courtesy license was passed by the Board of Social Work Examiners during its February 2, 2021 teleconference meeting.

Date: 2.9.2021  
Juneau, Alaska

Lacey Derr  
Lacey Derr, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 9 day of February, 2021.

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



February 2, 2021

Agenda item #5

Emergency Courtesy License Regulations

RLS Derr presented the information provided by the regulations team. There were no public comments received in regard to the Emergency Courtesy License (ECL) Regulations. The board asked a few clarifying questions if there were an increase in ECL applications and how long does the current emergency declaration regulation last. It was agreed the Emergency Courtesy License Regulation is working as intended and was a great accomplishment for the social work licensing base.

***A motion duly made by Brandon Ercanbrack, seconded by Geoffry McCormick, and approved by unanimous consent, was:***

***Resolved to, adopt 12AAC 18.111 – Emergency Courtesy License as presented and make permanent.***

## FINDING OF EMERGENCY

The Board of Social Work Examiners finds that an emergency exists under AS 44.62.250, and that an emergency regulation change is necessary to 12 AAC 18, dealing with emergency courtesy license, requiring regulations to enable additional counseling 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:


- The restrictive nature of the regulations could negatively impact the health of the public by decreasing healthcare worker availability by impeding the license application process during this public health emergency
- Mental health challenges related to increased morbidity and mortality
- Mental health challenges related to enforced or recommended quarantining, particularly for individuals and families who have limited flexibility in their employment situation
- Disproportionate effects in specific populations including historically vulnerable populations and communities underserved by social services
- Worsening mental health outcomes including increased rates of suicidal ideation, suicide, addiction, and substance abuse
- Mental and physical health effects from long-term physical distancing, including delays in preventive care
- Challenges related to treatment of lingering debilitating symptoms in "long haulers"
- Anticipated challenges in availability and delivery of vaccine

## ORDER CERTIFYING ADOPTION

I certify that the Board of Social Work Examiners, under the authority of AS 08.01.062, AS 08.95.030, and AS 08.95.110, adopted at its November 12, 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: 11/19/20  
Palmer, Alaska

  
Mindy Swisher, LCSW, Chair  
Board of Social Work Examiners

April Simpson for

## FILING CERTIFICATION

I, <sup>↑</sup>Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on November 30, 2020 at 2:00 p. m., I filed the attached regulation according to the provisions of AS 44.62.

for April Simpson  
Kevin Meyer, Lieutenant Governor

Effective: November 30, 2020.

Register: 237, April 2021.

Expires March 29, 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.**



  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

## EMERGENCY REGULATION

Register 237, April 2021 PROFESSIONAL REGULATIONS

### Chapter 18. Board of Social Work Examiners.

12 AAC 18 is amended by adding a new section to read:

**12 AAC 18.111. Emergency courtesy license.** (a) In an urgent situation, the board may issue an emergency courtesy license to practice clinical social work to an applicant who has a license in good standing to practice clinical social work 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 the applicable application and licensing fees established in 12 AAC 02.155, verification of a current license in good standing to practice clinical social work in another state or other jurisdiction, and certification that the applicant is not under investigation in the state or other jurisdiction in which the applicant is licensed.

(c) An emergency courtesy license issued under this section is valid for the period specified by the board and may not exceed 90 consecutive days. An emergency courtesy license may be renewed for one additional period specified by the board, not to exceed 90 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 08.95 and this chapter and is subject to discipline for actions taken or omitted while practicing under the

## EMERGENCY REGULATION

Register 237, April 2021 PROFESSIONAL REGULATIONS

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 08.95.050.

(f) In this section, "urgent situation" means a health crisis that requires increased availability of clinical social workers. (Eff. 11 / 30 / 2020, Register 237)

**Authority:** AS 08.01.062 AS 08.95.030 AS 08.95.110