

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




530 West 7th 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: Triptaa Surve
Department of Health and Social Services

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: April 6, 2021

RE: Filed Permanent Regulations: Department of Health and Social Services

Department of Health and Social Services regulations re: do-not-resuscitate protocol and identification for health care providers to withhold cardiopulmonary resuscitation--physician orders for life-sustaining treatment (POLST) program (7 AAC 16)

Attorney General File:	2019200825
Regulation Filed:	4/6/2021
Effective Date:	5/6/2021
Print:	238, July 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached 5 pages of regulations, dealing with Do-Not-Resuscitate Protocol & Identification, AK Physician Orders for Life-Sustaining Treatment (POLST) Program (7 AAC 16), are adopted and certified to be a correct copy of the regulation changes that the Department of Health and Social Services adopts under the authority of AS 13.52.060, AS 13.52.065, AS 13.52.080, AS 13.52.090, AS 13.52.100, AS 13.52.110, AS 13.52.120, AS 13.52.130, AS 13.52.135, AS 13.52.140, AS 13.52.150, AS 13.52.160, AS 13.52.300, and AS 13.52.390, 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.

In considering public comments, the Department of Health & Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Adam Crum

Digitally signed by Adam Crum
Date: 2021.03.31 15:13:26 -08'00'

Adam Crum, Commissioner
Department of Health & Social Services

April Simpson, for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that¹ on April 6, 2021, at 1:11 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for Kevin Meyer
Lieutenant Governor

Effective: May 6, 2021

Register: 238, July 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**

7 AAC 16.010 is repealed and readopted to read:

7 AAC 16.010. Do-not-resuscitate protocol. (a) This section, and the *Physician Orders for Life Sustaining Treatment (POLST) Program*, adopted by reference in 7 AAC 16.020, establish the do-not-resuscitate (DNR) protocol for physicians and other health care providers to withhold cardiopulmonary resuscitation under AS 13.52.065. The physician or other health care provider implementing the protocol shall comply with applicable state and federal laws and regulations related to the provision of or withholding of care.

(b) Unless exempted under (c) of this section, the physician or other health care provider shall first clearly confirm the identity of the patient by one of the following methods:

- (1) the patient communicating the patient's name;
- (2) the patient's hospital or other institutional identification arm band;
- (3) the patient being personally known to the physician or other health care provider;
- (4) the patient's driver's license or credit card; or
- (5) another person having identified the patient.

(c) If a patient is unconscious or otherwise unresponsive to questions regarding the patient's identity, the physician or other health care provider may rely solely on the department-approved DNR necklace or bracelet worn by the patient, without using other methods to identify the patient.

(d) Once the patient's identity is determined under (b) or (c) of this section, the physician or other health care provider shall examine the patient, patient's available medical records, and other sources to determine the patient's DNR status. The DNR status and the patient's desire for

resuscitative efforts may be determined using the following:

- (1) a department-approved DNR form for the patient;
 - (2) a department-approved DNR card for the patient;
 - (3) a department-approved DNR necklace or bracelet worn, or carried, by the patient;
 - (4) the department's POLST registry, or the department's *Alaska POLST (Physician Orders for Life Sustaining Treatment) Form*, dated June 3, 2020 and adopted by reference;
 - (5) an attending physician's DNR order, if
 - (A) the order is in writing and a copy has been provided or seen by the physician or other health care provider; or
 - (B) a verbal order has been issued directly to the physician or health care provider by the attending physician; or
 - (6) a DNR POLST or MOLST order or identification for the patient that is executed or issued in another state or a territory or possession of the United States and that meets the requirements of AS 13.52.150.
- (e) The physician or other health care provider shall immediately proceed with patient assessment and care, including cardiopulmonary resuscitation, until the information required under (b) - (d) of this section is obtained. Cardiopulmonary resuscitation (CPR) need not be started or continued if the physician or other health care provider determines that it would be futile.
- (f) After establishing that the patient is a qualified DNR patient under AS 13.52 and this

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chapter, the physician or health care provider may not attempt CPR for a patient who does not have a pulse or is not breathing. The DNR order does not affect other care or services that the physician or other health care provider has determined are appropriate for the patient and may lawfully be performed by that provider.

(g) The qualified DNR patient or the patient's attending physician may revoke the patient's DNR status at any time and in any manner in accordance with AS 13.52. (Eff. 10/10/96, Register 140; am 5 / 6 / 2021, Register 238)

Authority:	<u>AS 13.52.060</u>	<u>AS 13.52.110</u>	<u>AS 13.52.150</u>
	<u>AS 13.52.065</u>	<u>AS 13.52.120</u>	<u>AS 13.52.160</u>
	<u>AS 13.52.080</u>	<u>AS 13.52.130</u>	[AS 18.12.035(b)]
	<u>AS 13.52.090</u>	<u>AS 13.52.135</u>	[AS 18.12.037]
	<u>AS 13.52.100</u>	<u>AS 13.52.140</u>	

7 AAC 18.020 is repealed and readopted to read:

7 AAC 16.020. Department-approved DNR program. The department adopts by reference the department's *Physician Orders for Life Sustaining Treatment (POLST) Program*, dated June 3, 2020, as its standards for the department-approved do-not-resuscitate (DNR) protocol. (Eff. 10/10/96, Register 140; am 5 / 6 / 2021, Register 238)

Authority:	<u>AS 13.52.060</u>	[AS 18.12.035(b)]	[AS 18.12.037]
	<u>AS 13.52.065</u>		

Editor's note: A copy of the *Physician Orders for Life Sustaining Treatment (POLST)*

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Program, adopted by reference in 7 AAC 16.020, may be accessed online at

<https://dhss.alaska.gov/dph/Emergency/Pages/ems/programs/>

Alaska-Physician-Orders-for-Life-Sustaining-Treatment.aspx, or may be reviewed at the

State of Alaska [COMMUNITY HEALTH AND EMERGENCY MEDICAL SERVICES

SECTION, DIVISION OF PUBLIC HEALTH], Department of Health and Social Services,

Division of Public Health, Section of Rural and Community Health Systems, 3601 C Street,

Suite 424, Anchorage, AK 99503 [P.O. BOX 110616, JUNEAU, ALASKA 99811-0616.

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HOSPITAL ASSOCIATION, 1720 NINTH AVENUE, P.O. BOX 5119, HELENA, MONTANA 59601].

7 AAC 16.090 is repealed and readopted to read:

(1) "CPR" has the meaning given "cardiopulmonary resuscitation" in AS 13.52.390;

(2) "department" means the Department of Health and Social Services;

(3) "DNR order" has the meaning given "do-not-resuscitate order" in AS 13.52.390;

(4) "MOLST" means medical orders for life sustaining treatment, including DNR orders and other orders that specify a patient's wishes for other life sustaining treatment;

(5) "POLST" means physician orders for life sustaining treatment, including DNR orders and other orders that specify a patient's wishes for other life sustaining treatment.

(Eff. 10/10/96, Register 140; am 5 / 6 / 2021, Register 238)

Register ~~23rd~~, July 2021 HEALTH AND SOCIAL SERVICES


Authority: AS 13.52.065 AS 13.52.390 [AS 18.12.037]

AS 13.52.300 [AS 18.12.035]

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

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

Date: April 5, 2021

File No.: 2019200825

Tel. No.: 465-3600

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

Re: Department of Health and Social
Services regulations re: do-not-
resuscitate protocol and identification
for health care providers to withhold
cardiopulmonary resuscitation--
physician orders for life-sustaining
treatment (POLST) program (7 AAC
16)

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services 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. With the approval of the State Medical Board under AS 13.52.065(b), the regulations were adopted by the Department of Health and Social Services after the close of the public comment period. The regulations update the do-not-resuscitate (DNR) protocol for physicians and other health care providers to withhold cardiopulmonary resuscitation under AS 13.52.065, including adoption by reference of the department's *Physician Orders for Life Sustaining Treatment (POLST) Program*.

The August 19, 2020 public notice, the October 11, 2020 supplemental public notice, and the March 31, 2021 adoption order 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.

SCW

cc w/enc.: Hon. Adam Crum, Commissioner
Department of Health and Social Services

Triptaa Surve, Regulations Contact
Department of Health and Social Services

Heidi Hedberg, Director
Division of Public Health
Department of Health and Social Services

Todd McDowell
Division of Public Health
Rural and Community Health Systems Bureau
Department of Health and Social Services

Tricia Franklin
Division of Public Health
Rural and Community Health Systems Bureau
Department of Health and Social Services

Kelly E. Henriksen, Senior Assistant Attorney General
Human Services Section

NOTICE OF PROPOSED CHANGES ON THE DO-NOT-RESUSCITATE PROTOCOL AND IDENTIFICATION IN
THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on the Do-Not-Resuscitate (DNR) Protocol and Identification including adoption of the Alaska Physician Orders for Life Sustaining Treatment (POLST) Program.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the Do-Not-Resuscitate (DNR) Protocol and Identification, including the following:

- **7 AAC 16.010 - .090. Do-Not-Resuscitate Protocol and Identification**, is proposed to be changed as follows:
 - Repeal and readopt to
 - Replace the current Comfort One Program with the Alaska Physician Orders for Life Sustaining Treatment (POLST) Program.
 - Update the DNR protocol to include current terminology and medical standards.

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 the State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, Emergency Medical Services, Attn: Todd McDowell, P.O. Box 110616, Juneau, AK 99811-0616. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-8634 and by electronic mail at todd.mcdowell@alaska.gov. The comments must be received not later than 5 p.m. on October 27, 2020.

You may provide oral comments relevant to the proposed action **via telephone** at the hearing to be held on September 28, 2020, **by calling 1-800-944-8766 , and using the participant access code number 83001#.** **Please note that in-person attendance will not be permitted at the hearing site because of the public health and safety concerns associated with the COVID – 19 pandemic. Please prepare to share your oral comments by telephone only.** If you call to provide oral testimony, you should be on the line **before** the hearing begins at 10:00 a.m. The Department of Health & Social Services will give priority to those who call in before 12:00 p.m. The Department of Health & Social Services may, before the hearing begins, limit the time allotted for each person providing oral testimony. The time limit may be necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to Todd McDowell by e-mail at todd.mcdowell@alaska.gov or mail at State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, Emergency Medical Services, Attention: Todd McDowell, P.O. Box 110616, Juneau, AK 99811-0616. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Todd McDowell by electronic mail at todd.mcdowell@alaska.gov or phone at (907) 465-8634 not later than September 16, 2020, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Todd McDowell at todd.mcdowell@alaska.gov or by phone at (907) 465-8634.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System.

A copy of material proposed for adoption by reference may be also be viewed at the agency's office at the State of Alaska, Department of Health and Social Services, Division of Public Health, Rural and Community Health Systems Section, 3601 C Street, Suite 424, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Services 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.**

Statutory authority: AS 13.52.060; AS 13.52.065; AS 13.52.080; AS 13.52.090; AS 13.52.100; AS 13.52.110; AS 13.52.120; AS 13.52.130; AS 13.52.135; AS 13.52.140; AS 13.52.150; AS 13.52.160; AS 13.52.300; AS 13.52.390.

Statutes being implemented, interpreted, or made specific: AS 13.52.060; AS 13.52.065; AS 13.52.080; AS 13.52.090; AS 13.52.100; AS 13.52.110; AS 13.52.120; AS 13.52.130; AS 13.52.135; AS 13.52.140; AS 13.52.150; AS 13.52.160; AS 13.52.300; AS 13.52.390

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

DATE: August 14, 2020.

/s/Adam Crum

Commissioner,

Department of Health & Social Services

State of Alaska.

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON THE DO-NOT-RESUSCITATE PROTOCOL AND IDENTIFICATION IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

BRIEF DESCRIPTION

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The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the Do-Not-Resuscitate (DNR) Protocol and Identification, including the following:

- **7 AAC 16.010 - .090. Do-Not-Resuscitate Protocol and Identification**, is proposed to be changed as follows:
 - Repeal and readopt to
 - Replace the current Comfort One Program with the Alaska Physician Orders for Life Sustaining Treatment (POLST) Program.
 - Update the DNR protocol to include current terminology and medical standards.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on August 14, 2020, concerning the regulations contained in the Department of Law file number 2019200825. This SUPPLEMENTAL NOTICE is being issued by the Department of Health & Social Services to provide a new date, time, and telephone number for the oral public hearing.

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 the State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, Emergency Medical Services, Attn: Terry Kadel, 3601 C Street, Suite 424, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-4101 and by electronic mail at terry.kadel@alaska.gov. The comments must be received not later than 5 p.m. on November 23, 2020.

You may provide oral comments relevant to the proposed action **via telephone** at the hearing to be held on November 17, 2020, from 10 a.m. – 12 p.m., **by calling 1-800-944-8766 , and using the participant access code number 83001#.** **Please note that in-person attendance will not be permitted at the hearing site because of the public health and safety concerns associated with the COVID – 19 pandemic. Please prepare to share your oral comments by telephone only.** If you call to provide oral testimony, you should be on the line **before** the hearing begins at 10:00 a.m. The Department of Health & Social Services will give priority to those who call in before 11:40 a.m. The Department of Health & Social Services may, before the hearing begins, limit the time allotted for each person providing oral testimony. The time limit may be necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to Mr. Terry Kadel by e-mail at terry.kadel@alaska.gov or mail at State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, Emergency Medical Services, Attn: Terry Kadel, 3601 C Street, Suite 424, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Mr. Terry Kadel by electronic mail at terry.kadel@alaska.gov or phone at (907) 269-4659 not later than

November 6, 2020, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Mr. Terry Kadel at terry.kadel@alaska.gov or by phone at (907) 269-4659.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System.

A copy of material proposed for adoption by reference may also be viewed at the agency's office at the State of Alaska, Department of Health and Social Services, Division of Public Health, Rural and Community Health Systems Section, 3601 C Street, Suite 424, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Services 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.**

Statutory authority: AS 13.52.060; AS 13.52.065; AS 13.52.080; AS 13.52.090; AS 13.52.100; AS 13.52.110; AS 13.52.120; AS 13.52.130; AS 13.52.135; AS 13.52.140; AS 13.52.150; AS 13.52.160; AS 13.52.300; AS 13.52.390.

Statutes being implemented, interpreted, or made specific: AS 13.52.060; AS 13.52.065; AS 13.52.080; AS 13.52.090; AS 13.52.100; AS 13.52.110; AS 13.52.120; AS 13.52.130; AS 13.52.135; AS 13.52.140; AS 13.52.150; AS 13.52.160; AS 13.52.300; AS 13.52.390

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

DATE: October 7, 2020.

/s/Adam Crum

Commissioner,

Department of Health & Social Services,

State of Alaska.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Do-Not-Resuscitate (DNR) Protocol & Identification, Amendments, AK Physician Orders for Life Sustaining Treatment (POLST) Program.
3. Citation of regulation (may be grouped): 7 AAC 16.
4. Department of Law file number, if any: 2019200825
5. Reason for the proposed action:
☐ Compliance with federal law or action (identify): _____
☐ Compliance with new or changed state statute
☐ Compliance with federal or state court decision (identify): _____
☒ Development of program standards
☐ Other (identify): _____
6. Appropriation/Allocation: Department of Health & Social Services/Public Health/Emergency Programs
7. Estimated annual cost to comply with the proposed action to: None.
A private person: \$0.
Another state agency: \$0.
A municipality: \$0.
8. Cost of implementation to the state agency and available funding (in thousands of dollars): None.

	Initial Year	Subsequent
	FY _____	Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____
9. The name of the contact person for the regulation:
Name: Todd McDowell
Title: Emergency Medical Services (EMS) Program Manager/Officer II
Address: 350 Main Street, Suite 530, Juneau, Alaska 99801.

Telephone: (907) 465-8634

E-mail address: todd.mcdowell@alaska.gov

10. The origin of the proposed action:

- ☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change⁷
☐ Other (identify): _____

11. Date & Prepared by: Todd McDowell

Digitally signed by
Todd McDowell
Date: 2020.08.13
15:40:09 -08'00'

[signature]

Name (printed): Todd McDowell

Title (printed): Emergency Medical Services (EMS) Program Manager/Officer II

Telephone: (907) 465-8634

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270229 ST OF AK/DHSS/COMMISSIONERS
3601 C STREET STE 902, ANCHORAGE, AK 99503

Order #: W0017364

Cost: \$517.96

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

08/19/2020

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 PROPOSED CHANGES ON THE DO-NOT-RESUSCITATE PROTOCOL AND IDENTIFICATION IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the Do-Not-Resuscitate (DNR) Protocol and Identification, including the following:

- * 7 AAC 16.010 - .090, Do-Not-Resuscitate Protocol and Identification, is proposed to be changed as follows:
- * Repeal and readopt to
- * Replace the current Comfort One Program with the Alaska Physician Orders for Life Sustaining Treatment (POLST) Program.
- * Update the DNR protocol to include current terminology and medical standards.

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 the State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, Emergency Medical Services, Attn: Todd McDowell, P.O. Box 110616, Juneau, AK 99811-0616. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-8634 and by electronic mail at todd.mcdowell@alaska.gov. The comments must be received not later than 5 p.m. on October 27, 2020.

You may provide oral comments relevant to the proposed action via telephone at the hearing to be held on September 28, 2020, by calling 1-800-944-8766, and using the participant access code number 830014. Please note that in-person attendance will not be permitted at the hearing site because of the public health and safety concerns associated with the COVID-19 pandemic. Please prepare to share your oral comments by telephone only. If you call to provide oral testimony, you should be on the line before the hearing begins at 10:00 a.m. The Department of Health & Social Services will give priority to those who call in before 12:00 p.m. The Department of Health & Social Services may, before the hearing begins, limit the time allotted for each person providing oral testimony. The time limit may be necessary to conclude the hearing in the time provided.

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A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Todd McDowell at todd.mcdowell@alaska.gov or by phone at (907) 465-8634.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System.

A copy of material proposed for adoption by reference may be also be viewed at the agency's office at the State of Alaska, Department of Health and Social Services, Division of Public Health, Rural and Community Health Systems Section, 3601 C Street, Suite 424, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Services 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.

Statutory authority: AS 13.52.060; AS 13.52.065; AS 13.52.080; AS 13.52.090; AS 13.52.100; AS 13.52.110; AS 13.52.120; AS 13.52.130; AS 13.52.135; AS 13.52.140; AS 13.52.150; AS 13.52.160; AS 13.52.300; AS 13.52.390.

Statutes being implemented, interpreted, or made specific: AS 13.52.060; AS 13.52.065; AS 13.52.080; AS 13.52.090; AS 13.52.100; AS 13.52.110; AS 13.52.120; AS 13.52.130; AS 13.52.135; AS 13.52.140; AS 13.52.150; AS 13.52.160; AS 13.52.300; AS 13.52.390.

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

DATE: August 14, 2020.
/s/Adam Crum
Commissioner,
Department of Health & Social Services
State of Alaska.

Published: August 19, 2020

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270229 ST OF AK/DHSS/COMMISSIONERS
3601 C STREET STE 902, ANCHORAGE, AK 99503

Order #: W0018394

Cost: \$547.84

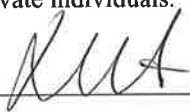
STATE OF ALASKA THIRD JUDICIAL DISTRICT

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

10/11/2020

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

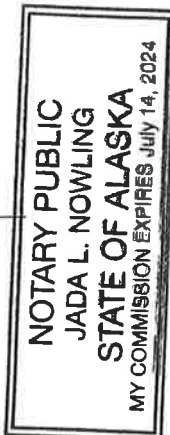


Subscribed and sworn to before me
this 12th day of October 2020.

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

MY COMMISSION EXPIRES

7/14/2024



SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON THE DO-NOT-RESUSCITATE PROTOCOL AND IDENTIFICATION IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the Do-Not-Resuscitate (DNR) Protocol and Identification, including the following:

- 7 AAC 16.010 - .090, Do-Not-Resuscitate Protocol and Identification, is proposed to be changed as follows:
 - o Repeal and readopt to
 - Replace the current Comfort One Program with the Alaska Physician Orders for Life Sustaining Treatment (POLST) Program.
 - Update the DNR protocol to include current terminology and medical standards.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on August 14, 2020, concerning the regulations contained in the Department of Law file number 2019200825. This SUPPLEMENTAL NOTICE is being issued by the Department of Health & Social Services to provide a new date, time, and telephone number for the oral public hearing.

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 the State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, Emergency Medical Services, Attn: Terry Kadel, 3601 C Street, Suite 424, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-4101 and by electronic mail at terrykadel@alaska.gov. The comments must be received not later than 5 p.m. on November 23, 2020.

You may provide oral comments relevant to the proposed action via telephone at the hearing to be held on November 17, 2020, from 10 a.m. - 12 p.m., by calling 1-800-944-8766, and using the participant access code number 83001#. Please note that in-person attendance will not be permitted at the hearing site because of the public health and safety concerns associated with the COVID-19 pandemic. Please prepare to share your oral comments by telephone only. If you call to provide oral testimony, you should be on the line before the hearing begins at 10:00 a.m. The Department of Health & Social Services will give priority to those who call in before 11:40 a.m. The Department of Health & Social Services may, before the hearing begins, limit the time allotted for each person providing oral testimony. The time limit may be necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to Mr. Terry Kadel by e-mail at terrykadel@alaska.gov or mail at State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, Emergency Medical Services, Attn: Terry Kadel, 3601 C Street, Suite 424, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Mr. Terry Kadel by electronic mail at terrykadel@alaska.gov or phone at (907) 269-4659 not later than November 6, 2020, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Mr. Terry Kadel at terrykadel@alaska.gov or by phone at (907) 269-4659.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System.

A copy of material proposed for adoption by reference may be also be viewed at the agency's office at the State of Alaska, Department of Health and Social Services, Division of Public Health, Rural and Community Health Systems Section, 3601 C Street, Suite 424, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Services 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.

Statutory authority: AS 13.52.060; AS 13.52.065; AS 13.52.080; AS 13.52.090; AS 13.52.100; AS 13.52.110; AS 13.52.120; AS 13.52.130; AS 13.52.135; AS 13.52.140; AS 13.52.150; AS 13.52.160; AS 13.52.300; AS 13.52.390.

Statutes being implemented, interpreted, or made specific: AS 13.52.060; AS 13.52.065; AS 13.52.080; AS 13.52.090; AS 13.52.100; AS 13.52.110; AS 13.52.120; AS 13.52.130; AS 13.52.135; AS 13.52.140; AS 13.52.150; AS 13.52.160; AS 13.52.300; AS 13.52.390.

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

DATE: October 7, 2020.
/s/Adam Crum
Commissioner
Department of Health & Social Services,
State of Alaska.

Published: October 11, 2020

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270229 ST OF AK/DHSS/COMMISSIONERS
3601 C STREET STE 902, ANCHORAGE, AK 99503

Order #: W0017364

Cost: \$517.96

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

08/19/2020

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.

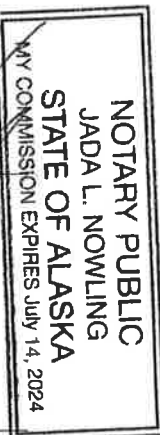
Signed

Subscribed and sworn to before me
this 1st day of October 2020.

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

MY COMMISSION EXPIRES

7/14/2024



NOTICE OF PROPOSED CHANGES ON THE DO-NOT-RESUSCITATE PROTOCOL AND IDENTIFICATION IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the Do-Not-Resuscitate (DNR) Protocol and Identification, including the following:

- * 7 AAC 16.010 - .090, Do-Not-Resuscitate Protocol and Identification, is proposed to be changed as follows:
 - o Repeal and readopt to
 - * Replace the current Comfort One Program with the Alaska Physician Orders for Life Sustaining Treatment (POLST) Program.
 - * Update the DNR protocol to include current terminology and medical standards.

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 the State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, Emergency Medical Services, Attn: Todd McDowell, P.O. Box 110616, Juneau, AK 99811-0616. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-8634 and by electronic mail at todd.mcdowell@alaska.gov. The comments must be received not later than 5 p.m. on October 27, 2020.

You may provide oral comments relevant to the proposed action via telephone at the hearing to be held on September 28, 2020, by calling 1-800-944-8766, and using the participant access code number 83001#. Please note that in-person attendance will not be permitted at the hearing site because of the public health and safety concerns associated with the COVID-19 pandemic. Please prepare to share your oral comments by telephone only if you call to provide oral testimony, you should be on the line before the hearing begins at 10:00 a.m. The Department of Health & Social Services will give priority to those who call in before 12:00 p.m. The Department of Health & Social Services may, before the hearing begins, limit the time allotted for each person providing oral testimony. The time limit may be necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to Todd McDowell by e-mail at todd.mcdowell@alaska.gov or mail at State of Alaska, Department of Health & Social Services, Division of Public Health, Section of Rural & Community Health Systems, Emergency Medical Services, Attention: Todd McDowell, P.O. Box 110616, Juneau, AK 99811-0616. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Todd McDowell by electronic mail at todd.mcdowell@alaska.gov or phone at (907) 465-8634 not later than September 16, 2020, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Todd McDowell at todd.mcdowell@alaska.gov or by phone at (907) 465-8634.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System.

A copy of material proposed for adoption by reference may be also be viewed at the agency's office at the State of Alaska, Department of Health and Social Services, Division of Public Health, Rural and Community Health Systems Section, 3601 C Street, Suite 424, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Services 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.

Statutory authority: AS 13.52.060; AS 13.52.065; AS 13.52.080; AS 13.52.090; AS 13.52.100; AS 13.52.110; AS 13.52.120; AS 13.52.130; AS 13.52.140; AS 13.52.150; AS 13.52.160; AS 13.52.300; AS 13.52.390.

Statutes being implemented, interpreted, or made specific: AS 13.52.060; AS 13.52.065; AS 13.52.080; AS 13.52.090; AS 13.52.100; AS 13.52.110; AS 13.52.120; AS 13.52.130; AS 13.52.140; AS 13.52.150; AS 13.52.160; AS 13.52.300; AS 13.52.390.

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

DATE: August 14, 2020.
/s/Adam Crum
Commissioner,
Department of Health & Social Services
State of Alaska.

Published: August 19, 2020

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Todd McDowell, Emergency Medical Services (EMS) Program Manager/Officer II, of the Department of Health & Social Services, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to Do-Not-Resuscitate (DNR) Protocol & Identification, Alaska Physician Orders for Life Sustaining Treatment (POLST) Program (7 AAC 16), 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 interested persons and 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.

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.

**Todd
McDowell**

Digitally signed by Todd
McDowell
Date: 2020.12.15 14:20:59
-09'00'

[original or password-protected electronic signature]

Todd McDowell
Emergency Medical Services (EMS) Program
Manager/Officer II

State of Alaska
Juneau, AK 99801.

AFFIDAVIT OF ORAL HEARING

I, Terry Kadel, Emergency Medical Services Officer I, the Department of Health & Social Services, under penalty of perjury, state the following:

On November 17, 2020, at 10 a.m., via teleconference and without in-person attendance because of the public health and safety concerns related to the COVID-19 pandemic, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to Do-Not-Resuscitate (DNR) Protocol & Identification, Alaska Physician Orders for Life Sustaining Treatment (POLST) Program (7 AAC 16).

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.

Terry L. Kadel

Digitally signed by Terry L. Kadel
Date: 2020.12.24 10:26:08 -0900

[original or password-protected electronic signature]

Terry Kadel

Emergency Medical Services Officer I

State of Alaska
Anchorage, AK 99503.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Todd, McDowell, Emergency Medical Services (EMS) Program Manager/Officer II, of the Department of Health & Social Services, under penalty of perjury, state the following:

In compliance with AS 44.62.215, the Department of Health & Social Services has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on Do-Not-Resuscitate (DNR) Protocol & Identification, Alaska Physician Orders for Life Sustaining Treatment (POLST) Program (7 AAC 16).

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.

Todd

McDowell

Digitally signed by
Todd McDowell

Date: 2020.12.21
12:43:42 -09'00'

[original or password-protected electronic signature]

Emergency Medical Services (EMS) Program
Manager/Officer II

State of Alaska
Juneau, AK 99801.