

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
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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**

**MEMORANDUM**

**TO:** Glenn Hoskinson  
Department of Commerce, Community, and Economic Development

**FROM:** April Simpson   
Office of the Lieutenant Governor  
465.4081

**DATE:** October 19, 2021

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

State Medical Board regulations re: physician assistant and primary or alternate collaborating physician direct personal contact, and redundant text in regulation on cooperative practice agreements (12 AAC 40.430(i); 12 AAC 40.983(k))

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Attorney General File:	2021200273
Regulation Filed:	10/19/2021
Effective Date:	11/18/2021
Print:	240, January 2022

cc with enclosures: Joseph Felkl, Department of Law  
Judy Herndon, LexisNexis  
Jun Maiquis, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE STATE MEDICAL BOARD

The attached one page of regulations, dealing with direct personal contact between the physician assistant and the primary or alternate collaborating physician during the period in which the physician assistant is actively practicing under the collaborative plan; and to remove redundant language with respect to the approval process for cooperative practice agreements between a pharmacist and physician, are hereby certified to be a correct copy of the regulation changes that the State Medical Board adopted at its August 20, 2021 teleconference meeting, under the authority of AS 08.64.100, AS 08.64.107, and AS 08.64.326, 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.

DATE: 8/25/2021

  
\_\_\_\_\_  
Natalie Norberg, Executive Administrator  
State Medical Board

*Anil Simpson for*

FILING CERTIFICATION

I, <sup>↑</sup>Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on October 19, 2021 at 1:22 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

*for Anil Simpson*  
\_\_\_\_\_  
for Kevin Meyer, Lieutenant Governor

Effective: November 18, 2021

Register: 240, January 2022

**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.**



A handwritten signature in blue ink, appearing to read "K-Meyer", is written over a horizontal dotted line.

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

**Chapter 40. State Medical Board.**

12 AAC 40.430(i) is amended to read:

(i) Collaborative plans, regardless of duration, must include at least monthly telephone, radio, electronic, or direct personal contact between the physician assistant and the primary or alternate collaborating physician during the period in which the physician assistant is actively practicing under the collaborative plan. Dates of active practice under the collaborative plan and monthly [MONTHLY] contact must be documented.

(Eff. 1/13/80, Register 73; am 7/11/81, Register 79; am 7/4/84, Register 90; am 3/12/89, Register 109; am 6/28/97, Register 142; am 3/27/2003, Register 165; am 9/1/2007, Register 183; am 5/8/2013, Register 206; am 12/8/2020, Register 237; am 3/26/2021, Register 237; am

11 / 18 / 2021, Register 240)

cc Publisher: Delete the editor's note that precedes the authority citation. ))  
Authority: AS 08.64.100 AS 08.64.107

cc Publisher: Retain the editor's note that follows the authority citation. ))

12 AAC 40.983(k) is amended to read:

(k) Notwithstanding the requirements of (b) of this section, a physician who, before <sup>Bdd/u.2.</sup> June 1, 2006 <sup>u.c.</sup> the effective date of this section <sup>u.c.</sup>, has entered into a collaborative practice agreement with a pharmacist that has been approved [BY THE BOARD OF PHARMACY] under 12 AAC 52.240 and is still current, <sup>Bdd/u.2.</sup> not later than December 1, 2006 <sup>u.c.</sup> must obtain the board's approval of that agreement under this section <sup>u.c.</sup> within six months <sup>u.c.</sup> after this section takes effect <sup>u.c.</sup>. After that time, a physician may not participate in a cooperative practice agreement with a pharmacist except as allowed under this section.

(Eff. 6/1/2006, Register 178; am 11 / 18 / 2021, Register 240)

Authority: AS 08.64.100 AS 08.64.326

# MEMORANDUM


## State of Alaska Department of Law

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

**Date:** October 8, 2021

**File No.:** 2021200273

**Tel. No.:** 907-465-3600

**From:** Rebecca C. Polizzotto   
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

**Re:** State Medical Board regulations re:  
physician assistant and primary or  
alternate collaborating physician  
direct personal contact, and  
redundant text in regulation on  
cooperative practice agreements  
(12 AAC 40.430(i); 12 AAC  
40.983(k))

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 clarify two requirements for collaborative practice agreements. One clarification addresses what documentation is required where a physician assistant is actively practicing in collaboration with a physician. 12 AAC 40.430(i). The other removes redundant text in a section relating to the approval of cooperative practice agreements between a physician and a pharmacist. 12 AAC 40.983(k).

During our review we made two additional technical corrections. The amendments to 12 AAC 40.983 are the first since adoption of that section in 2006, but 12 AAC 40.983(k) uses the literal terms "before the effective date of this section" and "within six months after this section takes effect". We have substituted the corresponding dates: "before June 1, 2006" and "on or after December 1, 2006".

The June 27, 2021 public notice and the August 25, 2021 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.

RCP:scw

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

Glenn Hoskinson, Special Assistant and Regulations Contact  
Department of Commerce, Community, and Economic Development

Natalie Norberg, 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

Harriet Dinegar Milks, Senior 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 State Medical Board proposes to adopt regulations regarding the requirement for monthly direct personal contact between the physician assistant and the primary or alternate collaborating physician; and to remove redundant language with respect to the approval process for cooperative practice agreements between a pharmacist and physician.

The 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 40.430. Performance and assessment of practice**, is proposed to amend the requirement for monthly direct personal contact between the physician assistant and the primary or alternate collaborating physician during the period in which the physician assistant is actively practicing under the collaborative plan.
2. **12 AAC 40.983. Cooperative practice agreements with pharmacists**, is proposed to be amended to remove redundant language.

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/202978>, and using the comment link. **The comments must be received not later than 4:30 p.m. on July 29, 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/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 July 22, 2021 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-0621.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

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




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

DATE: 6/24/21

  
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:** State Medical Board – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Performance and assessment of practice, and cooperative practice agreements with pharmacists.
3. **Citation of regulation:** 12 AAC 40.430 and 12 AAC 40.983.
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: None known.  
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:**  
Natalie Norberg, Executive Administrator  
State Medical Board  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community, and Economic Development  
Telephone: (907) 465-6243  
E-mail: natalie.norberg@alaska.gov
10. **The origin of the proposed action:** State Medical Board.
11. **Date:** 6/24/21      **Prepared by:**   
Jun Maiquis  
Regulations Specialist



**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 40.430 and 12 AAC 40.983, dealing with physician assistant and primary or alternate collaborating physician direct personal contact, and to remove redundant language in cooperative practice agreements with pharmacists, has been given by being

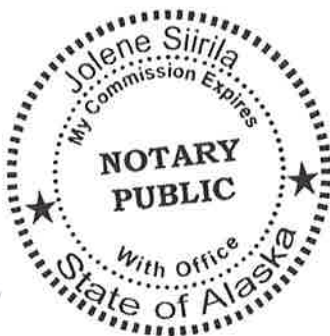
1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the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

DATE: 9/10/21

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

SUBSCRIBED AND SWORN TO before me this 16 day of September, 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:

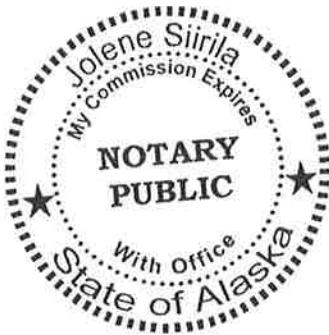
In compliance with AS 44.62.215, the State Medical Board has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the State Medical Board regulations on dealing with physician assistant and primary or alternate collaborating physician direct personal contact, and to remove redundant language in cooperative practice agreements with pharmacists.

DATE: 9/10/21

*Jun Maiquis*  
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 10 day of September, 2021.

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



# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

RECEIVED  
Juneau  
JUL 06 21  
CBPL

Account #: 105545 ST OF AK/DEC/OCCU  
Attention To: ATTN TO: JUN MAIQUIS  
PO BOX 110806, JUNEAU, AK 99811

Order #: W0023559

Cost: \$463.18

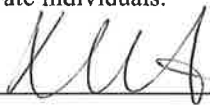
STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

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

06/27/2021

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 28th day of June 2021.

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

MY COMMISSION EXPIRES

7/14/2024

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

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

The 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 40.430. Performance and assessment of practice, is proposed to amend the requirement for monthly direct personal contact between the physician assistant and the primary or alternate collaborating physician during the period in which the physician assistant is actively practicing under the collaborative plan.

2. 12 AAC 40.983. Cooperative practice agreements with pharmacists, is proposed to be amended to remove redundant language.

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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/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.

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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, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MED-0621.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  
**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.64.100; AS 08.64.107; AS 08.64.326

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

DATE: 6/24/2021  
/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.

Print: June 27, 2021

## AFFIDAVIT OF BOARD ACTION

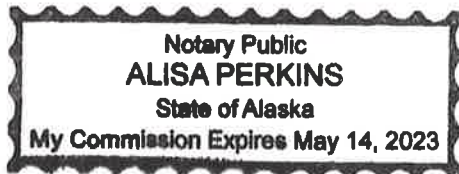
I, Natalie Norberg, Executive Administrator for the State Medical Board, being duly sworn, state the following:

The attached motion dealing with direct personal contact between the physician assistant and the primary or alternate collaborating physician during the period in which the physician assistant is actively practicing under the collaborative plan; and to remove redundant language with respect to the approval process for cooperative practice agreements between a pharmacist and physician was passed by the State Medical Board during its August 20, 2021 teleconference meeting.

Date: 8/25/2021  
Juneau, Alaska

Natalie Norberg  
Natalie Norberg, Executive Administrator

SUBSCRIBED AND SWORN TO before me this 25 day of August, 2021.



[Signature]  
Notary Public in and for the  
State of Alaska  
My commission expires: May 14 2023

## Excerpt from Medical Board Meeting Minutes, August 20, 2021

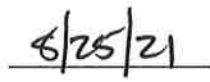
**On a motion duly made by Ms. Mielke and seconded by Ms. Bigelow Hood, the Board approved by roll call vote to adopt the changes to 12 AAC 40.430 (i) and 12 AAC 40.983(k, as public noticed, considering public comment and there is no additional cost to the public for the proposed regulations.**

Roll Call: Yeas, Ms. Bigelow Hood, Dr. Daugherty, Dr. Freeman, Ms. Mielke, Dr. Wein  
Absent for Vote: Mr. Boswell and Dr. Parker

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Natalie Norberg", written over a horizontal line.

Natalie Norberg, Executive Administrator

A handwritten date "8/25/21" written in a simple, bold style over a horizontal line.

08/25/2021