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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Victoria Caltagirone
Department of Commerce, Community and Economic Development

FROM: Kady Levale, Office of the Lieutenant Governor 
465.3509

DATE: July 7, 2022

RE: Filed Emergency Regulations: State Medical Board

State Medical Board Emergency Regulations re: licensure by credentials and temporary permit requirements, to streamline the physician licensure application process (12 AAC 40.010; 12 AAC 40.035)

Attorney General File:	Emergency Regulations
Regulation Filed:	7/7/2022
Effective Date:	7/7/2022
Expiration Date:	November 3, 2022 unless made permanent by the adopting agency
Print:	243, October 2022

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist
Natalie Norberg, Executive Administrator

FINDING OF EMERGENCY

The State Medical Board finds that an emergency exists under AS 44.62.250 requiring an immediate change to the physician licensure process for licensure by credentials and temporary permit requirements, and that an emergency regulation change is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

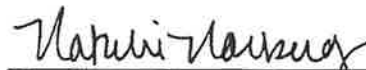
As a consequence of the COVID-19 pandemic, the State Medical Board is experiencing both a significantly reduced staff and sustained high volume of applicants, resulting in extensive and untenable delays in physician licensure. Staff are working overtime in the evenings and through the weekends, however, licensing at best is taking eight weeks, but more often several months. This is causing hospitals and other healthcare facilities to be short staffed and in dire need of physicians who are ready to work, but not able to because their applications for licensure have not been processed and approved. The resulting physician shortage threatens the public health, safety, and general welfare. The proposed regulation changes will allow a significant number of physicians to receive an expedited temporary license upon initial review of their application and a six-month window to continue working with the State Medical Board to submit remaining documentation for permanent licensure.

ORDER CERTIFYING ADOPTION

I certify that the State Medical Board, under the authority of AS 08.64.100, AS 08.64.180, AS 08.64.200, AS 08.64.205, AS 08.64.210, AS 08.64.225, AS 08.64.240, AS 08.64.250, AS 08.64.255, AS 08.64.270, and AS 08.64.279 adopted at its June 23, 2022 meeting the attached four 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: July 7, 2022



Natalie Norberg, Executive Administrator
State Medical Board

FILING CERTIFICATION

Kady Levate for

I, *K* Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on July 7, 2022 at 3:46 P.m., I filed the attached regulation according to the provisions of AS 44.62.



for Kevin Meyer, Lieutenant Governor

Effective: July 7, 2022
Register: 243, October 2022

Expires November 3, 2022
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 243, October 2022 PROFESSIONAL REGULATIONS

Chapter 40. State Medical Board.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 40.010(b)(1) is amended to read:

12 AAC 40.010. Application for license by credentials.

...

(b) A complete application must include the following items

(1) submitted by the applicant:

(A) a completed application on a form provided by the department,

including a photograph of the applicant;

(B) a completed authorization for release of records on a form provided by the department and signed by the applicant;

(C) repealed 4/2/2004;

(D) a statement listing each hospital at which the applicant has held privileges within the five years immediately before the date that the applicant signs the application form;

(E) all required application and licensing fees;

(F) **repealed 7/7/2022** [A CERTIFIED TRUE COPY OF THE APPLICANT'S MEDICAL, OSTEOPATHY, OR PODIATRY SCHOOL DIPLOMA OR CERTIFICATE];

(G) if applicable, verification of the applicant's post-graduate training that meets the requirements of (h) of this section;

EMERGENCY REGULATION

Register 243, October 2022 **PROFESSIONAL REGULATIONS**

(H) **attestation** [VERIFICATION] of the applicant's completion [OF AT LEAST TWO HOURS] of education in pain management and opioid use and addiction [EARNED IN A CATEGORY I CONTINUING MEDICAL EDUCATION PROGRAM ACCREDITED BY THE AMERICAN MEDICAL ASSOCIATION, OR A CATEGORY I OR II CONTINUING MEDICAL EDUCATION PROGRAM ACCREDITED BY THE AMERICAN OSTEOPATHIC ASSOCIATION, OR A CONTINUING MEDICAL EDUCATION PROGRAM FROM A PROVIDER THAT IS APPROVED BY THE COUNCIL ON PODIATRIC MEDICAL EDUCATION]. For an applicant who does not currently hold a valid federal Drug Enforcement Administration registration number, verification will be waived until the applicant applies for a valid registration number;

...

(Eff. 12/30/70, Register 36; am 5/18/85, Register 94; am 8/2/86, Register 99; am 4/10/88, Register 106; am 5/1/94, Register 130; am 6/28/97, Register 142; am 8/17/97, Register 143; am 11/7/98, Register 148; am 8/9/2000, Register 155; am 6/15/2001, Register 158; am 4/2/2004, Register 169; am 10/14/2006, Register 180; am 3/4/2007, Register 181; am 12/21/2007, Register 184; am 5/8/2013, Register 206; am 8/17/2018, Register 227; am 3/25/2020, Register 233; em am 4/21/2020 - 8/18/2020, Register 234; am 11/16/2020, Register 236; am 7/7/2022, Register 243)

Authority:	AS 08.64.100	AS 08.64.210	AS 08.64.250
	AS 08.64.200	AS 08.64.225	AS 08.64.255
	AS 08.64.205	AS 08.64.240	

EMERGENCY REGULATION

Register 243, October 2022 PROFESSIONAL REGULATIONS

12 AAC 40.035(d)(2) is amended to read:

12 AAC 40.035. Temporary permit application requirements.

...

(d) A member of the board, the executive secretary, or a person designated by the board to issue temporary permits, may expedite the issuance of a temporary physician permit to an applicant who

(1) meets the requirements of AS 08.64.270; and

(2) has on file with the division

(A) a completed application on a form provided by the department [, INCLUDING A PHOTOGRAPH OF THE APPLICANT];

(B) a completed authorization for release of records on a form provided by the department and signed by the applicant;

(C) payment of all required application and licensing fees;

(D) repealed 7 / 7 / 2022 [A COMPLETE PROFILE AND CREDENTIALS VERIFICATION DOCUMENTS SENT DIRECTLY TO THE DIVISION FROM THE FEDERATION CREDENTIALS VERIFICATION SERVICE OF THE FEDERATION OF STATE MEDICAL BOARDS OF THE UNITED STATES, INC.];

(E) repealed 7 / 7 / 2022 [VERIFICATION OF PASSING THE LICENSING EXAMINATION REQUIRED UNDER 12 AAC 40.010(c)(1) OR 12 AAC 40.020];

EMERGENCY REGULATION

Register 243, October 2022 PROFESSIONAL REGULATIONS

(F) repealed 7 / 7 / 2022 [CLEARANCE FROM THE FEDERAL
DRUG ENFORCEMENT ADMINISTRATION (DEA)];

(G) clearance from the Federation of State Medical Boards or the
Federation of Podiatric State Medical Boards; and

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

...

(Eff. 5/18/85, Register 94; am 8/2/86, Register 99; am 4/10/88, Register 106; am 8/17/97,
Register 143; am 8/9/2000, Register 155; am 10/8/2017, Register 224; am 12/25/2019, Register
232; em am 4/21/2020 - 8/18/2020, Register 234; am 11/16/2020, Register 236; am
7 / 7 / 2022, Register 243)

Authority: AS 08.64.100 AS 08.64.270 AS 08.64.279
AS 08.64.180