

Nancy Dahlstrom  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV




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**

**M E M O R A N D U M**

**TO:** Alexis Hildebrand, Department of Labor and Workforce Development

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

**DATE:** November 9, 2023

**RE:** Filed Permanent Regulations: Department of Labor and Workforce Development  
Department of Labor and Workforce Development and the Alaska Workers'  
Compensation Board regulations re: Fees for Medical Treatment (8 AACV 45.083)

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Attorney General File:	2023200323
Regulation Filed:	11/9/2023
Effective Date:	1/1/2024
Print:	248, January 2024

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis



THE STATE  
of ALASKA  
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300  
Juneau, Alaska 99811  
Main: 907.465.3600  
Fax: 907.465.2520

November 8, 2023

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

Re: *8 AAC 45.083: DLWD - Fees for Medical Treatment*  
Our file: 2023200323

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Labor and Workforce Development and the Alaska Workers' Compensation Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter 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 Department of Labor and Workforce Development and the Alaska Workers' Compensation Board after the close of the public comment period. *Please note, the adoption order specified a requested effective date of January 1, 2024. Accordingly, these regulations are effective January 1, 2024 under AS 44.62.180(4).*

The regulation changes concern updates to allowable fees and charges for medical treatments and related medical fee schedules adopted by reference.

The September 10, 2023 public notice and the October 24, 2023 certification order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**  
Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2023.11.08  
14:52:19 -09'00'

RCP/ahr1

CC w/enclosure: Alexis Hildebrand, Regulations Contact  
Department of Labor and Workforce Development

Rachel Witty, Assistant Attorney General  
Department of Law

Amy Robinson, Assistant Attorney General  
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE ALASKA DEPARTMENT OF LABOR AND WORKFORCE  
DEVELOPMENT AND THE ALASKA WORKERS' COMPENSATION BOARD

The attached <sup>2 pages</sup> ~~1 page~~ of regulations, dealing with fees for medical treatment, is certified to be a correct copy of the regulation changes that the Alaska Department of Labor and Workforce Development and the Alaska Workers' Compensation Board adopted at its October 12-13, 2023 meeting, under the authority of AS 23.30.005 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.

Although no public comments were received, the Alaska Department of Labor and Workforce Development and the Alaska Workers' Compensation 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 January 1, 2024, as provided in AS 44.62.180.

Date: 10/24/23

  
Catherine Muñoz, Acting Commissioner

*Apr. Simpson for*

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on November 9, 2023 at 3:19 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

  
for Lieutenant Governor Nancy Dahlstrom

Effective: January 1, 2024

Register: 248, January 2024

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, NANCY DAHLSTROM, 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:**

**April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

**Chapter 45. Compensation, Medical Benefits, and  
Proceedings Before the Alaska Workers' Compensation Board.**

8 AAC 45.083(a)(8) is amended to read:

(8) provided on or after January 29, 2023, **but before January 1, 2024**, may not exceed the maximum allowable reimbursement established in the *Official Alaska Workers' Compensation Medical Fee Schedule*, January 1, 2023 edition, and adopted by reference; [.]

8 AAC 45.083(a) is amended by adding a new paragraph to read:

(9) provided on or after January 1, 2024, may not exceed the maximum allowable reimbursement established in the *Official Alaska Workers' Compensation Medical Fee Schedule*, January 1, 2024 edition, and adopted by reference.

8 AAC 45.083(m)(10) is amended to read:

(10) *Hospital Outpatient Prospective Payment System*, [DATED JANUARY 1, 2023], produced by the federal Centers for Medicare and Medicaid Services; (Eff. 12/1/2015, Register 216; am 3/11/2016, Register 217; am 4/1/2017, Register 221; am 1/1/2018, Register 224; am 1/1/2019, Register 228; am 5/12/2019, Register 230; am 12/21/2019, Register 232; am 1/1/2021, Register 236; am 2/24/2022, Register 241; am 1/29/2023, Register 245; am 1 / 1 / 2024, Register 248)

**Authority:** AS 23.30.005 AS 23.30.097 AS 23.30.098

An editor's note is added after 8 AAC 45.083 to read:

Register 248, January <sup>2024</sup> ~~2023~~ LABOR AND WORKFORCE DEV.

**Editor's Note:** The *Hospital Outpatient Prospective Payment System* is available on the Centers for Medicare and Medicaid Services website at <https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/HospitalOutpatientPPS/Addendum-A-and-Addendum-B-Updates>.