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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Alexis Hildebrand, Workers' Compensation Division
Department of Labor and Workforce Development

FROM: April Simpson, Alaska Administrative Code Coordinator 
Office of the Lieutenant Governor

DATE: February 21, 2025

RE: Filed Permanent Regulations: Department of Labor and Workforce Development
Department of Labor and Workforce Development and The Alaska Workers'
Compensation Board regulations re: Reemployment Stay at Work Program (8 AAC
45.040 - .900)

Attorney General File: 2024200409
Regulation Filed: 2/21/2025
Effective Date: 3/23/2025
Print: 253, April 2025

cc with enclosures: Beth Parsons, Paralegal 2
Department of Law
Bob Dame, Alaska Legal Analyst
LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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February 20, 2025

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

Re: *8 AAC 45.040 - .900: DLWD Workers' Comp: Reemployment Stay at Work Program*
Our file: 2024200409

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Labor and Workforce Development and 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 Alaska Workers' Compensation Board after the close of the public comment period.

The regulations implement AS 23.30.043 and statutory conforming changes, as enacted under ch. 12, SLA 2024 (HCS CSSB 147(L&C) am H) regarding the reemployment stay-at-work benefits program, and make conforming changes to other regulations.

The December 8, 2024 public notice, the January 27, 2025 adoption order from the Department of Labor and Workforce Development, and the January 27, 2025 certification of adoption order from the Alaska Workers' Compensation Board all 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: 2025.02.20
15:18:06 -09'00'

RCP/SCW

CC w/enclosure: Alexis Hildebrand, Administrative Operations Manager
Department of Labor and Workforce Development

Brandon P Smith, Assistant Attorney General
Department of Law

Steven C. Weaver, 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 26 pages of regulations, dealing with reemployment benefits and the stay-at-work program, 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 January 9-10, 2025 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.

On the record, in considering public comments, 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 the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 1/27/21025



Catherine Muñoz, Commissioner

FILING CERTIFICATION



I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on

February 21, 2025 at 1:35 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: March 23, 2025

Register: 253, April 2025.

APPENDIX I: Adoption Order

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

The attached 26 pages of regulations, dealing with reemployment benefits and the stay-at-work program, is adopted and 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 adopts 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.

In considering public comments, the Department of Labor and Workforce Development, Division of Workers' Compensation, 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.

Date: 1/27/2025


Catherine Muñoz, Commissioner

FILING CERTIFICATION

Steph Simpson for
I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on February 21, 2025, at 1:35 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: March 23, 2025.

Register: 253, April 2025.

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.



**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**



8 AAC 45.040(a) is amended to read:

(a) Except for a deceased employee's dependent or a rehabilitation specialist **assigned** [APPOINTED] by the administrator or chosen by an employee in accordance with **AS 23.30.041(g)(1), or selected by the administrator in accordance with AS 23.30.043(b)** [AS 23.30.041], a person other than the employee filing a claim shall join the injured employee as a party.

8 AAC 45.040(b) is amended to read:

(b) Except for a rehabilitation specialist **assigned** [APPOINTED] by the administrator or chosen by the employee in accordance with **AS 23.30.041(g)(1), or selected by the administrator in accordance with AS 23.30.043(b)** [AS 23.30.041], a person who files a claim must first prove a compensable injury to be eligible for benefits, or the opposing party must stipulate to or admit facts from which the board can find the employee's injury is compensable.

(In effect before 7/28/59; am 5/28/83, Register 86; am 7/20/97, Register 143; am 6/11/2023, Register 246; am 3 / 23 / 2025, Register 253)

Authority:	AS 23.30.005	AS 23.30.110	AS 23.30.140
	AS 23.30.010	AS 23.30.135	AS 23.30.225

8 AAC 45.070(b) is amended to read:

(b) Except as provided in **(1)** [(1)(A)] of this subsection and 8 AAC 45.074(c), a hearing will not be scheduled unless a claim or petition has been filed, [AND] an affidavit of readiness for hearing has been filed and that affidavit is not returned by the board or **the board's** designee,

and [NOR IS] the affidavit **is not** the basis for scheduling a hearing that is cancelled or continued under 8 AAC 45.074(b). The board has available an Affidavit of Readiness for Hearing form that a party may complete and file. The board or **the board's** [ITS] designee will return an affidavit of readiness for hearing [,] and a hearing will not be set if the affidavit lacks proof of service upon all other parties, or if the affiant fails to state that the party has completed all necessary discovery, has all the necessary evidence, and is fully prepared for the hearing.

[(1)] A **party may request a** hearing [IS REQUESTED] by using the following procedures:

(1) for [(A) FOR] review of an administrator's decision issued under AS 23.30.041 **or 23.30.043**, a party shall file a petition asking for review of the administrator's decision; **an** [. AN] affidavit of readiness for hearing form is not required **in a petition for review; in** [. IN] reviewing the administrator's decision, the board may not consider evidence that was not available to the administrator at the time of the administrator's decision, unless the board determines the evidence is newly discovered and could not with due diligence have been produced for the administrator's consideration; [.]

(2) for [(B) ON] the written arguments and evidence in the board's case file regarding a claim or petition,

(A) a party must file an affidavit of readiness for hearing in accordance with **(6) and (7)** [(2)] of this subsection requesting a hearing on the written record;

(B) if [. IF] the opposing party timely files an affidavit opposing a hearing on the written record, the board or **the board's** designee will schedule an in-person hearing;

(C) if [. IF] the opposing party does not timely file an affidavit opposing

the hearing on the written record, the board or the board's designee may [WILL, IN ITS DISCRETION,] decide the claim or petition based on the written record;

(D) if [. IF] the board or the board's designee determines **that** additional evidence or written arguments are needed to decide a claim or petition, the board or the board's designee will schedule an in-person hearing or will direct the parties to file additional evidence or arguments; [.]

(3) for [(C) FOR] an appearance in-person at the hearing, except for a venue determination, a party must file an affidavit of readiness in accordance with **(6) and (7)** [(2)] of this subsection requesting an in-person hearing; [.]

(4) for [(D) ON] a venue dispute, a party must file a petition asking the board to determine the venue and an affidavit of readiness for hearing on the written record; **in** [. IN] accordance with 8 AAC 45.072, the board or the board's designee will consider the parties' written arguments and evidence in the case file, and an in-person hearing will not be held; [.]

(5) for [(E) FOR] default under AS 23.30.170, a party shall file a claim and may file the claim together with an affidavit of readiness for hearing; [.]

(6) except [(2) EXCEPT] as provided in (1) of this subsection, a party may not file an affidavit of readiness for hearing until **the earlier of the following:**

(A) after the opposing party files an answer under 8 AAC 45.050 to a claim or petition; or

(B) 20 days after the service of the claim or petition; [, WHICHEVER OCCURS FIRST.]

(7) if [IF] an affidavit is filed before the time set **out in (6) of this subsection** [BY THIS PARAGRAPH],

(A) [ACTION WILL NOT BE TAKEN BY] the board or **the board's** designee **will not take action** on the claim or petition; and

(B) the party must file another affidavit after the time set **out in (6) of** [BY] this **subsection**; [PARAGRAPH.]

(8) if [(3) IF] the board or **the board's** designee determines a hearing should be scheduled even though a party has not filed an affidavit of readiness for hearing, the board or **the board's** designee will give notice of the hearing in accordance with AS 23.30.110 and 8 AAC 45.060(e).

(In effect before 7/28/59; am 5/28/83, Register 86; am 12/14/86, Register 100; am 7/1/88, Register 107; am 3/16/90, Register 113; am 7/20/97, Register 143; am 7/2/98, Register 146; am 3/31/2002, Register 161; am 5/12/2019, Register 230; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.110 AS 23.30.135

8 AAC 45.072(2) is amended to read:

(2) after receiving a party's request in accordance with **8 AAC 45.070(b)(4)** [8 AAC 45.070(b)(1)(D)] and based on the documents filed with the board and the parties' written arguments, the board orders the venue changed for the convenience of the parties and the witnesses; the board's panel in the city with the initial venue will decide the request to change the venue filed under **8 AAC 45.070(b)(4)**; [8 AAC 45.070(b)(1)(D)] or

(Eff. 5/28/83, Register 86; am 7/20/97, Register 143; am 7/2/98, Register 146; am 6/11/2023, Register 246; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.110 AS 23.30.135

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8 AAC 45.074(b)(1)(G) is amended to read:

(G) the hearing was requested for a review of an administrator's decision under AS 23.30.041(d) or 23.30.043(h), the party requesting the hearing has not had adequate time to prepare for the hearing, and all parties waive the right to a hearing within 30 days;

(Eff. 5/28/83, Register 86; am 7/1/88, Register 107; am 3/16/90, Register 113; am 7/20/97, Register 143; am 7/2/98, Register 146; am 7/9/2011, Register 199; am 3/28/2012, Register 201; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.110 AS 23.30.135

8 AAC 45.086(d) is amended to read:

(d) The employer shall file the physician's report with the board and serve a copy upon the employee after a workers' compensation claim has been filed under AS 23.30.110 and upon the reemployment benefits administrator if the employee is involved in the reemployment process under AS 23.30.041 or 23.30.043. (Eff. 5/28/83, Register 86; am 3/16/90, Register 113; am 7/31/2010, Register 195; am 12/22/2011, Register 200; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.095

8 AAC 45.110(a)(1) is amended to read:

(1) a party to a claim or a petition or a party's representative who has filed an entry of appearance in a case may see or get a copy of the written record, including medical and rehabilitation reports, for [ALL OF] the employee's case files; for purposes of this paragraph, "a party to a claim or a petition" is the employee, the employer, the insurer, a person sought to be

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joined or consolidated to a claim or petition, or the rehabilitation specialist appointed or selected in accordance with AS 23.30.041 or 23.30.043;

(In effect before 7/28/59; am 5/28/83, Register 86; am 7/20/97, Register 143; am 7/2/98, Register 146; am 5/12/2019, Register 230; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.107

8 AAC 45 is amended by adding a new section to read:

8 AAC 45.399. Reemployment benefits administrator's service of documents. Unless a party requests service by first class mail, the reemployment benefits administrator shall perform service required under 8 AAC 45.400 - 8 AAC 45.900 by electronic mail. If a party does not have a valid electronic mail address, the reemployment benefits administrator shall perform service required under 8 AAC 45.400 - 8 AAC 45.900 by first class mail. (Eff

3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.107

8 AAC 45.400(b) is amended to read:

(b) The list of rehabilitation specialists will be divided into two geographical sections. One section will contain the names and addresses of rehabilitation specialists whose primary domicile and business addresses are in this state. The other section will contain names and addresses of rehabilitation specialists whose primary domicile and business addresses are in other states or countries. The list

[(1) FOR THIS STATE WILL BE FURTHER SUBDIVIDED INTO THREE GEOGRAPHICAL AREAS BASED ON THE SENATE DISTRICTS FOR SOUTHEASTERN

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AND SOUTHCENTRAL ALASKA, AND AN AREA COMPRISED BY COMBINING THE CENTRAL AND NORTHWESTERN ALASKA SENATE DISTRICTS, AS THOSE DISTRICTS ARE DESCRIBED IN ART. XIV, SEC. 2, OF THE CONSTITUTION OF THE STATE OF ALASKA; A REHABILITATION SPECIALIST'S NAME WILL BE PLACED ON THE LIST ONLY ONCE FOR THIS STATE BY MATCHING THE REHABILITATION SPECIALIST'S PRIMARY DOMICILE AND BUSINESS ADDRESSES TO THE GEOGRAPHICAL AREA THAT CONTAINS THOSE ADDRESSES;

(2)] for other states or countries will be subdivided by [CITY AND] state [,] or country. A [; A] rehabilitation specialist's name will placed on the list by matching the rehabilitation specialist's primary domicile and business addresses to the appropriate [CITY AND] state [,] or country. (Eff. 7/1/88, Register 107; am 7/20/97, Register 143; am 4/16/2010, Register 194; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45.420(a)(1)(C) is amended to read:

(C) includes an attestation that the rehabilitation specialist will personally provide the reemployment services to **each** assigned **employee** [EMPLOYEES] in accordance with AS 23.30.041 **and 23.30.043**;

8 AAC 45.420(a)(2) is repealed:

(2) repealed 3 / 23 / 2025;

8 AAC 45.420(b) is amended to read:

(b) **The administrator shall add a name** [NAMES WILL BE ADDED] to the geographical listing in order of the receipt date of the completed application. If more than one completed application is received in a day, **the administrator shall place** the names for that day [WILL BE PLACED] on the list in alphabetical order. If a person's name is not added to the list, the administrator **shall** [WILL] notify the person and state in writing the reason for exclusion. Reasons for exclusion include an incomplete or illegible application or accompanying documents, misrepresentation, not meeting the requirements of AS 23.30.041(r)(6), or **the bases for disqualification under** [DEMONSTRATING UNSUITABLE BEHAVIOR WITHIN THE MEANING GIVEN IN] 8 AAC 45.440.

(Eff. 7/1/88, Register 107; am 7/20/97, Register 143; am 7/2/98, Register 146; am 4/16/2010, Register 194; am 11/29/2023, Register 248; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45.430 is amended to read:

8 AAC 45.430. Assignment of rehabilitation specialists. For an injury occurring on or after July 1, 1988, and if required under AS 23.30.041, the administrator shall assign a rehabilitation specialist as follows:

(1) **if** [IF] the employee lives in this state, **the administrator shall assign** the first rehabilitation specialist on the list **of rehabilitation specialists in this state; if** [IN THE EMPLOYEE'S GEOGRAPHICAL AREA SHALL BE ASSIGNED. IF] there is no rehabilitation specialist on the list **of rehabilitation specialists in this state**, or if refusals under

AS 23.30.041(g) eliminate all the rehabilitation specialists on the list **of rehabilitation specialists in this state** [FOR THAT GEOGRAPHICAL AREA], the administrator shall assign a specialist from **the list of rehabilitation specialists in other states or countries;** [ANOTHER GEOGRAPHICAL AREA. TO MINIMIZE EXPENSES AND DELAY, THE ASSIGNMENT FROM ANOTHER GEOGRAPHICAL AREA MUST BE BASED ON THE REHABILITATION SPECIALIST'S PROXIMITY TO THE EMPLOYEE, AND NOT NECESSARILY TO PLACEMENT ON THE LIST.]

(2) **if** [IF] the employee lives in another state or country, the administrator shall assign the first [CERTIFIED INSURANCE] rehabilitation specialist [OR CERTIFIED REHABILITATION COUNSELOR] on the list **of rehabilitation specialists in other states or countries** from **the state or country where the employee lives; if a rehabilitation specialist is not available in the state or country where the employee lives, the administrator may assign any rehabilitation specialist;** [THE CITY NEAREST THE EMPLOYEE. IF THE NEAREST CERTIFIED INSURANCE REHABILITATION SPECIALIST OR CERTIFIED REHABILITATION COUNSELOR ON THE LIST IS MORE THAN 100 MILES FROM WHERE THE EMPLOYEE LIVES, THE ADMINISTRATOR MAY LOCATE A REHABILITATION SPECIALIST NEARER THE EMPLOYEE TO ASSIGN. IF THE ADMINISTRATOR IS UNABLE TO LOCATE A REHABILITATION SPECIALIST NEARER THE EMPLOYEE, THE ADMINISTRATOR SHALL SELECT THE FIRST CERTIFIED INSURANCE REHABILITATION SPECIALIST OR CERTIFIED REHABILITATION COUNSELOR ON THE LIST FROM THE CITY NEAREST THE EMPLOYEE. TO REDUCE EXPENSES AND DELAY IN PROVIDING SERVICES, THE ADMINISTRATOR'S PRIMARY CONSIDERATION IN ASSIGNING A REHABILITATION

SPECIALIST MUST BE THE SPECIALIST'S PROXIMITY TO THE EMPLOYEE.THE ADMINISTRATOR MAY ASSIGN A REHABILITATION SPECIALIST IN THIS STATE TO OVERSEE THE PROVIDING OF REEMPLOYMENT SERVICES UNDER THIS PARAGRAPH.]

(3) for an injury occurring on or after January 1, 2025, and if required under AS 23.30.043(b), the rehabilitation specialist must be selected from the list maintained under AS 23.30.041(b)(6);

(4) except [(3) EXCEPT] as otherwise provided in this section, once a rehabilitation specialist receives an assignment [,] that results in rehabilitation fees, the administrator may not make another assignment to that rehabilitation specialist until assignments have been made to all other rehabilitation specialists listed from the same **state**; [SENATE DISTRICT IF THE REHABILITATION SPECIALIST BUSINESS ADDRESS IS IN THIS STATE, OR FROM THE SAME CITY IF THE REHABILITATION SPECIALIST'S BUSINESS ADDRESS IS NOT IN THIS STATE.]

(5) a [(4) A] reassignment of an employee to a rehabilitation specialist under 8 AAC 45.530 **or** [,] 8 AAC 45.540 [, OR 8 AAC 45.542] may not be made to a rehabilitation specialist in the same or an affiliated firm. (Eff. 7/1/88, Register 107; am 7/20/97, Register 143; am 3/13/2004, Register 169; am 4/16/2010, Register 194; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.041 **AS 23.30.043**

The introductory language of 8 AAC 45.440(a) is amended to read:

(a) The administrator may disqualify a rehabilitation specialist from providing services

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under AS 23.30.041 and 23.30.043 if the rehabilitation specialist

8 AAC 45.440(d) is amended to read:

(d) Before disqualifying a rehabilitation specialist under this section, the administrator shall **give** [NOTIFY] the rehabilitation specialist **written notice** of the proposed disqualification [IN WRITING]. A notification under this subsection must be served by personal service, certified mail, or **return receipt** electronic mail [IF THE REHABILITATION SPECIALIST HAS EXPLICITLY REQUESTED ELECTRONIC MAIL SERVICE ON A FORM PRESCRIBED BY THE ADMINISTRATOR]. A rehabilitation specialist who has been notified of a proposed disqualification may file a written request with the administrator to meet and to discuss the proposed disqualification not more than **14** [30] days after the specialist receives the notice. The requested meeting must be set not later than 30 days after the administrator receives the written request unless otherwise agreed to by both the administrator and the rehabilitation specialist.

8 AAC 45.440(e) is amended to read:

(e) The administrator shall issue a written decision not later than 30 days after a meeting requested under (d) of this section. If no meeting is requested, the administrator shall issue a written decision not later than **30** [45] days after the written notice of proposed disqualification was served under (d) of this section.

(Eff. 7/1/88, Register 107; am 10/28/88, Register 108; am 4/16/2010, Register 194;

am 11/29/2023, Register 248; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.041 AS 23.30.043

8 AAC 45.507 is amended to read:

8 AAC 45.507. Notice of employee rights to stay-at-work or reemployment benefits.

(a) For compensable injuries occurring on or after **January 1, 2025** [NOVEMBER 7, 2005], if the employee has been totally unable to return to the employee's employment at the time of injury for **25** [45] consecutive days [AS A RESULT OF THE INJURY], the employer shall notify the administrator in writing on the **26th** [46TH] day. **Not** [THE NOTIFICATION MUST BE COMPLETED ON A FORM PRESCRIBED BY THE ADMINISTRATOR. NO] more than 14 days after **receiving** the **25-day** [45TH DAY] **notice under this subsection**, the administrator shall notify the employee of the employee's rights to **stay-at-work or** reemployment benefits.

(b) If the employee has been totally unable to return to the employee's employment at the time of injury for **120** [90] consecutive days [,] as a result of the injury, the employer shall notify the administrator, in writing, on the **121st** [91ST] day.

(c) Notifications under this section must be completed in a format prescribed by the administrator. (Eff. 4/16/2010, Register 104; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.041 **AS 23.30.043**

8 AAC 45.510(a) is amended to read:

(a) For injuries occurring on or after **January 1, 2025** [NOVEMBER 7, 2005], if the employee has been totally unable to return to the employee's employment at time of injury for at least **90** [60] consecutive days, but less than **120** [90] consecutive days [,] as a result of the injury, the employee or employer may request an eligibility evaluation for reemployment benefits. The requesting party must file with the administrator and serve all other parties with

(1) a written request for the evaluation;

(2) a physician's prediction the injury may permanently preclude the employee from returning to the employee's job at the time of the injury; and

(3) documentation the employee has been totally unable to return to the employee's employment at the time of the injury for at least 90 [60] consecutive days, but less than 120 [90] consecutive days [,] as a result of the injury.

8 AAC 45.510(b) is amended to read:

(b) The administrator shall consider a written request for an eligibility evaluation for reemployment benefits, unless the employer controverts on grounds the employee's injury did not arise out of and in the course of employment, on grounds the employee's total inability to return to the employee's employment at the time of injury is not a result of the injury, or on grounds identified under AS 23.30.022, 23.30.100, 23.30.105, or 23.30.250. If reemployment benefits have been controverted on any of these grounds, the administrator shall forward the matter to the board to conduct a prehearing conference regarding the controversion **not** [NO] later than 30 days after the board receives the matter. If a claim is filed and if requested by the employee, the board will conduct a hearing no later than 90 days after the prehearing conference in accordance with 8 AAC 45.060(e) and **8 AAC 45.070(b)(8)** [8 AAC 45.070(b)(3)], limited to the grounds set out in this subsection.

8 AAC 45.510(c) is amended to read:

(c) If the request for an eligibility evaluation is incomplete, the administrator shall

(1) request [, NO LATER THAN FIVE WORKING DAYS AFTER RECEIPT OF THE REQUEST, SEND A LETTER TO THE EMPLOYEE AND THE EMPLOYER

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REQUESTING] additional medical documentation **from the employee and the employer** regarding the employee's total inability to return to the employee's employment at the time of the injury for at least **90** [60] consecutive days as a result of the injury; **the administrator shall request the additional medical documentation not later than five working days after the administrator receives the incomplete request for an eligibility evaluation;**

(2) the [. THE] employer and employee shall submit additional medical documentation **not** [NO] later than 10 working days after the administrator's request; **and**

(3) after [. AFTER] the prescribed period for submitting additional medical documentation expires, the administrator shall rely on the division's record, including [ANY] documents submitted by the parties, to determine the employee's total inability to return to the employee's employment at the time of the injury for at least **90** [60] consecutive days.

(Eff. 7/2/98, Register 146; am 7/9/2011, Register 199; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.041 **AS 23.30.043**

8 AAC 45.522(a) is amended to read:

(a) For injuries occurring on or after **January 1, 2025** [NOVEMBER 7, 2005], if an employee has been totally unable to return to the employee's employment **as a result of the injury** [AT TIME OF INJURY] for **120** [90] consecutive days [AS A RESULT OF THE INJURY], the administrator shall

(1) refer the employee for an eligibility evaluation;

(2) forward the matter to the board to conduct a prehearing conference and hold a hearing in accordance with 8 AAC 45.510(b) if [UNLESS] the employer controverts on

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grounds identified under [AS 23.30.022, 23.30.100, 23.30.105, AND 23.30.250, OR] 8 AAC 45.510(b). [IF REEMPLOYMENT BENEFITS HAVE BEEN CONTROVERTED ON ANY OF THESE GROUNDS, THE ADMINISTRATOR SHALL FORWARD THE MATTER TO THE BOARD TO CONDUCT A PREHEARING CONFERENCE AND HOLD A HEARING IN ACCORDANCE WITH 8 AAC 45.510(b).]

(Eff. 7/9/2011, Register 199; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.041 AS 23.30.043

8 AAC 45.525(a)(2) is amended to read:

(2) review the appropriate volume or database listed in (A), [OR] (B), or (C) of this paragraph and select the most appropriate job title or titles that describe the employee's job; if the employee's injury occurred

(A) on or after July 2, 1998 but before August 30, 1998, the rehabilitation specialist shall use the United States Department of Labor's *Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles (1981) (SCODDOT)*;

(B) on or after August 30, 1998, but before January 1, 2025, the rehabilitation specialist shall use the 1993 edition of the United States Department of Labor's *Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles (SCODRDOT)* unless [, UNDER AS 23.30.041(p),] the board has designated a later revision or version of that volume under AS 23.30.041(p), as that subsection existed on December 31, 2024; or

(C) on or after January 1, 2025, the rehabilitation specialist shall use

the most recent version of the Occupational Information Network database published by the United States Department of Labor, Employment and Training Administration (O*NET) and may determine the employee's job's physical demands by using the Dictionary of Occupational Titles cross-references provided in the O*NET Crosswalk link; and

8 AAC 45.525(a)(3) is amended to read:

(3) submit all job titles selected under (2) of this subsection **with simultaneous copies** to the employee's physician, the employee, the employer, and the administrator.

8 AAC 45.525(b)(2) is amended to read:

(2) review the appropriate volume **or database** listed in (A), [OR] (B), **or (C)** of this paragraph and select the most appropriate job title or titles that describe the jobs held and training received; if the employee's injury occurred

(A) on or after July 2, 1988 but before August 30, 1998, the rehabilitation specialist shall use the United States Department of Labor's *Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles (1981) (SCODDOT)*;

(B) on or after August 30, 1998, **but before January 1, 2025**, the rehabilitation specialist shall use the 1993 edition of the United States Department of Labor's *Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles (SCODRDOT)* unless [, UNDER AS 23.30.041(p),] the board has designated a later revision or version of that volume **under AS 23.30.041(p), as that subsection existed on December 31, 2024; or**

(C) on or after January 1, 2025, the rehabilitation specialist shall use the most recent version of the Occupational Information Network database published by the United States Department of Labor, Employment and Training Administration (O*NET) and may determine the physical demands of jobs that the employee has held or received training for during the 10 years before the injury or that the employee has held following the injury for a period long enough to obtain the skills to compete in the labor market, compiled by using the Dictionary of Occupational Titles cross-references provided in the O*NET Crosswalk link;

8 AAC 45.525(c)(1) is amended to read:

(1) complete **and submit** a job analysis [, INCLUDING A DESCRIPTION OF THE JOB DUTIES, TASKS, AND PHYSICAL REQUIREMENTS, AND SUBMIT THE JOB ANALYSIS] to the employee's physician, with a copy to the employee, the employer, and the administrator, to predict whether the job's physical demands are within the employee's post-injury physical capacities;

8 AAC 45.525(g) is amended to read:

(g) In accordance with 8 AAC 45.500, and **not** [NO] later than **60** [30] days after being selected, the rehabilitation specialist whose name appears on the referral letter shall submit **a report of findings** to the administrator, with simultaneous copies to the employee, and **the employer regarding eligibility for reemployment benefits. The report must include** [,]

(1) [A REPORT OF FINDINGS, INCLUDING] a recommendation regarding eligibility for reemployment benefits;

(2) [, TOGETHER WITH (A)] copies of all predictions by **physicians** [ANY PHYSICIAN], [ALONG WITH] job titles identified under (a)(3) and (b)(4) of this section, and job analyses identified under (c)(1) of this section;

(3) [(B)] the completed offer of employment form, if employment has been offered;

(4) [(C)] labor market research, if necessary;

(5) [(D)] documentation of [ANY] previous job dislocation **benefits** [BENEFIT] or rehabilitation, or evidence of efforts to obtain the information if not received; and

(6) [(E)] all physicians' **ratings or statements** regarding permanent impairment [; OR

(2) A WRITTEN REQUEST FOR A 30-DAY EXTENSION EXPLAINING THE UNUSUAL AND EXTENUATING CIRCUMSTANCES, IN ACCORDANCE WITH AS 23.30.041(d), THAT PREVENTED THE REHABILITATION SPECIALIST FROM COMPLETING THE EVALUATION WITHIN 30 DAYS AFTER SELECTION, DOCUMENTING THAT THE EMPLOYEE, EMPLOYER, AND THE EMPLOYEE'S PHYSICIAN WERE CONTACTED WITHIN THE FIRST 30 DAYS AND THAT THE REHABILITATION SPECIALIST IS AWAITING A RESPONSE FROM ONE OR MORE OF THE CONTACTS; IF THE ADMINISTRATOR GRANTS AN EXTENSION REQUESTED UNDER THIS PARAGRAPH, THE REHABILITATION SPECIALIST SHALL PREPARE AND SUBMIT A REPORT OF FINDINGS IN ACCORDANCE WITH (1) OF THIS SUBSECTION WITHIN A TOTAL OF 60 DAYS FROM THE DATE THE REHABILITATION SPECIALIST WAS SELECTED].

(Eff. 7/2/98, Register 146; am 7/9/2011, Register 199; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.041 AS 23.30.043

8 AAC 45.530(a) is amended to read:

(a) **Not** [NO] later than 14 days after receiving a rehabilitation specialist's eligibility evaluation report for an employee injured on or after July 1, 1988, the administrator shall **rely on the division's record, including any documents submitted by the rehabilitation specialist and parties, and** determine whether the employee is eligible [OR INELIGIBLE] for reemployment benefits, or **whether there is** [THAT] insufficient information [EXISTS] to make a determination on the employee's eligibility for reemployment benefits. The administrator shall give the parties written notice **under 8 AAC 45.399** [BY FIRST CLASS MAIL] of the determination, the reason for the determination, and how to request review by the board of the determination.

8 AAC 45.530(c)(2)(B) is amended to read:

(B) a copy of the list maintained under 8 AAC 45.400 of rehabilitation specialists; under this subparagraph, if the employee

(i) **lives** [RESIDES] in **this** [THE] state, the administrator shall send the list [MAINTAINED UNDER 8 AAC 45.400(b)(1)] of rehabilitation specialists in this state; or

(ii) does not **live** [RESIDE] in **this** [THE] state, the administrator shall send a list [MAINTAINED UNDER 8 AAC 45.400(b)(2)] of rehabilitation specialists nearest the employee based on the geographic area; and

(Eff. 7/20/97, Register 143; am 7/2/98, Register 146; am 7/9/2011, Register 199; am

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4/9/2016, Register 218; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.041 AS 23.30.043

8 AAC 45.542 is repealed:

8 AAC 45.542. Change of rehabilitation specialist. Repealed. (Eff. 7/20/97, Register 143; am 7/9/2011, Register 199; repealed 3 / 23 / 2025, Register 253)

8 AAC 45.550(c) is amended to read:

(c) If the employee and the employer fail to agree to the reemployment plan written under (a)(8) of this section, either party may request the administrator to review and approve the plan.

Not [NO] later than 14 days after the administrator receives the plan for review, the administrator shall **notify the parties under 8 AAC 45.399 that**

(1) **the plan is approved** [APPROVE THE PLAN AND NOTIFY THE PARTIES BY FIRST CLASS MAIL];

(2) **the plan is denied** [DENY THE PLAN AND NOTIFY THE PARTIES BY FIRST CLASS MAIL]; or

(3) **the plan is incomplete; the notification must list the additional information that the parties must submit before the administrator will approve or deny the plan** [NOTIFY THE PARTIES THAT THE PLAN IS INCOMPLETE AND REQUEST ADDITIONAL INFORMATION FROM THE PARTIES BEFORE MAKING A DECISION ON THE PLAN].

8 AAC 45.550(d) is amended to read:

(d) If the administrator requests additional information, the administrator shall make a

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decision **not** [NO] later than 14 days after the additional information is received [,] and notify the parties **under 8 AAC 45.399** [BY FIRST CLASS MAIL]. (Eff. 7/2/98, Register 146; am 7/9/2011, Register 199; am 4/9/2016, Register 218; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45.600 is amended to read:

8 AAC 45.600. Request for liability coverage under AS 23.30.045(c). (a) To request liability coverage under AS 23.30.045(c), the **rehabilitation specialist** [REQUESTING PARTY] shall give the administrator **written** notice that a written plan **will be** [IS BEING] submitted **that requires liability coverage**. [THE REQUESTING PARTY SHALL GIVE THE NOTICE BY TELEPHONE.] The **submitted** plan [THAT IS SUBMITTED MUST INCLUDE,]

- (1) **must include** a written request for coverage under AS 23.30.045(c);
- (2) **must include** a description of the services being provided;
- (3) **must include** the time frame for coverage under AS 23.30.045(c);
- (4) **must include** the name, address, and telephone number of the employer who is providing the services;

(5) **must include** proof of workers' compensation insurance for the employer; and

(6) **when the** [FOR] coverage **is** requested for on the job training, [;

(A) THE PLAN] must **also** meet the requirements of AS 23.30.041(h) -

(o); **in addition**, [AND

(B)] the employer must provide proof that the employee will receive minimum wages.

(b) The administrator will approve or deny the written request [IMMEDIATELY, BUT]

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not more than 14 [FIVE WORKING] days [,] after receiving the completed written plan.

Coverage under AS 23.30.045(c) is [NOT] effective **upon approval** [UNTIL APPROVED] by the administrator [AND MAY NOT BEGIN ON A DATE SOONER THAN THE DATE THE ADMINISTRATOR APPROVES THE REQUEST FOR COVERAGE]. (Eff. 7/2/98, Register 146; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45 is amended by adding new sections to read:

8 AAC 45.605. Employer stay-at-work plan election. (a) An employer may elect to not participate or not continue to participate at any time before the employee completes the plan. The employer shall serve written notice of the employer's election to not participate to the employee, the program coordinator, and the rehabilitation specialist. The employer's written notice must inform the employee, in accordance with AS 23.30.043(n), of the employee's right to pursue reemployment benefits under AS 23.30.041. The employer's responsibility for stay-at-work plan costs continues until one day after the notice is served.

(b) The program coordinator shall inform the employee of the employee's rights in accordance with AS 23.30.041. (Eff. 3 / 23 / 2025, Register 253)

Authority: AS 23.30.001 AS 23.30.005 AS 23.30.043

8 AAC 45.610. Rehabilitation specialist stay-at-work plan development. (a) Upon the employee's election, the administrator shall assign a rehabilitation specialist under AS 23.30.043(b) to develop the stay-at-work plan.

(b) The rehabilitation specialist shall contact the employer of the injured employee not

later than 14 days after receiving the assignment to determine if the employer consents to the employee's participation in the stay-at-work program.

(c) If the employer does not consent to the employee's participation, the rehabilitation specialist shall inform the parties that a stay-at-work plan cannot be developed.

(d) If the employer consents to the employee's participation, the rehabilitation specialist shall determine if a stay-at-work plan can be developed. To make a determination, the rehabilitation specialist shall

(1) interview the employee to identify

(A) barriers to the employee staying at work, and

(B) the employee's technical skills, transferrable skills, physical and intellectual capacities, academic achievement, and emotional condition;

(2) contact the employer to determine if a stay-at-work position can be created through modification of the employee's regular work, job restructuring, assistive devices, worksite modification, reduced hours, or reassignment to another job;

(3) contact the employee's attending physician to obtain a written opinion that will include the anticipated medical treatment plan, time that the employee is expected to be incapacitated from work, anticipated date of employee's release to modified duty and full duty, temporary or permanent work restrictions, and anticipated date of medical stability; and

(4) obtain the written opinion of the employee's attending physician that the employee has the permanent physical capacities to participate in a stay-at-work plan.

(e) A stay-at-work plan developed by the rehabilitation specialist must include

(1) the job analysis;

(2) the date the plan begins and the date the plan ends, with a total time frame not

to exceed two years from the date of plan approval under AS 23.30.043(k);

(3) the plan's cost, which may not exceed the statutory amount under AS 23.30.043(j);

(4) a finding that explains why the employee can be reasonably expected to satisfactorily complete the stay-at-work plan within the time and cost limits; and

(5) a summary of the information gathered by the rehabilitation specialist under (d) of this section.

(f) Not later than 60 days after the referral, the rehabilitation specialist shall

(1) provide the stay-at-work plan to the program coordinator, employee, employer, and employee's attending physician and facilitate communication regarding plan acceptance; or

(2) provide the employee, employer, and administrator a written determination that includes the reasons a stay-at-work plan cannot be developed. (Eff. 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.043

8 AAC 45.615. Stay-at-work plan approval. (a) Not later than 14 days after receipt of the stay-at-work plan, the program coordinator shall

(1) approve the plan and notify the parties;

(2) deny the plan and notify the parties; or

(3) notify the parties that the plan is incomplete and request additional information from the parties before approving or denying the plan.

(b) If additional information is requested, the program coordinator shall approve or deny the stay-at-work plan not later than seven days after the additional information is received and notify the parties.

(c) Not later than 30 days after the program coordinator notifies the parties under (b) of this section, a party may request that the administrator review and approve the plan. Not later than 14 days after receiving a party's request, the administrator shall

(1) approve the stay-at-work plan;

(2) deny the stay-at-work plan; or

(3) notify the parties what information is needed to develop the stay-at-work plan, who must submit the information, and the submission deadline.

(d) If the rehabilitation specialist determines that a stay-at-work plan cannot be developed, the administrator shall decide if the file supports the determination and findings. Not later than 10 days after receipt of the rehabilitation specialist's determination that a stay-at-work plan cannot be developed, the administrator shall

(1) notify the parties that the employee is not eligible for stay-at-work benefits and may pursue benefits under AS 23.30.041; or

(2) notify the employee, employer, and rehabilitation specialist of the additional information needed to develop the stay-at-work plan, who must submit the information, and the submission deadline; if the information is not timely submitted, the determination that a plan cannot be developed becomes final.

(e) Notices required under this section may be made under 8 AAC 45.399. (Eff.

3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.041 AS 23.30.043

8 AAC 45.620. Stay-at-work plan. After plan approval, the rehabilitation specialist shall

(1) verify that the duties the employer assigned to the employee conform with the physical capacities outlined by the employee's attending physician; and

(2) identify the employee's and employer's concerns and provide guidance, support, and direction during the stay-at-work plan. (Eff. 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.043

8 AAC 45.900 is amended by adding a new subsection to read:

(I) In 8 AAC 45.399 - 8 AAC 45.620, "job analysis" means a systematic gathering and analysis of job tasks and competencies, including responsibilities, duties, skills, and physical and intellectual demands. (Eff. 5/28/83, Register 86; am 12/14/86, Register 100; am 7/1/88, Register 107; am 3/16/90, Register 113; am 7/20/97, Register 143; am 7/2/98, Register 146; am 4/16/2010, Register 194; am 12/22/2011, Register 200; am 12/1/2015, Register 216; am 7/27/2017, Register 223; am 12/23/2021, Register 240; am 3 / 23 / 2025, Register 253)

Authority: AS 23.30.005 AS 23.30.090 AS 23.30.230
AS 23.30.030 AS 23.30.097 AS 23.30.240
AS 23.30.041 AS 23.30.175 AS 23.30.395
AS 23.30.043 AS 23.30.220