

NOTICE OF PROPOSED CHANGES ON WORKERS' COMPENSATION BOARD
PROCEDURES IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF LABOR
AND WORKFORCE DEVELOPMENT AND THE ALASKA WORKERS' COMPENSATION
BOARD

BRIEF DESCRIPTION

The Alaska Department of Labor and Workforce Development and the Alaska Workers' Compensation Board propose to adopt regulation changes in 8 AAC 45 dealing with Board procedures.

Summary of proposed changes: The Alaska Department of Labor and Workforce Development and the Alaska Workers' Compensation Board propose to adopt regulation changes in 8 AAC 45 of the Alaska Administrative Code, dealing with Board procedures, including the following:

- (1) 8 AAC 45.020 is proposed to be changed as follows: clarify and standardize methods for filing documents with the division, including electronic mail and facsimile transmission requirements, filing deadlines, proof of service, and responsibilities of filing parties.
- (2) 8 AAC 45.025 is proposed to be changed as follows: update provisions governing the use and availability of division forms, including access through the division's website.
- (3) 8 AAC 45.030 is proposed to be changed as follows: clarify the division's authority to charge reasonable duplication fees and confirm that transcript costs are the responsibility of the requesting party.
- (4) 8 AAC 45.032 is proposed to be changed as follows: clarify when and how the division establishes case files and issues case numbers upon notice of injury, death, or investigation.
- (5) 8 AAC 45.040 is proposed to be changed as follows: revise party joinder and procedures to clarify who must be joined, how joinder occurs, and objection timelines.
- (6) 8 AAC 45.045 is proposed for adoption as a new section relating to the procedures and requirements for consolidating claims.
- (7) 8 AAC 45.050 is proposed to be changed as follows: clarify pleading requirements for claims and petitions, answer standards, amendment authority, and stipulation procedures.
- (8) 8 AAC 45.052 is proposed to be changed as follows: clarify medical summary requirements, approved forms, and circumstances where a medical summary is not required.

- (9) 8 AAC 45.054 is proposed to be changed as follows: clarify discovery procedures, responsibility for deposition costs, subpoena service, and consequences for failure to comply with discovery.
- (10) 8 AAC 45.055 is proposed to be adopted as a new section establishing procedures, timelines, and requirements for requesting cross-examination of authors of medical and non-medical documents submitted as evidence.
- (11) 8 AAC 45.060 is proposed to be changed as follows: revise service requirements, acceptable service methods, proof of service standards, and change-of-address obligations.
- (12) 8 AAC 45.065 is proposed to be changed as follows: clarify prehearing conference authority, issue management, discovery orders, settlement discussions, and procedures for modifying prehearing summaries.
- (13) 8 AAC 45.070 is proposed to be changed as follows: revise hearing scheduling procedures, affidavit of readiness requirements, opposition procedures, settlement handling, evidentiary timelines, and panel participation rules.
- (14) 8 AAC 45.072 is proposed to be changed as follows: clarify venue rules for hearings by judicial district and procedures for venue changes.
- (15) 8 AAC 45.074(b)(1)(M) is proposed to be changed to conform the continuance provisions to the revised settlement procedures in 8 AAC 45.070(i)(1).
- (16) 8 AAC 45.092(b) and (h) are proposed to be changed as follows: update timelines and procedures for selecting second independent medical examiners and modernize medical-record preparation by requiring organized, digitized records.
- (17) 8 AAC 45.120 is proposed to be changed as follows: clarify evidentiary standards, reliance on documents filed before hearing, transcript use for indigent parties, duplicate document admissibility, and record-closure procedures.
- (18) 8 AAC 45.170 is proposed to be repealed. The intended effect of this repeal is to remove an obsolete regulation regarding injury listings that is no longer used in board proceedings.
- (19) 8 AAC 45.176(d)(3) is proposed to be changed to clarify that a violation of AS 23.30.075 that exceeds 180 consecutive days is an aggravating factor under 8 AAC 45.176.
- (20) 8 AAC 45.180(b) is proposed to be changed as follows: clarify attorney fee application requirements, prohibit block billing, and establish affidavit content standards for fee requests exceeding statutory minimums.

- (21) 8 AAC 45.188 is proposed to be repealed. The intended effect of this repeal is to remove outdated provisions governing third-party claims that are addressed elsewhere in statute.
- (22) 8 AAC 45.510(b) is proposed for amendment to update a cross-reference necessitated by the proposed amendments of 8 AAC 45.070.
- (23) 8 AAC 45.900 is proposed to be changed as follows: adding a definition for “petition” and clarifying the definition of “previously rehabilitated” for purposes of reemployment benefits eligibility.

Written comments: 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 Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512. Additionally, the Department of Labor and Workforce Development, Division of Workers' Compensation will accept comments by facsimile at (907) 465-2797 and by e-mail at workerscomp@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link.

Written comment deadline: The written comments must be received not later than 5:00 on October 9, 2026.

Oral hearing: Oral or written comments also may be submitted at a hearing to be held on October 15, 2026, at 3301 Eagle St., Room 208, Anchorage, Alaska 99503, virtually over Zoom videoconference at <https://us02web.zoom.us/j/83666166455>, or by telephone by calling 833 548 0282, Webinar ID: 836 6616 6455. The hearing will be held from 10:15 to 11:15 and might be extended to accommodate those present before 10:15 who did not have an opportunity to comment.

Questions: You may submit written questions relevant to the proposed action to the Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512 or by e-mail at workerscomp@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Department of Labor and Workforce Development, Division of Workers' Compensation will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and Division of Workers' Compensation website.

Public nature of comments and questions: Public comments and questions, once submitted, are public records and subject to disclosure under the Alaska Public Records Act. See AS 40.25.100 - 40.25.295. Do NOT include in your comments or questions any information that you do not want made public.

Accommodations: If you are a person with a disability who needs a reasonable accommodation in order to participate in this process, please contact Alexis Hildebrand at (907) 465-6059 or alexis.hildebrand@alaska.gov not later than October 1, 2026, to ensure that any necessary accommodation can be provided.

Obtaining copies of proposed regulations: A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Alexis Hildebrand at (907) 465-6059 or alexis.hildebrand@alaska.gov.

Final version of regulations: After the public comment period ends, the Alaska Workers' Compensation 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.

Statutory authority: AS 23.30.005, AS 23.30.010, AS 23.30.012, AS 23.30.041, AS 23.30.080, AS 23.30.085, AS 23.30.095, AS 23.30.108, AS 23.30.110, AS 23.30.135, AS 23.30.145, AS 23.30.235

Statutes being implemented, interpreted, or made specific: AS 23.30.005; AS 23.30.010; AS 23.30.012; AS 23.30.041; AS 23.30.075; AS 23.30.080; AS 23.30.085; AS 23.30.095; AS 23.30.108; AS 23.30.110; AS 23.30.135; AS 23.30.145; AS 23.30.240;

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

How to receive further notices: The Division of Workers' Compensation keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Alaska Workers' Compensation Board notices of proposed regulation changes. To be added to or removed from the list, send a request to the Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512 or by e-mail at workerscomp@alaska.gov , giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Individuals can also sign up to receive automated notifications of all State of Alaska notices, including public notice for regulation changes, by subscribing to the Alaska Online Public Notices System: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>.

Date: 9/2/2026


Catherine Muñoz, Commissioner