

MEMORANDUM

State of Alaska Department of Law

TO: April Simpson, Regulations and Initiatives Coordinator
Office of the Lieutenant Governor

DATE: July 20, 2026

FILE NO.: JU2013200714/
2024200072
2024200409

FROM: Rebecca C. Polizzotto
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TEL. NO.: 465-3600

SUBJECT: Corrections to the Alaska Administrative Code (AAC):
8 AAC 45.070; 45.510

Rebecca C. Polizzotto

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Rebecca C. Polizzotto
Date: 2026.07.20
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In accordance with my authority under AS 44.62.125(b), please forward to the publisher the following corrections to the Alaska Administrative Code (AAC). The corrections are necessary because project 2024200409 did not incorporate the changes of the previous project, 2024200072. File 2024200072 had the following change:

8 AAC 45.070(b)(1) is amended by adding a new subparagraph to read:

(F) To resolve a medical dispute under AS 23.30.095(k) or to request the board order a physical examination under AS 23.30.110(g), a party shall file with the division and serve on opposing parties a petition asking the board to order a second independent medical evaluation, a completed second independent medical evaluation form signed by the party that filed the petition, and medical records reflecting the medical disputes; if the parties do not stipulate to the second independent medical evaluation within 20 days of service of the documents, the board or its designee will schedule a hearing, the board will hold a hearing on the written record with briefs, and the board will issue its decision and order within 60 days of the date the documents were filed with the division and served on the opposing party; an affidavit of readiness for hearing form is not required.

The text of 8 AAC 45.070(b)(1)(F) was not included in the subsequent matter, 2024200409. This subsequent matter also reorganized this section such that 8 AAC 45.070(b)(1)(A) - (E) were moved and were included in numbered items 8 AAC 45.070(b)(1) - (8).

To correct this, the missing text from what was formerly 8 AAC 45.070(b)(1)(F) should be added as 8 AAC 45.070(b)(6) and conforming changes made. The correct text for 8 AAC 45.070(b) is as follows:

8 AAC 45.070. Hearings.

(b) Except as provided in (1) **and (6)** of this subsection and 8 AAC 45.074(c), a hearing will not be scheduled unless a claim or petition has been filed, an affidavit of readiness for hearing has been filed and that affidavit is not returned by the board or the board's designee, and 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 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. A party may request a hearing by using the following procedures:

(1) 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 affidavit of readiness for hearing form is not required in a petition for review; 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 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 (7[6]) and (8[7]) of this subsection requesting a hearing on the written record;

(B) 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 the opposing party does not timely file an affidavit opposing the hearing on the written record, the board or the board's designee may decide the claim or petition based on the written record;

(D) 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 an appearance in-person at the hearing, except for a venue determination, a party must file an affidavit of readiness in accordance with (7 [6]) and (8 [7]) of this subsection requesting an in-person hearing;

(4) for 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 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 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) to resolve a medical dispute under AS 23.30.095(k) or to request the board order a physical examination under AS 23.30.110(g), a party shall file with the division and serve on opposing parties a petition asking the board to order a second independent

medical evaluation, a completed second independent medical evaluation form signed by the party that filed the petition, and medical records reflecting the medical disputes; if the parties do not stipulate to the second independent medical evaluation within 20 days of service of the documents, the board or its designee will schedule a hearing, the board will hold a hearing on the written record with briefs, and the board will issue its decision and order within 60 days of the date the documents were filed with the division and served on the opposing party; an affidavit of readiness for hearing form is not required;

(7[6]) 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;

(8[7]) if an affidavit is filed before the time set out in (7[6]) of this subsection,

(A) 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 (7[6]) of this subsection;

(9[8]) 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 addition to making the above corrections, please insert an editor's note following 8 AAC 45.070 to read:

"Editor's note: As of Register 259 (October 2026), the regulations attorney, acting under AS 44.62.125(b), made technical corrections to 8 AAC 45.070(b)."

In 8 AAC 45.510(b), please make a conforming change so that "in accordance with 8 AAC 45.060(e) and 8 AAC 45.070(b)(8)" reads "in accordance with 8 AAC 45.060(e) and 8 AAC 45.070(b)(9)".

In 8 AAC 45.510(c)(1), please remove the period in the middle of the sentence after the word "and".

In addition, please insert an editor's note following 8 AAC 45.510 to read:

"Editor's note: As of Register 259 (October 2026), the regulations attorney, acting under AS 44.62.125(b), made technical corrections to 8 AAC 45.510(b) and (c)(1)."

Please contact me if you have any questions. Thank you for your assistance.

cc: Charles Collins, Division Director
Division of Workers' Compensation
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Alexis Hildebrand, Regulations Contact
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