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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Sara Chambers, Boards and Regulations Advisor
State Medical Board

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

DATE: June 4, 2026

RE: Filed Permanent Regulations: State Medical Board
State Medical Board regulations re: Telemedicine Standards of Practice (12 AAC 40.943)

Attorney General File:	2024200569
Regulation Filed:	6/4/2026
Effective Date:	7/4/2026
Print:	259, October 2026

cc with enclosures:

Beth Parsons, Paralegal
Department of Law

Sylvan Robb, Division Director
Commerce Community & Economic Development

Stefanie Davis, Regulations Specialist
Commerce Community & Economic Development

Lisa Gorman, Alaska Legal Analyst
LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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June 3, 2026

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

Re: 12 AAC 40.943: State Medical Board - Telemedicine Standards of Practice
Our file: 2024200569

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the State Medical 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 State Medical Board after the close of the public comment period.

The regulations repeal 12 AAC 40.943(b) which allowed health care providers to prescribe, dispense, and administer buprenorphine for opioid use disorder without being physically present with the patient.

The public notice and the certification of adoption 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,

CORI MILLS
ACTING ATTORNEY GENERAL

By: **Rebecca C Polizzotto**
Digitally signed by
Rebecca C Polizzotto
Date: 2026.06.03
14:58:40 -08'00'

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

RCP/SEF/bhp

CC w/enclosure: Honorable Julie Sande, Commissioner
Department of Commerce, Community and Economic Development

Brent Taylor, MD, Chair
State Medical Board

Stefanie L. Davis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing

Harriet D. Milks, Assistant Attorney General
Department of Law

Sarah E. Finley, Assistant Attorney General
Department of Law

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE STATE MEDICAL BOARD

The attached regulation, dealing with standards of practice for the use of buprenorphine to treat opioid use disorder via telemedicine, is certified to be a correct copy of the regulation changes that the State Medical Board adopted at its February 26, 2026 meeting, under the authority of AS 08.64.100, AS 08.64.101, and AS 08.64.364 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 State Medical 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: 3/3/2026

Natalie Norberg, Executive Administrator
Alaska State Medical Board

Effective: July 4, 2026

Register: 259, October 2026

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 40. State Medical Board.

12 AAC 40.943(b) is repealed:

(b) Repealed 7 / 4 / 2026.

(Eff. 10/8/2017, Register 224; am 5/5/2020, Register 234; am 9/20/2020, Register 235; am 6/10/2021, Register 239; am 7 / 4 / 2026, Register 259)

Authority: AS 08.02.130 AS 08.64.101 AS 08.64.364
AS 08.64.100

The Editor's note after 12 AAC 40.943 is changed to read:

Editor's note: A copy of *Report 7 of the Council on Medical Service (A-14), Coverage of and Payment for Telemedicine*, adopted by reference in 12 AAC 40.943, may be obtained from the American Medical Association, AMA Plaza, 330 N. Wabash Ave. Suite 39300, Chicago, IL 60611-5885, or on the association's Internet website at <https://www.ama-assn.org/about-us/council-medical-service-reports>. A copy of the *Model Policy for the Appropriate Use of Telemedicine Technologies in the Practice of Medicine*, adopted by reference in 12 AAC 40.943, may be obtained from the Federation of State Medical Boards, 400 Fuller Wiser Road, Euless, TX 76039, or on the federation's Internet website at <https://www.fsmb.org/policy/advocacy-policy/policydocuments>.

The State Medical Board originally adopted **former** 12 AAC 40.943(b) by emergency action on April 30, 2020. Those emergency regulations were filed and took effect May 5, 2020, with an expiration date of September 1, 2020 under AS 44.62.260. Owing in part to confusion about whether AS 44.62.260 or a governor's disaster declaration under AS 26.23.020 set the duration of the emergency regulations, the State Medical Board proposed a minor amendment to

add “or oral” after “urine” in 12 AAC 40.9433(b)(3) to the emergency regulations. On May 7, 2020, the board adopted that charge with the rest of 12 AAC 40.943(b) as a single set of emergency regulations and issued a supplemental public notice under AS 44.62.190 stating that the board intended to make the emergency regulations permanent. So that all the emergency regulations would have a single effective date, and thus a single expiration date if not made permanent, the regulations attorney requested that the lieutenant governor’s office file the regulations with the original May 5, 2020 effective date.

The State Medical Board originally amended former 12 AAC 40.943(b) by emergency action on June 4, 2021. Those emergency amendments were filed and took effect June 10, 2021, Register 239 (October 2021). The amendments had included the addition of 12 AAC 40.943(c), with a conforming cross-reference in 12 AAC 40.943(b). Acting under the authority of AS 44.62.060(b) and 44.62.125, the regulations attorney disapproved proposed 12 AAC 40.943(c) and the conforming cross-reference that had appeared in 12 AAC 40.943(b). These disapprovals are not reflected in the history note for 12 AAC 40.943.

Effective July 1, 2022, Executive Order 121 split the former Department of Health and Social Services into the Department of Health and the Department of Family and Community Services. As of Register 242 (July 2022), the regulations attorney made a conforming technical revision under sec. 138, E.O. 121 and AS 44.62.125(b)(6), to 12 AAC 40.943.