

**Chapter 40. State Medical Board.**

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 40.023 is amended to read:

**12 AAC 40.023. Training requirements for podiatry applicant.** In addition to meeting the application requirements in AS 08.64.209, an applicant for a license to practice podiatry shall submit to the board

(1) a certified true copy of a certificate verifying the applicant's successful completion of [AT LEAST ONE YEAR OF] surgical residency training in a hospital accredited by the American Podiatric Medical Association Council on Podiatric Medical Education or the American Board of Podiatric Surgery **for a period of at least**

**(A) one year if the applicant graduated from an accredited school of podiatry on or before December 31, 2010; or**

**(B) two years if the applicant graduated from an accredited school of podiatry on or after January 1, 2011;**

(2) verification of the applicant's completions of at least two hours of education in opioid use and addiction

(A) education under this paragraph must be earned in a continuing medical education program from a provider that is approved by the Council on Podiatric Medical Education;

(B) for an applicant who does not currently hold a valid federal Drug Enforcement Administration registration number, the verification will be waived until the applicant applies for a valid registration number. (Eff. 8/9/95, Register 135; am

8/17/2018, Register 227; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.64.100 AS 08.64.190 AS 08.64.209

**Editor's note:** Information on accredited hospitals described in 12 AAC 40.023 may be obtained by contacting the American Podiatric Medical Association Council on Podiatric Medical Education, 9312 Old Georgetown Road, Bethesda, Maryland 20814-1621 or the American Board of Podiatric Surgery, 1601 Dolores Street, San Francisco, California 94110-4906.

The introductory language of 12 AAC 40.035(a) is amended to read:

(a) A member of the board, **the executive secretary,** or **a person designated by the board to issue temporary permits,** [ITS DESIGNEE] may issue a temporary physician permit to an applicant who

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The introductory language of 12 AAC 40.035(d) is amended to read:

(d) A member of the board, **the executive secretary,** or **a person designated by the board to issue temporary permits,** [ITS DESIGNEE] may expedite the issuance of a temporary physician permit to an applicant who

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(Eff. 5/18/85, Register 94; am 8/2/86, Register 99; am 4/10/88, Register 106; am 8/17/97, Register 143; am 8/9/2000, Register 155; am 10/8/2017, Register 224; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.64.100 AS 08.64.180 AS 08.64.279  
AS 08.64.101 AS 08.64.270

The introductory language of 12 AAC 40.036(a) is amended to read:

(a) A member of the board, **the executive secretary, or a person designated by the board to issue temporary permits** [WILL, IN THE MEMBER'S DISCRETION], **may** issue a locum tenens permit to an applicant who

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(Eff. 5/18/85, Register 94; am 4/10/88, Register 106; am 8/17/97, Register 143; am 8/9/2000, Register 155; am 6/15/2001, Register 158; am 9/9/2010, Register 195; am 10/8/2017, Register 224; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.64.100 AS 08.64.180 AS 08.64.279  
AS 08.64.101 AS 08.64.275

The introductory language of 12 AAC 40.038(a) is amended to read:

(a) A member of the board **or the executive secretary** [WILL, IN THE MEMBER'S DISCRETION], **may** issue a residency permit to an applicant who

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(Eff. 8/2/86, Register 99; am 8/20/87, Register 103; am 4/10/88, Register 106; am 8/17/97, Register 143; am 12/16/99, Register 152; am 8/9/2000, Register 155; am 10/14/2006, Register 180; am 9/9/2010, Register 195; am 10/8/2017, Register 224; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.64.100 AS 08.64.272 AS 08.64.279

**AS 08.64.101**

The introductory language of 12 AAC 40.045(d) is amended to read:

(d) The board, **a member of the board, or the executive secretary may** [WILL] issue a courtesy license to an applicant who

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(Eff. 5/1/94, Register 130; am 8/9/95, Register 135; am 12/18/2001, Register 160; am 10/8/2017, Register 224; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.01.062 **AS 08.64.101** AS 08.64.240  
AS 08.64.100

12 AAC 40.058 is amended to read:

**12 AAC 40.058. Review of applications.** (a) An applicant who meets the requirements on the appropriate checklist established in this section has demonstrated the necessary qualifications for the temporary permit, residency permit, [OR] courtesy license, **or physician license** applied for and will be approved by the board, **executive secretary,** or the board's designee for issuance of that license or permit. An applicant who does not meet the requirements on the appropriate checklist in this section for that permit or [COURTESY] license will not be issued a permit or [COURTESY] license unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.64 and this chapter for the permit or [COURTESY] license applied for.

(b) The form titled *Alaska State Medical Board Checklist – Physician [TEMPORARY PERMIT]*, dated **April 2019** [FEBRUARY 2018], is adopted by reference. This form is established by the board for the use by the executive secretary or **a person designated by the board** [ANOTHER EMPLOYEE OF THE DIVISION] in completing the application processing for a temporary permit under AS 08.64.270 **or a podiatrist license under AS 08.64.209; this form is also used by a board member or the executive secretary in completing the application processing for a physician or osteopath license under AS 08.64.230, or a podiatrist license under AS 08.64.209.**

(c) The form titled *Alaska State Medical Board Checklist - Resident Permit*, dated February 2018, is adopted by reference. This form is established by the board for the use by the executive secretary [OR ANOTHER EMPLOYEE OF THE DIVISION] in completing the application processing for a residency permit under AS 08.64.272.

(d) The form titled *Alaska State Medical Board Courtesy License Checklist*, dated February 2018, is adopted by reference. This form is established by the board for the use by the executive secretary [OR ANOTHER EMPLOYEE OF THE DIVISION] in completing the application processing for a courtesy license under AS 08.01.062 and 12 AAC 40.045.

**(e) The form titled *Alaska State Medical Board Checklist – Locum Tenens Permit*, dated April 2019, is adopted by reference. This form is established by the board for the use by a board member, the executive secretary, or a person designated by the board in completing the application processing for a temporary permit for locum tenens practice under AS 08.64.275.** (Eff. 4/10/88, Register 106; am 8/17/97, Register 143; am 6/15/2001, Register 158; am 9/5/2002, Register 163; am 3/27/2003, Register 165; am 10/14/2006, Register 180; am 3/4/2007, Register 181; am 5/8/2013, Register 206; am 8/17/2018, Register 227; am

\_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.01.062 AS 08.64.205 AS 08.64.270  
AS 08.64.075 AS 08.64.209 AS 08.64.272  
AS 08.64.100 AS 08.64.255 AS 08.64.279  
AS 08.64.200

**Editor's note:** The application checklist forms listed in 12 AAC 40.058 are available at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing offices in Anchorage and Juneau.

12 AAC 40.355(a) is amended to read:

(a) A member [, OR DESIGNEE,] of the board, **the executive secretary, or a person designated by the board to issue temporary permits**, may issue a temporary mobile intensive care paramedic permit to an applicant who meets the requirements of 12 AAC 40.310.

12 AAC 40.355(c) is amended to read:

(c) The board **may** [WILL, IN ITS DISCRETION,] renew a temporary permit for good cause, one time only.

12 AAC 40.355(e) is amended to read:

(e) In this section, "temporary permit" means a permit issued by a member [, OR DESIGNEE,] of the board, **the executive secretary, or a person designated by the board to issue temporary permits** to an individual who has applied for licensure, has fulfilled the requirements set out in 12 AAC 40.310, and is awaiting the next meeting of the board for

consideration of the application. (Eff. 5/11/85, Register 94; am 8/24/90, Register 115; am \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.64.100            **AS 08.64.101**            AS 08.64.107

12 AAC 40.405(a) is amended to read:

(a) A member [OR DESIGNEE] of the board, **the executive secretary, or a person designated by the board to issue temporary permits,** may approve a temporary physician assistant license of an applicant who meets the requirements of 12 AAC 40.400 or 12 AAC 40.445 and pays the fee set out in 12 AAC 02.250.

12 AAC 40.405(e) is amended to read:

(e) An applicant who meets the requirements on the checklist established in this section has demonstrated the necessary qualifications for the temporary permit applied for and will be approved by the board, **the executive secretary,** or the board's designee for issuance of that permit. An applicant who does not meet the requirements on the checklist established in this section for that permit will not be issued a temporary permit unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.64 and this chapter for that permit. The form titled *Alaska State Medical Board - Checklist, Temporary Permit for Physician Assistant*, dated February 2018, is adopted by reference. This form is established by the board for the use by the executive secretary or another employee of the division in completing the application processing for a temporary permit under this section. (Eff. 9/19/80, Register 76; am 7/4/84, Register 90; am 3/12/89, Register 109; am 6/28/97, Register 142; am 7/25/2008, Register 187; am 5/8/2013, Register 206; am 8/17/2018, Register 227; am

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**Authority:** AS 08.64.100      **AS 08.64.101**      AS 08.64.107

**Editor's note:** The application checklist form listed in 12 AAC 40.405 is available at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing offices in Anchorage and Juneau.

12 AAC 40.480(b) is amended to read:

(b) Nothing in this chapter regulates, restricts, or alters the functions of a person traditionally employed in an office, by a physician, **performing duties** [IN A POSITION] not regulated by the State Medical Board under AS 08.64. (Eff. 1/13/80, Register 73; am 7/11/81, Register 79; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.64.100      AS 08.64.107

12 AAC 40 is amended by adding a new section to Article 6 to read:

**12 AAC 40.905. Meetings.** (a) The board will hold at least four in-person meetings each year at times and places designated by the board, in as many separate geographical areas of the state as possible.

(b) Special meetings may be held upon the call of the president or a majority of the members of the board, at the time and place as may be designated in the call.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.64.010      AS 08.64.085      AS 08.64.100  
AS 08.64.070      AS 08.64.090      AS 08.64.101



12 AAC 40.910 is amended to read:

**12 AAC 40.910. Delegation of authority to the board's designee.** **(a)** At least once each year, at a scheduled meeting of the board, the board will take formal action to identify the board's primary designee to perform duties that may be delegated to that designee under AS 08.64. The board will identify an alternative designee, either a single board member, the executive secretary, or another employee of the **division** [DEPARTMENT] who may act as the board's designee in the absence of the primary designee.

**(b) The board may designate another employee of the division to issue temporary permits to applicants who meet the requirements of 12 AAC 40.035, 12 AAC 40.036, 12 AAC 40.058, 12 AAC 40.355, or 12 AAC 40.405.** (Eff. 8/9/2000, Register 155; am \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.64.075 AS 08.64.100 AS 08.64.101

12 AAC 40 is amended by adding a new section to Article 6 to read:

**12 AAC 40.920. Standards for delegation of routine duties.** (a) A physician, podiatrist, osteopath, or physician assistant licensed under AS 08.64 may delegate the performance of routine medical duties to an agent of the physician, podiatrist, osteopath, or physician assistant, if the following conditions are met:

(1) the duty to be delegated must be within the scope of practice of the delegating physician, podiatrist, osteopath, or physician assistant;

(2) a licensed physician, podiatrist, osteopath, or physician assistant must assess the patient's medical condition and needs to determine if a duty for that patient may be safely delegated;

(3) the patient's medical condition must be stable and predictable;

(4) the person to whom the duty is to be delegated has received the training needed to safely perform the delegated duty, and this training has been documented;

(5) the delegating physician, podiatrist, osteopath, or physician assistant determines that the person to whom a duty is to be delegated is competent to perform the delegated duty correctly and safely and accepts the delegation of the duty and the accountability for carrying out the duty correctly;

(6) performance of the delegated duty would not require the person to whom it was delegated to exercise professional medical judgment or knowledge of complex medical skills;

(7) the delegating physician, podiatrist, osteopath, or physician assistant provides to the person, with a copy maintained on record, written instructions that include

(A) a clear description of the procedure to follow to perform each task in the delegated duty;

(B) the predicted outcomes of the delegated task;

(C) how the person is to observe and report side effects, complications, or unexpected outcomes in the patient, and the actions appropriate to respond to any of these; and

(D) the procedure to document the performance of the duty in the patient's record.

(b) A physician, podiatrist, osteopath, or physician assistant who has delegated a routine duty to another person shall provide appropriate direction and supervision of the person, including the evaluation of patient outcomes. Another physician, podiatrist, osteopath, or

physician assistant may assume delegating responsibilities from the delegating physician, podiatrist, osteopath, or physician assistant if the substitute physician, podiatrist, osteopath, or physician assistant has assessed the patient, the skills of the person to whom the delegation was made, and the plan of care. Either the original or substitute delegating physician, podiatrist, osteopath, or physician assistant shall remain readily available for consultation by the person, either in person or by telecommunication.

(c) The delegation of a routine duty to another person under this section is specific to that person and for that patient, and does not authorize any other person to perform the delegated duty.

(d) The physician, podiatrist, osteopath, or physician assistant who delegated the routine duty to another person remains responsible for the quality of the medical care provided to the patient.

(e) Routine duties that may be delegated to another person under the standards set out in this section are those that

(1) occur frequently in the daily care of a patient or group of patients;

(2) do not require the person to whom the duty is delegated to exercise professional medical knowledge or judgment;

(3) do not require the exercise of complex medical skills;

(4) have a standard procedure and predictable results; and

(5) present minimal potential risk to the patient.

(f) Duties that require the exercise of professional medical knowledge or judgment or complex medical skills may not be delegated. Duties that may not be delegated include

(1) the assessment of the patient's medical condition, and referral and follow-up;

(2) formulation of the plan of medical care and evaluation of the patient's response to the care provided;

(3) counseling of the patient and the patient's family or significant others regarding the patient's health;

(4) transmitting verbal prescription orders, without written documentation, from the patient's health care provider;

(5) duties related to pain management and opioid use and addiction;

(6) the initiation, administration, and monitoring of intravenous therapy, including blood or blood products;

(7) the initiation administration, and monitoring of procedural sedation;

(8) assessing sterile wound or decubitus ulcer care;

(9) managing and monitoring home dialysis therapy;

(10) oral tracheal suction;

(11) medication management for unstable medical conditions requiring ongoing assessment and adjustment of dosage or timing of administration;

(12) placement and administration of nasogastric tubes and fluids;

(13) initial assessment and management of newly-placed gastrostomy tubes and the patient's nutrition; and

(14) the administration of injectable medications, unless

(A) it is a single intramuscular, intradermal, or subcutaneous injection, not otherwise prohibited under 12 AAC 40.967(33); and

(B) all other provisions of this section are met; and

(C) the delegating physician, podiatrist, osteopath, or physician assistant is

immediately available on site.

(g) The provisions of this section apply only to the delegation of routine duties by a physician, podiatrist, osteopath, or physician assistant licensed under AS 08.64; they do not apply when duties have not been delegated, including when a person is acting

(1) within the scope of the person's own license;

(2) under other legal authority; or

(3) under the supervision of another health care provider licensed under AS 08,

who has authority to delegate routine duties. (Eff. \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.64.100 AS 08.64.170 AS 08.64.336  
AS 08.64.106 AS 08.64.326 AS 08.64.380  
AS 08.64.107

12 AAC 40.955 is amended to read:

**12 AAC 40.955. Ethical standards.** (a) The **2016 edition of the** [*PRINCIPLES OF MEDICAL ETHICS OF THE AMERICAN MEDICAL ASSOCIATION ON PAGE XIV OF THE 2002-2003 EDITION OF THE COUNCIL ON ETHICAL AND JUDICIAL AFFAIRS,*] *Code of Medical Ethics*, **of** [PUBLISHED BY] the American Medical Association are adopted by reference as the ethical standards for physicians and applies to all physicians subject to this chapter.

(b) The **2016** [1996] edition of the *Code of Ethics of the American Osteopathic Association* is adopted by reference as the ethical standards for osteopaths and applies to all osteopaths subject to this chapter.

(c) The **2017** [1998] edition of the *Code of Ethics of the American Podiatric Medical*

*Association* is adopted by reference as the ethical standards for podiatrists and applies to all podiatrists subject to this chapter.

(d) The **2013** [JUNE 2006] edition of the **Guidelines for Ethical Conduct for** [*CODE OF ETHICS OF*] *the Physician Assistant Profession of the American Academy of Physician Assistants* is adopted by reference as the ethical standards for physician assistants and applies to all physician assistants subject to this chapter.

(e) The **2013** [THIRD] edition of the *EMT **Oath and Code of Conduct**, Code of Ethics for EMS Practitioners* of the National Association of EMT's is adopted by reference as the ethical standards for mobile intensive care paramedics and applies to all mobile intensive care paramedics subject to this chapter. (Eff. 12/16/99, Register 152; am 4/2/2004, Register 169; am 12/21/2007, Register 184; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.01.070                      AS 08.64.107                      AS 08.64.326  
AS 08.64.100

**Editor's note:** Copies of the **Code** [*PRINCIPLES*] of *Medical Ethics* **the American Medical Association** [,] *Code of Ethics of the American Osteopathic Association, American Podiatric Medical Association Code of Ethics, **Guidelines for Ethical Conduct for** [*CODE OF ETHICS OF*] *the Physician Assistant Profession* **of the American Academy of Physician Assistants**, and the [*EMT*] *Code of Ethics* **for EMT Practitioners of the National Association of EMTs** described in 12 AAC 40.955, are available for inspection at and may be obtained at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806.*