

**NOTICE OF PROPOSED CHANGES ON UNPROFESSIONAL CONDUCT AND FEDERAL
LICENSURE EXEMPTIONS FOR PERSONS WHO PRACTICE IN AN ALASKA TRIBAL
HEALTH PROGRAM IN THE REGULATIONS OF THE STATE MEDICAL BOARD**

BRIEF DESCRIPTION: The State Medical Board proposes to update provisions related to unprofessional conduct, and to establish standards for board recognition of federally mandated license exemptions for practitioners working in tribal health programs.

The State Medical Board (Board) proposes to adopt regulation changes in Title 12, Chapter 40 of the Alaska Administrative Code, dealing with unprofessional conduct and federal licensure exemptions for persons who practice in an Alaska tribal health program, including the following:

1. **12 AAC 40.967, Unprofessional conduct**, is proposed to be changed to alter the provisions related to unprofessional conduct.
2. **12 AAC 40.981, Federal licensure exemptions for persons who practice in an Alaska tribal health program**, is a proposed new section that establishes standards for board recognition of a federal licensing exemption for practitioners working in tribal health programs.

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 Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806 Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at jun.maiquis@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system at <http://notice.alaska.gov/178447>, and using the comment link. **The comments must be received not later than 4:30 p.m. on October 30, 2015.**

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806 Juneau, AK 99811-0806 or by e-mail at jun.maiquis@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/StateMedicalBoard.aspx> or on the Alaska Online Public Notice System. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov not later than October 23, 2015, to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Jun Maiquis at the address or phone number above, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MED-0715.pdf>

After the public comment period ends, the 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.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.070; AS 08.64.100; AS 08.64.107; AS 08.64.170; AS 08.64.313; AS 08.64.326

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.070; AS 08.64.100; AS

08.64.107; AS 08.64.170; AS 08.64.313; AS 08.64.326

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

DATE: 9/30/15

/s/
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

**ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))**

1. **Adopting agency:** State Medical Board – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Unprofessional conduct and federal licensure exemptions for persons who practice in an Alaska tribal health program.
3. **Citation of regulation:** 12 AAC 40.967 and 12 AAC 40.981.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with federal law and clarification of current regulations.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None.
Another state agency: None.
A municipality: None.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2016 or in subsequent years.
9. **The name of the contact person for the regulation:**
Debra Stovern, Executive Administrator
Alaska State Medical Board
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 269-8163
E-mail: debora.stovern@alaska.gov
10. **The origin of the proposed action:** State Medical Board.
11. **Date:** 9/30/15 **Prepared by:** /s/
Jun Maiquis
Regulations Specialist
(907) 465-2537

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 underlined.)

12 AAC 40.967(26) is amended to read:

(26) failing to report to the board, no later than 30 days after

(A) the effective date of the action, any **criminal charges by a law enforcement agency, or any** disciplinary action against the licensee taken by another licensing jurisdiction, health care entity, or **regulatory** [LAW ENFORCEMENT] agency;

(B) the date of conviction, any conviction of a crime referred to in AS 08.64.326(a)(4);

(Eff. 3/16/2000, Register 153; am 9/5/2002, Register 163; am 4/2/2004, Register 169; am 10/14/2006, Register 180; am 7/25/2008, Register 187; am 9/9/2010, Register 195; am 5/8/2013, Register 206; am ___/___/___, Register ___)

Authority: AS 08.01.070 AS 08.64.100 AS 08.64.326

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

12 AAC 40.981. Federal licensure exemptions for persons who practice in an Alaska tribal health program. (a) A person who practices medicine, podiatry, or osteopathy, or who practices as a physician assistant or mobile intensive care paramedic, in an Alaska tribal health program must be licensed by the board unless they notify the board that they are practicing under another license in accordance with section 221 of 25 U.S.C. § 1621t (Patient Protection and Affordable Care Act, 2010). Notice required under this section must be received within 14 days of employment at an Alaska tribal health program, and must include:

(1) proof of a current active license in another state;

(2) proof of employment by a tribal health program that is operating under an Indian Self-Determination and Education Assistance Act agreement with the federal Indian Health Service.

(b) A person practicing under the exemption may not practice elsewhere in the state, however infrequently, and may not practice beyond the scope of the other state license.

(c) The board shall notify the licensing board or authority of the other state license, and any other appropriate state and federal authorities, of any complaints, investigations, violations, sanctions, or other adverse actions. (Eff. ___/___/___, Register ___)

Authority: AS 08.64.107 AS 08.64.170 AS 08.64.313