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OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA

MEMORANDUM

TO: Victoria Caltagirone
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

DATE: April 5, 2023

RE: Filed Permanent Regulations: State Medical Board

State Medical Board regulations re: Repeal of references to "intenstive care paramedic" (12 AAC 40)

Attorney General File:	2022200472
Regulation Filed:	4/5/2023
Effective Date:	5/5/2023
Print:	246, July 2023

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law
CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
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March 30, 2023

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

Re: 2022200472 – State Medical Board; amendment to 12 AAC 40; repeal of references to "intensive care paramedic"

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 memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The State Medical Board adopted the regulations after the close of the public comment period. The regulations amend 12 AAC 40 to repeal references to "mobile intensive care paramedic," in accordance with legislation passed in 2021 (SB 21).

Both the October 2, 2022 public notice and the November 7, 2022 order certifying changes state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG R. TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto Digitally signed by Rebecca C. Polizzotto Date: 2023.03.30 12:19:33 -08'00'
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP:bws

CC w/enclosure: Jun Maiquis, Regulations Contact
Department/Board

Harriet Milks, Assistant Attorney General
Department of Law

Brad Sharp, Assistant Attorney General
Department of Law

Steven Weaver, Assistant Attorney General
Department of Law

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE STATE MEDICAL BOARD

The attached seven pages of regulations, dealing with mobile intensive care paramedics, are certified to be a correct copy of the regulation changes that the State Medical Board adopted at its November 4, 2022 meeting, under the authority of AS 08.01.062, AS 08.01.070, AS 08.01.075, AS 08.01.100, AS 08.64.100, AS 08.64.107, AS 08.64.170, AS 08.64.240, AS 08.64.313, AS 08.64.326, AS 08.64.331, and AS 08.64.334, 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.

Although no public comments were received, 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: 11/7/2022

Natalie Norberg

Natalie Norberg, Executive Administrator
State Medical Board

April Simpson for Nancy Dahlstrom

FILING CERTIFICATION

I, ~~Kevin Meyer~~, Lieutenant Governor for the State of Alaska, certify that on April 5, ~~2022~~ 2023 at 10:16 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for ~~Kevin Meyer~~ Nancy Dahlstrom, Lieutenant Governor

Effective: May 5, 2023.

Register: 246, July 2023.

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:

Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2022.

NANCY DAHLSTROM
LIEUTENANT GOVERNOR

Chapter 40. State Medical Board.

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

(j) The board may determine that there exists an urgent situation that requires issuance of an emergency courtesy license. In an urgent situation, the board, executive administrator, or the board's designee may issue an emergency courtesy license under this subsection to an applicant who practices medicine or osteopathy, or who practices as a physician assistant [OR MOBILE INTENSIVE CARE PARAMEDIC,] to provide emergency medical or mental health care within the scope and duration of the declared urgent situation. A courtesy license may be issued under this subsection to a person who

. . .

12 AAC 40.045(j)(1) is amended to read:

(1) holds a current**,** unencumbered license to practice as a physician, osteopath, **or** physician assistant [, OR MOBILE INTENSIVE CARE PARAMEDIC] in another jurisdiction, or holds a retired license under AS 08.64.276 that has been issued less than two years;

12 AAC 40.045(j)(2)(C) is repealed:

(C) repealed 5 / 5 / 2023.

(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 12/25/2019, Register 232; em am 4/21/2020 - 8/18/2020, Register 234; am 11/16/2020, Register 236; am 5 / 5 / 2023, Register 246)

Authority: AS 08.01.062 AS 08.64.100 AS 08.64.240

12 AAC 40.300 is repealed:

12 AAC 40.300. Application for license. Repealed. (Eff. 1/13/80, Register 73; am 8/24/90, Register 115; am 6/15/2001, Register 158; repealed 5 / 5 / 2023, Register 246)

12 AAC 40.310 is repealed:

12 AAC 40.310. Qualifications for initial license. Repealed. (Eff. 1/13/80, Register 73; am 5/11/85, Register 94; am 8/20/87, Register 103; am 4/10/88, Register 106; am 8/24/90, Register 115; am 6/15/2001, Register 158; am 8/17/2018, Register 227; repealed 5 / 5 / 2023, Register 246)

12 AAC 40.315 is repealed:

12 AAC 40.315. Sponsorship. Repealed. (Eff. 5/11/85, Register 94; am 4/2/2004, Register 169; repealed 5 / 5 / 2023, Register 246)

12 AAC 40.320 is repealed:

12 AAC 40.320. Approved curriculum. Repealed. (Eff. 1/13/80, Register 73; am 4/10/88, Register 106; repealed 5 / 5 / 2023, Register 246)

12 AAC 40.325 is repealed:

12 AAC 40.325. Internship requirements. Repealed. (Eff. 5/11/85, Register 94; repealed 5 / 5 / 2023, Register 246)

12 AAC 40.340 is repealed:

12 AAC 40.340. License issuance and expiration. Repealed. (Eff. 1/13/80, Register 73; repealed 5 / 5 / 2023, Register 246)

12 AAC 40.350 is repealed:

12 AAC 40.350. Renewal of license. Repealed. (Eff. 1/13/80, Register 73; am 8/20/87, Register 103; am 8/24/90, Register 115; am 6/15/2001, Register 158; am 4/2/2004, Register 169; am 10/14/2006, Register 180; am 7/25/2008, Register 187; am 5/8/2013, Register 206; am 8/17/2018, Register 227; repealed 5 / 5 / 2023, Register 246)

12 AAC 40.352 is repealed:

12 AAC 40.352. Lapsed mobile intensive paramedic licenses. Repealed. (Eff. 8/20/87, Register 103; am 8/24/90, Register 115; am 6/15/2001, Register 158; repealed 5 / 5 / 2023, Register 246)

12 AAC 40.355 is repealed:

12 AAC 40.355. Temporary permits. Repealed. (Eff. 5/11/85, Register 94; am 8/24/90, Register 115; am 12/25/2019, Register 232; repealed 5 / 5 / 2023, Register 246)

12 AAC 40.356 is repealed:

12 AAC 40.356. Provisional license. Repealed. (Eff. 5/11/85, Register 94; am 8/2/86, Register 99; am 8/24/90, Register 115; repealed 5 / 5 / 2023, Register 246)

12 AAC 40.360 is repealed:

12 AAC 40.360. Grounds for suspension, revocation or refusal to issue a license. Repealed. (Eff. 1/13/80, Register 73; am 8/24/90, Register 115; repealed 5/5/2023, Register 246)

12 AAC 40.370 is repealed:

12 AAC 40.370. Scope of authorized activities. Repealed. (Eff. 1/13/80, Register 73; am 8/24/90, Register 115; am 9/9/2010, Register 195; repealed 5/5/2023, Register 246)

12 AAC 40.380 is repealed:

12 AAC 40.380. Prohibited acts. Repealed. (Eff. 1/13/80, Register 73; repealed 5/5/2023, Register 246)

12 AAC 40.390 is repealed:

12 AAC 40.390. Identification. Repealed. (Eff. 1/13/80, Register 73; am 8/24/90, Register 115; repealed 5/5/2023, Register 246)

12 AAC 40.910(b) is amended to read:

(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 12/25/2019, Register 232; am 5/5/2023, Register 246)

Authority: AS 08.64.075 AS 08.64.100 AS 08.64.101

12 AAC 40.955(e) is repealed:

(e) Repealed 5/5/2023. (Eff. 12/16/99, Register 152; am 4/2/2004, Register 169; am 12/21/2007, Register 184; am 12/25/2019, Register 232; am 5/5/2023, Register 246)

Authority: AS 08.01.070 AS 08.64.107 AS 08.64.326

AS 08.64.100

Editor's note: Copies of the *Code of Medical Ethics* ***of*** *the American Medical Association, Code of Ethics of the American Osteopathic Association, American Podiatric Medical Association Code of Ethics,* ***and*** *Guidelines for Ethical Conduct for the Physician Assistant Profession of the American Academy of Physician Assistants* [, AND THE *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.

12 AAC 40.965(a)(2)(A)(iv) is amended to read:

(iv) AS 08.64.107, if a physician assistant [OR MOBILE INTENSIVE CARE PARAMEDIC];

12 AAC 40.965(a)(2)(C) is amended to read:

(C) evidence of at least 120 hours of continuing medical education credits earned within the two years immediately before the date of application for reinstatement

of the surrendered license for a physician assistant [OR A MOBILE INTENSIVE CARE PARAMEDIC];

(Eff. 1/7/99, Register 149; am 12/21/2007, Register 184; am 7/25/2008, Register 187; am 5/5/2023, Register 246)

Authority: AS 08.01.075 AS 08.64.100 AS 08.64.331
AS 08.01.100 AS 08.64.107 AS 08.64.334

The introductory language of 12 AAC 40.981(a) is amended to read:

(a) A person who practices medicine, podiatry, or osteopathy, or who practices as a physician assistant [OR MOBILE INTENSIVE CARE PARAMEDIC,] in a tribal health program in this state must be licensed by the board unless they notify the board that they are practicing under another license in accordance with 25 U.S.C. 1621t (sec. 221, Indian Health Care Improvement Act). Notice required under this section must be received **not** [NO] later than 14 days after employment at a tribal health program in this state, and must include

. . .

(Eff. 8/24/2016, Register 219; am 5/5/2023, Register 246)

Authority: AS 08.64.107 AS 08.64.170 AS 08.64.313

12 AAC 40.990(a)(8) is repealed:

(8) repealed 5/5/2023;

12 AAC 40.990(a)(9) is repealed:

(9) repealed 5/5/2023;

12 AAC 40.990(a)(14) is repealed:

(14) repealed 5/5/2023;

12 AAC 40.990(a)(15) is repealed:

(15) repealed 5/5/2023;

(Eff. 8/29/73, Register 47; am 1/13/80, Register 73; am 9/30/81, Register 79; am 7/4/84, Register 90; am 3/12/89, Register 109; am 8/24/90, Register 115; am 4/27/97, Register 142; am 6/28/97, Register 142; am 8/17/97, Register 143; am 5/16/98, Register 146; am 11/7/98, Register 148; am 8/9/2000, Register 155; am 9/5/2002, Register 163; am 10/14/2006, Register 180; am 12/21/2007, Register 184; am 5/5/2023, Register 246)

Authority: AS 08.64.100 AS 08.64.107 AS 08.64.326