

STATE OF ALASKA

**Department of Commerce, Community, and Economic Development
Professional Licensing**

ALASKA BOARD OF PHARMACY



March 27, 2020

Teleconference

In light of the current COVID-19 situation, no physical attendance will be accepted.

Board Packet

STATE OF ALASKA 2020

State Holidays

Date	Holiday
01/01	New Year's Day
01/20	MLK Jr.'s Birthday
02/17	Presidents' Day
03/30	Seward's Day
05/25	Memorial Day
07/04	Independence Day (observed 7/3)
09/07	Labor Day
10/18	Alaska Day (observed 10/19)
11/11	Veterans' Day
11/26	Thanksgiving Day
12/25	Christmas Day

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.



State calendar maintained by the
Division of Finance,
Department of Administration
<http://doa.alaska.gov/calendars.html>
Revised 10/31/2019

STATE CALENDAR

JANUARY

S	M	T	W	T	F	S
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
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FEBRUARY

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MARCH

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APRIL

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MAY

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JUNE

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JULY

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AUGUST

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SEPTEMBER

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OCTOBER

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NOVEMBER

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DECEMBER

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Alaska Board of Pharmacy Roster

Board Member Name	Initial Appointment	Reappointed	Term End
Richard Holt, PharmD, MBA (Chair)	03/01/2016	03/01/2020	03/01/2024
Leif Holm, PharmD (Vice Chair)	03/01/2015	03/01/2019	03/01/2023
Lana Bell, RPh (Secretary)	05/31/2016	03/01/2018	03/01/2022
Justin Ruffridge	03/01/2020		03/01/2024
James Henderson, RPh	03/01/2017		03/01/2021
Tammy Lindemuth, Public Member	01/24/2018		03/01/2021
Sharon Long, Public Member	03/01/2018		03/01/2022



ALASKA BOARD OF PHARMACY EMERGENCY MEETING

TENTATIVE AGENDA

MARCH 23, 2020

Teleconference: 1-800-315-6338

Access Code: 52550

Discussion of the following topics may require executive session. The executive session phone number has not been provided for the public.

Board Members:

Richard Holt,
PharmD, MBA
(Chair)

Leif Holm, *PharmD*
(Vice Chair)

James Henderson,
RPh

Lana Bell, *RPh*
(Secretary)

Phil Sanders, *RPh*

Tammy Lindemuth,
Public Member

Sharon Long,
Public Member

Upcoming Meetings:

TBD

Meeting Details

Meeting Name: Alaska Board of Pharmacy Emergency Meeting

Meeting Start Time: 1:00 PM Alaskan Daylight Time

Meeting Start Date: 03/27/2020

Meeting End Time: 6:30 PM Alaskan Daylight Time

Meeting End Date: 03/27/2020

Meeting Location: Teleconference*

***In light of the current COVID-19 situation, no physical attendance will be accepted.** Due to time constraints and the need to draft emergency regulations quickly, the board may not accept public comment; however, they have received a number of queries via phone and email from constituents, and are taking these into consideration in the regulation drafting process.

Agenda

- I. Agenda Item #1 - 1:00 p.m. Roll Call/Call to Order
- II. Agenda Item #2 - 1:05 p.m. Review/Approve Agenda
- III. Agenda Item #3 – 1:10 p.m. Ethics Disclosures
- IV. Agenda Item #4 – 1:15 p.m. Emergency Regulations
(adoption process checklist)

- 12 AAC 52.060 - FIRE OR OTHER DISASTER
- 12 AAC 52.210 - PHARMACISTS DUTIES
- 12 AAC 52.220 - PHARMACIST INTERNS
- 12 AAC 52.230 - PHARMACY TECHNICIANS
- 12 AAC 52.235 - PHARMACY TECHNICIAN WITH NATIONAL CERTIFICATION (**NEW**)
- 12 AAC 52.300 - LICENSE RENEWAL
- 12 AAC 52.446 - SHARED PHARMACY SERVICES DURING EMERGENCY (**NEW**)
- 12 AAC 52.470 - REFILLS
- 12 AAC 52.480 - LABELING
- 12 AAC 52.490 - PRESCRIPTIONS BY ELECTRONIC TRANSMISSION
- 12 AAC 52.500 - TRANSFER OF A PRESCRIPTION DRUG ORDER
- 12 AAC 52.510 - SUBSTITUTION
- 12 AAC 52.985 - EMERGENCY PREPAREDNESS
- 12 AAC 52.992 - INDEPENDENT ADMINISTRATION OF VACCINES AND RELATED EMERGENCY MEDICATIONS
- 12 AAC 52.995 - DEFINITIONS

V. Agenda Item #5 – 5:00 p.m. QA draft

VI. Agenda Item #6 – 6:30 p.m. Adjourn

MEMORANDUM

State of Alaska
Department of Law

TO: _____ DATE: _____
FILE NO.: _____
TEL. NO.: _____
FROM: Angie White
Litigation Assistant
Department of Law
Opinions, Appeals, & Ethics Section
FAX: _____
SUBJECT: Executive Branch Ethics Act, AS
39.52 Quarterly Report
[INSERT QUARTERLY DATE
RANGE]

****SAMPLE LANGUAGE – PLEASE COPY ONLY THE PARTS THAT APPLY
ONTO YOUR BOARD OR COMMISSION'S LETTERHEAD ****

As designated ethics supervisor and chair [executive director] for the _____, I wish to advise you that I have received no notifications of potential violations or requests for ethics determinations under the Ethics Act (AS 39.52) and have made no written determinations for this quarter.

OR

As designated ethics supervisor and chair [executive director] for the _____, I have received ___ notification(s) of a potential violation and ___ requests for ethics determinations under the Ethics Act (AS 39.52). I have attached a copy of the notices and requests along with my written determination(s) for review by the attorney general. I did [did not] receive an advisory opinion from the Attorney General.

AND

Except as addressed above, no other [board member] [commissioner] disclosed a potential conflict of interest at a recorded public meeting during this quarter.

OR

In addition to the above, at the [date] meeting, [Board member] [Commissioner] _____ disclosed a potential conflict with respect to _____ [insert brief description]_____. *Insert disposition:* [S/He refrained from participation.] or [I determined s/he could [could not] participate.] or [The Board [Commission] members voted to permit [not to permit] participation.]

State of Alaska Department of Law

Who Is My Designated Ethics Supervisor?

Every state public officer, employee or board or commission member, has a designated ethics supervisor.

Executive Agencies

The ethics supervisor for each agency is the Commissioner or a senior manager to whom the Commissioner has delegated the function. The current ethics supervisor for each agency is listed below. The ethics supervisor for a Commissioner is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor.

Boards and Commissions

The Chair of each board and commission serves as the ethics supervisor for the other members and any executive director. The ethics supervisor for the Chair is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor. If a board or commission employs staff, the executive director serves as the ethics supervisor for these employees.

Public Corporations

The Chair of the board serves as the ethics supervisor for the other members of the board and any executive director. The executive director is the ethics supervisor for employees of the corporation.

Office of the Governor

The ethics supervisor for the Governor and Lieutenant Governor is the Attorney General. By delegation from the Governor, the ethics supervisor for the staff of the offices of the Governor and Lieutenant Governor is Guy Bell, Director of Administrative Services.

University of Alaska

By delegation of the University President, the ethics supervisor for university employees is Associate General Counsel Andy Harrington.

EXECUTIVE BRANCH AGENCIES

Administration: Leslie Ridle, Deputy Commissioner

Commerce, Community & Economic Development: Jon Bittner, Deputy Commissioner

Corrections: April Wilkerson, Director of Administrative Services

Education & Early Development: Les Morse, Deputy Commissioner

Environmental Conservation: Tom Cherian, Director of Administrative Services

Fish & Game: Kevin Brooks, Deputy Commissioner

Health & Social Services: Dallas Hargrave, Human Resource Manager

Labor & Workforce Development: Michael Monagle, Director, Division of Workers Compensation

Law: Jonathan Woodman, Assistant Attorney General

Military & Veterans Affairs: Marty Meyer, Special Assistant to Commissioner

Natural Resources: John Crowther, Inter-Governmental Coordinator

Public Safety: Terry Vrabec, Deputy Commissioner

Revenue: Dan DeBartolo, Administrative Services Director

Transportation & Public Facilities:

- Highways & Public Facilities: Steve Hatter, Deputy Commissioner
- Aviation: John Binder, Deputy Commissioner
- Central Region: Rob Campbell, Regional Director
- Northern Region: Rob Campbell, Acting Regional Director
- Southcoast Region: Acting Regional Director
- Alaska Marine Highway System: Michael Neussl, Deputy Commissioner
- Headquarters: Mary Siroky, Administrative Services Director

Updated April 2015

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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State of Alaska

Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a personal or financial interest; or
- coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

Revised 9/2013

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Department of Law

Executive Branch Ethics Act

Responsibilities of Designated Ethics Supervisors for Boards and Commissions

Boards and commissions subject to the Ethics Act have designated ethics supervisors. The chair serves as the designated ethics supervisor for board or commission members and the executive director. The executive director is the designated ethics supervisor for staff. The designated ethics supervisor for a chair is the governor, who has delegated this responsibility to Guy Bell, Administrative Director of the Office of the Governor.

Designated ethics supervisors should refer to the Manual for Designated Ethics Supervisors (April 2008), available from the state ethics attorney, regarding their responsibilities under the Ethics Act. Briefly, as designated ethics supervisor, you must --

1. Ensure that members and employees are provided copies of the guides, Ethics Information for Members of Boards and Commissions and Ethics Act Procedures for Boards and Commissions -- and keep a supply of disclosure forms.
 1. These guides, other educational materials, disclosure forms, statutes and regulations are available for review and copying on the Department of Law ethics web site. If access to this page is not available, please contact the Attorney General's office at 269-7195.
2. Review all disclosures, investigate potential ethics violations, make determinations regarding conduct, and take action.
3. Keep member or employee disclosure statements (of potential violations, receipt of gifts, and interests in grants/contracts/leases/loans) on file in your office. Disclosure of a gift received from another government must be forwarded to the Office of the Governor.
4. Submit an ethics report to the Department of Law in April, July, October and January for the preceding quarter. You will receive a reminder. There is a sample report on the ethics web page.
 1. Mail, email or fax to Kim Halstead, Litigation Assistant, Department of Law, Opinions, Appeals & Ethics Section, 1031 W. 4th Avenue, Suite 200, Anchorage, AK, 99501, ethicsreporting@alaska.gov, fax no. 907-279-2834.

You may request ethics advice from your agency's Assistant Attorney General or from the State Ethics Attorney, Jon Woodman, at 269-5100 or jonathan.woodman@alaska.gov. Please direct questions about reporting procedures to Kim Halstead at 269-7195 or kimberly.halstead@alaska.gov.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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AGENCY CHECKLIST/EMERGENCY REGULATION

DRAFTING

- _____ Proposed emergency regulation drafted and reviewed by agency in accordance with law and this manual (See Ch. 3).
- _____ Draft a factual finding of emergency/adoption order (Appendix R) or finding of emergency/certification order (See Step 3 in Ch. 3) (Appendix S).
- _____ Prepare fiscal note, if required (See Ch. 4 and 14) (Appendix F).
- _____ Prepare the notice of adoption of emergency regulation and the additional regulation notice information. Public notice must include: (1) references to statutory authority and statutes being implemented, interpreted, or made specific; (2) statement regarding the adoption date, effective date, and expiration date of the regulation; (3) informative summary (*not* text) of regulation; (4) summary of fiscal information; (5) if regulation is to be made permanent, deadline and address for submission of written comments (if an oral hearing is held, the time, date, and place of the hearing); and (6) any information required by the relevant program statute (See Step 3 in Ch. 3 and Ch. 4) (Appendices E-1, E-2, T-1, T-2, and T-3).
- _____ Decide whether to use the Alaska Online Public Notice System to receive comments on the project.
- _____ Consult with agency attorney in Department of Law; request review of draft documents (See Step 4 in Ch. 3).

ADOPTION OF EMERGENCY REGULATION; DELIVERY TO LT. GOVERNOR'S OFFICE

- _____ Agency formally adopts emergency regulation by signing adoption order; or, for a board or commission, voting to adopt during a properly noticed public meeting; certification order prepared, if appropriate (Appendices R and S). Delegation attached, if required (Appendices O and P). Designation as acting commissioner attached, if required (See Step 5 in Ch. 3).
- _____ Relevant portion of minutes of board or commission meeting and staff affidavit prepared (if certification order is being submitted) (See Step 5 in Ch. 3) (Appendices M and N).
- _____ Emergency regulation, finding of emergency/adoption order (or finding of emergency/certification order), fiscal note if there is one, and relevant minutes of meeting, if applicable, submitted to the lieutenant governor's office for filing (See Steps 5 and 6 in Ch. 3).

PUBLICATION AND DISTRIBUTION OF NOTICE (See Steps 7 - 9 in Ch. 3; see also Ch. 4).

- _____ Publication in a newspaper of general circulation or trade publication within five days after filing.
- _____ Request *immediate* publication of notice and return of affidavit of publication from the newspaper or trade publication.
- _____ Furnished to head of the department in which the adopting agency is located (if the adopting agency is not a principal department).
- _____ Furnished to all persons on the interested-persons list and others thought to be interested.
- _____ Furnished to the regulations attorney in the Department of Law (if the emergency regulation will be made permanent, send copy of the regulation and request file opening) (Appendix G).
- _____ Furnished electronically to all incumbent Alaska state legislators.
- _____ Notice and additional regulation notice information posted on the Alaska Online Public Notice System.
- _____ Additional regulation notice information sent with notice to interested persons, legislators, and regulations attorney (Appendix E-1 and E-2).
- _____ Following publication and distribution of public notice, prepare and submit to lieutenant governor's office an original affidavit of notice of adoption of emergency regulation (Appendix U), and an original or copy of the public notice and the additional regulation notice information.

PUBLISHER'S AFFIDAVIT OF PUBLICATION

- _____ Forward *original* directly to lieutenant governor's office if the regulation will *not* be made permanent (This is the last step if the regulation will not be made permanent) (See Step 9 in Ch. 3).
- _____ Retain the *original* for submission to the regulations attorney in the Department of Law if the regulation will be made permanent (See Step 9 in Ch. 3).

PUBLIC COMMENT/QUESTIONS

- _____ Prepare for questions during comment period.
- _____ Answers to questions made publicly available on the Alaska Online Public Notice System.
- _____ Written comments collected (See Step 10 in Ch. 3).
- _____ Oral public hearing, if any, conducted; prepare affidavit of oral hearing (See Step 10 in Ch. 3) (Appendix I).
- _____ Written comments and any oral comments received before deadline are carefully considered, including comments on cost of compliance to private persons (See Step 10 in Ch. 3).
- _____ Use or rejection of written and oral comments is documented (except exempt boards and commissions) (See Step 10 in Ch. 3).

FINAL PERMANENT REGULATION PREPARED

- _____ Agency decides whether changes to original emergency regulation are needed (for a board or commission, this occurs during properly noticed public meeting) (See Step 11 in Ch. 3).
- _____ Final permanent regulation is prepared (See Step 11 in Ch. 3).
- _____ Certification of compliance prepared and signed (See Step 11 in Ch. 3) (Appendix V).
- _____ Regular adoption order or certification order prepared and signed if changes to the original emergency regulation were made in final version (See Step 11 in Ch. 3) (Appendices J and L).
- _____ If changes were made in final version, relevant portions of minutes of board or commission meeting and staff affidavit prepared, *if* a certification order was signed (See Step 11 in Ch. 3) (Appendices M and N).
- _____ Affidavit of agency record of public comment prepared (Appendix K) (not applicable to exempted boards and commissions).

TRANSMITTAL OF FINAL PERMANENT REGULATION PACKAGE TO DEPARTMENT OF LAW

- _____ Completed project is **sent to the regulations attorney** in the Department of Law
- _____ Transmittal must include
- _____ (1) Cover memo to the regulations attorney stating the Department of Law file number, noting any particular issues regarding the project, stating the date the adopted regulations were furnished to the governor's office, and requesting review and approval (Appendix Q);
- _____ (2) Original and one copy of the final permanent regulation for Department of Law's use;
- _____ (3) Original signed certification of compliance;
- _____ (4) A signed, original, regular adoption order or certification order if changes were made to the original emergency regulation;
- _____ (5) A copy of any delegation of authority or acting commissioner designation;
- _____ (6) Relevant minutes of the board or commission meeting, and staff affidavit, *if* a certification order is being submitted;
- _____ (7) A copy of public notice of adoption of the emergency regulation (submit original if not already submitted to the lieutenant governor's office);
- _____ (8) Additional regulation notice information form that was distributed with the public notice (submit original if not already submitted to the lieutenant governor's office);
- _____ (9) Copy of fiscal note, if required;
- _____ (10) Copy of affidavit of notice (original already submitted to the lieutenant governor's office);

- _____ (11) Original publisher's affidavit of publication;
- _____ (12) Original affidavit of oral hearing, if an oral hearing was held;
- _____ (13) Original affidavit of agency record of public comment (not applicable to exempted boards and commissions);
- _____ (14) Copy of the filed finding of emergency, emergency adoption or certification order, and the emergency regulation;
- _____ (15) Any other relevant documents (such as material adopted by reference).

PERMANENT FILING AND EFFECTIVE DATES

- _____ Date Department of Law approved regulation for permanent filing (See Step 12 in Ch. 3).
- _____ Date permanent regulation is filed by the lieutenant governor's office, unless returned under AS 44.62.040(c), if applicable (See Step 13 in Ch. 3).
- _____ Effective date of changes, if any, made in the permanent regulation (See Step 13 in Ch. 3).
- _____ Summary of text of filed regulation, indicating that the emergency regulation has been made permanent, posted on the Alaska Online Public Notice System as soon as possible after filing of the permanent regulations (See Step 14 in Ch. 3).