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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Sara Chambers, Boards and Regulations Advisor
Department of Commerce, Community and Economic Development

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

DATE: October 27, 2026

RE: Filed Permanent Regulations: Board of Examiners in Optometry

Board of Examiners in Optometry regulations re: Delegating Optometrist Tasks
(Implementing HB 309) (12 AAC 48.330)

Attorney General File: 2024200563

Regulation Filed: 10/27/2026

Effective Date: 11/26/2026

Print: 260, January 2027

cc with enclosures: Legislation, Regulations, and Legislative Research Section
Department of Law

Lisa Gorman, Alaska Legal Analyst
LexisNexis

Stefanie Davis, Regulations Specialist 2
Department of Commerce Community and Economic Development



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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October 23, 2026

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

Re: Approval and Submission of Regulations for Filing
12 AAC 48.330: Board of Examiners in Optometry: Delegating
Optometrist Tasks (Implementing HB 309)
Our file: 2024200563

Dear Lieutenant Governor Dahlstrom:

Pursuant to AS 44.62.060, the Department of Law has reviewed the enclosed regulations adopted by the Department of Commerce, Community and Economic Development, permitting licensed optometrists to delegate routine services to an agent of the optometrist if certain conditions are met. The regulations also detail when and to whom a service may be delegated and limit the types of services that may be delegated.

Our review examined each regulation for legality, existence of statutory authority, clarity, compliance with the *Drafting Manual for Administrative Regulations*, and conformance with the procedural requirements of AS 44.62.010 - 44.62.290.

Based upon this review, the Department of Law approves each regulation as to form and legality. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to accept the regulations for filing.

We hereby submit the regulations to you for filing under AS 44.62.040 on behalf of the Department of Commerce, Community and Economic Development.

To: Hon. Nancy Dahlstrom, Lieutenant Governor
Our file: 2024200563; 12 AAC 48.330

October 23, 2026
Page 2 of 2

Sincerely,

CORI MILLS
ACTING ATTORNEY GENERAL

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

Digitally signed by
Rebecca C. Polizzotto
Date: 2026.10.23
13:35:36 -08'00'

RCP/MDR/tg

CC w/enclosure: Stefanie Davis, Regulations Specialist 2
Department of Commerce, Community and Economic Development

M. David Rhodes, Senior Assistant Attorney General
Department of Law

Harriet D. Milks, Senior Assistant Attorney General
Department of Law

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE BOARD OF EXAMINERS IN OPTOMETRY

The attached regulations, dealing with implementing corresponding statutory changes to AS 08.72 under 1 Chapter 37, SLA 2024 (HB309) relating to the delegation of routine services of optometry by a licensed optometrist to a non-licensed agent, are certified to be a correct copy of the regulation changes that the Board of Examiners in Optometry adopted at its October 8, 2026 meeting, under the authority of AS 08.72.050, AS 08.72.060, AS 08.72.110, AS 08.72.240, and AS 08.72.280 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.

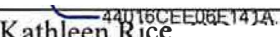
Although no public comments were received, the Board of Examiners in Optometry paid special attention to the cost to private persons of the regulatory action being taken.

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: 10/9/2026

Signed by:

Kathleen Rice, OD


Kathleen Rice

Alaska Board of Examiners in Optometry

Kiril Simpson for

FILING CERTIFICATION

I Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on October 27, 2026 at 10:12 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Lieutenant Governor *Nancy Dahlstrom*

Effective: November 26, 2026.

Register: 260 January 2027.

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 48. Board of Examiners in Optometry.

12 AAC 48 is amended by adding a new section to Article 3 to read:

12 AAC 48.315. Standards for delegation of routine duties. (a) An optometrist licensed under AS 08.72 may delegate the performance of a routine service of optometry to an agent of the optometrist if

- (1) the delegated service is within the scope of practice of the delegating optometrist;
- (2) the optometrist's delegated agent has received necessary training to safely and competently perform the delegated duty; and
- (3) the delegating optometrist
 - (A) supervises the agent; and
 - (B) remains responsible for the quality of the service provided to the patient.

(b) An optometrist may not delegate a service that requires the delegatee to exercise professional medical judgment or skills, or have knowledge of complex medical skills, including

- (1) a service related to pain management, opioid use, or addiction;
- (2) the assessment of a patient's medical condition, related referrals, or necessary follow-up;
- (3) the formulation of an appropriate medical care plan for the patient or evaluation of the patient's response to the care provided;
- (4) counseling the patient, the patient's family, or the patient's representative regarding the patient's health;

(5) transmitting a verbal prescription order without written documentation from the patient's health care provider;

(6) medication management for a medical condition requiring ongoing assessment and adjustment of dosage or timing of administration; and

(7) the administration of an injectable medication.

(c) This section only applies to the delegation of a routine service of optometry by an optometrist licensed under AS 08.72. This section does not apply to a service that has 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.

(d) In this section, "routine service of optometry" means a service that may be delegated to another person and that

(1) occurs frequently in the care of patients;

(2) has a standard procedure and predictable results; and

(3) presents minimal potential risk to the patient. (Eff. 11 / 26 / 2026)

Register 260)

Authority:	AS 08.72.050	AS 08.72.110	AS 08.72.280
	AS 08.72.060	AS 08.72.240	

12 AAC 48.330 is amended by adding new subsections to read:

(f) An optometrist licensed under AS 08.72 may not knowingly delegate a function, task,

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or responsibility to another person if doing so would be reasonably likely to pose a substantial risk of harm to a patient.

(g) An optometrist may not delegate a routine service of optometry to an agent except as provided under AS 08.72 and 12 AAC 48.315. In this subsection, "routine service of optometry" has the meaning given in 12 AAC 48.315. (In effect before 7/28/59; am 9/10/65, Register 21; am 4/24/71, Register 37; am 2/14/78, Register 65; am 7/6/78, Register 67; am 6/14/80, Register 74; am 8/8/84, Register 91; am 3/12/86, Register 97; am 8/7/2021, Register 239; am

11 / 26 / 2026 , Register 260)

Authority: AS 08.72.050 AS 08.72.060 AS 08.72.240