

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460 269.0263
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: April 21, 2020

RE: Filed Emergency Regulations: State Medical Board

State Medical Board emergency regulations re: emergency courtesy licenses, notarized signatures, and stale dates for documents. (12 AAC 40.010 - 12 AAC 40.963)

Attorney General File:	Emergency Regulations
Regulation Filed:	4/21/2020
Effective Date:	4/21/2020
Expiration Date:	August 18, 2020 unless made permanent by the adopting agency
Print:	234, July 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Sher Zinn, Regulations Specialist

FINDING OF EMERGENCY

The State Medical Board finds that an emergency exists and that the attached regulation changes are necessary to 12 AAC 40.010 – 12 AAC 40.963, dealing with notarized signatures, courtesy licenses, and document stale dates, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

The restrictive nature of these regulations could negatively impact the health of the public by decreasing healthcare worker availability by impeding the licensure application process during this public health emergency caused by the COVID-19 pandemic.

ORDER CERTIFYING ADOPTION

I certify that the State Medical Board, under the authority of AS 08.01.062, AS 08.64.100, AS 08.64.180, AS 08.64.190, AS 08.64.200, AS 08.64.205, AS 08.64.209, AS 08.64.210, AS 08.64.225, AS 08.64.240, AS 08.64.250, AS 08.64.255, AS 08.64.270, and AS 08.64.279, adopted at its April 9, 2020 teleconference meeting the attached six pages of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: 4/21/2020
Juneau, Alaska

Alysia D. Jones

Digitally signed by Alysia D. Jones
Date: 2020.04.21 08:51:47 -08'00'

Alysia Jones, Executive Administrator
State Medical Board

April Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 21st, 2020, at 3:24 p.m., I filed the attached regulations according to the provisions of AS 44.62.

for April Simpson
Kevin Meyer, Lieutenant Governor

Effective: April 21, 2020
Register: 234, July 2020

Expires August 18, 2020
unless made "permanent"
by the adopting agency

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, KEVIN MEYER, 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, 2018.



K. Meyer
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**KEVIN MEYER
LIEUTENANT GOVERNOR**

EMERGENCY REGULATIONS

Register 234, July 2020 **PROFESSIONAL REGULATIONS**

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 40.010(b)(1)(A) is amended to read:

(A) a completed application on a form provided by the department, including a photograph of the applicant [AND THE APPLICANT'S NOTARIZED SIGNATURE];

(Eff. 12/30/70, Register 36; am 5/18/85, Register 94; am 8/2/86, Register 99; am 4/10/88, Register 106; am 5/1/94, Register 130; am 6/28/97, Register 142; am 8/17/97, Register 143; am 11/7/98, Register 148; am 8/9/2000, Register 155; am 6/15/2001, Register 158; am 4/2/2004, Register 169; am 10/14/2006, Register 180; am 3/4/2007, Register 181; am 12/21/2007, Register 184; am 5/8/2013, Register 206; am 8/17/2018, Register 227; em am 4 / 21 / 2020 - 8 / 18 / 2020, Register 234)

Authority:	AS 08.64.100	AS 08.64.210	AS 08.64.250
	AS 08.64.200	AS 08.64.225	AS 08.64.255
	AS 08.64.205	AS 08.64.240	

12 AAC 40.015(b)(1)(A) is amended to read:

(A) a completed application on a form provided by the department, including a photograph of the applicant [AND THE APPLICANT'S NOTARIZED SIGNATURE];

(Eff. 7/29/83, Register 87; am 3/30/84, Register 89; am 4/10/88, Register 106; am 6/28/97,

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Register 142; am 8/17/97, Register 143; am 6/15/2001, Register 158; am 4/2/2004, Register 169; am 3/4/2007, Register 181; am 12/21/2007, Register 184; am 8/17/2018, Register 227; em am 4 / 21 / 2020 - 8 / 18 / 2020, Register 234)

Authority:	AS 08.64.100	AS 08.64.205	AS 08.64.225
	AS 08.64.180	AS 08.64.209	AS 08.64.240
	AS 08.64.190	AS 08.64.210	AS 08.64.255

12 AAC 40.035(d)(2)(A) is amended to read:

(A) A completed application on a form provided by the department, including a photograph of the applicant [AND THE APPLICANT’S NOTARIZED SIGNATURE];

(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; em am 4 / 21 / 2020 - 8 / 18 / 2020, Register 234)

Authority:	AS 08.64.100	AS 08.64.270	AS 08.64.279
	AS 08.64.180		

12 AAC 40.045(a) is amended to read:

(a) A courtesy license authorizes the holder to practice medicine, osteopathy, or podiatry for limited purposes recognized by the board in (b) **and (j)** of this section. A courtesy license does not authorize the holder to perform medical services outside the scope of the courtesy license issued under this section.

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12 AAC 40.045(b)(4) is repealed:

(4) repealed 4 / 21 / 2020; [PHYSICIANS WHO COME TO THE STATE TO PROVIDE EMERGENCY MEDICAL CARE OR EMERGENCY MENTAL HEALTH CARE IF

(A) THE PATIENTS DO NOT PAY OR GIVE A FEE OR OTHER REMUNERATION; AND

(B) THE SERVICES ARE PROVIDED AS PART OF AN ORGANIZED RESPONSE TO A DISASTER EMERGENCY

(I) THAT THE GOVERNOR HAS DECLARED UNDER AS 26.23.020; AND

(II) IN WHICH EXTENSIVE INJURIES OR DEATHS HAVE OCCURRED;]

12 AAC 40.045(e) is amended to read:

(e) A courtesy license is valid only for the shorter of the following periods:

(1) the duration of the activity as listed in (b) of this section;

(2) a period not to exceed

(A) one year after the date the courtesy license is issued under (b)(1) – (b)(3) or (b)(5) – (b)(6) of this section; or

(B) **for an emergency courtesy license** [90 DAYS AFTER THE DATE THE COURTESY LICENSE IS] issued under **(i)** [(b)(4)] of this section, **the date the**

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governor has declared the emergency no longer exists.

12 AAC 40.045 is amended by adding a new subsection to read:

(j) 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, as part of a response to the public health disaster emergency issued by the governor under AS 26.23.020, March 11, 2020, to provide emergency medical or mental health care within the scope and duration of the declared emergency; a courtesy license may be issued under this subsection to a person who

(1) holds a current unencumbered license to practice as a physician, osteopath, 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;

(2) submits a completed application on a form provided by the department, and

(A) if a physician or osteopath,

(i) verification of a current license to practice medicine or osteopathy in good standing and not under investigation in the jurisdiction in which the applicant resides, or verification of a retired license issued under AS 08.64.276;

(ii) clearance from the Federation of State Medical Boards;

(iii) clearance from the National Practitioner Data Bank; and

(iv) clearance from the federal Drug Enforcement Administration;

(B) if a physician assistant,

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(i) verification of a current license to practice medicine in good standing and not under investigation in the jurisdiction in which the applicant resides;

(ii) clearance from the Federation of State Medical Boards;

(iii) clearance from the National Practitioner Data Bank; and

(iv) clearance from the federal Drug Enforcement Administration.

(C) if a mobile intensive care paramedic,

(i) verification of a current license as a mobile intensive care paramedic in good standing and not under investigation in the jurisdiction in which the applicant resides;

(ii) clearance from the National Practitioner Data Bank; and

(ii) a declaration of sponsorship form signed by a physician or osteopath who holds a license in this state, or an emergency courtesy license issued under this subsection, who will provide supervision as required by 12 AAC 40.310(a)(3). (Eff. 5/1/94, Register 130: am 8/9/95, Register 135; am 12/18/2001,

Register 160; am 10/8/2017, Register 224; em am 4 / 21 / 2020 - 8 / 18 / 2020, Register

234)

Authority: AS 08.01.062 AS 08.64.100 AS 08.64.240

12 AAC 40.963(a) is amended to read:

(a) If, upon receipt by the division of the last document required to complete an application file, the file contains an application form or verification that has a postmark date that

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is more than 12 [SIX] months old, the document will be considered to be stale and the applicant must resubmit the document or cause the document to be resubmitted as appropriate before the application will be considered by the board or the board's designee.

(Eff. 9/30/2001, Register 159; am 4/2/2004, Register 169; em am 4 / 21 / 2020 -
8 / 18 / 2020, Register 234)

Authority: AS 08.64.100