

SUPPLEMENTAL NOTICE OF ADOPTION OF EMERGENCY REGULATION OF THE
ALASKA DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT AND THE
ALASKA WORKERS' COMPENSATION BOARD ON FEE SCHEDULES FOR PAYMENTS
OF MEDICAL EXPENSES OF INJURED WORKERS

BRIEF DESCRIPTION: The Alaska Department of Labor and Workforce Development and the Alaska Workers' Compensation Board propose to make permanent regulation changes made by emergency regulation on fee schedules for payments of medical expenses of injured workers.

On December 1, 2015, the commissioner of the Alaska Department of Labor and Workforce Development adopted, as an emergency regulation, changes in Title 8 of the Alaska Administrative Code dealing with fees for medical treatment and services, including the following:

- (1) 8 AAC 45.082(l)(2) is proposed to be repealed. The intended effect of this repeal is to reflect that the definition of "provider" will now be located in 8 AAC 45.900.
- (2) 8 AAC 45.082(m) is proposed to be changed to reflect that the current fee schedule applies to medical treatment or services of injured workers on or before November 30, 2015, and reflects the December 1, 2015 effective date of statutory changes to AS 23.30.097 (fees for medical treatment and services) enacted under ch. 31, SLA 2015.
- (3) 8 AAC 45.083 is proposed to be adopted as a new section to address fees for medical treatment and services provided to injured workers on or after December 1, 2015, in accordance with changes to AS 23.30.097 (fees for medical treatment and services) enacted under ch. 63, SLA 2014, with an effective date of December 1, 2015 enacted under ch. 31, SLA 2015.
- (4) 8 AAC 45.900(a) is proposed to be amended by adding a new definition of "provider" for medical treatment and services.

The emergency regulations took effect December 1, 2015, and will expire March 1, 2016. The Alaska Workers' Compensation Board and the Department of Labor and Workforce Development intends to make the emergency regulations permanent.

Because these regulations were originally proposed as part of non-emergency regulations in the Alaska Workers' Compensation Board's and Department of Labor and Workforce Development's public notice published September 23, 2015, opportunity was already provided for the public to comment on the regulation changes as required under the Administrative Procedure Act (AS 44.62), including the potential costs to private persons of complying with the changes. This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was published on September 23, 2015, and incorporates the contents of that previous notice by reference. This SUPPLEMENTAL NOTICE is being issued because the Department of Labor and Workforce Development is providing an additional opportunity for the submission of written comments on the emergency regulations.

You may comment on the regulation changes, including the potential costs to private persons of

complying with the changes, by submitting written comments to the Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512. Additionally, the Department will accept comments by facsimile at (907) 465-2797 and by electronic mail at Marie.Marx@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received no later than 5:00 pm on January 4, 2016.

If you previously commented on these regulations, you need not resubmit those comments for those comments to be considered. Previously submitted comments will be considered as well as comments submitted during the period set out in this SUPPLEMENTAL NOTICE.

You may submit written questions relevant to the proposed action to the Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512. Additionally, the Department will accept questions by facsimile at (907) 465-2797 and by electronic mail at Marie.Marx@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Department will aggregate its response to substantially similar questions and make the questions and response available on the Alaska Online Public Notice System and on the Division of Workers' Compensation website. The Department 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 Alexis Hildebrand at (907) 465-6330 no later than December 22, 2015 to ensure that any necessary accommodation can be provided.

A copy of the emergency regulation is available on the Alaska Online Public Notice System and by contacting Marie Marx at Marie.Marx@alaska.gov or (907) 465-2790.

A copy of material adopted by reference as part of the emergency regulations may be viewed at the agency's office at 1111 W 8th St., Suite 305, Juneau, Alaska.

The language of the permanent regulations may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. **You should comment during the time allowed if your interests could be affected.**

Statutory authority: AS 23.30.005; AS 23.30.097; AS 23.30.098

Statutes being implemented, interpreted, or made specific: AS 23.30.005; 23.30.097; AS 23.30.098

Fiscal information: The regulation is not expected to require an increased appropriation.

Date: December 1, 2015



Heidi Drygas, Commissioner
Department of Labor and Workforce Development