

NOTICE OF PROPOSED CHANGES RELATING TO FEES FOR MEDICAL TREATMENT AND SERVICES, SECOND INDEPENDENT MEDICAL EVALUATION PROCEDURES, THE SECOND INJURY FUND, HEARING BRIEFS, DISCOVERY, AND SUBPOENAS IN THE REGULATIONS OF THE ALASKA DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT AND THE ALASKA WORKERS' COMPENSATION BOARD

BRIEF DESCRIPTION

The Alaska Department of Labor and Workforce Development and the Alaska Workers' Compensation Board propose to change regulations relating to fees for medical treatment and services, second independent medical evaluation procedures, the Second Injury Fund, hearing briefs, discovery, and subpoenas.

The Alaska Department of Labor and Workforce Development and the Alaska Workers' Compensation Board propose to adopt regulation changes in Title 8 of the Alaska Administrative Code, dealing with fees for medical treatment and services, second independent medical evaluation procedures, the Second Injury Fund, hearing briefs, discovery, and subpoenas, including the following:

- (1) 8 AAC 45.054 is proposed to be amended and 8 AAC 45.175 is proposed to be repealed: Change the procedures for discovery, including subpoenas, in cases involving an employer's failure to insure for workers' compensation liability.
- (2) 8 AAC 45.083 is proposed to be changed as follows: Amend to update and clarify the medical fee schedule for treatment and services provided to injured workers.
- (3) 8 AAC 45.092 is proposed to be changed as follows: Amend procedures relating to the second independent medical evaluation process.
- (4) 8 AAC 45.114 is proposed to be amended and 8 AAC 45.114(5) is proposed to be repealed: Eliminate the requirement of filing extra copies of legal memoranda in light of the move to electronic filing.
- (5) 8 AAC 45.186 is proposed to be changed as follows: Amend the regulation to reference the correct subsections of the second injury fund statute.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed 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 of Labor and Workforce Development, Division of Workers' Compensation, 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 not later than 5:00 p.m. on January 5, 2017.

Oral or written comments also may be submitted at a hearing to be held on January 12, 2017, in Room 208, 3301 Eagle St., Anchorage, Alaska 99503. Public comment will be heard from 10:15 a.m. to 11:15 a.m., and might be extended to accommodate those present before 10:15 a.m. who did not have an opportunity to comment.

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. The questions must be received at least 10 days before the end of the public comment period. The Department of Labor and Workforce Development, Division of Workers' Compensation will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Division of Workers' Compensation's website.

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) 465-6059 not later than December 22, 2016, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes and the material proposed for adoption by reference is available on the Alaska Online Public Notice System and by contacting Marie Marx at Marie.Marx@alaska.gov and (907) 465-2790.

After the public comment period ends, the Department of Labor and Workforce Development and the Alaska Workers' Compensation Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. 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 23.30.080; AS 23.30.095; AS 23.30.097; AS 23.30.098; AS 23.30.108; AS 23.30.110; AS 23.30.115; AS 23.30.135; AS 23.30.205.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: _____

Heidi Drygas, Commissioner
Department of Labor and Workforce Development