

## FINDING OF EMERGENCY

The Alaska Workers' Compensation Board finds that an emergency exists and that the attached regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

Under AS 23.30.005(i) and (l), and under AS 23.30.097, as amended under ch. 63, SLA 2014, and under ch. 31, SLA 2015, the Department of Labor and Workforce Development and the Alaska Workers' Compensation Board are required to adopt regulations establishing a medical fee schedule for medical services and treatment provided to injured workers under AS 23.30 (Alaska Workers' Compensation Act). Under ch. 31, SLA 2015, the relevant 2014 and 2015 amendments to AS 23.30.097 take effect December 1, 2015, and the fee schedule under existing AS 23.30.097(a)(1)(A) will no longer be in effect. Regulations adopted on December 1, 2015, would ordinarily take effect 30 days after filing of the regulations by the lieutenant governor under AS 44.62.180 of the Administrative Procedure Act. Because the existing fee schedule will no longer be authorized beginning December 1, 2015, but the new fee schedules cannot be effective on that date, there will be a period of time without a medical fee schedule. That result could delay payment for medical services and treatment, delay or interrupt medical treatment to injured workers, and therefore harm the health, safety, and general welfare of those workers. However, emergency regulations may be effective immediately upon the filing of the regulations by the lieutenant governor or at a later date specified by the state agency under AS 44.62.180(3). Emergency regulations will ensure that the new fee schedule takes effect on the same date as the statutory amendments.

Accordingly, the Alaska Workers' Compensation Board has decided to adopt emergency regulations to establish a medical fee schedule in accordance with AS 23.30.097, as amended under ch. 63, SLA 2014, and under ch. 31, SLA 2015, to avoid harm to the health, safety, and general welfare of injured workers subject to AS 23.30 (Alaska Workers' Compensation Act).

## ORDER CERTIFYING ADOPTION

I certify that the Alaska Workers' Compensation Board, under the authority of AS 23.30.005(l), adopted at its October 29<sup>th</sup>, 2015 meeting the attached 10 pages of regulation changes as

an emergency regulation to take effect on a date on or after December 1, 2015, as set under any Department of Labor and Workforce Development order adopting these regulations changes under the authority of AS 23.30.005(i), as provided in AS 44.62.180.

This action is not expected to require an increased appropriation.

Date: 10/29/15  
Anchorage, Alaska

  
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Amanda Eklund, Chair  
Alaska Workers' Compensation Board

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on November 3, 2015 at 9:30A.m., I filed the attached regulation according to the provisions of AS 44.62.

  
\_\_\_\_\_  
Byron Mallott  
Lieutenant Governor

Effective: December 1, 2015

Register: 216, January 2016  
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Expires March 29, 2016  
unless made "permanent"  
by the adopting agency.