

NOTICE OF ADOPTION OF EMERGENCY REGULATION OF THE ALASKA WORKERS'
COMPENSATION BOARD ON FEE SCHEDULES FOR PAYMENTS FOR MEDICAL
EXPENSES OF INJURED WORKERS

BRIEF DESCRIPTION: The Alaska Workers' Compensation Board has adopted regulation changes made by emergency regulation with an intended effective date of December 1, 2015, on fees for medical treatment and services, and proposes to make the regulations permanent pending emergency adoption of regulations changes by the Department of Labor and Workforce Development.

On October 29, 2015, the Alaska Workers' Compensation Board 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- (1) 8 AAC 45.082(l)(2) is proposed to be repealed.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 take effect December 1, 2015, and will expire March 1, 2016. The Alaska Workers' Compensation Board intends to make the emergency regulations permanent, pending any action by the Department of Labor and Workforce Development on or after December 1, 2015 to adopt, amend, or repeal regulations by emergency action.

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. However, after any action by the Department of Labor and Workforce Development on or after December 1, 2015 to adopt, amend, or repeal regulations by emergency action, the board expects the publication of a supplemental public notice and an additional opportunity to comment on the emergency regulations proposed to be made permanent.

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 proposed for adoption by reference may be viewed at the agency's office at 1111 W 8th St., Suite 305, Juneau, Alaska.

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: 11/4/15



Marie Marx, Director
Division of Workers' Compensation