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8 AAC 45.030(a)(2) is amended to read:

(2) reasonable duplication fees may be charged for copying hearing **recordings**

[TAPES];

(In effect before 7/28/59; am 5/28/83, Register 86; am ___/___/____, Register ____)

Authority: AS 23.30.005

8 AAC 45.032 is amended to read:

(a) Upon receiving written notice of an injury, the division will

8 AAC 45.032 is amended by adding a new subsection to read:

(b) Upon initiating a failure to insure investigation, the division's special investigations unit will set up a computer record of the investigation and obtain a case number in the division's case management system. The board will use the established case number for official filings requesting board action. (Eff. 7/20/97, Register 143; am 2/27/2000, Register 153; am 4/9/2016, Register 218; am ___/___/____, Register ____)

Authority: AS 23.30.005 AS 23.30.070 AS 23.30.100
AS 23.30.105

8 AAC 45.092(b)(1) is amended to read:

(1) The board or its designee will ask the Alaska Chiropractic Society, Alaska Dental Society, Alaska Optometric **Association** [SOCIETY], and Alaska State Medical Association to make recommendations from within their respective specialty. The

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recommendations must be received by the board on or before November 1, 1989 and on or before November 1 of each year after that.

8 AAC 45.092(b)(2) is amended to read:

(2) Not later than December 15 of each year, the board will publish a bulletin listing the names of the physicians recommended by the Alaska Chiropractic Society, the Alaska Dental Society, the Alaska Optometric **Association** [SOCIETY], and the Alaska State Medical Association as well as the names of second independent medical examiners.

(Eff. 7/1/88, Register 107; am 10/28/88, Register 108; am 3/16/90, Register 113; am 7/20/97, Register 143; am 7/2/98, Register 146; am 2/27/2000, Register 153; am 3/13/2004, Register 169; am 2/28/2010, Register 193; am 4/1/2017, Register 221; am 7/27/2017, Register 223; am 5/12/2019, Register 230; am ___/___/___, Register ___)

Authority: AS 23.30.005 AS 23.30.095 AS 23.30.110

8 AAC 45.093(b)(1) is amended to read:

(1) a medical history, on **form 07-6176** [A FORM PRESCRIBED BY THE DEPARTMENT], completed by the firefighter, and reviewed by the examining physician;

8 AAC 45.093(b)(2) is amended to read:

(2) measurement of the levels of the nicotine by-product cotinine in the blood of the firefighter being examined, and documentation of the measurement on **form 07-6177** [A FORM PRESCRIBED BY THE DEPARTMENT AND] completed by the examining physician;

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8 AAC 45.093(b)(3) is amended to read:

(3) a lung examination, documented on **form 07-6177** [A FORM PRESCRIBED BY THE DEPARTMENT AND] completed by the examining physician; the lung examination must include

8 AAC 45.093(b)(4) is amended to read:

(4) a cardiac examination, documented on **form 07-6177** [A FORM PRESCRIBED BY THE DEPARTMENT AND] completed by the examining physician; the cardiac examination must include

8 AAC 45.093(c) is amended to read:

(c) In addition to meeting the requirements of (b) of this section, a qualifying medical examination under AS 23.30.121(b)(3)(A) must include an initial screening for the cancers listed in AS 23.30.121(b)(1)(C). The screening must include a comprehensive history, complete physical and neurological examinations, blood chemistries, complete blood counts, urinalysis, and other diagnostic tests as indicated to screen for these cancers, each documented on **form 07-6177** [A FORM PRESCRIBED BY THE DEPARTMENT AND] completed by the examining physician.

(Eff. 2/20/2011, Register 197; am ___/___/___, Register ___)

Authority: AS 23.30.005 AS 23.30.121

8 AAC 45.122(a) is amended to read:

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(a) The board will give public notice of the edition of the *American Medical Association Guides to the Evaluation of Permanent Impairment* and effective date for using the edition by publishing a notice in a newspaper of general circulation in Anchorage, Fairbanks, and Juneau; as well as **issue a bulletin published on the division's website** [ISSUE A BULLETIN FOR THE "WORKERS' COMPENSATION MANUAL", PUBLISHED BY THE DEPARTMENT]. (Eff. 12/14/86, Register 100; am 3/16/90, Register 113; am 4/21/96, Register 138; am 7/20/97, Register 143; am 7/2/98, Register 146; am ___/___/____, Register ____)

Authority: AS 23.30.005 AS 23.30.095 AS 23.30.190

8 AAC 45.136(a) is amended to read:

(a) When the employer or carrier begins, increases, reduces, terminates, suspends or otherwise modifies compensation payments to the employee, the employer or carrier shall notify the **division** [BOARD AND THE EMPLOYEE] of the nature and substance of the commencement or change within 28 days after the commencement or change by filing **electronically a subsequent report of injury (SROI). The notice shall be filed electronically through Electronic Data Interchange (EDI). The division will notify the employee of the commencement, termination and any other modification of compensation payments.**

[FORM 07-6104. THE ORIGINAL OF FORM 07-6104 MUST BE FILED WITH THE EMPLOYEE AND A COPY FILED WITH THE BOARD.]

8 AAC 45.136(b) is amended to read:

(b) For purposes of this section and AS 23.30.155(c), “filed” means **submitted through EDI and followed by a Transaction Accepted acknowledgement from the jurisdiction** [DEPOSITED IN THE MAIL OR PERSONALLY DELIVERED].

8 AAC 45.136(c)(1) is amended to read:

(1) **submitted through EDI and followed by a Transaction Accepted acknowledgement from the jurisdiction; and** [THE BOARD’S CASE NUMBER IS LISTED FOR AT LEAST 99 PERCENT OF ALL THE CASES FOR WHICH THE EMPLOYER OR CARRIER HAS PAID COMPENSATION IN THE PRECEDING CALDEAR YEAR;]

8 AAC 45.136(c)(2) is amended to read:

(2) the difference, if any, between the amount listed as paid in each payment category is no greater than 10 percent of the amount reported to the board **as** [ON THE COMPENSATION REPORTS] filed under **this section and** AS 23.30.155(c) in the preceding year; [IF A PAYMENT WAS NOT MADE IN A PARTICULAR PAYMENT CATEGORY, THE ANNUAL REPORT MUST BE COMPLETED WITH A ZERO IN THAT CATEGORY;]

8 AAC 45.136(c)(3) is repealed:

(3) repealed ___/___/____. [THE NUMBER OF NOTICES OF INJURY, CLAIMS, AND CONTROVERSIONS IS LISTED;]

8 AAC 45.136(c)(4) is repealed:

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(4) repealed ___/___/____. [THE ANNUAL REPORT IS SIGNED BY THE EMPLOYER OR CARRIER'S AGENT RESPONSIBLE FOR ALL WORKERS' COMPENSATION PAYMENTS MADE BY THE EMPLOYER OR AN AFFIDAVIT IS FILED IN ACCORDANCE WITH (C) OF THIS SECTION; AND]

8 AAC 45.136(c)(5) is repealed:

(5) repealed ___/___/____. [THE NAME AND ADDRESS OF THE EMPLOYER OR CARRIER SUBMITTING THE FORM IS LISTED.]

8 AAC 45.136(d) is amended to read:

(d) The division will compare the amount listed for each payment category [AND CASE NUMBERS LISTED] on the annual report with the board's records to determine if the annual report is complete. The division will serve the employer or carrier written notice [BY MAIL] that the annual report was incomplete, based on the differences. Within 30 days after the date notice is served, the employer or carrier must respond in writing to the board and provide documentation that the board's records are in error and the annual report was complete as initially filed. If the employer or carrier fails to timely respond in accordance with this section or the evidence submitted in the response does not prove the error was in the board's records, the annual report is incomplete for purposes of AS 23.30.155(m).

8 AAC 45.136(e) is repealed:

(e) Repealed ___/___/____. [THE FORM PRESCRIBED BY THE BOARD FOR THE ANNUAL REPORT IS FORM 07-6115, IF THE EMPLOYER DOES NOT PAY BENEFITS

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THROUGH USE OF A COMPUTER. IF AN EMPLOYER USES A COMPUTER IN PAYING BENEFITS, THEN THE FORM PRESCRIBED IS COMPUTER AUTOMATED MEDIA, EXCLUDING COMPUTER PRINTED REPORTS, IN THE FORMAT OF 07-6115 AND MUST BE ACCOMPANIED BY AN AFFIDAVIT STATING THE INFORMATION CONTAINED IN THE COMPUTER AUTOMATED MEDIA IS TRUE AND CORRECT.]

(Eff. 5/28/83, Register 86; am 12/14/86, Register 100; am 3/16/90, Register 113, am 7/20/97, Register 143; am 4/15/99, Register 150; am ___/___/____, Register ___)

Authority: AS 23.30.005 AS 23.30.155

8 AAC 45.174(a) is amended to read:

(a) Upon the verified petition of a person or upon its own motion, the **division** [DEPARTMENT] will investigate an employer who is alleged to be in violation of AS 23.30.075.

8 AAC 45.174(b) is amended to read:

(b) At the request of the division and after a hearing, if the board finds an employer is in violation of AS 23.30.075, the board may issue a stop order prohibiting the use of employee labor by the employer. The order will be personally served upon the employer or his agent. A person authorized or designated by the commissioner to serve process in department proceedings, **including a division investigator duly appointed as a Limited Special Officer by the Commissioner of Public Safety,** may serve an order issued by the board under this section.

8 AAC 45.174(c) is amended to read:

(c) At the request of the **division** [DEPARTMENT] and after investigation, if the director finds substantial evidence that an employer is in violation of AS 23.30.075, the director may issue a stop order prohibiting the use of employee labor by the employer. The order will be personally served upon the employer or his agent. A person authorized or designated by the commissioner to serve process in department proceedings, **including a division investigator duly appointed as a Limited Special Officer by the Commissioner of Public Safety**, may serve an order issued by the board under this section.

8 AAC 45.174(e) is amended to read:

(e) **An employer may challenge issuance of a stop order by filing a petition requesting a board hearing.** A hearing to determine if an employer failed to comply with a stop order issued under this section and should be assessed a civil penalty is a continuation of the administrative proceeding that began with the issuance of the stop order.

8 AAC 45.174(f) is amended to read:

(f) The conducting of proceedings under this section does not affect the right of the **division** [DEPARTMENT] to seek criminal penalties against the employer under AS 23.30.075(b).

(Eff. 5/28/83, Register 86; am 12/2/2012, Register 204; am ___/___/___, Register ___)

Authority: AS 23.30.005 AS 23.30.080

8 AAC 45.184 is repealed:

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8 AAC 45.184. Executive officer waivers. Repealed (Eff. 5/28/83, Register 86; am 3/16/90, Register 113; am 7/20/97, Register 143; repealed ___/___/____, Register ____)

8 AAC 45.210(e) is amended to read:

(e) For purposes of AS 23.30.175(a) [FOR INJURIES ON OR AFTER SEPTEMBER 4, 1995,] an employee has furnished documentary proof of the employee's wages if **the employee gives the employer a written earnings statement, prepared by an employer, or a copy of a tax return filed with the Internal Revenue Service showing the employee's earnings for the proper time period for purposes of making the calculations under the appropriate paragraph of AS 23.30.220(a).**

8 AAC 45.210(e)(1) is repealed:

(1) repealed ___/___/____. [THE EMPLOYEE GIVES THE EMPLOYER A WRITTEN EARNINGS STATEMENT, PREPARED BY AN EMPLOYER, OR A COPY OF A TAX RETURN FILED WITH THE INTERNAL REVENUE SERVICE SHOWING THE EMPLOYEE'S EARNINGS FOR THE PROPER TIME PERIOD FOR PURPOSES OF MAKING THE CALCULATIONS UNDER THE APPROPRIATE PARAGRAPH OF AS 23.30.220(A); OR]

8 AAC 45.210(e)(2) is repealed:

(2) repealed ___/___/____. [AT THE TIME OF THE INJURY THE EMPLOYEE WAS NOT WORKING UNDER CONCURRENT CONTRACTS WITH TWO OR MORE EMPLOYERS, THE EMPLOYEE WAS EMPLOYED BY THE EMPLOYER FOR]

8 AAC 45.210(f) is amended to read:

(f) After an employee furnishes documentary proof of the employee's wages in accordance with (e) of this section, the employer may reduce the employee's weekly compensation rate without a board order to a rate equal to the employee's spendable weekly wages, but not less than \$110 a week, if the employer files a **subsequent report of injury (SROI)** [COMPENSATION REPORT] in accordance with AS 23.30.155(c) together with

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(Eff. 12/14/86, Register 100; am 3/16/90, Register 113; am 7/2/98, Register 146; am 2/3/2001, Register 157; am ___/___/___, Register ___)

Authority: AS 23.30.005 AS 23.30.155 AS 23.30.175
AS 23.30.220

8 AAC 45.220(5) is repealed:

(5) Repealed ___/___/____. [“AMOUNT THAT THE EMPLOYEE WOULD HAVE EARNED” UNDER AS 23.30.220(A)(4)(B);]

8 AAC 45.220(6) is amended to read:

(6) “**earnings**” and “usual wage” under AS 23.30.220(a)(5);

8 AAC 45.220(8) is amended to read:

(8) “earnings” under AS 23.30.220(a)(7), **(9) or (10)**.

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8 AAC 45.220(c)(3) is amended to read:

(3) the terms set out in (b) of this section do not include as periodic payments

irregular bonuses, reimbursement of expenses, and expense allowances.[:]

8 AAC 45.220(c)(3)(A) is repealed.

(A) repealed ___/___/____. [IRREGULAR BONUSES,

REIMBURSEMENT OF EXPENSES, AND EXPENSE ALLOWANCES;]

8 AAC 45.220(c)(3)(B) is repealed.

(B) repealed ___/___/____. [A ENEFIT OR PAYMENT TO THE

EMPLOYEE THAT IS NOT FULLY TAXABLE TO THE EMPLOYEE DURING THE PAY PERIOD, EXCEPT THAT THE AMOUNT AN EMPLOYER CONTRIBUTED TO PROVIDE HEALTH OR LIVE INSURANCE COVERAGE FOR THE EMPLOYEE OR EMPLOYEE'S BENEFICIARIES MUST BE INCLUDED AS A PERIODIC PAYMENT.]

(Eff. 12/14/86, Register 100; am 7/2/98, Register 146; am 2/3/2001, Register 157; am

___/___/____, Register ____)

Authority: AS 23.30.005 AS 23.30.220

8 AAC 45.900(a)(2) is amended to read:

(2) "board" means **any single hearing officer under 8 AAC 45.071, and** any

single three-member panel, or a quorum thereof, of the Alaska Workers' Compensation Board;

8 AAC 45.900(a)(4) is amended to read:

(4) “chair[MAN]” means the commissioner or any person designated by the commissioner to preside as board chair[MAN] in a particular proceeding;

8 AAC 45.900(a)(15) is amended to read:

(15) “provider,”[,] unless the statutory context requires otherwise,

8 AAC 45.900 is amended by adding a new subsection to read:

(16) “failure to insure” means a person, business or entity utilizing employee labor while uninsured.

8 AAC 45.900(d) is amended to read:

(d) In AS 23.30.395(22) [AS 23.30.265(15)], “irregular bonus” means a payment received by the employee from the employer, to which there is no fixed right or entitlement under the employment agreement between employee and employer.

8 AAC 45.900(h)(1) is amended to read:

(1) “physical capacities” as that term is defined in AS 23.30.041 (r)(4) [(P)(4)];

8 AAC 45.900(h)(2) is amended to read:

(2) ability to perform a job’s “physical demands” as that term is defined in AS 23.30.041 (r)(5) [(P)(5)]; or

8 AAC 45.900 is amended by adding a new subsection to read:

(k) In AS 23.30.250,

(1) “misclassified” means

(A) falsifying or misrepresenting employee job duties to an insurance carrier;

(B) willfully misrepresenting employee as an independent contractor;

(C) concealing some or all compensation paid in currency, negotiable instruments, or in kind for work performed;

(D) willfully designating an employee as a partner, limited liability member, director, or officer without documented significant ownership interest, or without sharing in profits and losses, or without decision-making authority, or any combination thereof;

(2) “deceptive leasing practices” means a person, business, or professional employer organization engaged in the business of leasing employee labor to one or more clients that

(A) purports to be the sole employer of the covered employee;

(B) fails to report client names and effective coverage dates for the insurance carrier and the division pursuant to AS 23.30.085.

(Eff. 5/28/83, Register 86; am 12/14/86, Register 100; am 7/1/88, Register 107; am 3/16/90, Register 113; am 7/20/97, Register 143; am 7/2/98, Register 146; am 4/16/2010, Register 194; am 12/22/2011, Register 200; am 12/1/2015, Register 216; am 7/27/2017, Register 223; am ___/___/___, Register ___)

Authority: AS 23.30.005 AS 23.30.030 AS 23.30.041
AS 23.30.090 AS 23.30.097 AS 23.30.175

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AS 23.30.220

AS 23.30.230

AS 23.30.240

AS 23.30.395