

NOTICE OF PROPOSED CHANGES RELATING TO AGENCY PROCEDURES, USE OF
FORMS, INVESTIGATIONS, FEES FOR MEDICAL TREATMENT AND SERVICES IN
THE REGULATIONS OF THE DEPARTMENT OF LABOR AND WORKFORCE
DEVELOPMENT AND THE ALASKA WORKERS' COMPENSATION BOARD

BRIEF DESCRIPTION

The Alaska Department of Labor and Workforce Development, Alaska Workers' Compensation Board, proposes to change regulations relating to files, fees, second independent medical evaluations, compensation rate, uninsured employers, and definitions.

The Alaska Department of Labor and Workforce Development, Alaska Workers' Compensation Board, proposes to adopt regulation changes in Title 8 of the Alaska Administrative Code, dealing with updated operation procedure, calculating compensation rates, specifying proper forms and refining definitions, including the following:

- (1) 8 AAC 45.030, is proposed to be changed as follows: Update the language to reflect modern operation procedures.
- (2) 8 AAC 45.032, is proposed to be changed as follows: Adding a section relating to case file set up for investigations into failure to insure.
- (3) 8 AAC 45.092, is proposed to be changed as follows: Updating a name change to a referenced organization.
- (4) 8 AAC 45.093, is proposed to be changed as follows: Delineate proper form for use in filing medical record.
- (5) 8 AAC 45.122, is proposed to be changed as follows: Update the language to reflect modern operation procedures.
- (6) 8 AAC 45.136, is proposed to be changed as follows: Update the language to reflect modern operation procedures.
- (7) 8 AAC 45.184, is proposed to be changed as follows: Repeal regulation that no longer has statutory authority.
- (8) 8 AAC 45.174, is proposed to be changed as follows: Amending to allow for the addition of process service by investigator.
- (9) 8 AAC 45.210, is proposed to be changed as follows: Specifying method of stating compensation rate.
- (10) 8 AAC 45.220, is proposed to be changed as follows: Amending language to match statute.
- (11) 8 AAC 45.900, is proposed to be changed as follows: Amending language to match statute, remove unneeded punctuation and pronoun.

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 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 workerscompregs@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 May 7, 2021.

You may provide oral comments relevant to the proposed action **via telephone and video conference** at the hearing to be held on May 13, 2021. **Due to public health and safety concerns associated with the COVID – 19 pandemic, there will not be in-person attendance provided at the hearing site, so please prepare to share your oral comments by telephone or video conference only.** The hearing is scheduled from 10:15 a.m. to 11:15 a.m. and priority will be given to commenters on the line before the beginning of the hearing. The hearing may be extended to accommodate those on the line before 10:00 a.m., who did not have an opportunity to comment. Before the start of the hearing, Division of Workers' Compensation Director Charles Collins may limit the time allotted for each person providing oral testimony, as reasonably necessary to conclude the hearing in the time provided.

- To participate telephonically, call 833-548-0282, Meeting ID: 697 315 2079
- To participate by Zoom Video Conference: <https://us02web.zoom.us/j/6973152079>

You may submit written questions relevant to the proposed action to Department of Labor and Workforce Development, Division of Workers' Compensation at P.O. Box 115512, Juneau, AK 99811-5512 or by electronic mail at workerscompregs@alaska.gov. 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 Division of Workers' Compensation 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 or alexis.hildebrand@alaska.gov not later than April 29, 2021 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Alexis Hildebrand at (907) 465-6059 or alexis.hildebrand@alaska.gov.

After the public comment period ends, the Department of Labor and Workforce Development 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 23.30.070; AS 23.30.080; AS 23.30.095; AS 23.30.097;

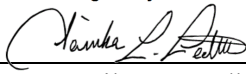
AS 23.30.100; AS 23.30.105; AS 23.30.110; AS 23.30.121; AS 23.30.155; AS 23.30.175; AS 23.30.190; AS 23.30.220; AS 23.30.240;

Statutes being implemented, interpreted, or made specific: AS 23.30.030; AS 23.30.041; AS 23.30.070; AS 23.30.075; AS 23.30.080; AS 23.30.095; AS 23.30.097; AS 23.30.100; AS 23.30.105; AS 23.30.110; AS 23.30.121; AS 23.30.155; AS 23.30.175; AS 23.30.190; AS 23.30.220; AS 23.30.230; AS 23.30.240; AS 23.30.395

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

The Department of Labor and Workforce Development, Division of Workers' Compensation keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the division notices of proposed regulation changes. To be added to or removed from the list, send a request to the division at workerscomp@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: 2/10/2021

DocuSigned by:

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Dr. Tamara E. Ledbetter, Commissioner
Department of Labor and Workforce Development