

ALASKA WORKERS' COMPENSATION BOARD MEETING



January 9-10, 2025

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TAB 1

ALASKA WORKERS' COMPENSATION BOARD MEETING AGENDA

JANUARY 9-10, 2025

**ALASKA DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKERS' COMPENSATION**

Zoom Video Conference: <https://us02web.zoom.us/j/87998689946>

To participate telephonically: 833-548-0276, Webinar ID: 879 9868 9946

Thursday, Jan 9, 2025

- 9:00am** Call to order
Roll call establishment of quorum
Introduction of Senior Staff
- 9:10am** Approval of Agenda
- 9:15am** Reading and approval of minutes from Oct 10 and 11, 2024, Board meeting
- 9:30am** Director's Report
- Division Update
 - Approval of Board Designees
 - AMA Guides Sixth Edition 2024
 - NCCI Medical Data Report
- 10:00am** Break
- 10:15am** Public Comment Period
- Public comments
- 11:15am** Review of O*Net Database
- 12:00pm** Lunch Break
- 1:30pm** Old Business Continued
- Adoption of Regulations
 - Reg package from Oct
- 3:00pm** Break
- 3:15pm** Old Business Continued
- 5:00pm** Adjournment

Friday, Jan 10, 2025

9:00am Call to order
Roll call establishment of quorum

Old Business will be continued if needed.

9:10am New Business

- Ombudsman Presentation
- Regulation consideration

10:30am Break

10:45am New Business Continued

12:00pm Lunch Break

- Recognition of Deirdre Ford Commission Chair
- Commissioner Muñoz remarks

1:30pm New Business Continued

3:30pm Break

3:45pm New Business Continued

5:00pm Adjournment

TAB 2

Workers' Compensation Board

Meeting Minutes

October 10-11, 2024

Thursday, October 10, 2024

I. Call to Order

Workers' Compensation Director Charles Collins called the Board to order at 9:04 am on Thursday, October 10, 2024. The meeting was held in Anchorage, Alaska, and by video conference.

II. Roll call

Roll call was conducted. The following Board members were present:

| | | | |
|----------------|---------------|---------------|----------------|
| Bradley Austin | Randy Beltz | Pamela Cline | John Corbett |
| Mike Dennis | Sara Faulkner | Bronson Frye | Sarah Lefebvre |
| Marc Stemp | Debbie White | Lake Williams | Brian Zematis |

Members Steven Heidemann and Trevor Shaw were excused. Members Jonathon Dartt and Anthony Ladd were absent. A quorum was established.

III. Agenda Approval

A motion to approve the agenda was made by member Austin and seconded by member White. Member Lefebvre noted that the Board did not meet on May 17. Austin amended his motion to correct the agenda and member Lefebvre seconded the amended motion. A unanimous vote approved the amended agenda.

IV. Approval of Meeting Minutes

A motion to adopt the minutes from the May 16, 2024, Board Meeting was made by member Lefebvre and seconded by member Austin. Member Lefebvre noted a spelling error and amended the motion to correct it. Member Austin seconded the amendment. The minutes were adopted without objection.

V. Director's Report

Director Collins presented Division updates.

Director Collins reviewed the list of Board Designees. A motion to accept the board designees was made by member White and seconded by member Frye. The motion passed unanimously.

Director Collins proposed an amendment to the 2025 calendar, moving the October meeting to the 23-24. Member Faulker motioned to move the May board meeting to the 15-16, 2025, and the October meeting to the 23-24. Member Lefebvre seconded.

Administrative Officer Alexis Hildebrand provided an overview of Division staffing and the FY24 budget performance.

Break 9:58 am -10:15 am

VI. Regulations

Adopt 8 AAC 45.083, relating to fees for medical treatment and services. Member Lefebvre moved to adopt the amendment of 8 AAC 45.083, and Member White seconded the motion. The motion passed unanimously.

VII. Annual Report

Velma Thomas, Program Coordinator, reviewed statistics from the Division's 2023 annual report, which compiles statistics and benefit data obtained from insurers and self-insured employers pursuant to AS 23.30.155(m).

The Board discussed uninsured sole proprietors.

VIII. Public Comment Period 10:15 am- 11:15 am

Tracy Brand, Fairbanks North Star Borough

- Commented on the issue of uninsured sole proprietors.

Lunch Break 12:10 pm - 1:34 pm

Stacy Niwa, Reemployment Benefits Administrator, reviewed the performance of the Reemployment Benefits Program.

Michele Wall-Rood, Chief of the Special Investigations Unit (SIU), gave an overview of the SIU's performance.

Dani Byers, Workers' Compensation Officer II, reviewed SIME statistics.

Break 3:03 pm - 3:18 pm

William Soule, Workers' Compensation Hearing Officer, presented notable Decisions and Orders from the Alaska Workers' Compensation Board, the Alaska Workers' Compensation Appeals Commission, and the Alaska Supreme Court.

Member White motioned to adjourn for the day, and member Austin seconded.

Meeting Adjourned 4:15 pm

Friday, October 11, 2024

I. Call to Order

Director Collins resumed the Alaska Workers' Compensation Board meeting at 9:01 am on Friday, October 11, 2024, in Anchorage, Alaska. The following Board members were present.

| | | | |
|----------------|---------------|--------------|---------------|
| Bradley Austin | Randy Beltz | Pamela Cline | John Corbett |
| Mike Dennis | Sara Faulkner | Bronson Frye | Anthony Ladd |
| Sarah Lefebvre | Marc Stemp | Debbie White | Lake Williams |
| Brian Zematis | | | |

Members Steven Heidemann and Trevor Shaw were excused. Member Jonathon Dartt was absent, and Anthony Ladd arrived after the roll call. A quorum was established.

II. New Business

Amend 8 AAC 45.040, relating to reemployment benefits. Member Lefebvre moved to approve the amendment of 8 AAC 45.040. Member Frye seconded the motion. The board discussed a revision to the statutory reference in the proposed regulation. The motion passed unanimously.

Amend 8 AAC 45.070(b)(1)(A), relating to reemployment benefits. Member Lefebvre moved to approve the amendment of 8 AAC 45.070(b)(1)(A). Member Cline seconded the motion. The board again discussed a revision to the statutory reference. Member Lefebvre amended the motion to change the reference to "AS 23.30.041 or AS 23.30.043(b)" in 8 AAC 45.070(b)(1)(A) and 8 AAC 45.040. Member Cline seconded the amended motion. The motion passed unanimously.

Amend 8 AAC 45.074(b)(1)(G), relating to reemployment benefits. Member Lefebvre moved to approve the amendment of 8 AAC 45.074(b)(1)(G). Member Austin seconded the motion. Member Lefebvre amended the motion to include 8 AAC 45.074(b)(1)(g), 8 AAC 45.086(d), and 45.110(a)(1) as presented in the packet but with the word "and" replaced by the word "or" in each statutory reference. Member Austin seconded the amended motion. The motion passed unanimously.

Amend 8 AAC 45 by adding a new subsection .399, relating to electronic service. Member Lefebvre moved to approve the amendment of 8 AAC 45.399. Member Austin seconded the motion. The Board discussed the amendment and added, "if a party does not have a valid electronic mail address, all service required under 8 AAC 45.400 – 45.900 will be by first class mail." Member Lefebvre amended the motion to include the additional language, and Member Austin seconded. The motion passed unanimously.

Break 9:59 am – 10:29 am

Repeal 8 AAC 45.400(b)(1), relating to the assignment of rehabilitation specialists. Member Lefebvre moved to approve the repeal of 8 AAC 45.400(b)(1). Member Zematis

seconded the motion. Member Lefebvre amended the motion also to amend 8 AAC 45.400(b)(2) by removing "city and" in the two places it appears in 45.400(b)(2). Member Zematis seconded the amended motion. The motion passed unanimously, with member Marc Stemp abstaining.

Amend 8 AAC 45.420(a)(1)(C), relating to disqualifying a rehabilitation specialist. Member Lefebvre moved to approve 8 AAC 45.420(a)(1)(C). Member Faulkner seconded the motion. The motion passed unanimously, with member Pamela Cline abstaining.

Amend 8 AAC 45.420(b), relating to disqualifying a rehabilitation specialist. Member Frye moved to approve 8 AAC 45.420(b). Member Austin seconded the motion. The motion passed unanimously, with member Pamela Cline abstaining.

Amend 8 AAC 45.430, relating to the assignment of rehabilitation specialists. Member Austin moved to approve 8 AAC 45.430. Member Frye seconded the motion. The Board discussed removing the remainder of the final sentence of 8 AAC 45.430(c). Member Austin amended the motion to amend 8 AAC 45.430 as discussed. Member Frye seconded the amended motion. The motion passed unanimously.

Amend 8 AAC 45.440, relating to the assignment of rehabilitation specialists. Member Lefebvre moved to approve 8 AAC 45.440. Member Zematis seconded the motion. The motion passed unanimously.

Amend 8 AAC 45.440(d) and (e), relating to disqualifying rehabilitation specialists. Member Lefebvre moved to approve 8 AAC 45.440(d) and (e). Member Zematis seconded the motion. The board discussed adding a requirement for return receipt of electronic mail and removing additional language that is no longer needed due to the amendment of 8 AAC 45.399. Member Lefebvre amended as discussed and member Zematis seconded it. The motion passed unanimously.

Amend 8 AAC 45.507, relating to assignment of rehabilitation specialists. Member Frye moved to approve 8 AAC 45.507. Member Lefebvre seconded the motion. The board discussed the title of the regulation and correcting the last sentence of 8 AAC 45.507(a). Member Frye amended the motion to include the discussed changes and member Lefebvre seconded the amended motion. The motion passed unanimously.

Amend 8 AAC 45.510 and 8 AAC 45.510(c), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.510. Member Zematis seconded the motion. The motion passed unanimously.

Amend 8 AAC 45.522(a), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.522(a). Member Frye seconded the motion. The motion passed unanimously.

Amend 8 AAC 45.525(a), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.525(a). Member Austin seconded the motion. The board discussed technical changes. Member Lefebvre amended the motion to include the discussed changes and member Austin seconded the amended motion. The motion passed unanimously.

Lunch 12:00 pm – 1:30 pm

Amend 8 AAC 45.525(b)(2), relating to reemployment benefits. Member White moved to approve 8 AAC 45.525(b)(2). Member Zematis seconded the motion. The board discussed adding “but before January 1, 2025” to the leading sentence of 8 AAC 45.525(b)(2)(B). Member White amended the motion to include the discussed changes and member Zematis seconded. The motion passed unanimously, with member Dennis abstaining.

Amend 8 AAC 45.525(c)(1), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.525(c)(1). Member Austin seconded the motion. Member Lefebvre amended the motion to include the amendment of 8 AAC 45.900, relating to the definition of job analysis. Member Austin seconded the amended motion. The motion passed unanimously.

Amend 8 AAC 45.525(g), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.525(g). Member Austin seconded the motion. The board discussed technical errors. Member Lefebvre amended the motion to include the changes discussed and member Austin seconded the amended motion. The motion passed unanimously.

Amend 8 AAC 45.530(a), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.530(a). Member Austin seconded the motion. The motion passed unanimously.

Repeal 8 AAC 45.542, relating to reemployment benefits. Member Lefebvre moved to approve the repeal of 8 AAC 45.542. Member Austin seconded the motion. The motion passed unanimously.

Amend 8 AAC 45.550(c) and (d), relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.550(c) and (d). Member Austin seconded the motion. The motion passed unanimously, with member Dennis abstaining.

Amend 8 AAC 45.600, relating to reemployment benefits. Member Lefebvre moved to approve 8 AAC 45.600. Member White seconded the motion. The motion passed unanimously.

Repeal 8 AAC 45.900(j), defining “previously rehabilitated.” Member Lefebvre moved to approve the repeal of 8 AAC 45.900(j). Member Zematis seconded the motion. The motion did not pass on a 5 to 8 vote, with members Beltz, Corbett, Faulkner, Frye, Ladd,

Lefebvre, White, and Williams voting against and members Austin, Cline, Dennis, Stemp, and Zematis voting in favor.

Member Frye motioned to take up the repeal of 8 AAC 45.900(j), defining previously rehabilitated, at the next board meeting. Member Cline seconded the motion. The motion passed unanimously.

Amend 8 AAC 45 by adding subsections 601, 602, 603, and 604 relating to the stay-at-work program. Member Lefebvre moved to approve the amendment of 8 AAC 45. Member Austin seconded the motion. The Board discussed several changes to conform with the new statute. Member Lefebvre amended the motion to include: under 8 AAC 45.602(d) adding a section 4 to align with the statute; under 8 AAC 45.602(f) removing “and obtain approval”; under 8 AAC 45.603 changing “coordinate” to “coordinator”; under 8 AAC 45.604(a) replacing the word “functional” with “physical,” and under 8 AAC 45.604(b) removing the duplicate words “and provide.” Member Austin seconded the amended motion. The motion passed unanimously.

Member Lefebvre reaffirmed the request made at the May 16, 2024, Board meeting for a presentation at a future meeting on ombudsmen or similar programs in other states, perhaps on the Tennessee model, in response to Justin Morigeau's public comment.

Member Lefebvre requested that the January meeting packet include the outstanding board resolutions.

A motion to adjourn was made by member Austin and seconded by member Dennis. The motion passed unanimously.

Meeting Adjourned 4:31 pm

TAB 3

ALASKA WORKERS' COMPENSATION BOARD

Chair, Commissioner Catherine Muñoz
Alaska Department of Labor and Workforce Development

| Name | Seat | District | Affiliation | |
|------------------|-------------------------|--|---|---------------------------------------|
| Charles Collins | Commissioner's Designee | | | |
| Brad Austin | Labor | 1 st Judicial District | Plumbers and Pipe Fitters Local 262 | |
| Debbie White | Industry | 1 st Judicial District | | |
| Randy Beltz | Industry | 3 rd Judicial District | Intl. Brotherhood of Electrical Workers LU 1547 | |
| Pamela Cline | Labor | 3 rd Judicial District | | |
| Mike Dennis | Industry | 3 rd Judicial District | | |
| Sara Faulkner | Industry | 3 rd Judicial District | | |
| Bronson Frye | Labor | 3 rd Judicial District | | Painters and Allied Trades Local 1959 |
| Steven Heidemann | Labor | 3 rd Judicial District | | |
| Anthony Ladd | Labor | 3 rd Judicial District | | |
| Marc Stemp | Industry | 3 rd Judicial District | | |
| Vacant | Industry | 3 rd Judicial District | | |
| Vacant | Labor | 3 rd Judicial District | | |
| John Corbett | Labor | 2 nd /4th Judicial District | Laborers Local 942 | |
| Jonathon Dartt | Industry | 2 nd /4th Judicial District | | |
| Sarah Lefebvre | Industry | 2 nd /4th Judicial District | Colaska | |
| Lake Williams | Labor | 2 nd /4th Judicial District | Operating Engineers Local 302 | |
| Trevor Shaw | Industry | At Large | | |
| Brian Zematis | Labor | At Large | | |

TAB 4



BOARD DESIGNEES - January 2025

The following staff members are appointed as Board designees to act on the Board's behalf in accordance with the Alaska Workers' Compensation Act and Regulations. (For example, the Board designee may conduct prehearing conferences, take action in connection with Board-ordered second independent medical examinations, and decide whether to continue or cancel scheduled Board hearings.)

| <u>NAME</u> | <u>LOCATION</u> | <u>POSITION TITLE</u> |
|-------------------|-----------------|-------------------------|
| Charles Collins | Juneau | Director |
| Janel Wright | Juneau | Chief of Adjudications |
| Kyle Reding | Anchorage | WC Hearing Officer II |
| William Soule | Anchorage | WC Hearing Officer II |
| Vacant | Anchorage | WC Hearing Officer II |
| Vacant | Anchorage | WC Hearing Officer I/II |
| Kathryn Setzer | Juneau | WC Hearing Officer II |
| John Burns | Fairbanks | WC Hearing Officer I/II |
| Robert Vollmer | Fairbanks | WC Hearing Officer II |
| Elizabeth Pleitez | Anchorage | WC Officer II |
| Harvey Pullen | Anchorage | WC Officer II |
| Amanda Johnson | Anchorage | WC Officer II |
| Carrie Craig | Anchorage | WC Officer I |
| Kate Smith | Anchorage | WC Officer I |
| Dani Byers | Juneau | WC Officer II |
| Amy Bender | Fairbanks | WC Officer II |

TAB 5



WORKERS' COMPENSATION DIVISION

JANUARY 2025 ALASKA WORKERS' COMPENSATION
DIRECTOR'S REPORT

...to ensure the quick, efficient, fair, and predictable delivery of indemnity and medical benefits to injured workers at a reasonable cost to the employers...

ALASKA WORKERS COMPENSATION BOARD NEWS

As of the writing of this report the Board has two vacancies, both on the Southcentral Panel, one from industry and one representing labor. I also have been notified by Board member Stemp, that he will not be reapplying when his term is done on the first of March 2025.

On March 1, 2025, eight sitting members have terms that expire. To remain on the Board, each member must file a letter of interest and fill out the on-line application.

| Name | Panel | Affiliation |
|-----------------------|--------------|--------------------|
| Brad Austin | Southern | Labor |
| Jonathan Dartt | Northern | Industry |
| Randy Beltz | Southcentral | Industry |
| Mike Dennis | Southcentral | Industry |
| Sara Faulkner | Southcentral | Industry |
| Marc Stemp | Southcentral | Industry |
| Sarah LeFebvre | Northern | Industry |
| Vacant | Southcentral | Industry |

ALASKA WORKERS COMPENSATION RESOLUTIONS

The Board has active resolutions that have been served on the Legislature and the Governor's office. A list of those can be found on the Boards web page, [Workers' Compensation Board](#) , which includes three resolutions which have experienced intense participation and accomplished their intention. Resolution 24-01 would be the last active Resolution. This resolution communicates our desire to use electronic mail for service delivery and reduce the costs to the Division by removing the requirement to send documents by certified mail.

REGULATIONS

Included in the Board packet is the regulation changes to address the Stay-at-Work/Return-to-Work program authorized under SB 147 last Legislative session. This package of regulations will be the focus of our meeting and the Division and the Department of Law have spent considerable amount of time refining the language. The job of the Board is to ensure these regulations meet the criteria for guiding the Division, especially the reemployment benefits team, of implementing these important benefits as the Board and the Legislature intended.

As an empowered Board with the task of providing regulations for procedures, benefits and other matters under the Alaska Workers Compensation Act, an ongoing task is the updating of our regulations. This year the Board will likely have other regulation packages to view and decide if amendments are appropriate.

MEDICAL FEE SCHEDULE

The Official Alaska Workers Compensation Medical Fee Schedule 2025 is now our authorized version. The regulation changes took effect on January 1, 2025, and the Medical Fee Schedule can be viewed on the Division web page. [2025 Alaska Medical Fee Schedule.pdf](#)

The Board has also received data from the National Council of Compensation Insurance, NCCI, on the impact of our Medical Fee Schedule, the table below shows a synopsis of our costs.

Normally I would include the

Physician Payments as a Percentage of Medicare

Service Year 2023

| Physician Service Category | Base State | Comparison States |
|-------------------------------|-------------|-------------------|
| Anesthesia | 294% | 303% |
| Evaluation and Management | 195% | 145% |
| Physical and General Medicine | 164% | 138% |
| Surgery | 291% | 263% |
| Radiology | 326% | 231% |
| All Physician Services | 208% | 167% |

Normally I would include the information from the Oregon Department of Consumer and Business Services, which ranks all the nation’s workers’ compensation costs on a biannual basis. This report has been delayed due to internal issues in Oregon and is unavailable.

MEDICAL SPEND UNDER WORKERS COMPENSATION IN ALASKA

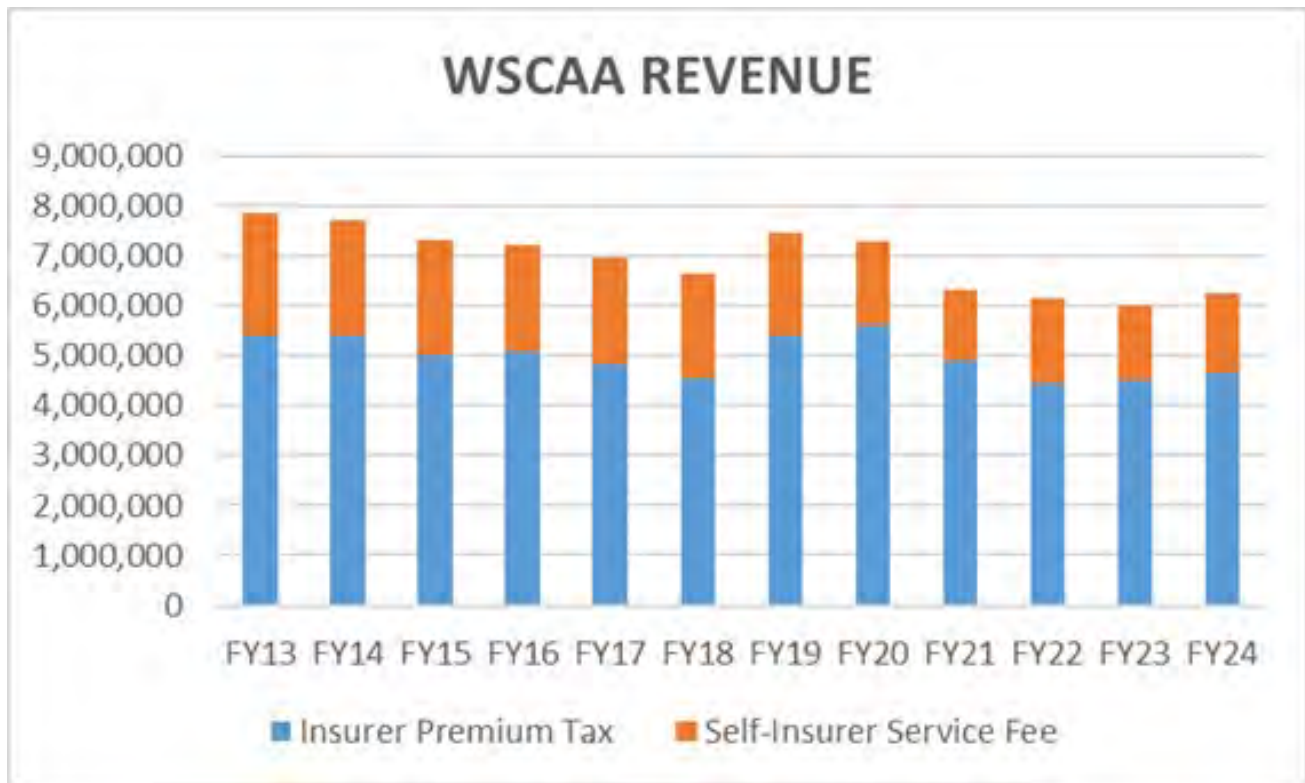
| Service Year | Benefit Paid |
|--------------|-------------------|
| 2023 | \$ 124,434,334.46 |
| 2022 | \$ 114,783,509.00 |
| 2021 | \$ 107,607,914.85 |
| 2020 | \$ 123,369,759.15 |
| 2019 | \$ 146,988,491.37 |

The total spending on medical benefits in Alaska has stayed within a range since 2019.

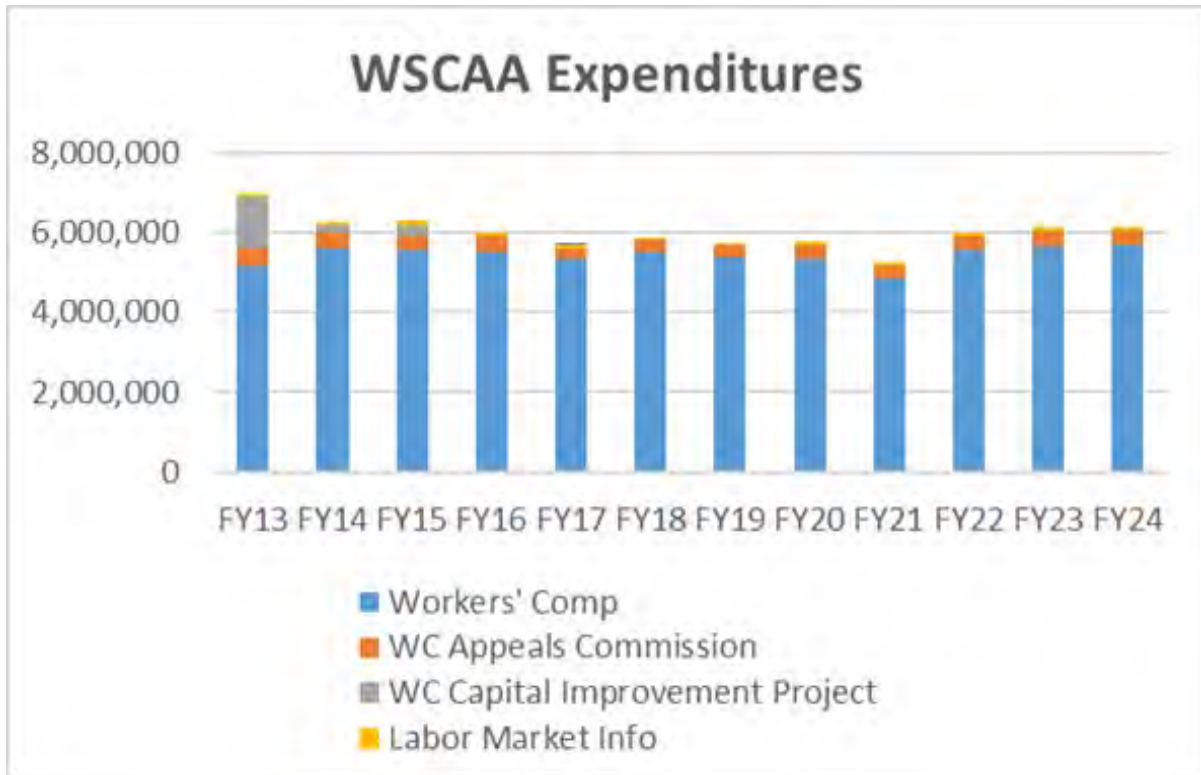
DIRECTOR THOUGHTS FOR 2025

We have accomplished some goals that seemed almost out of reach in the past couple of years, making great strides in updating workers' compensation in Alaska. Updating permanent partial impairment and death benefits, adjusting reemployment benefit structures, and now implementing a plan for assisting injured workers in returning to their jobs faster. We still have work to do, as technology progresses the pressure for Workers Compensation rises to meet the expectations of our trading partners. Items such as improved access to claim data, interfaces for attorneys and claimants, automatic notices of changes in the claim, and even interactive chat bots for frequently added questions have been inquired about.

The most concerning issue is the budgetary limit from our Workers Safety and Compensation Administrative Account, WSCAA, which is based on a service fee from market insurer premiums and self-insured annual expenses. Due to the success of the Board's hard work, our reward is less revenue.



At the same time, expenses have continued to rise, and the Workers' Compensation Division is not immune to the pressures of inflation.



This will put the Division in the unenviable position of competing for General Fund dollars and the Director will be forced to plan carefully how to implement upgrades and changes that affect the bottom line. The state's actuary NCCI has recommended, and the Division of Insurance has approved another decline in last/cost rates for workers' compensation insurance premiums. This reduction of 10.4% in the voluntary market and 12.4% in the assigned risk will reflect savings to employers across the state.

Internally, we have already begun the process of a long-range plan for staffing issues, compensation of those positions, upgrades to the proof of coverage database, expansion of the ICERS database with a goal of identifying the replacement of the ICERS database within the next five to seven years.

This Legislative session should be less intense for the Workers' Compensation system in Alaska, as we only have one ask on the docket. We have successfully convinced the Governor that using US certified mail is costing the Board too much time and money. This same issue was voiced by our counterparts in both the Department of Administration and the Department of Commerce and Economic Development, a bill is forthcoming from the Governor's office.

Charles Collins
Director
PCN 07-3001
JNU XE

Velma Thomas
Program Coordinator II
Rg 20 PCN 07-1026
JNU SU

Alexis Hildebrand
Admin Officer II
Rg 19 PCN 07-3026
JNU SU

Stacy Niwa
RBA
Rg 22 PCN 07-3047
ANC XE

Michele Wall-Rood
Investigator IV
Rg 20 PCN 07-4557
ANC SU

Janel Wright
Chief of Adj
Rg 25 PCN 07-3005
ANC XE

Dawn Wilson
Collections Officer
Rg 16 PCN 21-3047
JNU GG

Michael Christenson
Project Assistant
Rg 16 PCN 07-5527
JNU GG

VACANT
Program Coord 2
Rg 20 PCN 07-6023
ANC GG

William Keen
Investigator II
Rg 16 PCN 07-3064
ANC GG

Kathryn Setzer
WC Hearing Off II
Rg 24 PCN 07-3061
JNU GG

William Soule
WC Hearing Off II
Rg 24 PCN 07-3060
ANC GG

Ted Burkhart
WC Officer I
Rg 16 PCN 07-3046
JNU GG

Luma Diaz
Admin Assistant II
Rg 14 PCN 07-3055
JNU SU

Grace Morfield
WC Officer II
Rg 18 PCN 07-3007
ANC GG

Christine Christensen
Investigator III
Rg 18 PCN 07-3070
ANC GG

Amanda Johnson
WC Officer II
Rg 18 PCN 07-3058
ANC SU

John Burns
WC Hearing Off I/II
Rg 24 PCN 07-3042
FBKS GG

VACANT
WC Hearing Off II
Rg 22/24 PCN 07-3059
ANC GG

Nanette Ferrer
WC Tech - FF
Rg 12 PCN 07-3028
JNU GG

VACANT
Office Asst I
Rg 8 PCN 07-3003
JNU GG

Malaika Tesson
WC Officer II
Rg 18 PCN 07-3012
ANC GG

Julie Milazzo
Investigator III
Rg 18 PCN 07-3072
ANC GG

Kate Smith
WC Officer I
Rg 16 PCN 07-3031
ANC GG

Robert Vollmer
WC Hearing Off II
Rg 24 PCN 07-3044
FBKS GG

VACANT
WC Hearing Off I/II
Rg 22/24 PCN 07-3043
ANC GG

023

Pam Crowe
WC Tech - FF
Rg 12 PCN 07-1027
JNU GG

VACANT
Office Asst II
Rg 10 PCN 07-3014
JNU GG

Darlene Charles
WC Tech
Rg 12 PCN 07-3030
ANC GG

Wayne Harger
Investigator III
Rg 18 PCN 07-3069
FBKS GG

Trisha Palmer
WC Tech
Rg 12 PCN 07-3025
ANC GG

Kyle Reding
WC Hearing Off I
Rg 22 PCN 07-3013
ANC GG

Elizabeth Pleitez
WC Officer II
Rg 18 PCN 07-3040
ANC GG

Danielle Kalmakoff
Office Asst I
Rg 8 PCN 07-3010
JNU GG

Zach Penor
Office Asst I
Rg 8 PCN 07-3071
ANC GG

David Price
Investigator III
Rg 18 PCN 07-3068
JNU GG

Rochelle Comer
WC Tech
Rg 12 PCN 07-3037
ANC GG

Dani Byers
WC Officer II
Rg 18 PCN 07-3009
JNU SU

Harvey Pullen
WC Officer II
Rg 18 PCN 07-3027
ANC GG

Aldwyn McCuiston
Office Asst I
Rg 8 PCN 07-3062
JNU GG

Deirdre Ford
Chair, WC Appeals
Commission
Rg 27 PCN 07-X001
ANC XE

Marie Dagon
WC Tech - SIU
Rg 12 PCN 07-5872
ANC GG

Lisa Clemens
WC Tech
Rg 12 PCN 07-3052
ANC GG

Lorvin Uddipa
WC Tech
Rg 12 PCN 07-3004
JNU GG

Amy Bender
WC Officer II
Rg 18 PCN 07-3024
FBKS SU

Elizabeth DeBartolo
Student Intern I
Rg 6 PCN 07IN1901
JNU GG

Devin Gross
Office Asst I
Rg 8 PCN 07-1720
JNU GG

Kathleen Morrison
Law Office Assistant III
Rg 14 PCN 07-3067
ANC GG

Jennifer Ung
WC Tech
Rg 12 PCN 07-7005
ANC GG

VACANT
Office Asst II
Rg 10 PCN 07-3011
ANC GG

Keona Taylor
Student Intern I
Rg 6 PCN 07IN1902
ANC GG

Suzie Schmidt
WC Technician
Rg 12 PCN 07-3063
FBKS GG

Whitney Murphy
Office Asst II
Rg 10 PCN 07-3036
FBKS GG

RESOLUTION NUMBER 24-01
RESOLUTION IN SUPPORT OF ELECTRONIC DISTRIBUTION AND SERVICE
BY THE ALASKA WORKERS' COMPENSATION BOARD

WHEREAS, the Alaska Workers' Compensation Board is a public organization accountable through its members and staff to the residents, the Legislature, and the Governor of Alaska;

WHEREAS, the Alaska Workers' Compensation Board acts as the lead state agency for adjudicating disputes under the Alaska Workers' Compensation Act, to ensure quick, efficient, fair and predictable provision of benefits to injured workers at a reasonable cost to employers;

WHEREAS, AS 23.30.110's requirement that claims, decisions, and compromise and release agreements be served either personally or via certified mail, was adopted in 1959;

WHEREAS, since 1959 technology has advanced and permits claims, decisions and compromise and release agreements, and notices to be served quickly, efficiently, and predictably via electronic distribution;

WHEREAS, the Alaska Court System, effective January 1, 2016, adopted Civil Rule 5.3, which permits the use of electronic mail to distribute notices, orders, judgments, and other documents to attorneys, to court-appointed professionals, and to agencies and other entities that routinely receive documents from the court and permits self-represented persons to opt in to e-mail distribution;

WHEREAS, requests are routinely made by parties and attorneys who regularly appear before the Board to receive notices, claims, decisions, compromise and release agreements, and other documents from the Board via electronic distribution;

WHEREAS, the Alaska Workers' Compensation Division expends approximately \$30,000 annually on postage to serve notices, claims, decisions, compromise and release agreements, and other documents via certified mail and regular mail;

NOW THEREFORE BE IT RESOLVED that the Alaska Workers' Compensation Board supports an amendment to AS 23.30.110 to permit the Alaska Workers' Compensation Board use electronic mail to distribute notices, claims, decisions, compromise and release agreements, and other documents to attorneys, to division-appointed professionals, and to agencies and other entities that routinely receive documents from the Board, and to permit self-represented persons to opt in to e-mail distribution.

CERTIFICATION

The Alaska Workers' Compensation Board held a meeting duly and regularly called, noticed, and convened the 16th day of May, 2024, and the foregoing Resolution was adopted at the meeting.

Signed this 16th day of May 2024

DocuSigned by:

Charles Collins

305F298E651A406...

Charles Collins, Chair

Alaska Workers' Compensation Board

BOARD MEMBERS

DocuSigned by:



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Bradley Austin

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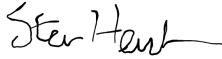
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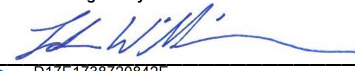
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Lake Williams

TAB 6

8 AAC 45.040(a) is amended to read:

(a) Except for a deceased employee's dependent or a rehabilitation specialist **assigned** [APPOINTED] by the administrator or chosen by an employee in accordance with **AS 23.30.041(g)(1), or selected by the administrator in accordance with AS 23.30.043(b)** [AS 23.30.041], a person other than the employee filing a claim shall join the injured employee as a party.

8 AAC 45.040(b) is amended to read:

(b) Except for a rehabilitation specialist **assigned** [APPOINTED] by the administrator or chosen by the employee in accordance with **AS 23.30.041(g)(1), or selected by the administrator in accordance with AS 23.30.043(b)** [AS 23.30.041], a person who files a claim must first prove a compensable injury to be eligible for benefits, or the opposing party must stipulate to or admit facts from which the board can find the employee's injury is compensable.

(In effect before 7/28/59; am 5/28/83, Register 86; am 7/20/97, Register 143; am 6/11/2023, Register 246; am ___/___/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.110 AS 23.30.140
AS 23.30.010 AS 23.30.135 AS 23.30.225

8 AAC 45.070(b) is amended to read:

(b) Except as provided in **(1)** [(1)(A)] of this subsection and 8 AAC 45.074(c), a hearing will not be scheduled unless a claim or petition has been filed, [AND] an affidavit of readiness for hearing has been filed and that affidavit is not returned by the board or **the board's** designee,

[nor is the] **and the** affidavit **is not** the basis for scheduling a hearing that is cancelled or continued under 8 AAC 45.074(b). The board has available an Affidavit of Readiness for Hearing form that a party may complete and file. The board or **the board's** [ITS] designee will return an affidavit of readiness for hearing [,] and a hearing will not be set if the affidavit lacks proof of service upon all other parties, or if the affiant fails to state that the party has completed all necessary discovery, has all the necessary evidence, and is fully prepared for the hearing.

[(1)] A **party may request a** hearing [IS REQUESTED] by using the following procedures:

(1) for [(A) FOR] review of an administrator's decision issued under AS 23.30.041 **or 23.30.043**, a party shall file a petition asking for review of the administrator's decision; **an** [. AN] affidavit of readiness for hearing form is not required **in a petition for review; in** [. IN] reviewing the administrator's decision, the board may not consider evidence that was not available to the administrator at the time of the administrator's decision, unless the board determines the evidence is newly discovered and could not with due diligence have been produced for the administrator's consideration; [.]

(2) for [(B) ON] the written arguments and evidence in the board's case file regarding a claim or petition,

(A) a party must file an affidavit of readiness for hearing in accordance with **(6) and (7)** [(2)] of this subsection requesting a hearing on the written record;

(B) if [. IF] the opposing party timely files an affidavit opposing a hearing on the written record, the board or **the board's** designee will schedule an in-person hearing;

(C) if [. IF] the opposing party does not timely file an affidavit opposing

the hearing on the written record, the board **or the board's designee may** [WILL, IN ITS DISCRETION,] decide the claim or petition based on the written record;

(D) if [IF] the board **or the board's designee** determines **that** additional evidence or written arguments are needed to decide a claim or petition, the board **or the board's designee** will schedule an in-person hearing or will direct the parties to file additional evidence or arguments; [.]

(3) for [(C) FOR] an appearance in-person at the hearing, except for a venue determination, a party must file an affidavit of readiness in accordance with **(6) and (7)** [(2)] of this subsection requesting an in-person hearing; [.]

(4) for [(D) ON] a venue dispute, a party must file a petition asking the board to determine the venue and an affidavit of readiness for hearing on the written record; **in** [IN] accordance with 8 AAC 45.072, the board **or the board's designee** will consider the parties' written arguments and evidence in the case file, and an in-person hearing will not be held; [.]

(5) for [(E) FOR] default under AS 23.30.170, a party shall file a claim and may file the claim together with an affidavit of readiness for hearing; [.]

(6) except [(2) EXCEPT] as provided in (1) of this subsection, a party may not file an affidavit of readiness for hearing until **the earlier of the following:**

(A) after the opposing party files an answer under 8 AAC 45.050 to a claim or petition; or

(B) 20 days after the service of the claim or petition; [, WHICHEVER OCCURS FIRST.]

(7) if [IF] an affidavit is filed before the time set **out in (6) of this subsection** [BY THIS PARAGRAPH],

(A) [ACTION WILL NOT BE TAKEN BY] the board or **the board's** designee **will not take action** on the claim or petition; and

(B) the party must file another affidavit after the time set **out in (6) of** [BY] this **subsection;** [PARAGRAPH.]

(8) if [(3) IF] the board or **the board's** designee determines a hearing should be scheduled even though a party has not filed an affidavit of readiness for hearing, the board or **the board's** designee will give notice of the hearing in accordance with AS 23.30.110 and 8 AAC 45.060(e).

(In effect before 7/28/59; am 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 3/31/2002, Register 161; am 5/12/2019, Register 230; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.110 AS 23.30.135

8 AAC 45.072(2) is amended to read:

(2) after receiving a party's request in accordance with **8 AAC 45.070(b)(4)** [8 AAC 45.070(b)(1)(D)] and based on the documents filed with the board and the parties' written arguments, the board orders the venue changed for the convenience of the parties and the witnesses; the board's panel in the city with the initial venue will decide the request to change the venue filed under **8 AAC 45.070(b)(4);** [8 AAC 45.070(b)(1)(D)] or

(Eff. 5/28/83, Register 86; am 7/20/97, Register 143; am 7/2/98, Register 146; am 6/11/2023, Register 246; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.110 AS 23.30.135

8 AAC 45.074(b)(1)(G) is amended to read:

(G) the hearing was requested for a review of an administrator's decision under AS 23.30.041(d) or 23.30.043(h), the party requesting the hearing has not had adequate time to prepare for the hearing, and all parties waive the right to a hearing within 30 days;

(Eff. 5/28/83, Register 86; 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 7/9/2011, Register 199; am 3/28/2012, Register 201; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.110 AS 23.30.135

8 AAC 45.086(d) is amended to read:

(d) The employer shall file the physician's report with the board and serve a copy upon the employee after a workers' compensation claim has been filed under AS 23.30.110 and upon the reemployment benefits administrator if the employee is involved in the reemployment process under AS 23.30.041 or 23.30.043. (Eff. 5/28/83, Register 86; am 3/16/90, Register 113; am 7/31/2010, Register 195; am 12/22/2011, Register 200; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.095

8 AAC 45.110(a)(1) is amended to read:

(1) a party to a claim or a petition or a party's representative who has filed an entry of appearance in a case may see or get a copy of the written record, including medical and rehabilitation reports, for [ALL OF] the employee's case files; for purposes of this paragraph, "a

party to a claim or a petition" is the employee, the employer, the insurer, a person sought to be joined or consolidated to a claim or petition, or the rehabilitation specialist appointed or selected in accordance with AS 23.30.041 or **23.30.043**;

(In effect before 7/28/59; am 5/28/83, Register 86; am 7/20/97, Register 143; am 7/2/98, Register 146; am 5/12/2019, Register 230; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.107

8 AAC 45 is amended by adding a new section to read:

8 AAC 45.399. Reemployment benefits administrator's service of documents. Unless a party requests service by first class mail, the reemployment benefits administrator shall perform service required under 8 AAC 45.400 - 8 AAC 45.625 by electronic mail. If a party does not have a valid electronic mail address, the reemployment benefits administrator shall perform service required under 8 AAC 45.400 - 8 AAC 45.625 by first class mail. (Eff ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.107

8 AAC 45.400(b) is amended to read:

(b) The list of rehabilitation specialists will be divided into two geographical sections. One section will contain the names and addresses of rehabilitation specialists whose primary domicile and business addresses are in this state. The other section will contain names and addresses of rehabilitation specialists whose primary domicile and business addresses are in other states or countries. The list

[(1) FOR THIS STATE WILL BE FURTHER SUBDIVIDED INTO THREE

GEOGRAPHICAL AREAS BASED ON THE SENATE DISTRICTS FOR SOUTHEASTERN AND SOUTHCENTRAL ALASKA, AND AN AREA COMPRISED BY COMBINING THE CENTRAL AND NORTHWESTERN ALASKA SENATE DISTRICTS, AS THOSE DISTRICTS ARE DESCRIBED IN ART. XIV, SEC. 2, OF THE CONSTITUTION OF THE STATE OF ALASKA; A REHABILITATION SPECIALIST'S NAME WILL BE PLACED ON THE LIST ONLY ONCE FOR THIS STATE BY MATCHING THE REHABILITATION SPECIALIST'S PRIMARY DOMICILE AND BUSINESS ADDRESSES TO THE GEOGRAPHICAL AREA THAT CONTAINS THOSE ADDRESSES;

(2)] for other states or countries will be subdivided by [CITY AND] state [,] or country. A [;A] rehabilitation specialist's name will placed on the list by matching the rehabilitation specialist's primary domicile and business addresses to the appropriate [CITY AND] state [,] or country. (Eff. 7/1/88, Register 107; am 7/20/97, Register 143; am 4/16/2010, Register 194; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45.420(a)(1)(C) is amended to read:

(C) includes an attestation that the rehabilitation specialist will personally provide the reemployment services to **each** assigned **employee** [EMPLOYEES] in accordance with AS 23.30.041 **and 23.30.043**;

8 AAC 45.420(a)(2) is repealed:

(2) repealed ____/____/_____;

8 AAC 45.420(b) is amended to read:

(b) **The administrator shall add a name** [NAMES WILL BE ADDED] to the geographical listing in order of the receipt date of the completed application. If more than one completed application is received in a day, **the administrator shall place** the names for that day [WILL BE PLACED] on the list in alphabetical order. If a person's name is not added to the list, the administrator **shall** [WILL] notify the person and state in writing the reason for exclusion. Reasons for exclusion include an incomplete or illegible application or accompanying documents, misrepresentation, not meeting the requirements of AS 23.30.041(r)(6), or **the bases for disqualification under** [DEMONSTRATING UNSUITABLE BEHAVIOR WITHIN THE MEANING GIVEN IN] 8 AAC 45.440.

(Eff. 7/1/88, Register 107; am 7/20/97, Register 143; am 7/2/98, Register 146; am 4/16/2010, Register 194; am 11/29/2023, Register 248; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45.430 is amended to read:

8 AAC 45.430. Assignment of rehabilitation specialists. For an injury occurring on or after July 1, 1988, and if required under AS 23.30.041, the administrator shall assign a rehabilitation specialist as follows:

(1) **if** [IF] the employee lives in this state, **the administrator shall assign** the first rehabilitation specialist on the list **of rehabilitation specialists in this state; if** [IN THE EMPLOYEE'S GEOGRAPHICAL AREA SHALL BE ASSIGNED. IF] there is no rehabilitation specialist on the list **of rehabilitation specialists in this state,** or if refusals under

AS 23.30.041(g) eliminate all the rehabilitation specialists on the list **of rehabilitation specialists in this state** [FOR THAT GEOGRAPHICAL AREA], the administrator shall assign a specialist from **the list of rehabilitation specialists in other states or countries;** [ANOTHER GEOGRAPHICAL AREA. TO MINIMIZE EXPENSES AND DELAY, THE ASSIGNMENT FROM ANOTHER GEOGRAPHICAL AREA MUST BE BASED ON THE REHABILITATION SPECIALIST'S PROXIMITY TO THE EMPLOYEE, AND NOT NECESSARILY TO PLACEMENT ON THE LIST.]

(2) **if** [IF] the employee lives in another state or country, the administrator shall assign the first [CERTIFIED INSURANCE] rehabilitation specialist [OR CERTIFIED REHABILITATION COUNSELOR] on the list **of rehabilitation specialists in other states or countries** from **the state or country where the employee lives; if a rehabilitation specialist is not available in the state or country where the employee lives, the administrator may assign any rehabilitation specialist;** [THE CITY NEAREST THE EMPLOYEE. IF THE NEAREST CERTIFIED INSURANCE REHABILITATION SPECIALIST OR CERTIFIED REHABILITATION COUNSELOR ON THE LIST IS MORE THAN 100 MILES FROM WHERE THE EMPLOYEE LIVES, THE ADMINISTRATOR MAY LOCATE A REHABILITATION SPECIALIST NEARER THE EMPLOYEE TO ASSIGN. IF THE ADMINISTRATOR IS UNABLE TO LOCATE A REHABILITATION SPECIALIST NEARER THE EMPLOYEE, THE ADMINISTRATOR SHALL SELECT THE FIRST CERTIFIED INSURANCE REHABILITATION SPECIALIST OR CERTIFIED REHABILITATION COUNSELOR ON THE LIST FROM THE CITY NEAREST THE EMPLOYEE. TO REDUCE EXPENSES AND DELAY IN PROVIDING SERVICES, THE ADMINISTRATOR'S PRIMARY CONSIDERATION IN ASSIGNING A REHABILITATION

SPECIALIST MUST BE THE SPECIALIST'S PROXIMITY TO THE EMPLOYEE.THE ADMINISTRATOR MAY ASSIGN A REHABILITATION SPECIALIST IN THIS STATE TO OVERSEE THE PROVIDING OF REEMPLOYMENT SERVICES UNDER THIS PARAGRAPH.]

(3) for an injury occurring on or after January 1, 2025, and if required under AS 23.30.043(b), the rehabilitation specialist must be selected from the list maintained under AS 23.30.041(b)(6);

(4) except [(3) EXCEPT] as otherwise provided in this section, once a rehabilitation specialist receives an assignment [,] that results in rehabilitation fees, the administrator may not make another assignment to that rehabilitation specialist until assignments have been made to all other rehabilitation specialists listed from the same **state;** [SENATE DISTRICT IF THE REHABILITATION SPECIALIST BUSINESS ADDRESS IS IN THIS STATE, OR FROM THE SAME CITY IF THE REHABILITATION SPECIALIST'S BUSINESS ADDRESS IS NOT IN THIS STATE.]

(5) a [(4) A] reassignment of an employee to a rehabilitation specialist under 8 AAC 45.530 **or** [,] 8 AAC 45.540 [, OR 8 AAC 45.542] may not be made to a rehabilitation specialist in the same or an affiliated firm. (Eff. 7/1/88, Register 107; am 7/20/97, Register 143; am 3/13/2004, Register 169; am 4/16/2010, Register 194; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.041 **AS 23.30.043**

The introductory language of 8 AAC 45.440(a) is amended to read:

(a) The administrator may disqualify a rehabilitation specialist from providing services

under AS 23.30.041 **and 23.30.043** if the rehabilitation specialist

• • •

8 AAC 45.440(d) is amended to read:(d) Before disqualifying a rehabilitation specialist under this section, the administrator shall **give** [NOTIFY] the rehabilitation specialist **written notice** of the proposed disqualification [IN WRITING]. A notification under this subsection must be served by personal service, certified mail, or **return receipt** electronic mail [IF THE REHABILITATION SPECIALIST HAS EXPLICITLY REQUESTED ELECTRONIC MAIL SERVICE ON A FORM PRESCRIBED BY THE ADMINISTRATOR]. A rehabilitation specialist who has been notified of a proposed disqualification may file a written request with the administrator to meet and to discuss the proposed disqualification not more than **14** [30] days after the specialist receives the notice. The requested meeting must be set not later than 30 days after the administrator receives the written request unless otherwise agreed to by both the administrator and the rehabilitation specialist.

8 AAC 45.440(e) is amended to read:

(e) The administrator shall issue a written decision not later than 30 days after a meeting requested under (d) of this section. If no meeting is requested, the administrator shall issue a written decision not later than **30** [45] days after the written notice of proposed disqualification was served under (d) of this section.

(Eff. 7/1/88, Register 107; am 10/28/88, Register 108; am 4/16/2010, Register 194;

am 11/29/2023, Register 248; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.041 **AS 23.30.043**

8 AAC 45.507 is amended to read:

8 AAC 45.507. Notice of employee rights to stay-at-work or reemployment benefits.

(a) For compensable injuries occurring on or after **January 1, 2025** [NOVEMBER 7, 2005], if the employee has been totally unable to return to the employee's employment at the time of injury for **25** [45] consecutive days [AS A RESULT OF THE INJURY], the employer shall notify the administrator in writing on the **26th** [46TH] day. **Not** [THE NOTIFICATION MUST BE COMPLETED ON A FORM PRESCRIBED BY THE ADMINISTRATOR. NO] more than 14 days after **receiving** the **25-day** [45TH DAY] **notice under this subsection**, the administrator shall notify the employee of the employee's rights to **stay-at-work or** reemployment benefits.

(b) If the employee has been totally unable to return to the employee's employment at the time of injury for **120** [90] consecutive days [,] as a result of the injury, the employer shall notify the administrator, in writing, on the **121st** [91ST] day.

(c) Notifications under this section must be completed in a format prescribed by the administrator. (Eff. 4/16/2010, Register 104; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.041 **AS 23.30.043**

8 AAC 45.510(a) is amended to read:

(a) For injuries occurring on or after **January 1, 2025** [NOVEMBER 7, 2005], if the employee has been totally unable to return to the employee's employment at time of injury for at least **90** [60] consecutive days, but less than **120** [90] consecutive days [,] as a result of the injury, the employee or employer may request an eligibility evaluation for reemployment benefits. The requesting party must file with the administrator and serve all other parties with

(1) a written request for the evaluation;

(2) a physician's prediction the injury may permanently preclude the employee from returning to the employee's job at the time of the injury; and

(3) documentation the employee has been totally unable to return to the employee's employment at the time of the injury for at least **90** [60] consecutive days, but less than **120** [90] consecutive days [,] as a result of the injury.

8 AAC 45.510(b) is amended to read:

(b) The administrator shall consider a written request for an eligibility evaluation for reemployment benefits, unless the employer controverts on grounds the employee's injury did not arise out of and in the course of employment, on grounds the employee's total inability to return to the employee's employment at the time of injury is not a result of the injury, or on grounds identified under AS 23.30.022, 23.30.100, 23.30.105, or 23.30.250. If reemployment benefits have been controverted on any of these grounds, the administrator shall forward the matter to the board to conduct a prehearing conference regarding the controversion **not** [NO] later than 30 days after the board receives the matter. If a claim is filed and if requested by the employee, the board will conduct a hearing no later than 90 days after the prehearing conference in accordance with 8 AAC 45.060(e) and **8 AAC 45.070(b)(8)** [8 AAC 45.070(b)(3)], limited to the grounds set out in this subsection.

8 AAC 45.510(c) is amended to read:

(c) If the request for an eligibility evaluation is incomplete, the administrator shall

(1) request [, NO LATER THAN FIVE WORKING DAYS AFTER RECEIPT OF THE REQUEST, SEND A LETTER TO THE EMPLOYEE AND THE EMPLOYER

REQUESTING] additional medical documentation **from the employee and the employer** regarding the employee's total inability to return to the employee's employment at the time of the injury for at least **90** [60] consecutive days as a result of the injury;

(2) the [. THE] employer and employee shall submit additional medical documentation **not** [NO] later than 10 working days after the administrator's request; **and**

(3) after [. AFTER] the prescribed period for submitting additional medical documentation expires, the administrator shall rely on the division's record, including [ANY] documents submitted by the parties, to determine the employee's total inability to return to the employee's employment at the time of the injury for at least **90** [60] consecutive days.

(Eff. 7/2/98, Register 146; am 7/9/2011, Register 199; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.041 **AS 23.30.043**

8 AAC 45.522(a) is amended to read:

(a) For injuries occurring on or after **January 1, 2025** [NOVEMBER 7, 2005], if an employee has been totally unable to return to the employee's employment **as a result of the injury** [AT TIME OF INJURY] for **120** [90] consecutive days [AS A RESULT OF THE INJURY], the administrator shall

(1) refer the employee for an eligibility evaluation;

(2) forward the matter to the board to conduct a prehearing conference and hold a hearing in accordance with 8 AAC 45.510(b) if [UNLESS] the employer controverts on grounds identified under [AS 23.30.022, 23.30.100, 23.30.105, AND 23.30.250, OR] 8 AAC 45.510(b). [IF REEMPLOYMENT BENEFITS HAVE BEEN CONTROVERTED ON ANY OF

THESE GROUNDS, THE ADMINISTRATOR SHALL FORWARD THE MATTER TO THE BOARD TO CONDUCT A PREHEARING CONFERENCE AND HOLD A HEARING IN ACCORDANCE WITH 8 AAC 45.510(b).]

(Eff. 7/9/2011, Register 199; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.041 **AS 23.30.043**

8 AAC 45.525(a)(2) is amended to read:

(2) review the appropriate volume **or database** listed in (A), [OR] (B), **or** (C) of this paragraph and select the most appropriate job title or titles that describe the employee's job; if the employee's injury occurred

(A) on or after July 2, 1998 but before August 30, 1998, the rehabilitation specialist shall use the United States Department of Labor's *Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles (1981) (SCODDOT)*;

(B) on or after August 30, 1998, **but before January 1, 2025,** the rehabilitation specialist shall use the 1993 edition of the United States Department of Labor's *Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles (SCODRDOT)* unless [, UNDER AS 23.30.041(p),] the board has designated a later revision or version of that volume **under AS 23.30.041(p), as that subsection existed on December 31, 2024; or**

(C) on or after January 1, 2025, the rehabilitation specialist shall use the most recent version of the Occupational Information Network database published by the United States Department of Labor, Employment and Training

Administration; and

8 AAC 45.525(a)(3) is amended to read:

(3) submit all job titles selected under (2) of this subsection **with simultaneous copies** to the employee's physician, the employee, the employer, and the administrator.

8 AAC 45.525(b)(2) is amended to read:

(2) review the appropriate volume **or database** listed in (A), [OR] (B), **or (C)** of this paragraph and select the most appropriate job title or titles that describe the jobs held and training received; if the employee's injury occurred

(A) on or after July 2, 1988 but before August 30, 1998, the rehabilitation specialist shall use the United States Department of Labor's *Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles (1981) (SCODDOT)*;

(B) on or after August 30, 1998, **but before January 1, 2025**, the rehabilitation specialist shall use the 1993 edition of the United States Department of Labor's *Selected Characteristics of Occupations Defined in the Revised Dictionary of Occupational Titles (SCODRDOT)* unless [, UNDER AS 23.30.041(p),] the board has designated a later revision or version of that volume **under AS 23.30.041(p), as that subsection existed on December 31, 2024; or**

(C) on or after January 1, 2025, the rehabilitation specialist shall use the most recent version of the Occupational Information Network database published by the United States Department of Labor, Employment and Training Administration;

8 AAC 45.525(c)(1) is amended to read:

(1) complete **and submit** a job analysis [, INCLUDING A DESCRIPTION OF THE JOB DUTIES, TASKS, AND PHYSICAL REQUIREMENTS, AND SUBMIT THE JOB ANALYSIS] to the employee's physician, with a copy to the employee, the employer, and the administrator, to predict whether the job's physical demands are within the employee's post-injury physical capacities;

8 AAC 45.525(g) is amended to read:

(g) In accordance with 8 AAC 45.500, and **not** [NO] later than **60** [30] days after being selected, the rehabilitation specialist whose name appears on the referral letter shall submit **a report of findings** to the administrator, with simultaneous copies to the employee, and **the employer regarding eligibility for reemployment benefits. The report must include** [.]

(1) [A REPORT OF FINDINGS, INCLUDING] a recommendation regarding eligibility for reemployment benefits;

(2) [, TOGETHER WITH (A)] copies of all predictions by **all physicians** [ANY PHYSICIAN], [ALONG WITH] job titles identified under (a)(3) and (b)(4) of this section, and job analyses identified under (c)(1) of this section;

(3) [(B)] the completed offer of employment form, if employment has been offered;

(4) [(C)] labor market research, if necessary;

(5) [(D)] documentation of [ANY] previous job dislocation **benefits**

[BENEFIT] or rehabilitation, or evidence of efforts to obtain the information if not received; and

(6) [(E)] all physicians' **ratings or statements** regarding permanent impairment [; OR

(2) A WRITTEN REQUEST FOR A 30-DAY EXTENSION EXPLAINING THE UNUSUAL AND EXTENUATING CIRCUMSTANCES, IN ACCORDANCE WITH AS 23.30.041(d), THAT PREVENTED THE REHABILITATION SPECIALIST FROM COMPLETING THE EVALUATION WITHIN 30 DAYS AFTER SELECTION, DOCUMENTING THAT THE EMPLOYEE, EMPLOYER, AND THE EMPLOYEE'S PHYSICIAN WERE CONTACTED WITHIN THE FIRST 30 DAYS AND THAT THE REHABILITATION SPECIALIST IS AWAITING A RESPONSE FROM ONE OR MORE OF THE CONTACTS; IF THE ADMINISTRATOR GRANTS AN EXTENSION REQUESTED UNDER THIS PARAGRAPH, THE REHABILITATION SPECIALIST SHALL PREPARE AND SUBMIT A REPORT OF FINDINGS IN ACCORDANCE WITH (1) OF THIS SUBSECTION WITHIN A TOTAL OF 60 DAYS FROM THE DATE THE REHABILITATION SPECIALIST WAS SELECTED].

(Eff. 7/2/98, Register 146; am 7/9/2011, Register 199; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.041 **AS 23.30.043**

8 AAC 45.530(a) is amended to read:

(a) **Not** [NO] later than 14 days after receiving a rehabilitation specialist's eligibility evaluation report for an employee injured on or after July 1, 1988, the administrator shall **rely on the division's record, including any documents submitted by the rehabilitation specialist**

and parties, and determine whether the employee is eligible [OR INELIGIBLE] for reemployment benefits, or **whether there is** [THAT] insufficient information [EXISTS] to make a determination on the employee's eligibility for reemployment benefits. The administrator shall give the parties written notice **under 8 AAC 45.399** [BY FIRST CLASS MAIL] of the determination, the reason for the determination, and how to request review by the board of the determination.

8 AAC 45.530(c)(2)(B) is amended to read:

(B) a copy of the list maintained under 8 AAC 45.400 of rehabilitation specialists; under this subparagraph, if the employee

(i) **lives** [RESIDES] in **this** [THE] state, the administrator shall send the list [MAINTAINED UNDER 8 AAC 45.400(b)(1)] of rehabilitation specialists in this state; or

(ii) does not **live** [RESIDE] in **this** [THE] state, the administrator shall send a list [MAINTAINED UNDER 8 AAC 45.400(b)(2)] of rehabilitation specialists nearest the employee based on the geographic area; and

(Eff. 7/20/97, Register 143; am 7/2/98, Register 146; am 7/9/2011, Register 199; am 4/9/2016, Register 218; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.041 **AS 23.30.043**

8 AAC 45.542 is repealed:

8 AAC 45.542. Change of rehabilitation specialist. Repealed. (Eff. 7/20/97, Register 143; am 7/9/2011, Register 199; repealed ____/____/_____, Register _____)

8 AAC 45.550(c) is amended to read:

(c) If the employee and the employer fail to agree to the reemployment plan written under (a)(8) of this section, either party may request the administrator to review and approve the plan.

Not [NO] later than 14 days after the administrator receives the plan for review, the administrator shall **notify the parties under 8 AAC 45.399 that**

(1) **the plan is approved** [APPROVE THE PLAN AND NOTIFY THE PARTIES BY FIRST CLASS MAIL];

(2) **the plan is denied** [DENY THE PLAN AND NOTIFY THE PARTIES BY FIRST CLASS MAIL]; or

(3) **the plan is incomplete; the notification must list the additional information that the parties must submit before the administrator will approve or deny the plan** [NOTIFY THE PARTIES THAT THE PLAN IS INCOMPLETE AND REQUEST ADDITIONAL INFORMATION FROM THE PARTIES BEFORE MAKING A DECISION ON THE PLAN].

8 AAC 45.550(d) is amended to read:

(d) If the administrator requests additional information, the administrator shall make a decision **not** [NO] later than 14 days after the additional information is received [,] and notify the parties **under 8 AAC 45.399** [BY FIRST CLASS MAIL]. (Eff. 7/2/98, Register 146; am 7/9/2011, Register 199; am 4/9/2016, Register 218; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45.600 is amended to read:

8 AAC 45.600. Request for liability coverage under AS 23.30.045(c). (a) To request liability coverage under AS 23.30.045(c), the **rehabilitation specialist** [REQUESTING PARTY] shall give the administrator **written** notice that a written plan **will be** [IS BEING] submitted **that requires liability coverage.** [THE REQUESTING PARTY SHALL GIVE THE NOTICE BY TELEPHONE.] The **submitted** plan [THAT IS SUBMITTED MUST INCLUDE .]

(1) **must include** a written request for coverage under AS 23.30.045(c);

(2) **must include** a description of the services being provided;

(3) **must include** the time frame for coverage under AS 23.30.045(c);

(4) **must include** the name, address, and telephone number of the employer who is providing the services;

(5) **must include** proof of workers' compensation insurance for the employer; and

(6) **when the** [FOR] coverage **is** requested for on the job training, [;

(A) THE PLAN] must **also** meet the requirements of AS 23.30.041(h) -

(o); **in addition,** [AND

(B)] the employer must provide proof that the employee will receive minimum wages.

(b) The administrator will approve or deny the written request [IMMEDIATELY, BUT] not more than **14** [FIVE WORKING] days [,] after receiving the completed written plan.

Coverage under AS 23.30.045(c) is [NOT] effective **upon approval** [UNTIL APPROVED] by the administrator [AND MAY NOT BEGIN ON A DATE SOONER THAN THE DATE THE ADMINISTRATOR APPROVES THE REQUEST FOR COVERAGE]. (Eff. 7/2/98, Register

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146; am ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.041

8 AAC 45 is amended by adding new sections to read:

8 AAC 45.605. Employer stay-at-work plan election. (a) An employer may elect to not participate or not continue to participate at any time before the employee completes the plan. The employer shall serve written notice of the employer's election to not participate to the employee, the program coordinator, and the rehabilitation specialist. The employer's written notice must inform the employee, in accordance with AS 23.30.043(n), of the employee's right to pursue reemployment benefits under AS 23.30.041. The employer's responsibility for stay-at-work plan costs continues until one day after the notice is served.

(b) The program coordinator shall inform the employee of the employee's rights in accordance with AS 23.30.041. (Eff. ____/____/_____, Register _____)

Authority: AS 23.30.001 AS 23.30.005 AS 23.30.043

8 AAC 45.610. Rehabilitation specialist stay-at-work plan development. (a) Upon the employee's election, the administrator shall assign a rehabilitation specialist under AS 23.30.043(b) to develop the stay-at-work plan.

(b) The rehabilitation specialist shall contact the employer of the injured employee not later than 14 days after receiving the assignment to determine if the employer consents to the employee's participation in the stay-at-work program.

(c) If the employer does not consent to the employee's participation, the rehabilitation specialist shall inform the parties that a stay-at-work plan cannot be developed.

(d) If the employer consents to the employee's participation, the rehabilitation specialist shall determine if a stay-at-work plan can be developed. To make a determination, the rehabilitation specialist shall

(1) interview the employee to identify

(A) barriers to the employee staying at work, and

(B) the employee's technical skills, transferrable skills, physical and intellectual capacities, academic achievement, and emotional condition;

(2) contact the employer to determine if a stay-at-work position can be created through modification of the employee's regular work, job restructuring, assistive devices, worksite modification, reduced hours, or reassignment to another job;

(3) contact the employee's attending physician to obtain a written opinion that will include the anticipated medical treatment plan, time that the employee is expected to be incapacitated from work, anticipated date of employee's release to modified duty and full duty, temporary or permanent work restrictions, and anticipated date of medical stability; and

(4) obtain the written opinion of the employee's attending physician that the employee has the permanent physical capacities to participate in a stay-at-work plan.

(e) A stay-at-work plan developed by the rehabilitation specialist must include

(1) the job analysis;

(2) the date the plan begins and the date the plan ends, with a total time frame not to exceed two years from the date of plan approval under AS 23.30.043(k);

(3) the plan's cost, which may not exceed the statutory amount under AS 23.30.043(j);

(4) a finding that explains why the employee can be reasonably expected to

satisfactorily complete the stay-at-work plan within the time and cost limits; and

(5) a summary of the information gathered by the rehabilitation specialist under (d) of this section.

(f) Not later than 60 days after the referral, the rehabilitation specialist shall

(1) provide the stay-at-work plan to the program coordinator, employee, employer, and employee's attending physician and facilitate communication regarding plan acceptance; or

(2) provide the employee, employer, and administrator a written determination that includes the reasons a stay-at-work plan cannot be developed. (Eff. ____/____/____, Register _____)

Authority: AS 23.30.005 AS 23.30.043

8 AAC 45.615. Stay-at-work plan approval. (a) Not later than 14 days after receipt of the stay-at-work plan, the program coordinator shall

(1) approve the plan and notify the parties;
(2) deny the plan and notify the parties; or
(3) notify the parties that the plan is incomplete and request additional information from the parties before approving or denying the plan.

(b) If additional information is requested, the program coordinator shall approve or deny the stay-at-work plan not later than seven days after the additional information is received and notify the parties.

(c) Not later than 30 days after the program coordinator notifies the parties under (b) of this section, a party may request that the administrator review and approve the plan. Not later than 14 days after receiving a party's request, the administrator shall

- (1) approve the stay-at-work plan;
- (2) deny the stay-at-work plan; or
- (3) notify the parties what information is needed to develop the stay-at-work plan,

who must submit the information, and the submission deadline.

(d) If the rehabilitation specialist determines that a stay-at-work plan cannot be developed, the administrator shall decide if the file supports the determination and findings. Not later than 10 days after receipt of the rehabilitation specialist's determination that a stay-at-work plan cannot be developed, the administrator shall

(1) notify the parties that the employee is not eligible for stay-at-work benefits and may pursue benefits under AS 23.30.041; or

(2) notify the employee, employer, and rehabilitation specialist of the additional information needed to develop the stay-at-work plan, who must submit the information, and the submission deadline; if the information is not timely submitted, the determination that a plan cannot be developed becomes final.

(e) Notices required under this section may be made under 8 AAC 45.399. (Eff. ____/____/____, Register _____)

Authority: AS 23.30.005 AS 23.30.041 AS 23.30.043

8 AAC 45.620. Stay-at-work plan. After plan approval, the rehabilitation specialist shall

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(1) verify that the duties the employer assigned to the employee conform with the physical capacities outlined by the employee's attending physician; and

(2) identify the employee's and employer's concerns and provide guidance, support, and direction during the stay-at-work plan. (Eff. ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.043

8 AAC 45.625. Definition of "job analysis" in 8 AAC 45.399 - 8 AAC 45.625. In 8 AAC 45.399 - 8 AAC 45.625, "job analysis" means a systematic gathering and analysis of job tasks and competencies, including responsibilities, duties, skills, and physical and intellectual demands. (Eff. ____/____/_____, Register _____)

Authority: AS 23.30.005 AS 23.30.041 AS 23.30.043