NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT AND ALASKA WORKERS' COMPENSATION BOARD.

The Department of Labor and Workforce Development and Alaska Workers' Compensation Board propose to adopt regulation changes in Title 8, Chapter 45 of the Alaska Administrative Code, regarding appeal of a discovery order entered by a board designee, continuances and cancellations of a hearing, controversions, unlawful change of physicians and definition of "month" for purposes of medical treatment, and rehabilitation benefits, including the following:

- 1. 8 AAC 45.065 is a proposed new subsection that establishes how a party may appeal a discovery order entered by a board designee under AS 23.30.108.
- 2. 8 AAC 45.074(b)(1)(I) is a proposed new subparagraph that includes when the parties have agreed to and scheduled mediation as a ground for good cause to continue or cancel a hearing.
- 3. 8 AAC 45.074(b)(2)(C) is a proposed new subparagraph that includes when the parties stipulate to the continuance as a ground for good cause to continue or cancel a hearing.
- 4. 8 AAC 45.182 is proposed to be changed to clarify how the board reports an insurer or a self-insured employer frivolously or unfairly controverted compensation due.
- 5. 8 AAC 45.082(d) is a proposed new subsection that establishes how the board may address a party's unlawful change of physician.
- 6. 8 AAC 45.082(f) is proposed to be changed to clarify the definition of "month" for purposes of medical treatment frequency.
- 7. 8 AAC 45.510 is proposed to be changed to clarify the process for requesting a reemployment benefits eligibility evaluation.
- 8. 8 AAC 45.520 is proposed to repeal the section relating to unusual and extenuating circumstances of a timely request for an eligibility evaluation.
- 9. 8 AAC 45.522 is a proposed new section relating to ordering an eligibility evaluation without a request.
- 10. 8 AAC 45.525 is proposed to be changed to clarify the reemployment benefits eligibility evaluation process.
- 11. 8 AAC 45.530(b) is proposed to be changed to clarify how the reemployment benefits administrator may address an eligibility evaluation not in accordance with 8 AAC 45.525 or lacking supporting information.
- 12. 8 AAC 45.530(c) is proposed to be changed to clarify the process for notifying an employee of a reemployment benefits eligibility determination.
- 13. 8 AAC 45.535 is proposed to be changed to establish the process for election of a job dislocation benefit or a rehabilitation specialist.
- 14. 8 AAC 45.542(a) is proposed to be changed to establish standards for a change of rehabilitation specialist.

- 15. 8 AAC 45.550(a) is proposed to be changed to clarify the process for development of a reemployment plan.
- 16. 8 AAC 45.550(b) is proposed to be changed to clarify the process for development of a reemployment plan.

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 Marie Marx, Division of Workers' Compensation, P.O. Box 115512, Juneau, AK 99811-5512. The comments must be received no later than 4:00 p.m. on April _____, 2011.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Marie Marx at 907-465-2790 no later than seven days before the accommodation is needed to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes may be obtained by writing Marie Marx, Division of Workers' Compensation, P.O. Box 115512 Juneau, AK 99811-5512, or go to http://labor.state.ak.us/wc/home.htm.

After the public comment period ends, the Alaska Workers' Compensation Board, during a public meeting, and the Department of Labor and Workforce Development will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.

Statutory Authority: AS 23.30.001; AS 23.30.005; AS 23.30.010; AS 23.30.030; AS 23.30.041; AS 23.30.045; AS 23.30.095; AS 23.30.097; AS 23.30.107; AS 23.30.108; AS 23.30.110; AS 23.30.135; AS 23.30.155

Statutes Being Implemented, Interpreted, or Made Specific: AS 23.30.041; AS 23.30.095; AS 23.30.097; AS 23.30.108; AS 23.30.110; AS 23.30.155

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

DATE: February, 2011	
•	Clark Bishop, Commissioner