

****COVID-19 DISASTER ORDER OF SUSPENSION No. 2****
APPENDIX A – AMENDMENT 1
AMENDED April 1, 2020

**RELATING TO THE SUSPENSION OF SECTIONS OF
ALASKA ADMINISTRATIVE CODE AND SECTIONS OF ALASKA STATUTES**

I, Mike. Dunleavy, Governor of the State of Alaska, do hereby authorize this amendment to Disaster Order of Suspension No. 2 (“Order”). Pursuant to the Order, the language of each provision set forth below is hereby suspended until **11:59 p.m. on May 11, 2020**, unless otherwise noted. This amendment takes immediate effect upon signature.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Suspended as of April 1, 2020

No New Suspensions

Suspended as of March 31, 2020

| <u>Authority</u> | <u>Division</u> | <u>Suspended as described below</u> |
|------------------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7 AAC 135.010(d)(3) | Behavioral Health | To allow phone consultations (other than case management) with another provider. |
| 7 AAC 135.040(b)(5)(A) | Behavioral Health | To allow clinics to conduct assessments in ways other than face-to-face. |
| 7 AAC 110.625 | Behavioral Health | To allow videoconferencing. |
| 7 AAC 135.040 | Behavioral Health | To suspend the authorization requirement for services that exceed state fiscal year limits and extend currently authorized services. |
| AS 47.10.098 | Children Servs. | To relax response timelines. |
| 7 AAC 105.130 | Health Care Servs. | To permit additional Medicaid funding for COVID-19 related hospitalizations. |
| 7 AAC 12.900 | Health Care Servs. | To permit health care facilities to utilize space for patient care that may not have been designed and approved for such uses where approved facilities are not available due to surge in patients. Facilities are responsible to use existing spaces and systems to provide the appropriate level of patient care and safety. |
| 7 AAC 10.910 (a) | Health Care Servs. | To permit provisional approval without fingerprinting. |
| 7 AAC 10.910 (b)(3) | Health Care Servs. | To permit provisional approval without fingerprinting. |

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| 7 AAC 12.103 | Health Care Servs. | To assist in meeting healthcare surge, as necessary. |
| 7 AAC 52.155 | Juvenile Justice | Only as necessary to meet prevention and mitigation guidelines. |
| 7 AAC 52.425 | Juvenile Justice | Only as necessary to meet prevention and mitigation guidelines. |
| 7 AAC 52.160 | Juvenile Justice | Only as necessary to meet prevention and mitigation guidelines. |
| 7 AAC 430. | Juvenile Justice | Only as necessary to meet prevention and mitigation guidelines. |
| 7 AAC 52.250. | Juvenile Justice | Only as necessary to meet prevention and mitigation guidelines. |
| 7 AAC 74.060(b)(1) | Pioneer Home | To allow for transfer and discharge to more appropriate care. |
| 7 AAC 57.015 | Public Assistance | To allow emergency facilities to meet licensing requirements. |
| 7 AAC 57.010(e) | Public Assistance | To allow emergency facilities to meet licensing requirements. |
| 7 AAC 57.030 | Public Assistance | To permit emergency licensure. |
| 7 AAC 57.330 | Public Assistance | Only as necessary to support essential infrastructure. |
| 7 AAC 41.035(a)(1) | Public Assistance | Only as necessary to support essential infrastructure. |
| 7 AAC 41.035(a)(2) | Public Assistance | Only as necessary to support essential infrastructure. |
| 7 AAC 100.020(a) | Public Assistance | Only as necessary to maintain Medicaid eligibility. |
| 7 AAC 100.020(d) | Public Assistance | Only as necessary to maintain Medicaid eligibility. |
| 7 AAC 100.020(e) | Public Assistance | Only as necessary to maintain Medicaid eligibility. |
| 7 AAC 100.020(h) | Public Assistance | Only as necessary to maintain Medicaid eligibility. |
| 7 AAC 26.100(a)(7) | Public Health EMS | To permit extension of licensure for first responders. |
| 7 AAC 125.024(a) | Senior & Disabilities | To support personal care services. |
| 7 AAC 130.202 | Senior & Disabilities | To suspend prohibition against payment to family members providing care. |
| 7 AAC 130.213 | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 130.217 | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 75.085 | Senior & Disabilities | To increase capacity for persons in need of care. |

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| 7 AAC 12.338(i) | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 12.405(b)(4)(B)(i) | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 12.405(b)(4)(B)(ii) | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 12.415(e) | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 12 | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 4 AAC 12. 860(8) | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 75.210 (d)(1)(A) | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 125.090(d)(1) | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 110.635(a)(1) | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 130.220 | Senior & Disabilities | To assure continuity of care for individuals under Home and Community Based Waivers; to reduce in-person contact and potential for community spread. |
| 7 AAC 130.231(a)(2) | Senior & Disabilities | To assure continuity of care for individuals under Home and Community Based Waivers. |
| 7 AAC 130.240(b)(1) | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 130.240(b)(2) | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 130.280(c)(1)(2) | Senior & Disabilities | To assure continuity of care for individuals under Home and Community Based Waivers. |
| 7 AAC 130.245(a)(4) | Senior & Disabilities | To assure continuity of care for individuals under Home and Community Based Waivers. |
| 7 AAC 130.255(a)(5) | Senior & Disabilities | To assure continuity of care for individuals under Home and Community Based Waivers. |
| 7 AAC 130.260(b)(1) | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 130.265(b)(1)(A) | Senior & Disabilities | To reduce in-person contact and potential for community spread. |
| 7 AAC 130.265(f) | Senior & Disabilities | To assure continuity of care for individuals under Home and Community Based Waivers. |
| 7 AAC 47.400(c) | Senior & Disabilities | To assure continuity of care for individuals under Home and Community Based Waivers. |
| 7 AAC 105.610 | Senior & Disabilities | To assure continuity of care for individuals under Home and Community Based Waivers. |
| 7 AAC 100.500 | Senior & Disabilities | To assure continuity of care for individuals under Home and Community Based Waivers. |

AS 18.07.111(8)

Senior &
Disabilities

To allow hospitals to increase capacity, as needed.

DEPARTMENT OF ADMINISTRATION

Suspended as of April 1, 2020

| <u>Authority</u> | <u>Division</u> | <u>Suspended as described below</u> |
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| 2 AAC 39.330(c) | Retirement and Benefits | Suspension limited to disenrollment from AlaskaCare Retiree Health Plan resulting from delinquent payment of premiums. |
| AS 39.35.535(c)(1) | Retirement and Benefits | Suspension limited to disenrollment from AlaskaCare Retiree Health Plan resulting from delinquent payment of premiums. |
| AS 14.25.168(c)(2) | Retirement and Benefits | Suspension limited to disenrollment from AlaskaCare Retiree Health Plan resulting from delinquent payment of premiums. |
| AS 14.25.168(d)(1) | Retirement and Benefits | Suspension limited to disenrollment from AlaskaCare Retiree Health Plan resulting from delinquent payment of premiums. |
| AS 39.35.535(d)(2) | Retirement and Benefits | Suspension limited to disenrollment from AlaskaCare Retiree Health Plan resulting from delinquent payment of premiums. |
| AS 39.35.880(f), (g) | Retirement and Benefits | Suspension limited to disenrollment from AlaskaCare Retiree Health Plan resulting from delinquent payment of premiums. |
| AS 14.25.168(f), (g) | Retirement and Benefits | Suspension limited to disenrollment from AlaskaCare Retiree Health Plan resulting from delinquent payment of premiums. |
| § 3.3.2 Cost Sharing for Network Benefits, AlaskaCare Employee Health Plan Booklet (2020) | Retirement and Benefits | Suspend applicable cost sharing provisions including deductible, coinsurance, and co-pays up to recognized charge for inpatient admissions and medically necessary transportation for charges related to COVID-19 and subsequent related diagnoses. |
| §§ 3.3.4 Cost Sharing for Out-of-Network Benefits, AlaskaCare Employee Health Plan Booklet (2020) | Retirement and Benefits | Suspend applicable cost sharing provisions including deductible, coinsurance, and co-pays up to recognized charge for inpatient admissions and medically necessary transportation for charges related to COVID-19 and subsequent related diagnoses. |
| § 3.3.7 Recognized Charge, AlaskaCare Employee Health Plan Booklet (2020) | Retirement and Benefits | Suspend applicable cost sharing provisions including deductible, coinsurance, and co-pays up to recognized charge for inpatient admissions and medically necessary |

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| § 3.1.2 Deductibles, AlaskaCare Retiree Insurance Information Booklet (2020) | Retirement and Benefits | transportation for charges related to COVID-19 and subsequent related diagnoses. Suspend applicable cost sharing provisions including deductible, coinsurance, and co-pays up to recognized charge for inpatient admissions and medically necessary transportation for charges related to COVID-19 and subsequent related diagnoses. |
| § 3.1.3 Coinsurance, AlaskaCare Retiree Insurance Information Booklet (2020) | Retirement and Benefits | Suspend applicable cost sharing provisions including deductible, coinsurance, and co-pays up to recognized charge for inpatient admissions and medically necessary transportation for charges related to COVID-19 and subsequent related diagnoses. |
| § 3.1.4 Recognized Charge, AlaskaCare Retiree Insurance Information Booklet (2020) | Retirement and Benefits | Suspend applicable cost sharing provisions including deductible, coinsurance, and co-pays up to recognized charge for inpatient admissions and medically necessary transportation for charges related to COVID-19 and subsequent related diagnoses. |
| § 3.5.2.1 Physician Visits, AlaskaCare Employee Health Plan Booklet (2020) | Retirement and Benefits | Suspend denials of telemedicine services provided by network and non-network providers operating within the scope of their license and in accordance with Aetna's payment policies, including telephonic evaluation and management visits performed via telephone only |
| § 3.5.2.1 Physician Visits, AlaskaCare Employee Health Plan Booklet (2020) | Retirement and Benefits | Suspend any requirements for Aetna to administer health plan benefits related to the Alaska Telemedicine Registry. |
| § 3.5.2.1 Physician Visits, AlaskaCare Employee Health Plan Booklet (2020) | Retirement and Benefits | Suspend applicable cost sharing provisions including deductible, coinsurance, and co-pays up to recognized charge for telemedicine services provided by network and non-network providers in accordance with Aetna's payment policies. |
| § 14.9.4 Employee Contributions, AlaskaCare Employee Health Plan Booklet (2020) | Retirement and Benefits | Suspend disenrollment from AlaskaCare health plan coverage for members on Family and Medical Leave Act (FMLA) leave who fail to self-pay health benefit premiums timely. |
| | Retirement and Benefits | Limited Suspension from disenrollment from AlaskaCare health plan coverage for members |

§ 9.1-5 Consolidated
Omnibus Budget
Reconciliation Act and
Extended Health
Coverage, AlaskaCare
Employee Health Plan
Booklet (2020)

continuing their coverage under the
Consolidated Omnibus Budget Reconciliation
Act (COBRA) who fail to pay health benefit
COBRA premiums timely.

§ 13.3 Premium
Payment, AlaskaCare
Retiree Insurance
Information Booklet
(2020)

Retirement and
Benefits

Limited Suspension from disenrollment from
AlaskaCare health plan coverage for members
continuing their coverage under the
Consolidated Omnibus Budget Reconciliation
Act (COBRA) who fail to pay health benefit
COBRA premiums timely.

AS 39.05.040

Personnel

Suspends the requirement for Boards and
Commission appointees to have to submit a
notarized oath due to the COVID-19 effects
on notary services and social distancing
requirements.

Suspended as of March 31, 2020

Authority
AS 28.10.011

Division
Motor Vehicles

Suspended as described below

To allow the operation of vehicles without
current registration, but not otherwise
affecting the requirement of AS 28.10.201
(mandatory and permissive titles) or
28.22.011 (liability insurance required).

AS 28.10.031(c)

Motor Vehicles

To allow the operation of vehicles without
current registration, but not otherwise
affecting the requirement of AS 28.10.201
(mandatory and permissive titles) or
28.22.011 (liability insurance required).

AS 28.15.101(a)

Motor Vehicles

To permit extension of driver's licenses.

AS 28.35.155(a)

Motor Vehicles

Suspends the prohibition of driving with
studded tires from May 1 through
September 15.¹

AS 05.25.055(a)

Motor Vehicles

To allow operation of boats without current
registration.

AS 05.25.055(c)

Motor Vehicles

To allow operation of boats without current
registration.

AS 05.25.055(d)

Motor Vehicles

To allow operation of boats without current
registration.

AS 05.25.055(f)

Motor Vehicles

To allow operation of boats without current
registration.

¹ The description was changed to clarify the suspension related to the use of studded tires.

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| AS 05.25.055(g) | Motor Vehicles | To allow operation of boats without current registration. |
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DEPARTMENT OF COMMERCE

Suspended as of April 1, 2020

| <u>Authority</u> | <u>Division</u> | <u>Suspended as described below</u> |
|------------------|-----------------|----------------------------------------------------|
| AS 10.25.090 | CBPL | To suspend the requirement for in-person meetings. |
| AS 10.25.100 | CBPL | To suspend the requirement for in-person meetings. |
| AS 10.25.110 | CBPL | To suspend the requirement for in-person meetings. |
| AS 10.25.120 | CBPL | To suspend the requirement for in-person meetings. |

Suspended as of March 31, 2020

| <u>Authority</u> | <u>Division</u> | <u>Suspended as described below</u> |
|------------------|-----------------|------------------------------------------------------------|
| 12 AAC 02.010 | CBPL | To allow payment plans for renewing professional licenses. |
| 12 AAC.02.030 | CBPL | To allow payment plans for renewing professional licenses. |
| AS 43.70.030(a) | Finance | To suspend imposition of business license fees. |

DEPARTMENT OF LABOR

Suspended as of April 1, 2020

No New Suspensions

Suspended as of March 31, 2020

| <u>Authority</u> | <u>Division</u> | <u>Suspended as described below</u> |
|------------------|--------------------|------------------------------------------------------------------------------------------------|
| AS 23.30.255 | Benefits Gty. Fund | To suspend collection of penalties for failure to secure payment of compensation. ² |
| AS 23.30.155(c) | Benefits Gty. Fund | To suspend mandatory civil fines and fees. |
| AS 23.30.155(m) | Benefits Gty. Fund | To suspend civil fines and late fees. |
| AS 23.30.075 | Benefits Gty. Fund | To suspend civil fines and late fees. |
| AS 23.30.080(f) | Benefits Gty. Fund | To suspend civil fines and late fees. |

² Amendment No. 1 modified the description by substituting the words "collection of" for the word "criminal."
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| 8 AAC 45.176 | Benefits Gty. Fund | To suspend civil fines and late fees. |
| 8 AAC 177(f) | Benefits Gty. Fund | To suspend civil fines and late fees. |

DEPARTMENT OF REVENUE

Suspended as of April 1, 2020

| <u>Authority</u> | <u>Division</u> | <u>Suspended as described below</u> |
|------------------|-----------------|-----------------------------------------------------|
| AS 05.15 | Tax | To defer tax filing deadlines until April 10, 2020. |

Suspended as of March 31, 2020

| <u>Authority</u> | <u>Division</u> | <u>Suspended as described below</u> |
|------------------|-----------------|-----------------------------------------------------|
| AS 16.10 | Tax | To defer tax filing deadlines until April 10, 2020. |
| AS 16.51 | Tax | To defer tax filing deadlines until April 10, 2020 |
| AS 43.40 | Tax | To defer tax filing deadlines until April 10, 2020. |
| AS 43.50 | Tax | To defer tax filing deadlines until April 10, 2020. |
| AS 43.52.200–295 | Tax | To defer tax filing deadlines until April 10, 2020. |
| AS 43.60 | Tax | To defer tax filing deadlines until April 10, 2020. |
| AS 43.61 | Tax | To defer tax filing deadlines until April 10, 2020. |
| AS 43.75 | Tax | To defer tax filing deadlines until April 10, 2020. |
| AS 43.76 | Tax | To defer tax filing deadlines until April 10, 2020. |
| AS 43.77 | Tax | To defer tax filing deadlines until April 10, 2020. |
| AS 43.80 | Tax | To defer tax filing deadlines until April 10, 2020. |

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Suspended as of April 1, 2020

| <u>Authority</u> | <u>Division</u> | <u>Suspended as described below</u> |
|------------------|-----------------|-----------------------------------------------------|
| 18 AAC 50.420(c) | Air Quality | To suspend interest fee accrual on AQ fee invoices. |
| AS 46.14.255(b) | Air Quality | To suspend sanctions for failure to pay invoices. |

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| AS 46.03.385(c) 18 AAC 31.050(k) | SPAR Env. Health | To suspend imposition of late fees. To suspend collection of annual permit payments for facilities that have closed, or are operating at reduced capacity, due to COVID-19 health mandates. |
| 18 AAC 31.050(l) | Env. Health | To suspend collection of annual permit payments for facilities that have closed, or are operating at reduced capacity, due to COVID-19 health mandates. |
| 18 AAC 31.050(m) | Env. Health | To suspend collection of annual permit payments for facilities that have closed, or are operating at reduced capacity, due to COVID-19 health mandates. |
| 18 AAC 60.700(i) | Env. Health | To suspend imposition of late fees and interest charges for unpaid fees (Solid Waste Program). |
| 18 AAC 60.700(j) | Env. Health | To suspend imposition of late fees and interest charges for unpaid fees (Solid Waste Program). |
| 18 AAC 72.956(e) | Water | Suspend imposition of late fees for wastewater permit renewals. |
| 18 AAC 72.957(e) | Water | Suspend imposition of late fees for wastewater permit renewals. |
| 18 AAC 80.1100(b)(1) | Env. Health | To suspend application fee due dates. |
| 18 AAC 80.1100(d)(1) | Env. Health | To suspend application fee due dates. |
| 18 AAC 80.1100(f)(1)(B) | Env. Health | To suspend application fee due dates. |
| 18 AAC 80.1100(f)(2)(B) | Env. Health | To suspend application fee due dates. |

DEPARTMENT OF NATURAL RESOURCES

Suspended as of April 1, 2020

| <u>Authority</u> | <u>Division</u> | <u>Suspended as described below</u> |
|------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------|
| AS 38.05.850 | DMLW | To suspend payment due dates and imposition of late fees for permits. |
| 11 AAC 05.180 | DMLW | To suspend payment due dates and imposition of late fees for permits. |
| 11 AAC 05.170(d) | DPOR | To suspend imposition of fees. |
| 11 AAC 05.170(g) | DPOR | To allow director to reduce or waive fees due to emergency purposes related to COVID-19 not listed in the regulation. |
| 11 AAC 05.210(d) | DMLW | To suspend land use and application fees. |
| 11 AAC 05.030 | DMLW | To suspend imposition of late fees. |

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| AS 38.05.065(d)-(f) | DMLW | To suspend the foreclosure and termination of land sale contracts where the breach was caused primarily by nonpayment of an installment payment. |
| AS 45.50.220 | Forestry | To suspend renewal fee requirements. |
| AS 45.40.280 | Forestry | To suspend renewal fee requirements. |
| 11 AAC 71.050(c) | Forestry | To suspend payment due dates. |
| 11 AAC 05.080 | Forestry | To suspend payment due dates. |

DEPARTMENT OF TRANSPORTATION

Suspended as of April 1, 2020

| <u>Authority</u> | <u>Division</u> | <u>Suspended as described below</u> |
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| 17 AAC 70.220(c) | AMHS | To suspend cancellation fees for any AMHS travel. |
| 17 AAC 90 | DOT-All | To suspend expiration dates and permit fees for certifying devices used to measure and weigh. |
| 17 AAC 25.380 | DOT-All | To suspend permit fees for oversize and overweight vehicles. |

DEPARTMENT OF FISH AND GAME

Suspended as of April 1, 2020

| <u>Authority</u> | <u>Division</u> | <u>Suspended as described below</u> |
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| 5 AAC 41.280(a) | Comm. Fisheries | To suspend collection of renewal fee. |

Dated this 1st day of April 2020.



Mike. Dunleavy
Governor