

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

8 AAC 45.071. Hearing officer as a commissioner's designee. (a) A hearing officer shall serve as a commissioner's designee to hear and decide procedural and stipulated matters without a panel. An action of a hearing officer under this section is an action of the full board.

(b) For purposes of this section

(1) A procedural matter is limited to

- (A) a petition for an order under AS 23.30.015;
- (B) settlement terms on the record;
- (C) venue;
- (D) a supplementary default order;
- (E) a petition to quash a subpoena;
- (F) a petition for testimony by teleconference;
- (G) a petition for social security offset; or
- (H) declaration of amount in default.

(2) A stipulated matter is limited to

- (A) an award of attorney fees and costs;
- (B) a continuance;
- (C) a failure to insure and civil penalty assessment under AS 23.30.080;

or

- (D) a stipulation under 8 AAC 45.050(f). (Eff. ____/____/____,

Register _____)

Authority: AS 23.30.005

8 AAC 45.074(b) is repealed and readopted to read:

(b) Continuances or cancellations are not favored by the board and will not be routinely granted. A hearing may be continued or cancelled only for good cause and in accordance with this section. For purposes of this subsection,

(1) good cause exists only when

(A) a material witness is unavailable on the scheduled date and deposing the witness is not feasible;

(B) a party or representative of a party is unavailable because of an unintended and unavoidable court appearance;

(C) a party, a representative of a party, or a material witness becomes ill or dies;

(D) a party, a representative of a party, or a material witness becomes unexpectedly absent from the hearing venue and cannot participate telephonically;

(E) the hearing was set under 8 AAC 45.160(d);

(F) a second independent medical evaluation is required under AS 23.30.095(k);

(G) the hearing was requested for a review of an administrator's decision under AS 23.30.041(d), 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;

(H) the board is not able to complete the hearing on the scheduled hearing date due to the length of time required to hear the case or other cases scheduled on that

same day, the lack of a quorum of the board, or malfunctioning of equipment required for recording the hearing or taking evidence;

(I) the parties have agreed to and scheduled mediation;

(J) the parties agree the issue set for hearing has been resolved without settlement and the parties file a stipulation agreeing to dismissal of the claim or petition under 8 AAC 45.050(f)(1);

(K) the board determines that despite a party's due diligence in completing discovery before requesting a hearing and despite a party's good faith belief that the party was fully prepared for the hearing, evidence was obtained by the opposing party after the request for hearing was filed which is or will be offered at the hearing, and due process required the party requesting the hearing be given an opportunity to obtain rebuttal evidence;

(L) the board determines at a scheduled hearing that, due to surprise, excusable neglect, or the board's inquiry at the hearing, additional evidence or arguments are necessary to complete the hearing;

(M) an agreed settlement has been reached by the parties less than 14 days before a scheduled hearing, the agreed settlement has not been put into writing, signed by the parties, and filed with the board in accordance with 8 AAC 45.070(d)(1), the proposed settlement resolves all disputed issues set to be heard, and the parties appear at the scheduled hearing to state the terms of the settlement on the record; or

(N) the board determines that despite a party's due diligence, irreparable harm may result from a failure to grant the requested continuance or cancel the hearing;

(2) the board or the board's designee may grant a continuance or cancellation under this section

(A) for good cause under (1)(A) - (J) of this subsection without the parties appearing at a hearing;

(B) for good cause under (1)(K) - (N) of this subsection only after the parties appear at the scheduled hearing, make the request and, if required by the board, provide evidence or information to support the request; or

(C) without the parties appearing at the scheduled hearing, if the parties stipulate to the continuance or cancellation for good cause as set out in (1)(A) - (J) of this subsection.

(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 7/9/11, Register 99; am ____/____/_____, Register ____)

Authority: AS 23.30.005 AS 23.30.110 AS 23.30.135

8 AAC 45.082(d) is amended to read:

(d) Medical bills for an employee's treatment are due and payable **no later than** [WITHIN] 30 days after the date the employer received the medical provider's bill, a written justification of the medical necessity for dispensing a name-brand drug product if required for the filling of a prescription that was part of the treatment, and a completed report **in accordance with 8 AAC 45.086(a)** [ON FORM 07-6102]. Unless the employer controverts the prescription

charges or transportation expenses, an employer shall reimburse an employee's prescription charges or transportation expenses for medical treatment **no later than** [WITHIN] 30 days after the employer received the medical provider's completed report **in accordance with 8 AAC 45.086(a)** [ON FORM 07-6102], a written justification of the medical necessity for dispensing a name-brand drug product if required for the filling of a prescription that was part of the treatment, and an itemization of the prescription numbers or an itemization of the dates of travel, destination, and transportation expenses for each date of travel. If the employer controverts

(1) a medical bill or if the medical bill is not paid in full as billed, the employer shall notify the employee and medical provider in writing the reasons for not paying all or a part of the bill or the reason for delay in payment **no later than** [WITHIN] 30 days after receipt of the bill, a written justification of the medical necessity for dispensing a name-brand drug product if required for the filling of a prescription that was part of the treatment, and a completed report **in accordance with 8 AAC 45.086(a)** [ON FORM 07-6102];

(2) a prescription or transportation expense reimbursement request in full, the employer shall notify the employee in writing the reason for not paying all or a part of the request or the reason for delay within the time allowed in this section in which to make payment; if the employer makes a partial payment, the employer shall also itemize in writing the prescription or transportation expense requests not paid.

(Eff. 5/28/83, Register 86; am 12/14/86, Register 100; am 7/1/88, Register 107; am 10/28/88, Register 108; am 3/16/90, Register 113; am 7/20/97, Register 143; am 7/2/98, Register 146; am 2/3/2001, Register 157; am 7/31/2010, Register 195; am 12/31/2010, Register 196; am 6/27/2011,

Register _____, _____ 2012 LABOR AND WORKFORCE DEV.

Register 199; am 7/9/2011, Register 199; am 11/20/11, Register 200; am ____/____/____,

Register _____)

Authority: AS 23.30.005 AS 23.30.045 AS 23.30.097

AS 23.30.030 AS 23.30.095