

**PROPOSAL 157**

**5 AAC 92.104. Authorization for methods and means disability exemptions.**

Amend the language in the existing regulation for authorizing methods and means disability exemptions to be more consistent with the statute as follows:

5 AAC 92.104(a) A person with a disability, or their personal representative, may submit an application on a form available from the department for an exemption from a methods and means requirement set out in this chapter. The application must

(1) include a signed statement from a **physician licensed to practice medicine in the state of Alaska** [LICENSED PHYSICIAN] explaining the nature and extent of the person’s disability;

AS 16.05.940(25) “person with developmental disabilities” means a person who presents to the department an affidavit signed by a physician licensed to practice medicine in the state stating that the person is experiencing a severe, chronic disability

(A) attributable to a mental or physical impairment or a combination of mental and physical impairments;

(B) that is manifested before the person reaches 18 years of age;

(C) that is likely to continue indefinitely;

(D) that results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency;

(E) that reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated;

(F) and that the person is not a danger to themselves or others; and

(G) and that the person does not suffer from a mental illness; in this subparagraph, “mental illness” means an organic, mental, or emotional impairment that has substantial adverse effects on a person’s ability to exercise conscious control of the person’s actions or ability to perceive reality or to reason or understand.

AS 16.05.940(26) “person with physical disabilities” means a person who presents to the department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 70 percent physically disabled;

**What is the issue you would like the board to address and why?** The Department of Fish and Game regularly receives applications for Methods and Means Exemption permits signed by nurses, nurse practitioners, physician’s assistants, chiropractors, and medical doctors. The inconsistency between regulation and statute makes it unclear exactly which signatures are allowed. In addition to changing the language in the regulation to more closely match the statute, the department is also asking the board to provide guidance regarding which level of physician can sign the application.

If no action is taken the department will continue to receive applications signed by medical professionals that are not authorized to sign them (e.g. nurses), which results in denial of permits, additional doctor visits, and additional staff time reviewing otherwise straightforward applications.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F20-056)

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