

Occupational Licensing **Centralized Regulations**

January 2012



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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CHAPTER 02.
GENERAL OCCUPATIONAL LICENSING FUNCTIONS.

Article

- 1. Collection of Fees**
(12 AAC 02.010 — 12 AAC 02.030)
- 2. Occupational Licensing Fees**
(12 AAC 02.100 — 12 AAC 02.370)
- 3. Examination Review Procedures**
(12 AAC 02.400)
- 4. Real Estate Errors and Omissions Insurance**
(12 AAC 02.510 — 12 AAC 02.590)
- 5. General Provisions**
(12 AAC 02.900 — 12 AAC 02.990)

ARTICLE 1.
COLLECTION OF FEES.

Section

- 10. Licensing and renewal fees**
- 15. Refund of license fees**
- 20. Prorating renewal fees**
- 30. Prorating initial renewal fees**

12 AAC 02.010. LICENSING AND RENEWAL FEES. (a) The department will collect fees for licensing and for license renewal for the boards and professions listed in AS 08.01.010.

(b) The department will not issue a license or renew a license unless the applicable fees established in AS 08 or in this chapter have been collected.

(c) Except as otherwise provided in this title, an application for initial licensure or renewal of license will be considered filed as of the filing date of the document, as determined by 12 AAC 02.920.

(d) *Repealed 5/4/90.*

(e) An application fee is not refundable.

Authority: AS 08.01.050 AS 08.01.065 AS 08.01.100
AS 08.01.060 AS 08.01.080

12 AAC 02.015. REFUND OF LICENSE FEES. (a) Except as provided in (b) of this section, after a license is initially issued or renewed, the department will not refund the initial license fee or the license renewal fee.

(b) On request, the department will issue a prorated refund of a license fee paid for a licensing period in which the individual licensee dies. The department will issue the refund to the estate of the licensee. The department will not issue a refund when the estate of the licensee remains a partner in a partnership that received a license under AS 08.

(c) To request a refund under this section, the estate of the licensee shall submit to the department

(1) a written request for a refund within 12 months of the licensee's death or before the end of the licensing period in which the licensee died, whichever time period is greater; and

(2) verification of the licensee's death; the department will accept a letter from a coroner or mortuary, a death certificate, or a copy of a newspaper article as verification.

(d) The department will calculate the amount of the prorated refund described in (b) of this section based on the number of complete months remaining in the licensing period on the date of the licensee's death.

Authority: AS 08.01.050 AS 08.01.065 AS 08.01.080

12 AAC 02.020. PRORATING RENEWAL FEES. The department will prorate the first license renewal fees following initial licensure, in accordance with 12 AAC 02.030. All renewal fees, including penalty and delinquent fees must be paid by the licensee applying for renewal of a license, except as provided in 12 AAC 02.030(a)(1) and (b)(1).

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.030. PRORATING INITIAL RENEWAL FEES. (a) When the department issues an initial biennial license

- (1) on or within the 90 days before the date by which it must be renewed, the applicant shall pay the entire license fee but is not required to pay the prescribed renewal fee until the second renewal date;
- (2) more than 90 days but 12 months or less before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay one-half of the prescribed renewal fee at the time of the first renewal date; or
- (3) more than 12 months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay the entire prescribed renewal fee at the time of the first renewal date.
- (b) When the department issues an initial annual license
- (1) on or within the 90 days before the date by which it must be renewed, the applicant shall pay the entire license fee but is not required to pay the prescribed renewal fee until the second renewal date;
- (2) more than 90 days but six months or less before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay one-half of the prescribed renewal fee at the time of the first renewal date; or
- (3) more than six months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay the entire prescribed renewal fee at the time of the first renewal date.
- (c) *Repealed 12/28/97.*
- (d) *Repealed 9/29/2005.*
- (e) The department will not prorate fees for applications, examinations, reexaminations, credential review or investigation, temporary or emergency permits, locum tenens permits, certificates, or other such fees established in AS 08 or in this chapter.

Authority: AS 08.01.065 AS 08.01.080 AS 08.01.100

ARTICLE 2. OCCUPATIONAL LICENSING FEES.

Section

- 100. Fees established by department**
- 102. Fees for a temporary license issued under AS 14.43.148 or AS 25.27.244; waivers; refunds**
- 105. Administrative fees**
- 108. Acupuncturists**
- 110. Board of Registration for Architects, Engineers, and Land Surveyors**
- 130. Audiologist, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants**
- 140. Board of Barbers and Hairdressers**
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- 150. Board of Chiropractic Examiners**
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- 195. Dietitians and nutritionists**
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- 210. Electrical administrators**
- 215. Euthanasia of domestic animals**
- 220. Geologists**
- 225. Private professional guardian license and private professional conservator license**
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- 282. Board of Nursing: fees for certified nurse aides**
- 290. Nursing home administrators**
- 300. Board of Examiners in Optometry**
- 310. Board of Pharmacy**
- 320. State Physical Therapy and Occupational Therapy Board**
- 325. Board of Professional Counselors**

- 330. Board of Psychologist and Psychological Associate Examiners
- 340. Board of Public Accountancy
- 350. Board of Veterinary Examiners
- 360. Real Estate Commission
- 370. Board of Certified Real Estate Appraisers

12 AAC 02.100. FEES ESTABLISHED BY DEPARTMENT. The fees established in this chapter have been adopted by the department after considering any recommendations of the applicable board or commission listed in AS 08.01.010.

Authority: AS 08.01.065

12 AAC 02.102. FEES FOR A TEMPORARY LICENSE ISSUED UNDER AS 14.43.148 OR AS 25.27.244; WAIVERS; REFUNDS. (a) When the division issues a temporary license under AS 14.43.148 or AS 25.27.244, the division will collect the annual or biennial license fee for the trade or profession for which the temporary license is issued, subject to the refund and waiver provisions set out in this section. The temporary license fee is the amount paid to the division under this section from the annual or biennial license fee that is not refunded or waived under this section.

(b) When an individual who holds a temporary license issued under AS 14.43.148 is

(1) issued a notice of release by the Alaska Commission on Postsecondary Education and takes the action necessary, on or before the expiration date of the temporary license, to convert the temporary license to an annual or biennial license under AS 05.10, AS 08, or AS 46.03.375, the division will waive one-half of the annual or biennial license fee for the trade or profession for which the individual is receiving an annual or biennial license;

(2) not issued a notice of release by the Alaska Commission on Postsecondary Education on or before the expiration date of the temporary license, the department will

(A) refund one-half of the annual or biennial license fee paid under (a) of this section; and

(B) not refund a bond, cash deposit, negotiable instrument, or other mechanism to provide proof of financial responsibility that was deposited for claims under AS 05.10.090, AS 08, or this chapter, except as required by law.

(c) When an individual who holds a temporary license issued under AS 25.27.244 is

(1) issued a release by the child support services agency and takes the action necessary, on or before the expiration date of the temporary license, to convert the temporary license to an annual or biennial license under AS 05.10, AS 08, or AS 46.03.375, the division will waive one-half of the annual or biennial license fee for the trade or profession for which the individual is receiving an annual or biennial license;

(2) not issued a notice of release by the child support services agency on or before the expiration date of the temporary license, the department will

(A) refund one-half of the annual or biennial license fee paid under (a) of this section; and

(B) not refund a bond, cash deposit, negotiable instrument, or other mechanism to provide proof of financial responsibility that was deposited for claims under AS 05.10.090, AS 08, or this chapter, except as required by law.

(d) In this section, "annual or biennial license fee" means the initial license fee or the license renewal fee established in

(1) AS 05.10.120 or this chapter for a licensing category included under the trades and professions listed in AS 08.01.010; and

(2) 18 AAC 78.495 for certification as an underground storage tank worker.

Authority: AS 08.01.050 AS 14.43.148 AS 25.27.244
AS 08.01.065

12 AAC 02.105. ADMINISTRATIVE FEES. Except as otherwise provided in this chapter for a particular board or occupation, the following fees apply to all boards and professions listed in AS 08.01.010:

- (1) duplicate license fee, \$5;
- (2) fee for verification or certification of an Alaska license, registration, or examination, \$20;
- (3) name change, except for construction contractors, \$5;
- (4) photocopy fee, \$.25 per page, which may be waived by the department if the total fee is less than \$5;
- (5) facsimile fee, \$1 per page, which may be waived by the department if the total fee is less than \$5;
- (6) returned check fee, \$20;
- (7) *repealed 12/28/97;*
- (8) exam postponement fee, \$25;
- (9) wall certificate fee, \$20;
- (10) fee for proctoring an examination for another state's applicant, \$50;
- (11) fee for specialized report of licensing data that the department has agreed to provide, \$100 plus the cost of supplies;
- (12) express delivery handling fee, \$20;

- (13) fee for providing the most recently printed roster of all licensees in a licensing program, other than business licensing, with
 - (A) 2,000 or less licensees, \$5;
 - (B) more than 2,000 licensees, \$15;
 - (C) *repealed 3/25/04*;
- (14) fee for a courtesy license issued under 12 AAC 02.955, \$100;
- (15) courtesy license application fee, \$50;
- (16) examination review fee, \$50.

Authority: AS 08.01.062 AS 08.01.065 AS 08.01.100

12 AAC 02.108. ACUPUNCTURISTS. The following fees are established for acupuncturists:

- (1) application fee for initial license, \$50;
- (2) license fee for all or part of the initial biennial license period, \$50;
- (3) biennial license renewal fee, \$50.

Authority: AS 08.01.010 AS 08.06.030 AS 08.06.100
AS 08.01.065

12 AAC 02.110. BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS. (a) The following fees are established for architects, engineers, land surveyors, and landscape architects:

- (1) application fee for initial registration and corporate, limited liability company, or limited liability partnership certification, \$50;
- (2) review fee for registration by comity, \$100;
- (3) registration fee for all or part of the initial biennial registration period, \$125;
- (4) biennial registration renewal fee, \$125;
- (5) corporation, limited liability company, or limited liability partnership certification fee, for all or part of the biennial certification period, \$125;
- (6) biennial corporation, limited liability company, or limited liability partnership certification renewal fee, \$125;
- (7) amendment to corporate, limited liability company, or limited liability partnership certification, \$50;
- (8) fee for having examination proctored out of state, \$50;
- (9) examination review fee:
 - (A) Landscape Architect Registration Examination (LARE), for each section, \$100;
 - (B) all other examinations, \$100;
- (10) retired status registration one-time fee, \$50.
- (b) The following examination fees are established for land surveyors and landscape architects:
 - (1) Alaska Land Surveying Exam (AKLS), \$100;
 - (2) Landscape Architect Registration Examination (LARE):
 - (A) Section C, \$350;
 - (B) Section E, \$350.
- (c) *Repealed 4/19/97.*
- (d) The examination fees established in this section are due each time an applicant applies for an examination or examination division.
- (e) The following fee is established for opening a file for the retention of completed land surveyor work verification forms: \$50.

Authority: AS 08.01.065 AS 08.48.265

12 AAC 02.130. AUDIOLOGIST, HEARING AID DEALERS, SPEECH-LANGUAGE PATHOLOGISTS, AND SPEECH-LANGUAGE PATHOLOGIST ASSISTANTS. The following fees are established for audiologists, hearing aid dealers, speech-language pathologists, and speech-language pathologist assistants:

- (1) application fee for initial license or registration, \$50;
- (2) temporary license fee for audiologists or speech-language pathologists, \$25;
- (3) audiologist or speech-language pathologist license fee for all or part of the initial biennial license period, \$25;
- (4) biennial audiologist or speech-language pathologist license renewal fee, \$25;
- (5) hearing aid dealer license fee for all or part of the initial biennial license period, \$100;
- (6) hearing aid dealer biennial license renewal fee, \$100;
- (7) delinquent fee for delayed renewal, \$50;
- (8) speech-language pathologist assistant registration fee for all or part of the initial biennial registration period, \$25;
- (9) biennial speech-language pathologist assistant registration renewal fee, \$25.

Authority: AS 08.01.065 AS 08.11.020 AS 08.55.010
AS 08.11.010 AS 08.11.030 AS 08.55.020
AS 08.11.015 AS 08.11.050 AS 08.55.040

12 AAC 02.140. BOARD OF BARBERS AND HAIRDRESSERS. (a) The following fees are established:

- (1) nonrefundable application fee for
 - (A) initial license, \$80;
 - (B) courtesy license, \$80;
 - (2) temporary permit fee, \$80;
 - (3) fee for student permit, student instructor permit, or apprenticeship that is valid for
 - (A) one year, \$25;
 - (B) two years, \$50;
 - (4) barber, hairdresser, esthetician, advanced manicurist, or instructor written examination fee, \$35;
 - (5) barber, hairdresser, esthetician, or instructor practical examination fee, \$60;
 - (6) temporary license fee, \$80;
 - (7) written examination fee for practitioners of body piercing or practitioners of tattooing and permanent cosmetic coloring, \$60;
 - (8) temporary shop license fee, \$80;
 - (9) courtesy license for practitioners of body piercing or for practitioners of tattooing and permanent cosmetic coloring, \$80;
- (b) The following license fees are established for all or part of the initial biennial license period:
- (1) barber or hairdresser, \$160;
 - (2) esthetician, \$160;
 - (3) instructor, \$240;
 - (4) shop owner, \$240;
 - (5) school and school owner combined \$640;
 - (6) manicurist, \$160;
 - (7) advanced manicurist endorsement, \$80;
 - (8) practitioner of tattooing and permanent cosmetic coloring, \$160;
 - (9) practitioner of body piercing, \$160;
- (c) The following biennial license renewal fees are established:
- (1) barber or hairdresser, \$160;
 - (2) esthetician, \$160;
 - (3) instructor, \$240;
 - (4) shop owner, \$240;
 - (5) school and school owner combined \$640;
 - (6) manicurist, \$160;
 - (7) advanced manicurist endorsement, \$80;
 - (8) practitioner of tattooing and permanent cosmetic coloring, \$160;
 - (9) practitioner of body piercing, \$160.

Authority: AS 08.01.065 AS 08.13.185

12 AAC 02.145. BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES. The following fees are established for direct-entry midwives and apprentices:

- (1) nonrefundable application fee for initial certification, \$250;
- (2) certification fee for all or part of the initial biennial certification period, \$1,250;
- (3) biennial certification renewal fee, \$1,250;
- (4) apprentice direct-entry midwife permit fee, \$125;
- (5) biennial apprentice direct-entry midwife permit renewal fee, \$125;
- (6) nonrefundable application fee for initial apprentice direct-entry midwife permit, \$125.

Authority: AS 08.01.065 AS 08.65.100

12 AAC 02.150. BOARD OF CHIROPRACTIC EXAMINERS. (a) The following fees are established for chiropractors:

- (1) application fee for
 - (A) initial license, \$150;
 - (B) locum tenens permit, \$50;
 - (C) any courtesy license, \$50;
- (2) licensee fee for all or part of the initial biennial license period, \$450;
- (3) biennial license renewal fee, \$450;
- (4) temporary permit fee, \$100;
- (5) examination fee, \$100;

- (6) locum tenens permit fee, \$100;
 - (7) inactive license fee, \$100;
 - (8) retired status license fee, \$100;
 - (9) specialty designation fee, \$25;
 - (10) fee for any courtesy license, \$100;
 - (11) continuing education course approval fee, \$50;
 - (12) continuing education course change approval fee, \$25;
 - (13) delayed renewal penalty fee, \$50.
- (b) The peer review fee charged to a complainant is \$50.

Authority: AS 08.01.062 AS 08.01.100 AS 08.20.185
AS 08.01.065 AS 08.20.180

12 AAC 02.155. BOARD OF SOCIAL WORK EXAMINERS. (a) The following fees are established for social workers:

- (1) application fee for initial license, \$50;
- (2) clinical social worker license fee for all or part of the initial biennial license period, \$250;
- (3) master social worker license fee for all or part of the initial biennial license period, \$250;
- (4) baccalaureate social worker license fee for all or part of the initial biennial license period, \$250;
- (5) biennial clinical social worker license renewal fee, \$250;
- (6) biennial master social worker license renewal fee, \$250;
- (7) biennial baccalaureate social worker license renewal fee, \$250;
- (8) temporary license fee, \$50.

(b) Notwithstanding 12 AAC 02.020 and 12 AAC 02.030, the initial license renewal fee for a clinical social worker, master social worker, or baccalaureate social worker in (a)(5)–(7) of this section will not be prorated, except as provided in 12 AAC 02.030(a)(1).

(c) The following fees are established for submission of social worker continuing education courses for approval under 12 AAC 18.220:

- (1) initial continuing education course submittal fee, \$50;
- (2) continuing education course resubmittal fee, \$25.

Authority: AS 08.01.065 AS 08.95.110 AS 08.95.125
AS 08.95.030 AS 08.95.120

12 AAC 02.160. COLLECTION AGENCIES. (a) The following fees are established for collection agencies:

- (1) application fee for initial license, \$100;
- (2) operator license fee for all or part of the initial biennial license period, \$200;
- (3) biennial operator license renewal fee, \$200;
- (4) agency license fee for all or part of the initial biennial license period, \$200;
- (5) biennial agency license renewal fee, \$200;
- (6) branch office license fee, for all or part of the initial biennial license period, \$200;
- (7) biennial branch office license renewal fee, \$200;
- (8) delayed renewal penalty, \$50.

(b) Under AS 08.24.370, all nonresident operator and agency fees are double the fees established in (a) of this section, except for branch office fees.

Authority: AS 08.01.065 AS 08.24.135 AS 08.24.370
AS 08.01.100

12 AAC 02.170. CONCERT PROMOTERS. The following fees are established for concert promoters:

- (1) application fee for initial registration, \$125;
- (2) certificate of registration fee, for all or part of the initial biennial registration period, \$800;
- (3) biennial certificate of registration renewal fee, \$800.

Authority: AS 08.01.065 AS 08.92.020 AS 08.92.080

12 AAC 02.180. CONSTRUCTION CONTRACTORS. (a) The following fees are established for general, mechanical, and all specialty construction contractors:

- (1) nonrefundable application fee for initial registration or residential contractor endorsement, \$50;
- (2) certificate of registration and license enforcement support fee, for all or part of the initial biennial registration period, \$200;
- (3) biennial certificate of registration renewal and license enforcement support fee, \$200;
- (4) fee for change from one specialty to another specialty, or from specialty to mechanical, or from mechanical to specialty, contractor registration, \$25;

- (5) name change, \$50;
- (6) bonding research, \$20;
- (7) residential contractor endorsement fee, for all or part of the initial biennial endorsement period, \$200;
- (8) biennial residential contractor endorsement renewal fee, \$200;
- (9) residential contractor endorsement examination fee, \$75.

(b) When a registrant upgrades from a specialty or mechanical contractor registration to a general contractor registration, or downgrades from a general contractor registration to a specialty or mechanical contractor registration, the following fees will be assessed:

- (1) when, as a result of the change, the registrant's registration period at the time of the change is reduced, \$50;
- (2) when, as a result of the change, the registrant's registration period at the time of the change is extended, \$75;
- (3) *repealed 11/15/96.*

Authority: AS 08.01.065 AS 08.18.041

12 AAC 02.190. BOARD OF DENTAL EXAMINERS. (a) The following fees for dental hygienists are established:

- (1) nonrefundable application fee for
 - (A) initial license, \$85;
 - (B) courtesy license, \$50;
 - (C) initial restorative function endorsement, \$50;
- (2) board conducted examination, \$3,000;
- (3) license fee for all or part of the initial biennial license period, \$120;
- (4) biennial license renewal fee, \$120;
- (5) temporary license or local anesthetic permit, \$50;
- (6) credential review fee, \$100;
- (7) local anesthetic permit renewal fee, \$50;
- (8) courtesy license fee, \$50;
- (9) restorative function endorsement fee, for all or part of the initial endorsement period, \$50;
- (10) restorative function endorsement renewal fee, \$50.

(b) The following fees for dentists are established:

- (1) nonrefundable application fee for
 - (A) initial license by examination, \$300;
 - (B) initial specialty license, \$400;
 - (C) courtesy license, \$50;
 - (D) branch office registration or permit, \$50;
 - (E) parenteral sedation or general anesthetic permit, \$50;
- (2) nonrefundable application and review fee for license by credentials, \$400;
- (3) board conducted clinical examination, \$5,000;
- (4) license fee for all or part of the initial biennial license period, \$290;
- (5) specialty license fee for all or part of the initial biennial license period, \$290;
- (6) biennial license renewal fee, \$290;
- (7) biennial specialty license renewal fee, \$290;
- (8) branch office registration, \$25;
- (9) parenteral sedation permit fee for all or part of the initial biennial permit period, \$50;
- (10) biennial parenteral sedation permit renewal fee, \$50;
- (11) biennial branch office registration renewal fee, \$25;
- (12) general anesthetic permit fee for all or part of the initial biennial permit period, \$50;
- (13) biennial general anesthetic permit renewal fee, \$50;
- (14) courtesy license fee, \$50.

(c) The following fees are established for submission of dental and dental hygiene continuing education courses for approval under 12 AAC 28.410

- (1) initial continuing education course submittal fee, \$25;
- (2) continuing education course resubmittal fee, \$15.

Authority: AS 08.01.065 AS 08.32.097 AS 08.36.290
AS 08.01.100 AS 08.36.250

12 AAC 02.195. DIETITIANS AND NUTRITIONISTS. The following fees are established for dietitians and nutritionists:

- (1) application fee for initial license, \$50;
- (2) license fee for all or part of the initial biennial license period, \$50;
- (3) biennial license renewal fee, \$50.

Authority: AS 08.01.010 AS 08.01.100 AS 08.38.030
AS 08.01.065 AS 08.38.020

12 AAC 02.200. DISPENSING OPTICIANS. The following fees are established for dispensing opticians and apprentices:

- (1) nonrefundable application fee for initial license, \$50;
- (2) license fee for all or part of the initial biennial license period, \$200;
- (3) biennial license renewal fee, \$200;
- (4) apprentice registration fee, \$175;
- (5) apprentice registration change fee, \$50.

Authority: AS 08.01.065 AS 08.71.120 AS 08.71.160

12 AAC 02.210. ELECTRICAL ADMINISTRATORS. The following fees are established for electrical administrators:

- (1) nonrefundable application fee for each license category applied for separately, \$50;
- (2) examination fee, due each time an applicant applies for an examination, \$125 per category;
- (3) electrical administrator license fee for all or part of the initial biennial license period, \$200;
- (4) biennial electrical administrator license renewal fee, \$200;
- (5) *repealed 10/1/88;*
- (6) *repealed 5/30/97.*

Authority: AS 08.01.065 AS 08.40.150

12 AAC 02.215. EUTHANASIA OF DOMESTIC ANIMALS. The following fees are established for agencies that purchase, possess, and use certain drugs to euthanize domestic animals:

- (1) application fee for initial euthanasia permit, \$25;
- (2) permit fee for all or part of the initial biennial license period, \$50;
- (3) biennial permit renewal fee, \$50.

Authority: AS 08.01.065 AS 08.02.050

12 AAC 02.220. GEOLOGISTS. The fee for certification of a professional geologist is \$50.

Authority: AS 08.01.065 AS 08.02.011

12 AAC 02.225. PRIVATE PROFESSIONAL GUARDIAN LICENSE AND PRIVATE PROFESSIONAL CONSERVATOR LICENSE. The following fees are established for private professional guardians and private professional conservators:

- (1) application fee for initial registration, \$125;
- (2) license fee for all or part of the initial biennial licensing period, \$625;
- (3) biennial license renewal fee, \$625;
- (4) temporary license fee for private professional guardian or private professional conservator, \$50;
- (5) nonrefundable fingerprint processing fee, \$59.

Authority: AS 08.01.065 AS 08.26.060

12 AAC 02.230. BIG GAME COMMERCIAL SERVICES BOARD. (a) The following fees are established for registered and master guide-outfitters:

- (1) nonrefundable application fee for initial license, \$100;
 - (2) initial registered guide-outfitter qualification examination or retake examination fee, \$50;
 - (3) game management unit examination fee for taking initial examination, retaking examination, or adding game management units, \$200 per game management unit;
 - (4) registered or master guide-outfitter license fee, for all or part of the biennial license period, \$450;
 - (5) biennial registered or master guide-outfitter license renewal fee, \$450;
 - (6) examination preparation packet for registered guide-outfitter, \$25.
- (b) The following fees are established for Class-A assistant and assistant guides:
- (1) nonrefundable application fee for initial license, \$100;
 - (2) Class-A assistant and assistant guide license fee for all or part of the initial biennial license period, \$250;
 - (3) Class-A assistant and assistant guide biennial license renewal fee, \$250.
- (c) The following fees are established for transporter licenses:
- (1) nonrefundable application fee, \$100;
 - (2) transporter license fee, for all or part of the biennial license period, \$450;
 - (3) biennial transporter license renewal fee, \$450.

(d) Under AS 08.54.770(e), the license fees for nonresidents are double the license fees established in (a) – (c) of this section.

Authority: AS 08.01.010 AS 08.01.100 AS 08.54.770
AS 08.01.065

12 AAC 02.235. HOME INSPECTORS. The following fees are established for home inspectors and associate home inspectors:

- (1) nonrefundable application fee for initial registration, \$50;
- (2) certificate of registration and license enforcement support fee, for all or part of the initial biennial licensing period, \$200;
- (3) biennial certificate of registration renewal and license enforcement support fee, \$200;
- (4) bonding research, \$20;
- (5) fee for adding an additional type of authorized inspection to a registration, \$20.

Authority: AS 08.01.065 AS 08.18.022 AS 08.18.041

12 AAC 02.240. BOARD OF MARINE PILOTS. The following fees are established for all license and registration categories of marine pilots and vessel agents:

- (1) nonrefundable application fee for
 - (A) initial deputy marine pilot license, including the application fee for the regional comprehensive local knowledge examination, \$500;
 - (B) core examination, extension of route examination, marine pilot license, vessel agent registration, VLCC endorsement, or tonnage upgrade, \$100;
- (2) marine pilot license fee for all or part of the initial biennial license period, \$2,500, which will be waived by the department if the applicant is upgrading from a deputy marine pilot license and has paid the deputy marine pilot license fee for the same biennial license period;
- (3) biennial marine pilot license renewal fee, \$2,500;
- (4) vessel agent registration fee for all or part of the initial biennial registration period, \$1,000;
- (5) biennial vessel agent renewal fee, \$1,000;
- (6) core examination fee, \$500;
- (7) deputy marine pilot license fee for all or part of the initial biennial license period, \$2,500;
- (8) biennial deputy marine pilot license renewal fee, \$2,500;
- (9) regional comprehensive local knowledge examination fee, \$500;
- (10) extension of route examination fee, \$200.

Authority: AS 08.01.065 AS 08.62.140

12 AAC 02.242. BOARD OF MARITAL AND FAMILY THERAPY. The following fees are established for marital and family therapists and associates:

- (1) nonrefundable application fee for initial license, \$175;
- (2) licensee fee for all or part of the initial biennial license period, \$865;
- (3) biennial license renewal fee, \$865;
- (4) four-year associate license fee for supervised practice, \$445;
- (5) temporary license fee, \$100.

Authority: AS 08.01.065 AS 08.63.110 AS 08.63.140
AS 08.63.100 AS 08.63.130

12 AAC 02.245. MECHANICAL ADMINISTRATORS. The following fees are established for mechanical administrators:

- (1) nonrefundable application fee for each license category applied for separately, \$50;
- (2) examination fee, due each time an applicant applies for an examination, \$125 per category;
- (3) mechanical administrator license fee for all or part of the initial biennial license period, \$250;
- (4) biennial mechanical administrator license renewal fee, \$250;
- (5) *repealed 5/30/97.*

Authority: AS 08.01.065 AS 08.40.290 AS 08.40.310

12 AAC 02.250. STATE MEDICAL BOARD. (a) The following fees are established for physicians, podiatrists, and osteopaths:

- (1) nonrefundable application fee for initial license, \$200;
- (2) USMLE examination fee, \$600;
- (3) temporary permit fee, \$75;

- (4) initial or extended locum tenens permit fee, \$100;
 - (5) license fee for all or part of the initial biennial license period, \$300;
 - (6) active biennial license renewal fee, \$300;
 - (7) inactive biennial license renewal fee, \$125;
 - (8) retired status license one-time fee, \$50;
 - (9) SPEX examination fee, \$375;
 - (10) courtesy license fee, \$100;
 - (11) residency permit nonrefundable application and permit fee, \$50;
 - (12) nonrefundable application fee for locum tenens permit, \$100;
 - (13) nonrefundable application fee for courtesy license, \$100.
- (b) The following fees are established for physician assistants:
- (1) nonrefundable application fee for initial license, \$150;
 - (2) temporary license fee, \$50;
 - (3) temporary authorization to practice fee, \$50;
 - (4) locum tenens authorization to practice fee, \$50;
 - (5) fee for establishing or changing a collaborative relationship, \$100;
 - (6) license fee for all or part of the initial biennial license period, \$200;
 - (7) biennial license renewal fee, \$200;
 - (8) graduate physician assistant nonrefundable application and license fee, \$50;
 - (9) inactive biennial license fee, \$100.
- (c) The following fees are established for mobile intensive care paramedics:
- (1) nonrefundable application fee for initial license, \$50;
 - (2) temporary permit fee, \$50;
 - (3) provisional license fee, \$50;
 - (4) license fee for all or part of the initial biennial license period, \$50;
 - (5) biennial license renewal fee, \$50.

Authority: AS 08.01.062 AS 08.64.270 AS 08.64.276
AS 08.01.065 AS 08.64.272 AS 08.64.315
AS 08.64.107

12 AAC 02.260. MORTUARY SCIENCE. (a) A funeral director or embalmer license and a funeral establishment permit expires on December 31 of all even- numbered years. The following fees are established for funeral directors, embalmers, and funeral establishments:

- (1) nonrefundable application fee for initial license or permit, \$50;
 - (2) license or permit fee for all or part of the initial license or permit period, \$175;
 - (3) biennial license or permit renewal fee, \$175;
 - (4) state law examination fee, \$60.
- (b) The following fees are established for funeral director or embalmer trainee permits:
- (1) application fee for initial permit, \$50;
 - (2) trainee permit issuance and renewal fee, \$65.
- (c) Permit fee for disposal of human remains for compensation by a person not licensed under AS 08.42 is \$50.

Authority: AS 08.01.065 AS 08.42.010

12 AAC 02.270. NATUROPATHS. The following fees are established for naturopaths:

- (1) nonrefundable application fee for initial license, \$50;
- (2) license fee for all or part of the initial biennial license period, \$470;
- (3) biennial license renewal fee, \$470;
- (4) temporary license fee, \$50;
- (5) *repealed 10/28/2000.*

Authority: AS 08.01.065 AS 08.45.030 AS 08.45.100
AS 08.45.020 AS 08.45.035

12 AAC 02.280. BOARD OF NURSING: FEES FOR NURSES, ADVANCED NURSE PRACTITIONERS, AND REGISTERED NURSE ANESTHETISTS. The following fees are established for nurses, advanced nurse practitioners, and registered nurse anesthetists:

- (1) application fee for initial nursing license or preceptorship registration, \$50;
- (2) license fee for all or part of the initial biennial nursing license period, \$175;
- (3) biennial nursing license renewal fee, \$175;
- (4) temporary permit fee, \$50;
- (5) prescriptive authority application fee, \$50;

- (6) advanced nurse practitioner or registered nurse anesthetist authorization fee for all or part of the initial biennial authorization period, \$60;
- (7) advanced nurse practitioner or registered nurse anesthetist biennial authorization renewal fee, \$60;
- (8) reexamination application fee, \$25;
- (9) late renewal penalty fee, \$50;
- (10) nonrefundable fingerprint processing fee, \$59;
- (11) courtesy license fee, \$50.

Authority: AS 08.01.010 AS 08.01.100 AS 08.68.220
AS 08.01.065

12 AAC 02.282. BOARD OF NURSING: FEES FOR CERTIFIED NURSE AIDES. The following fees are established for certified nurse aides:

- (1) nonrefundable application fee for initial certification, \$50;
- (2) examination fee, \$50;
- (3) certification fee for all or part of the initial biennial nurse aide certification period, \$120;
- (4) biennial nurse aide certification renewal fee, \$120;
- (5) certified nurse aide training program approval fee, \$500;
- (6) reexamination fee, \$25;
- (7) nonrefundable fingerprint processing fee, \$59.

Authority: AS 08.01.010 AS 08.01.065 AS 08.68.336

12 AAC 02.290. NURSING HOME ADMINISTRATORS. The following fees are established for nursing home administrators:

- (1) application fee for
 - (A) initial license, \$125;
 - (B) provisional license, \$100;
- (2) license fee for all or part of the initial biennial license period, \$275;
- (3) biennial license renewal fee, \$275;
- (4) provisional license fee, \$125.

Authority: AS 08.01.065 AS 08.70.130 AS 08.70.150
AS 08.70.080

12 AAC 02.300. BOARD OF EXAMINERS IN OPTOMETRY. The following fees are established for optometrists:

- (1) nonrefundable application fee for initial license, \$50;
- (2) examination fee, \$50;
- (3) license fee for all or part of the initial biennial license period, \$200;
- (4) biennial license renewal fee, \$200;
- (5) retired status license fee, \$150.

Authority: AS 08.01.065 AS 08.72.191

12 AAC 02.310. BOARD OF PHARMACY. (a) The following fees are established for pharmacists, pharmacy interns, pharmacy technicians, pharmacies, wholesale drug distributors, and drug dispensaries:

- (1) application fee for initial license, \$50
- (2) *repealed 10/28/2000*;
- (3) temporary pharmacist license fee, \$50;
- (4) emergency permit to practice pharmacy fee, \$90;
- (5) pharmacy intern license fee, \$25.

(b) The following license and registration fees for all or part of the initial biennial licensing or registration period and subsequent biennial license and registration renewal fees are established for pharmacists, pharmacy technicians, remote and other pharmacies, and wholesale drug distributors:

- (1) pharmacist, \$200;
- (2) wholesale drug distributor, \$300;
- (3) pharmacy, \$200;
- (4) drug room, \$200;
- (5) registered pharmacy located outside of the state, \$500;
- (6) pharmacy technician, \$50;
- (7) remote pharmacy, \$200.

Authority: AS 08.01.065 AS 08.80.160

12 AAC 02.320. STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY BOARD. The following fees are established for physical therapists, physical therapy assistants, occupational therapists, and occupational therapy assistants:

- (1) application fee for initial license, \$50;
- (2) license fee for physical or occupational therapist for all or part of the initial biennial license period, \$180;
- (3) biennial license renewal fee for physical or occupational therapist, \$180;
- (4) temporary permit fee, \$50;
- (5) limited permit fee, \$50;
- (6) license fee for physical or occupational therapy assistant for all or part of the initial biennial license period, \$130;
- (7) biennial license renewal fee for physical or occupational therapy assistant, \$130.

Authority: AS 08.01.065 AS 08.84.050

12 AAC 02.325. BOARD OF PROFESSIONAL COUNSELORS. The following fees are established for professional counselors:

- (1) application fee for any initial license, \$50;
- (2) license fee for all or part of any initial biennial license period, \$275;
- (3) any biennial license renewal fee, \$275;
- (4) any board-approved supervisor fee, \$50;
- (5) examination fee, \$25.

Authority: AS 08.01.065

12 AAC 02.330. BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS. The following fees are established for psychologists and psychological associates:

- (1) application fee for
 - (A) initial license, \$75;
 - (B) any courtesy psychologist license, \$50;
- (2) credential review fee, \$100;
- (3) psychologist license fee for all or part of the initial biennial licensing period, \$1,025;
- (4) psychologist biennial license renewal fee, \$1,025;
- (5) temporary license fee, \$150;
- (6) psychological associate license fee for all or part of the initial biennial licensing period, \$800;
- (7) psychological associate biennial license renewal fee, \$800;
- (8) state examination fee, \$50;
- (9) Examination for Professional Practice in Psychology (EPPP), examination retest fee, \$25;
- (10) fee for any courtesy psychologist license, \$200.

Authority: AS 08.01.062 AS 08.86.135 AS 08.86.140
AS 08.01.065

12 AAC 02.340. BOARD OF PUBLIC ACCOUNTANCY. The following fees are established for accountants, partnerships, corporations, limited liability companies, and other legal entities:

- (1) nonrefundable application fee for
 - (A) initial license, permit, or practice privilege, \$50;
 - (B) initial examination, \$150;
- (2) repealed 11/18/2006;
- (3) certified public accountant license fee for all or part of the initial biennial license period, \$220;
- (4) certified public accountant biennial active license renewal fee, \$220;
- (5) certified public accountant biennial inactive license renewal fee, \$135;
- (6) uncertified public accountant biennial license renewal fee, under AS 08.04.661, \$135;
- (7) partnership, corporation, limited liability company, or other legal entity registration and permit fee for all or part of the initial biennial registration period, \$135;
- (8) biennial partnership, corporation, limited liability company, or other legal entity permit renewal fee, \$135;
- (9) out-of-state practice privilege permit fee, \$200;
- (10) reexamination fee:
 - (A) one section, \$65;
 - (B) two sections, \$80;
 - (C) three sections, \$95;
 - (D) four sections, \$110;
- (11) license reactivation fee, \$100.

Authority: AS 08.01.065 AS 08.04.495

12 AAC 02.350. BOARD OF VETERINARY EXAMINERS. The following fees are established for veterinarians and veterinary technicians:

- (1) nonrefundable application fee for
 - (A) initial veterinarian license by examination, \$250;
 - (B) initial veterinary technician license, \$50;
 - (C) courtesy license, \$50;
 - (D) student permit, \$50;
- (2) state written examination fee for veterinarians, \$150;
- (3) examination fee for veterinary technicians, \$220;
- (4) license fee for veterinarians for all or part of the initial biennial license period, \$375;
- (5) biennial license renewal fee for veterinarians, \$375;
- (6) temporary license fee, \$75;
- (7) temporary permit fee, \$75;
- (8) registration fee for veterinary technicians for all or part of the initial biennial registration period, \$65;
- (9) biennial registration renewal fee for veterinary technicians, \$65;
- (10) courtesy license fee, \$75;
- (11) nonrefundable application and investigation fee for veterinarian license by credentials under AS 08.98.184, \$250;
- (12) delayed renewal penalty fee for a veterinarian license that has lapsed more than 60 days and for each year the license has been lapsed, \$100;
- (13) delayed renewal penalty fee for a veterinary technician license that has lapsed more than 60 days and for each year the license has been lapsed, \$30.

Authority: AS 08.01.062 AS 08.01.100 AS 08.98.190
AS 08.01.065

12 AAC 02.360. REAL ESTATE COMMISSION. (a) The following fees are established for real estate salespersons, associate brokers, and brokers:

- (1) license fee, for all or part of the initial biennial license period, whether licensure is by examination or endorsement, \$375;
 - (2) biennial license renewal fee for both active and inactive licenses, \$375;
 - (3) fee for office changes, including change of broker and company name, \$50 for each license;
 - (4) transfer of license fee, \$50;
 - (5) application fee for initial license, \$50;
 - (6) initial office registration fee, \$100;
 - (7) license inactivation or reactivation fee, \$50;
 - (8) duplicate license fee, \$30;
 - (9) name change fee, \$30;
 - (10) post-license education certification and new license document fee, \$30;
 - (11) reinstatement fee for a lapsed license, \$250.
- (b) The following fees are established for real estate education course certification and instructor approval:
- (1) initial course certification fee, \$60 per credit hour;
 - (2) biennial course recertification fee, \$50 per credit hour;
 - (3) instructor approval fee, \$200 per instructor;
 - (4) temporary instructor approval fee, \$250 per instructor;
 - (5) instructor approval recertification fee, \$100.
- (c) The following fees are established for publications offered by the Real Estate Commission:
- (1) information pamphlet on landlord and tenant rights, \$5;
 - (2) *repealed 12/2/2005.*

Authority: AS 08.01.065 AS 08.88.221

12 AAC 02.370. BOARD OF CERTIFIED REAL ESTATE APPRAISERS. The following fees are established for general real estate appraisers, residential real estate appraisers, institutional real estate appraisers, and registered real estate appraiser trainees:

- (1) nonrefundable application fee for initial certification, license, or registration, \$250;
- (2) certification fee for all or part of the initial biennial certification period, \$850;
- (3) biennial certification renewal fee, \$850;
- (4) real estate appraiser trainee registration fee, \$250;
- (5) real estate appraiser trainee renewal fee, \$250;
- (6) courtesy license fee, \$300;
- (7) course approval fee, \$200;
- (8) annual federal registry fee, \$25.

Authority: AS 08.01.062 AS 08.87.110 AS 08.87.310
AS 08.01.065 AS 08.87.120

**ARTICLE 3.
EXAMINATION REVIEW PROCEDURES.**

**Section
400. Examination review**

12 AAC 02.400. EXAMINATION REVIEW. (a) The division will follow the examination review procedures established in this section unless the public or private organization that prepares and owns the examination has procedures for examination review that conflict with the procedures in this section. When there is a conflict, the division will follow the procedures of the public or private organization that prepares and owns the examination.

(b) An applicant who wishes to review a failed examination shall submit a written request, and the applicable examination review fee specified in this chapter, to the division within 30 days after the notice of examination results was mailed to the applicant.

(c) All examination reviews will be conducted in the presence of division staff or the division's designee at the time and location determined by the division. An examination review will not be conducted within 30 days of the next examination the applicant is scheduled to take.

(d) Only an applicant who has failed an examination may participate in the examination review and the applicant may review only his or her own examination.

(e) An applicant may use the same reference materials during an examination review that were allowed during the examination itself, but applicants may not use other materials or take notes or make copies of any kind. All materials brought to an examination review are subject to inspection by the division staff.

(f) An applicant may challenge questions on the examination by submitting the challenge in writing during the time allowed to conduct the examination review under (h) of this section. The written challenge to an examination question must include

- (1) the applicant's name;
- (2) the date of the examination;
- (3) the title of the examination;
- (4) the number of the question being challenged; and
- (5) a detailed explanation of the reason for the challenge.

(g) A challenge to an examination question will be reviewed by the division, licensing board, or the public or private organization administering the examination. If the division, licensing board, or public or private organization administering the examination sustains a challenge to an examination question, the department will give credit to the applicant for that question.

(h) To conduct the examination review, the division will allow the applicant challenging a question under (f) of this section one half of the length of time that was allowed for the taking of the examination being reviewed.

(i) Unless otherwise provided by an organization that provides or administers an examination for the division or the release is prohibited by law or contract, the division will provide an applicant who requests an examination review with the questions answered incorrectly on the failed examination and the answer that the applicant selected only. If the examination contains multiple choice questions, the applicant may be provided with all of the answer selections to each failed question without identification of the correct answers.

Authority: AS 08.01.050 AS 08.01.080

ARTICLE 4.
REAL ESTATE ERRORS AND OMISSIONS INSURANCE.

Section

- 510. Minimum standards**
- 520. Exceptions to coverage**
- 530. Standards for equivalent coverage**
- 540. Notification required for cancellation**
- 550. Maximum amount of premium**
- 560. Method of adjustment**
- 590. Definitions**

12 AAC 02.510. MINIMUM STANDARDS. (a) The master errors and omissions insurance policy must provide to each individual licensee, at a minimum, the following terms of coverage:

(1) not less than \$100,000 limit of liability for each licensee per covered wrongful act or per covered claim depending on the policy form used by the insurer; claims expenses including the cost for investigation or defense must be in addition to the limit of liability; if the limit of liability is on a

(A) covered wrongful act basis, two or more claims arising out of a single wrongful act or a series of related wrongful acts may be considered one claim;

(B) covered claim basis, two or more related wrongful acts may be considered one claim;

(2) an annual aggregate limit of liability of not less than \$200,000 per licensee;

(3) a deductible amount for each covered wrongful act of not more than \$2,000 for every \$200,000 annual aggregate limit of liability; an additional deductible for investigation and defense costs may be considered if necessary to meet the maximum premium amount under 12 AAC 02.550, but it is not required;

(4) an extended reporting period of 90 days and an option to purchase an additional three years extended reporting period for a premium not to exceed 150 percent of the premium charged for the last year of the terminating coverage;

(5) the ability of a licensee, upon payment of an additional premium, to obtain higher limits of coverage or to purchase additional coverages from the group insurer as may be available from the insurer;

(6) the coverage provided under the master errors and omissions insurance policy must be individual and specific to the licensee and must cover the licensee regardless of changes in real estate broker employing the licensee; and

(7) prior acts coverage must be offered to a licensee who has maintained the same or similar coverage, continually in-force until the date and the time that coverage begins under the master errors and omissions insurance policy coverage.

(b) The master errors and omissions insurance policy must contain a provision requiring the consent of the insured to settle a claim except that the insured may not unreasonably withhold consent.

(c) The insurer that is selected to provide the master errors and omissions insurance policy shall

(1) maintain an A.M. Best rating of "B+" or better and financial size category of class VI or higher;

(2) maintain a certificate of authority issued under AS 21.09 by the director of insurance to transact insurance business in this state and be in compliance with AS 21;

(3) provide the master errors and omissions insurance policy after notification by the Real Estate Commission that it is the successful bidder of a competitive bidding process under AS 36.30;

(4) enter into contract to provide the master errors and omissions insurance policy in conformity with AS 08.88.172, 12 AAC 02.510 – 12 AAC 02.590, and AS 21; and

(5) collect premiums, maintain records, and report to the Real Estate Commission the names of those insured and claims experience, date of claim, amount paid, nature of claim, and claims information on an annual or a bi-annual basis or on request by the Real Estate Commission.

Authority: AS 08.88.172

12 AAC 02.520. EXCEPTIONS TO COVERAGE. Except as provided in this section, the master errors and omissions insurance policy may not exclude coverage for claims brought against the insured licensee arising out of a wrongful act by the licensee when performing a professional service for which a real estate license is required. The policy may limit or exclude coverage for claims brought against a licensee that arise as follows:

(1) out of claims or lawsuits made or brought by any insured person against any other insured person within the same firm or from compensation disputes between licensees;

(2) out of loss assumed under a contract or an agreement, except for liability the insured would have had in the absence of the agreements;

(3) from a criminal, dishonest, fraudulent, or intentional act or omission; this exclusion does not apply to an insured person who did not personally participate in committing the act or omission and who, upon having knowledge of the act or omission, reported it to the Real Estate Commission, or appropriate law enforcement authorities;

(4) from unlawful discrimination committed by or for the insured person;

- (5) from fines or penalties imposed by a tribunal or other governmental agency;
- (6) from bodily injury, personal injury, advertising injury, or property damage;
- (7) from related business activities for which a license is not required under AS 08.88;
- (8) from the presence of or the actual, alleged, or threatened discharge, dispersal, release, or escape of hazardous materials, nuclear materials, or pollutants;
- (9) from prior wrongful acts unless specific prior wrongful acts coverage is provided;
- (10) from any violation of 15 U.S.C. 77a – 77aa (Securities Act of 1933) or 15 U.S.C. 78a – 78mm (Securities Exchange Act of 1934) or any state blue sky or securities law or similar state or federal statutes; or
- (11) other standard exclusions that are typical in a professional liability insurance policy and that have been approved by the director of insurance under AS 21.42.

Authority: AS 08.88.172

12 AAC 02.530. STANDARDS FOR EQUIVALENT COVERAGE. An insurer issuing equivalent coverage under AS 08.88.172(c)(2) shall hold a certificate of authority issued under AS 21.09. All activities contemplated under AS 08.88.172 must be covered. The insurance must meet the minimum coverage standards of 12 AAC 02.510, except that

(1) a policy with a higher deductible amount or self-insured retention will qualify as equivalent coverage for purposes of AS 08.88.172(c)(2) if the insured licensee provides the Alaska Real Estate Commission with an affidavit certifying that the insured licensee has the financial resources to pay the higher deductible amount or self-insured retention; and

(2) a broker employing other real estate licensees may comply with the requirements of 12 AAC 02.510(a)(1) and (2) by obtaining insurance with coverage of a minimum of \$200,000 per wrongful act and \$1,000,000 aggregate, if all licensees associated with the broker are covered.

Authority: AS 08.88.172

12 AAC 02.540. NOTIFICATION REQUIRED FOR CANCELLATION. If equivalent insurance coverage obtained by a licensee under AS 08.88.172(c)(2) is to lapse or not be renewed, the insurer shall notify the Real Estate Commission of the intent to lapse or not to renew a minimum of 30 days before the expiration date of the term. It is the responsibility of the employing broker or licensee, as applicable, to instruct the insurer to provide the notice required by this section to the Real Estate Commission.

Authority: AS 08.88.172

12 AAC 02.550. MAXIMUM AMOUNT OF PREMIUM. The maximum amount of premium to be charged a licensee annually under the master errors and omissions insurance policy is \$300.

Authority: AS 08.88.172

12 AAC 02.560. METHOD OF ADJUSTMENT. Every five years after the initial procurement of the master errors and omissions insurance policy, the department may adjust the amount of coverage under 12 AAC 02.510(a) and the maximum amount of the premium under 12 AAC 02.550 to reflect the change in the consumer price index for all urban consumers in the Anchorage metropolitan area using the standards set out in this section. The department will not make an adjustment if the department finds the adjustment will significantly reduce the number of insurers willing to bid on a contract to offer the master errors and omissions insurance policy. An adjustment in the limits of liability under 12 AAC 02.510(a) must be an increment of no less than \$25,000. An adjustment in the amount of the premium must be in an increment of no less than \$25. The department will give notice of the adjustments under this section by posting the amounts on its Internet Website. An adjustment under this section does not take effect until the renewal or the issuance of a new master errors and omissions insurance policy.

Authority: AS 08.88.172

12 AAC 02.590. DEFINITIONS. In this chapter, unless the context requires otherwise,

(1) "aggregate limit" means the maximum liability of an insurer regardless of the number of claims during the policy term;

(2) "director of insurance" means the person appointed under AS 21.06.010 to head the division of insurance of this state;

(3) "equivalent coverage" means errors and omissions insurance coverage obtained independently of the master errors and omissions insurance policy available from the Real Estate Commission and that complies with the requirements, terms, and conditions as set out in 12 AAC 02.510 – 12 AAC 02.590;

(4) "errors and omissions insurance" means professional liability insurance that provides coverage to holders of active real estate brokers, associate brokers, and salesperson licenses in this state for wrongful acts made during

the course of real estate transactions, subject to the coverages, limitations, and exclusions of one or more specific insurance policies in place;

(5) "extended reporting period" means a designated period of time after an errors and omissions insurance policy has expired during which a claim may be made and coverage triggered as if the claim has been made during the policy period;

(6) "master errors and omissions insurance policy" means the policy obtained by the Real Estate Commission under AS 08.88.172 that meets the requirements of 12 AAC 02.510 – 12 AAC 02.590.

(7) "prior acts coverage" means the insurance policy provides coverage for claims that are made during a current policy period, but one or more acts causing the claim or injuries for which the claim is made occurred before the inception of the current policy period;

(8) "wrongful act" means a negligent act, error, or omission.

Authority: AS 08.88.081 AS 08.88.172

ARTICLE 5. GENERAL PROVISIONS.

Section

900. Name and address changes

910. Abandoned applications

920. Filing date

930. Date of lapsed license

935. Effective date of license

940. Effective date of renewed licenses

950. (Repealed)

955. Courtesy license

960. Audit of compliance with continuing competency requirements

965. Failure to meet continuing education requirements for renewal and reinstatement of license

990. Definitions

12 AAC 02.900. NAME AND ADDRESS CHANGES. (a) A person licensed, registered, or certified by a board or commission listed in AS 08.01.010, or in an occupation listed in AS 08.01.010, shall maintain a current, valid, mailing address on file with the division at all times. The latest mailing address on file with the division is the address that will be used for official communications, notifications, and service of legal process.

(b) A licensee must notify the division in writing, of a change of the licensee's address.

(c) If a licensee has a change of name, the licensee shall submit to the division within 30 days of the change of name

(1) notification of the change of the licensee's name, on a form provided by the division that has been completed by the licensee and notarized;

(2) a copy of the marriage certificate, court document, or other legal document verifying the change of name; and

(3) the fee established in 12 AAC 02.105 for a name change.

(d) The division will issue a new license showing the change of name if a licensee meets the requirements in (c) of this section.

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.087

12 AAC 02.910. ABANDONED APPLICATIONS. (a) Except if procedures are otherwise expressly provided in this title for a particular board or occupation, an application is considered abandoned when

(1) 12 months have elapsed since correspondence was last received from or on behalf of the applicant; or

(2) the applicant has failed to appear for two successive examinations.

(b) An abandoned application is denied without prejudice and the application fee forfeited.

(c) At the time an application is considered abandoned, the division will send notification of abandonment to the last known address of the applicant. An applicant may request a refund of all unused examination and licensing fees credited to the application by submitting a written request for refund within 30 days from the date notification of abandonment was mailed by the division. If no request for refund is received, all fees are forfeited.

Authority: AS 08.01.050 AS 08.01.080

12 AAC 02.920. FILING DATE. (a) Except as otherwise provided in this title, a document submitted to the division will be considered filed as of the postmark date of the document. If the document is submitted by a method that does not provide a postmark date, the document will be considered filed as of the date stamped on the document,

- (1) except as provided in (2) of this subsection, when it is received in the division office in Juneau;
 - (2) for a document related to licensing for nursing under 12 AAC 44 or real estate licensing under 12 AAC 64, when it is received in the division office in Anchorage.
- (b) If a filing deadline established in AS 08 or this title falls on a Saturday, Sunday, or state holiday, the deadline will be extended to the next regular state business day.
- (c) For the purposes of this section, "postmark date" means the date of a document with prepaid postage and correctly addressed to the division by the United States Postal Service or other established domestic courier service.

Authority: AS 08.01.050 AS 08.01.080

Editor's note: For the purposes of 12 AAC 02.920(a), the division of corporations, business and professional licensing office in the Department of Commerce, Community, and Economic Development, in Juneau is located at the State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801 and the division office in Anchorage is located at the Atwood Building, 550 W. 7th Avenue, Suite 1500, Anchorage, Alaska 99501.

12 AAC 02.930. DATE OF LICENSE LAPSE. For the purposes of AS 08.01.100, if a person licensed by the department or by one of the boards or commissions under AS 08.01.010 was issued a temporary license under AS 14.43.148 or AS 25.27.244 and the temporary license was not converted to an annual or biennial license under AS 05.10, or AS 08, or AS 46.03.375, the lapsed period begins from the date that the temporary license expired.

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.935. EFFECTIVE DATE OF LICENSE. (a) When the Alaska Commission on Postsecondary Education issues a notice of release, on or before the expiration date of the temporary license issued by the division under AS 14.43.148, the division will issue the initial license or renewal under AS 08 or AS 46.03.375. The effective date of the license is the date that the license is issued under AS 08 or AS 46.03.375, except as provided in 12 AAC 02.940(b).

(b) When the child support services agency issues a release, on or before the expiration date of the temporary license issued by the division under AS 25.27.244, the division will issue the initial license or renewal under AS 08 or AS 46.03.375. The effective date of the license is the date that the license is issued under AS 08 or AS 46.03.375, except as provided in 12 AAC 02.940(b).

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.940. EFFECTIVE DATE OF RENEWED LICENSES. (a) Except as provided in (b) of this section, the effective date of a renewed license will be the date a complete renewal application is filed with the division as determined by 12 AAC 02.920. A complete application includes

- (1) a completed renewal form;
- (2) any applicable renewal fees required by this chapter; and
- (3) documentation of fulfillment of all applicable prerequisites to license renewal, such as continuing competency, recent experience, insurance coverage, or other requirements.

(b) The division will, in its discretion, show a retroactive effective date on a licensee's renewed license if the licensee

- (1) holds a license that has been lapsed less than 60 days;
- (2) requests in writing that the division issue a renewed license showing an effective date that is earlier than the date the renewed license was issued;
- (3) documents that the licensee was in substantial compliance with the renewal requirements in (a) of this section as of the requested effective date; and
- (4) establishes to the satisfaction of the division that the licensee made a good faith effort to strictly comply with the renewal requirements.

(c) The division will not issue a renewed license with an effective date that is earlier than the postmark date of the licensee's first written attempt to renew the licensee's license. "Written attempt to renew" means an effort by the licensee to submit the proper documentation to comply with the license renewal requirements. A request for a renewal application form alone does not constitute a "written attempt to renew."

Authority: AS 08.01.050 AS 08.01.100

12 AAC 02.950. APPLICATION DEADLINE FOR EXAMINATION FOR AN OPTOMETRY LICENSE.
Repealed 12/16/2001.

12 AAC 02.955. COURTESY LICENSE. (a) If an applicant meets the requirements of this section, the department will issue a courtesy license authorizing the holder to practice one of the following professions for the limited purpose recognized by the division:

- (1) acupuncturist under AS 08.06;

- (2) audiologist under AS 08.11;
- (3) electrical administrator or mechanical administrator under AS 08.40;
- (4) funeral director or embalmer under AS 08.42;
- (5) naturopath under AS 08.45.

(b) A courtesy license issued under (a) of this section authorizes the holder to practice the profession or occupation for which the license is issued for a limited purpose recognized by the division under (f) of this section. A courtesy license does not authorize the holder to practice the profession outside the scope of the limited purpose for which the courtesy license is issued.

(c) An applicant for a courtesy license issued under (a) of this section shall submit to the department

- (1) a completed application on a form provided by the department;
- (2) the fee established in 12 AAC 02.105 for a courtesy license;
- (3) a sworn statement, signed by the applicant before a notary, that the applicant is not a resident of this state;
- (4) verification of a current license in another licensing jurisdiction to practice the profession for which a courtesy license is requested; the license in that jurisdiction must be active, in good standing, and cover the scope of practice required for the limited purpose of the courtesy license;

(5) a description of the limited purpose of the courtesy license and the applicant's intended scope of practice under the courtesy license; and

(6) a sworn statement, signed by the applicant before a notary, that the applicant has not previously been denied a license or had a license revoked in this or another state or other licensing jurisdiction for the profession that the courtesy license is sought.

(d) A courtesy license issued under (a) of this section is valid for no more than 90 consecutive days. The department will not issue more than two courtesy licenses for the profession to an individual within a consecutive eighteen-month period.

(e) The holder of a courtesy license issued under (a) of this section is obligated to uphold the standards of practice identified in AS 08 and in this title for the relevant profession and is subject to the relevant disciplinary provisions in AS 08 and this title.

(f) The department will recognize the following limited purposes for a courtesy license issued under (a) of this section:

(1) provision of professional services in an emergency situation specifically recognized by the department; the department will, in its discretion, restrict the license to cover only the professional services required to respond to the emergency situation, if the department finds that the courtesy license is only needed for this purpose;

(2) instruction or provision of professional services at a clinic or seminar focused on a subject in which the applicant for a courtesy license is a specialist.

Authority: AS 08.01.050 AS 08.01.080 AS 08.02.030

12 AAC 02.960. AUDIT OF COMPLIANCE WITH CONTINUING COMPETENCY REQUIREMENTS.

(a) Except as provided in (b) - (j) of this section, the department will audit compliance of licenses with continuing competency requirements in accordance with this section if

- (1) the licensee is required to meet continuing competency requirements under AS 08 or this title;
- (2) *repealed 9/29/2005*;
- (3) *repealed 9/29/2005*.

(b) A licensee subject to audit under (a) of this section and applying for license renewal shall

- (1) complete and sign a statement of compliance with continuing competency requirements; and
- (2) submit the statement to the department with the application for license renewal.

(c) Except as provided in (d) of this section, the department will select licensees for audit under (a) of this section as follows:

(1) ten percent of the total number of licensees in that profession if the total number of licensees is less than 3,000; or

(2) five percent of the total number of licensees in that profession if the total number of licensees is 3,000 or more.

(d) The department will require that a different percent of licensees be selected for audit, if the board that regulates the profession, or the department for a profession not regulated by a board or commission, finds that a different percent to be audited is necessary to protect public health and safety.

(e) A licensee selected for audit under (c) or (d) of this section will be notified by the department. Within 30 days of notification, the licensee shall submit to the department, documentation to verify completion of the continuing competency activities claimed on the statement submitted with the application for license renewal. The documentation must include a valid copy of a certificate or similar verification of satisfactory completion of the continuing competency activities claimed that provides

- (1) the name of the licensee;
- (2) the amount of continuing competency credit awarded;
- (3) a description of the continuing competency activity;
- (4) the dates of actual participation or successful completion; and
- (5) the name, mailing address and signature of the instructor, sponsor, or other verifier.

(f) A licensee subject to audit under (a) of this section is responsible for maintaining adequate and detailed records of all continuing competency activities completed and shall make the records available to the department on request. A licensee shall maintain the records until the later of

(1) four years from the date of completion of the continuing competency activity; or

(2) if the licensee was selected for audit, the date that the department notifies the licensee that the audit is completed.

(g) The department will extend the period for providing documentation of completion of continuing competency activities if the department finds that the licensee has good cause for the need for additional time to submit the documentation required in (e) of this section.

(h) The department will notify the respective board of a licensee's failure to comply with the department's request for records under (e) of this section.

(i) For professions licensed by the department, the department will consider the licensee's failure to comply with the department's request for records under (e) of this section as grounds for imposition of disciplinary sanctions to the extent allowed under AS 08 and this title.

(j) In this section, "successful completion" means the date that credit for the continuing competency activity is awarded by the instructor, sponsor, or other verifier for completion of the activity.

Authority: AS 08.01.050 AS 08.01.087 AS 08.01.100
AS 08.01.080

12 AAC 02.965. FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL AND REINSTATEMENT OF LICENSE.

(a) Except as otherwise provided in AS 08 or this title, a license issued under AS 08 will not be renewed or reinstated if the applicant for renewal or reinstatement has not earned the required number of continuing education credits. The applicant may earn the required number of credits after the expiration date of the license. Continuing education credits earned to reinstate or renew an expired license may not be used to satisfy the continuing education requirements for a future renewal or reinstatement. Credits submitted to satisfy the continuing education requirements under this section must be approved under AS 08 and this title by the department or the applicable board.

(b) For the purposes of this section, "continuing education credits" includes continuing competency, contact hours, continuing education units (CEU's), and credit hours.

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.990. DEFINITIONS. As used in this chapter

(1) "department" means the Department of Commerce, Community, and Economic Development;

(2) "division" means the division assigned occupational licensing functions in the Department of Commerce, Community, and Economic Development;

(3) "license" means a license, certificate, permit, registration, or similar evidence of authority issued by the division or by one of the boards listed in AS 08.01.010;

(4) "licensee" means a person who holds a license issued by the division or by one of the boards listed in AS 08.01.010.

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

APPENDIX

Fees for Certification of Underground Storage Tank Workers

18 AAC 78.495. FEES. (a) The following fees are established for purposes of this chapter:

- (1) application fee: \$50;
- (2) certification fee for each category for which an applicant seeks certification: \$105;
- (3) certification fee for each category for which an applicant seeks renewal: \$105;
- (4) duplicate certificate fee: \$5;
- (5) reciprocity certification fee for each category for which an applicant seeks certification through reciprocity: \$105.

(b) An applicant shall submit a fee required under this section to the division at the time of application, renewal, or request for duplicate certificate.

Authority: AS 46.03.375