

ALASKA STATE LEGISLATURE

Session:

**State Capitol Building
Room 500
Juneau, Alaska 99801-2186
Phone (907) 465-3004
Toll Free: (877) 465-3004**



Interim:

**1292 Sadler Way, Ste. 308
Fairbanks, Alaska 99701
Phone: (907) 452-1088
Toll Free: (877) 465-3004**

REPRESENTATIVE STEVE THOMPSON DISTRICT 3

Sponsor Statement HB 269

“An Act providing immunity for certain licensed temporary health care providers who provide free health care services.”

HB 269 was drafted due to liability concerns surrounding an inaugural Alaska Mission of Mercy (AKMOM) event organized by the Alaska Dental Society, and scheduled in Anchorage this coming April. The Mission of Mercy program was started by a group of dentists thirteen years ago in Virginia. The MOM programs provide free dental care to local residents who would not otherwise have access to affordable dental care. To date, the Mission of Mercy Program in Alaska has 187 dentist volunteers, seven from out-of-state. The AKMOM program will provide extractions, fillings and cleanings as well as other procedures that can be appropriately performed in a mission setting. Out-of-State dental professionals will be licensed to provide pro bono services under courtesy licenses issued by the Alaska Board of Dental Examiners. A courtesy license is a medical professional license issued by the Board for the purposes of providing free services and enforcing state disciplinary provisions.

The problem is that there is no clear answer as to whether an out-of-state dental professional issued a courtesy license is covered under Alaska Statute 09.65.300. AS 09.65.300 provides statutory immunity against civil damages resulting from an act or omission of a health care provider who provides free health care services, within the scope of their license. Under AS 09.65.300 a patient must receive written notice of this immunity as well as giving informed consent before any medical service is provided. Under AS 09.65.300 patients still have the right to sue the medical provider for civil damages resulting from the provider's gross negligence, or reckless or intentional misconduct.

Unfortunately, it is unclear whether these out-of-state dental professionals, participating in the AKMOM event qualify under AS 09.65.300, the Volunteer Health Care Provider Immunity Act of 2004. The original purpose of the statute was to allow retired Alaska physicians to volunteer their services. The Department of Law opines that the meaning of the law will ultimately have to be interpreted in a court case.

HB 269 will clarify AS 09.65.300, ensuring that civil immunity is extended to these out-of-state medical professionals who are licensed to provide dental services in Alaska during the Mission of Mercy Event, without having the issue come before a lengthy proceeding before the Court.

Please join Representative Thompson in supporting this legislation.

E-mail Representative_Steve_Thompson@akleg.gov