



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

STATE MEDICAL BOARD

550 West Seventh Avenue, Suite 1500  
Anchorage, Alaska 99501-3567  
Main: 907.269.8163  
Fax: 907.269.8196

April 7, 2016

The Honorable Bill Wielechowski  
State Senate  
Alaska State Capitol  
Juneau, Alaska 99801

The Honorable Scott Kawasaki  
State House of Representatives  
Alaska State Capitol  
Juneau, Alaska 99801

Senator Wielechowski and Representative Kawasaki:

The Alaska State Medical Board has reviewed Senate Bill (SB) 113 and House Bill (HB) 215, companion bills which propose to expand access to experimental drugs by terminally ill patients. The bills include language to prohibit disciplinary action of physicians by the Medical Board for dispensing or administering such drugs, prevent hospitals and health facilities from restricting the use of such drugs, and establish immunity for the use of such drugs, as long as informed consent was obtained.

The Board determined that the proposed legislation was in conflict with the physician oath to do no harm, and noted that it is not ethical to prescribe treatment that is not known to be beneficial to a patient. They noted that terminally ill patients who have exhausted other treatments currently have the option to participate in clinical trials for such experimental drugs. The clinical trials are conducted in a controlled setting, under established protocols with oversight, so that the results are useful in determining the future of the experimental drugs. The general use of experimental drugs may limit the effectiveness of established clinical trials. Given the existence of such clinical trials, it was also not clear what problem the bills are attempting to correct.

The Board also expressed concern that such legislation may remove protections to the most vulnerable patients. They noted that there are too many variables to make safe recommendation of such experimental drugs, and too much opportunity for patient harm.

The Board suggested that the language of the bill is too broad and open-ended by allowing use of experimental drugs that are only in Phase 1 of clinical trials, that it may be more appropriate to limit such use of experimental drugs to those in Phase 3 of clinical trials.

The Board opposes legislation that limits the ability of the Board to discipline physicians who practice outside of professional standards of care.

Sincerely,

Grant Roderer, MD  
Board President  
Alaska State Medical Board

E-mail: [medicalboard@alaska.gov](mailto:medicalboard@alaska.gov)

Website: <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/StateMedicalBoard.aspx>