

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE EASTMAN

TO: HCS CSSB 65(HSS)

Page 1, line 3:

Delete "and occupational therapists"

Insert "occupational therapists, and attorneys"

Page 3, following line 4:

Insert a new bill section to read:

**\*\* Sec. 2.** AS 09.65 is amended by adding a new section to read:

**Sec. 09.65.355. Consulting attorney immunity; uncompensated consultation.** (a) A consulting attorney is immune from civil liability for claims arising from professional services provided to a client if

(1) the client is not a current or former client of the consulting attorney or of the consulting attorney's practice or employer;

(2) the consulting attorney or the consulting attorney's practice or employer is not compensated for the consultation;

(3) the consulting attorney is not a subordinate or supervisor of the attorney who requested the consultation;

(4) during the period beginning 12 months before the consultation and ending 12 months after the consultation, the consulting attorney is not in a business relationship with the attorney who requested the consultation; and

(5) the consulting attorney, either before or after the consultation, does not retaliate against the attorney who requested the consultation for not following a recommendation of the consulting attorney or for failing to seek consultation from the consulting attorney on the matter in question or another matter.

1           (b) Notwithstanding AS 09.17.080, a court may not reduce the civil liability  
2 of, or damages awarded against, an attorney who requests a consultation on grounds  
3 that a consulting attorney under (a) of this section should be held liable.

4           (c) In this section, "consulting attorney" means an attorney licensed to practice  
5 law in this state who provides advice to another attorney licensed to practice in this  
6 state."

**AMENDMENT**

OFFERED IN THE HOUSE

BY REPRESENTATIVE EASTMAN

TO: HCS CSSB 65(HSS)

Page 1, line 3:

Delete "and occupational therapists"

Insert "occupational therapists, and natural persons"

Page 3, following line 4:

Insert a new bill section to read:

"\* Sec. 2. AS 09.65 is amended by adding a new section to read:

**Sec. 09.65.355. Consulting person immunity; uncompensated consultation.**

(a) A consulting person is immune from civil liability for claims arising from services provided to a customer if

(1) the customer is not a current or former customer of the consulting person or of the consulting person's business or employer;

(2) the consulting person or the consulting person's business or employer is not compensated for the consultation;

(3) the consulting person is not a subordinate or supervisor of the person who requested the consultation;

(4) during the period beginning 12 months before the consultation and ending 12 months after the consultation, the consulting person is not in a business relationship with the person who requested the consultation; and

(5) the consulting person, either before or after the consultation, does not retaliate against the person who requested the consultation for not following a recommendation of the consulting person or for failing to seek consultation from the consulting person on the matter in question or another matter.

1           (b) Notwithstanding AS 09.17.080, a court may not reduce the civil liability  
2 of, or damages awarded against, a person who requests a consultation on grounds that  
3 a consulting person under (a) of this section should be held liable.

4           (c) In this section, "consulting person" means a natural person who provides  
5 advice to another natural person."

**AMENDMENT**

OFFERED IN THE HOUSE

BY REPRESENTATIVE EASTMAN

TO: HCS CSSB 65(HSS)

1 Page 2, line 13:

2 Delete "and"

3

4 Page 2, line 15, following "consultation":

5 Insert "; and

6 (10) during the period beginning 12 months before the consultation  
7 and ending 12 months after the consultation, the consulting health care provider is not  
8 in a business relationship with the health care provider who requested the  
9 consultation"

**AMENDMENT**

OFFERED IN THE HOUSE

BY REPRESENTATIVE EASTMAN

TO: HCS CSSB 65(HSS)

1 Page 2, line 13:

2 Delete "and"

3

4 Page 2, line 15, following "consultation":

5 Insert "; and

6 (10) the consulting health care provider, either before or after the  
7 consultation, does not retaliate against the health care provider who requested the  
8 consultation for not following a recommendation of the consulting health care  
9 provider or for failing to seek consultation from the consulting health care provider on  
10 the matter in question or another matter"

**AMENDMENT**

OFFERED IN THE HOUSE

BY REPRESENTATIVE KURKA

TO: HCS CSSB 65(HSS)

1 Page 1, line 3:

2 Delete "and occupational therapists"

3 Insert "occupational therapists, and direct-entry midwives"

4

5 Page 3, line 2, following "AS 08.36":

6 Insert ", a direct-entry midwife certified under AS 08.65"