

**HOUSE BILL NO. 371**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE RUFFRIDGE BY REQUEST

Introduced: 2/20/24

Referred: Health and Social Services

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to medical review organizations; relating to the definitions of 'health**  
2   **care provider' and 'review organization'; and relating to the duties of the chief medical**  
3   **officer in the Department of Health."**

4   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5   **\* Section 1.** AS 18.23.030(a) is amended to read:

6                   (a) Except as provided in (b), (c), and (e) of this section, all data and  
7                   information acquired by a review organization in the exercise of its duties and  
8                   functions shall be held in confidence and may not be disclosed to anyone except to the  
9                   extent necessary to carry out the purposes of the review organization and is not subject  
10                  to subpoena or discovery. Except as provided in (b) of this section, a person described  
11                  in AS 18.23.020 may not disclose what transpired at a meeting of a review  
12                  organization except to the extent necessary to carry out the purposes of a review  
13                  organization, and the proceedings and records of a review organization are not subject  
14                  to discovery or introduction into evidence in a civil action against a health care

1 provider arising out of the matter that is the subject of consideration by the review  
 2 organization. Information, documents, or records otherwise available from original  
 3 sources are not immune from discovery or use in a civil action merely because they  
 4 were presented during proceedings of a review organization, nor may a person who  
 5 testified before a review organization or who is a member of it be prevented from  
 6 testifying as to matters within the person's knowledge, but a witness may not be asked  
 7 about the witness's testimony before a review organization or opinions formed by the  
 8 witness as a result of its hearings, except as provided in (b) of this section.

9 \* **Sec. 2.** AS 18.23.030 is amended by adding a new subsection to read:

10 (e) A review organization may publish a report containing data or information  
 11 obtained in the exercise of its duties if the report does not violate federal or state law  
 12 regarding confidentiality of a person or decedent. A report may include  
 13 (1) the identification of trends, patterns, and risk factors;  
 14 (2) an analysis of the rate and cause of death in the state; and  
 15 (3) methods of intervention or prevention related to causes of death.

16 \* **Sec. 3.** AS 18.23.070(3) is amended to read:

17 (3) "health care provider" means a person licensed, certified, or  
 18 otherwise permitted by law to provide health care services in the ordinary course  
 19 of business or practice of a profession, [AN ACUPUNCTURIST LICENSED  
 20 UNDER AS 08.06; A CHIROPRACTOR LICENSED UNDER AS 08.20; A  
 21 DENTAL HYGIENIST LICENSED UNDER AS 08.32; A DENTIST LICENSED  
 22 UNDER AS 08.36; A NURSE LICENSED UNDER AS 08.68; A DISPENSING  
 23 OPTICIAN LICENSED UNDER AS 08.71; AN OPTOMETRIST LICENSED  
 24 UNDER AS 08.72; A PHARMACIST LICENSED UNDER AS 08.80; A PHYSICAL  
 25 THERAPIST OR OCCUPATIONAL THERAPIST LICENSED UNDER AS 08.84; A  
 26 PHYSICIAN LICENSED UNDER AS 08.64; A PODIATRIST; A PSYCHOLOGIST  
 27 AND A PSYCHOLOGICAL ASSOCIATE LICENSED UNDER AS 08.86;] a  
 28 hospital as defined in AS 47.32.900, including a governmentally owned or operated  
 29 hospital, [; and an employee of a health care provider acting within the course and  
 30 scope of employment;

31 \* **Sec. 4.** AS 18.23.070(5) is amended to read:

(5) "review organization" means

(A) a hospital governing body or a committee whose membership is limited to health care providers and administrative staff, except where otherwise provided for by state or federal law, and that is established by a hospital, by a clinic, by one or more state or local associations of health care providers, by an organization of health care providers from a particular area or medical institution, or by a professional standards review organization established under 42 U.S.C. 1320c-1, to gather and review information relating to the care and treatment of patients for the purposes of

- (i) evaluating and improving the quality of health care rendered in the area or medical institution;

(ii) reducing morbidity or mortality;

(iii) obtaining and disseminating statistics and information relative to the treatment and prevention of diseases, illness, and injuries;

(iv) developing and publishing guidelines showing the norms of health care in the area or medical institution;

- (v) developing and publishing guidelines designed to keep the cost of health care within reasonable bounds;

(vi) reviewing the quality or cost of health care services provided to enrollees of health maintenance organizations;

(vii) acting as a professional standards review organization under 42 U.S.C. 1320c;

(viii) reviewing, ruling on, or advising on controversies, disputes, or questions between a health insurance carrier or health maintenance organization and one or more of its insured or enrollees; between a professional licensing board, acting under its powers of discipline or license revocation or suspension, and a health care provider licensed by it when the matter is referred to a review organization by the professional licensing board; between a health care provider and the provider's patients concerning diagnosis, treatment, or

care, or a charge or fee; between a health care provider and a health insurance carrier or health maintenance organization concerning a charge or fee for health care services provided to an insured or enrollee; or between a health care provider or the provider's patients and the federal or a state or local government, or an agency of the federal or a state or local government;

(ix) acting on the recommendation of a credential review committee or a grievance committee;

(B) the State Medical Board established by AS 08.64.010;

(C) a committee established by the commissioner of health and the **chief medical officer in the Department of Health** [STATE BOARD] to review public health issues regarding morbidity or AT LEAST 75 PERCENT OF THE COMMITTEE MEMBERS [HEALTH CARE PROVIDERS];

(D) a nationally recognized group or entity that accredits health care organizations, including the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).