

February 19, 2021

Senator Jesse Kiehl  
Alaska Legislature  
State Capitol Room 419  
Juneau, Alaska 99801

**Re: SB 65 "An Act relating to immunity for consulting physicians, podiatrists, osteopaths advanced practice registered nurses, physician assistants, dentists, optometrists and pharmacists."**

Dear Senator Kiehl,

The Alaska State Hospital and Nursing Home Association (ASHNHA) is a membership organization representing Alaska's hospitals, nursing homes, home health / hospice agencies, and other health care providers. ASHNHA is pleased to write this letter in support of SB 65 to limit liability for consulting health care providers.

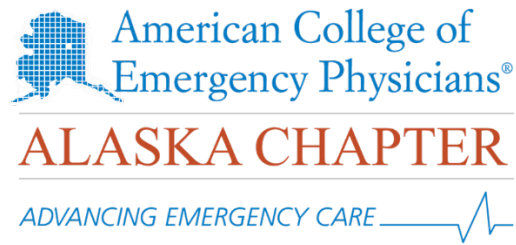
ASHNHA recognizes the importance of "curbside consults" to support Alaska health care providers in making the best decisions for patients. Alaskan health care providers often seek a brief consult with practitioners with a higher level of expertise. Alaska's vast distances and lack of health care specialties, especially in rural areas, makes obtaining consults like this critical. Providing liability protection for these situations makes sense.

Feel free to contact me if you would like additional information from ASHNHA. Thank you for your leadership on this issue.

Sincerely,



Jared C. Kosin, JD, MBA  
President & CEO



April 1st, 2021

The Honorable Jesse Kiehl  
Alaska State Senate  
State Capitol  
Juneau, AK 99801

Dear Senator Kiehl:

The Alaska Chapter of the American College of Emergency Physicians, representing emergency physicians practicing across Alaska, is in strong support of SB 65 "An Act relating to immunity for consulting physicians, podiatrists, osteopaths, advanced practice registered nurses, physician assistants, dentists, optometrists, and pharmacists, and would like to thank you for introducing the legislation again this year.

As emergency medicine physicians in Alaska we receive patients from all over the state, many of whom are coming from communities that have little health infrastructure. During phone calls from providers in remote areas, we facilitate transfers, but frequently are called to give advice. As such we are participating in a "telephone consult," in which we give advice without ever meeting the patient, or opening their chart. This type of consult is not reimbursed and not recorded. Telephone consults are given in good faith, and ultimately the choice of management is the responsibility of the provider caring for the patient in person. In the past this free advice has been given without pause, however, there have been concerns raised about the liability of the provider advising over the phone. By participating in telephone consults, providers are opening themselves to the risk of a lawsuit. In order for this practice to continue we must choose to protect providers who give advice over the phone. Failure to do so will result in more frequent and expensive transfers from rural communities into treatment hubs such as Anchorage, Juneau, or Fairbanks.

A perfect case to illustrate the value of telephone consults is the case of a tricky nosebleed. Nosebleeds are most frequently treated by simply applying pressure to the nose, however, there are the occasional bothersome nose bleeds that are more problematic. There are several fairly simple interventions that we as emergency providers use to stop nosebleeds. After receiving a call from a remote community one EM physician was able to guide the remote provider through nasal packing. After deploying what is effectively a nasal tampon soaked in medication, the patient was able to remain at home in their community. In this scenario the utilization of a telephone

consult was safely implemented, providing care, which aligned with the patients comfort/values, reduced cost to the system, and avoided use of air transport thus minimizing risk to EMS providers.

Thank you again for recognizing the need of additional protections for providers who participate in telephone consults. By passing this bill you are continuing steps towards keeping Alaskans healthy, while reducing costs and respecting the values of those living in remote regions.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen Adams". The signature is fluid and cursive, with the first name "Helen" being more legible than the last name "Adams".

Helen Adams, MD  
Anchorage, Alaska / AK ACEP Board Member  
[helen.call.adams@gmail.com](mailto:helen.call.adams@gmail.com) / (907) 570-6633

CC: cc: Senator Gary Stevens, Chair Senate Rules Committee



## Alaska Chiropractic Society

February 17, 2021

Senator David Wilson, Chairman  
Senate Health & Social Services Committee  
Alaska State Senate  
State Capital Room 121  
Juneau, AK 99801

RE: Senate Bill 65 "An Act relating to immunity for consulting physician, podiatrists, osteopaths, advanced practice registered nurses, physician assistants, dentists, optometrists and pharmacists."

Dear Senator Wilson:

The Alaska Chiropractic Society (ACS) is a professional organization of chiropractic physicians. Our mission is to improve the health of the public through excellence in education for both our chiropractic physicians and staff, and to educate Alaskans about how to be healthier through activity and full body function.

We are writing to express our support for SB65, and to ask that chiropractic physicians be added to the list of providers in the bill. Their training and expertise are called upon with increasing regularity in emergency situations and from remote locations. Senate Bill 65 addresses this situation in which many providers are finding themselves, and wisely gives them the necessary protection for "curbside" consults, thereby increasing access to resources to Alaskans in need. By broadening the scope of the bill to include chiropractic physicians more of our fellow Alaskans will have access to medical expertise. We believe this would be a good thing and hope you will agree.

We appreciate your time and are available to answer any questions you may have.

Sincerely,

Todd Curzie, D.C.  
President  
Alaska Chiropractic Society

cc: Senator Jesse Kiehl

LYN D. ELLIOTT  
ASSISTANT VICE PRESIDENT,  
STATE GOVERNMENT RELATIONS

February 10, 2021

The Honorable Jesse Kiehl  
Alaska State Senate  
Alaska State Capitol Building  
Juneau, AK 99811

*Via Email*

**RE: Senate Bill 65 – Liability Consulting Health Care Provider**

Dear Senator Kiehl:

The American Property Casualty Insurance Association (APCIA), representing approximately 50% of Alaska's property casualty insurance market, promotes and protects the viability of private competition for the benefit of consumers and insurers, with a legacy dating back 150 years. APCIA members represent all sizes, structures, and regions—protecting families, communities, and businesses in the U.S. and across the globe.

APCIA supports Senate Bill 65 (SB 65). It provides well-tailored liability protection for consulting health care providers while recognizing the importance of the doctor-patient relationship. This is particularly important in states like Alaska that are necessarily reliant on telemedicine. There are significant costs for providers, particularly specialists, who engage in this kind of consultation. Imposing liability could drive up costs, require additional documentation and potentially impede providers' willingness to engage in consultation.

SB 65 appears consistent with the law of other states and the legislation has carefully considered appropriate exceptions. As the field of telemedicine grows in importance, liability concerns are a significant concern. The bill appropriately premises liability on the existence of a doctor-patient relationship.

SB 65 is good legislation and APCIA supports its passage. If you have any questions, please let me know. Thank you for your consideration.

Sincerely,



Lyn D. Elliott

# Alaska State Medical Association

4107 Laurel Street • Anchorage, Alaska 99508 • (907) 562-0304 • (907) 561-2063 (fax)

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February 4, 2021

The Honorable David Wilson  
Alaska State Senate  
State Capitol Room 121  
Juneau, AK 99801

Submitted via email

RE: Senate Bill 65 "An Act relating to immunity for consulting physicians, podiatrists, osteopaths advanced practice registered nurses, physician assistants, dentists, optometrists and pharmacists."

Dear Senator Wilson:

The Alaska State Medical Association (ASMA) represents physicians statewide and is primarily concerned with the health of all Alaskans.

ASMA would like to express our support for Senate Bill 65 and its recognition of the importance of maintaining "curbside consults".

Because of Alaska's vast expanse and unique health care delivery system, health care practitioners with a higher level of expertise are often contacted for a "curbside consult" on matters perplexing to and often above the knowledge and/or skill level of the inquirer. Alaska's vast distances and lack of health care specialties in general and in varied locations in particular make obtaining the consultation often a matter of life and death for the patient.

Alaska's history is that this information is freely dispensed, without charge. However, the fact that the person consulted has no access to records, no contact with the patient, no way to physically examine the patient, and no "chart" within which to enter any advice dispensed; leaves the consulting provider vulnerable and exposed if a lawsuit is filed. This vulnerability is causing questions to be asked about the viability of a practice which leaves the practitioner exposed to suit.

We do want to point out that AS 09.55.552 (C)(3) states that only requests for a consult from a physician, podiatrist, osteopath, an advance practice registered nurse, a physician assistant, dentist, optometrist or pharmacist receive liability protection. In Alaska, often the request is coming because there is no such professional available. Especially in rural or small communities it

is often a nurse, health aide or other licensed health care provider that needs to consult for advice. While the bill as written provides for most circumstances, we believe the legislature should consider whether including requests from other licensed health care providers as well. It is not uncommon that these other licensed health care providers have the least experience and the greatest need for such consults. While we think this is a valuable addition to consider, we appreciate the work that has been done and we support moving the bill as is as well.

Current practice in Alaska is to provide “curbside” consults to assist health care providers in making decisions for their patients. ASMA believes this is the right policy for Alaska and Alaskans. Due to the increased potential liability associated with these uncompensated consults between providers, Alaska needs to make a policy decision. Does the State want to protect and thus promote the continued use of uncompensated consults by providing liability protection or is the State better off with a reduction in such consults and an increase in patients travelling to a provider for an appointment and an in-person examination?

Sincerely,

*Pam Ventgen*

Pam Ventgen  
Executive Director  
Alaska State Medical Association

cc: Senator Jesse Kiehl

**Kelli Toth**

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**From:** Keith Poorbaugh [REDACTED]  
**Sent:** Monday, March 8, 2021 1:32 PM  
**To:** Senate Judiciary  
**Subject:** SB 65

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern,

I am a licensed physical therapist (AK 1581) practicing in Wasilla, AK. Also, I am a member of the state licensing board (PT/OT) but I am not representing the board in any way with input regarding SB 65.

I would like to suggest that SB 65 regarding LIABILITY CONSULTING HEALTH CARE PROVIDER falls short in offering adequate coverage to all relevant members of the healthcare profession. As a physical therapist practicing for over 25yrs, I routinely consult and collaborate with other health care providers (HCP). I am often asked to assess, evaluate and possibly suggest or provide interventions for another HCP experiencing a disorder causing a painful limit of movement or posture. My scope of practice limits me from diagnosing a medical disease but the reality is that most consults among HCPs are more related to simple musculoskeletal disorders, physical impairments and movement dysfunctions. These conditions are well within the scope of the HCPs trained and accepted as the musculoskeletal experts (PT / OT / ATC).

It would be a disservice to the public and the health care professionals listed in the current language of SB 65 if you ignore the value of including other recognized HCPs such as physical therapists, occupational therapists and certified athletic trainers. Essentially the current bill encourages HCPs to seek consult from one another only when they need imaging or drugs but it fails to recognize that all Alaskans benefit when a conservative approach is the first option. Therapists (PT/OT) and trainers (ATC) are competent and capable to offer this type of consult and they should be included in SB 65

Keith Poorbaugh

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Keith Poorbaugh, PT, ScD, OCS, CMTPT, FAAOMPT  
Northern Edge Physical Therapy