

Alaska State Medical Association

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

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