

**HOUSE BILL NO. 461**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/2/96

Referred: Health, Education and Social Services, Labor and Commerce, State Affairs, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to expert advisory panels in medical malpractice litigation and  
2 the definition of health care provider for medical liability."

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

4 \* **Section 1. PURPOSE.** The purpose of the changes to AS 09.55.536 in secs. 2 and 3 of  
5 this Act is to clarify and affirm the longstanding interpretation of that statute that a  
6 governmental entity as a party, or a health care provider providing services on behalf of a  
7 governmental entity, may have access to an expert advisory panel in a medical malpractice  
8 action.

9 \* **Sec. 2.** AS 09.55.536(a) is amended to read:

10 (a) In an action for damages due to personal injury or death based upon the  
11 provision of professional services by a health care provider, **including a person**  
12 **providing services on behalf of a governmental entity**, when the parties have not  
13 agreed to arbitration of the claim under AS 09.55.535, the court shall appoint within  
14 20 days after filing of answer to a summons and complaint a three-person expert

1 advisory panel unless the court decides that an expert advisory opinion is not necessary  
2 for a decision in the case. When the action is filed the court shall, by order, determine  
3 the professions or specialties to be represented on the expert advisory panel, giving the  
4 parties the opportunity to object or make suggestions.

5 \* **Sec. 3.** AS 09.55.536 is amended by adding a new subsection to read:

6 (i) This section applies regardless of whether the parties in the action or the  
7 health care provider whose professional services are the subject of the action is in the  
8 public or private sector.

9 \* **Sec. 4.** AS 09.55.560(1) is amended to read:

10 (1) “health care provider” means an acupuncturist licensed under  
11 AS 08.06; an audiologist licensed under AS 08.11; a chiropractor licensed under  
12 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist licensed under  
13 AS 08.36; a nurse licensed under AS 08.68; a dispensing optician licensed under  
14 AS 08.71; a naturopath licensed under AS 08.45; an optometrist licensed under  
15 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or occupational  
16 therapist licensed under AS 08.84; a physician, **podiatrist, or osteopath** licensed under  
17 AS 08.64; [A PODIATRIST;] **a physician assistant or mobile intensive care**  
18 **paramedic registered under AS 08.64; an emergency medical technician certified**  
19 **under AS 18.08;** a psychologist and a psychological associate licensed under  
20 AS 08.86; and a hospital as defined in AS 18.20.130, including a governmentally  
21 owned or operated hospital; and an employee of a health care provider acting within  
22 the course and scope of employment;