

SENATE BILL NO. 249

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Introduced: 2/21/24

Referred: Health & Social Services, Labor & Commerce

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

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

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

(e) A review organization may publish a report containing data or information obtained in the exercise of its duties if the report does not violate federal or state law regarding confidentiality of a person or decedent. A report may include

- (1) the identification of trends, patterns, and risk factors;
- (2) an analysis of the rate and cause of death in the state; and
- (3) methods of intervention or prevention related to causes of death.

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

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

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

1 (5) "review organization" means

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

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

12 (ii) reducing morbidity or mortality;

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

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

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

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

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

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

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

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

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

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

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