

1 IN THE SENATE

BY SENATORS PETER AND BEGICH

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SENATE BILL NO. 91

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act regarding reports by physicians and  
7 other persons of injuries to children  
8 caused by abuse or neglect."

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

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\* Section 1. AS 11 is amended by adding a new chapter to read:

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CHAPTER 67. REPORTS AND RECORDS

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ARTICLE 1. REPORTS OF INJURIES TO CHILDREN CAUSED

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BY ABUSE OR NEGLECT

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Sec. 11.67.010. PERSONS WHO MAY REPORT. (a) A

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physician, resident, intern or nurse who, during the examina-

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tion or treatment of a child, has cause to believe that the

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child has suffered physical injury as a result of abuse or

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neglect may report the injury in accordance with sec. 20 of

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this chapter. If a physician, resident, intern or nurse

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observes such injury to a child while performing duties as a

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member of a hospital staff, the injury shall be brought to

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the attention of the appropriate hospital official who shall

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report the injury in accordance with sec. 20 of this chapter.

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(b) A school teacher or social worker who, while acting

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in an official capacity, has cause to believe that a child

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has suffered injury as a result of abuse or neglect may

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report the injury in accordance with sec. 20 of this chapter.

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Sec. 11.67.020. REPORTS. (a) An oral report of the

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injury should be made immediately to the nearest office of

1 the department, or, if an office of the department is not in  
2 the vicinity where the injury is discovered, an oral report  
3 should be made to the nearest law enforcement authority. An  
4 oral report should be confirmed by a written report as soon  
5 as possible thereafter. In areas of the state where it is  
6 impractical to make an oral report, a written report should  
7 be made immediately.

8 (b) Oral and written reports should contain

9 (1) the names and addresses of the child and the  
10 parents or guardians, if known;

11 (2) the child's age and the nature and extent of  
12 the injury, including evidence of previous injuries;

13 (3) information which might assist in determining  
14 the cause of injury and the identity of the person or persons  
15 responsible for the injury.

16 Sec. 11.67.030. DISTRIBUTION OF REPORTS. The law en-  
17 forcement authority receiving a report of injury shall  
18 immediately forward the information contained in an oral  
19 report, and a copy of the written report, to the nearest  
20 office of the department.

21 Sec. 11.67.040. ACTION ON REPORTS. Upon receipt of a  
22 report of injury, the department shall investigate and take  
23 such action, as prescribed by law, as may be necessary to  
24 prevent further injury to the child or to insure the proper  
25 care and protection of the child. The department shall for-  
26 ward the results of an investigation made pursuant to a  
27 report to the district attorney of the area in which the  
28 injury was discovered.

29 Sec. 11.67.050. IMMUNITY. A person who in good faith

1 complies with sec. 10 of this chapter, or participates in  
2 judicial proceedings resulting from the submission of reports  
3 permitted by sec. 20 of this chapter, is immune from any  
4 civil or criminal liability which might otherwise be incurred  
5 or imposed.

6 Sec. 11.67.060. EVIDENCE NOT PRIVILEGED. Neither the  
7 physician-patient nor the husband-wife privilege shall be a  
8 ground for excluding evidence regarding a child's injury, or  
9 its cause, in any judicial proceeding resulting from a report  
10 made pursuant to this chapter.

11 Sec. 11.67.070. DEFINITIONS. In secs. 10 - 60 of this  
12 chapter

13 (1) "abuse" means the wilful infliction of un-  
14 justifiable physical injury upon the body of a child;

15 (2) "child" means a person under 16 years of age;

16 (3) "department" means the Department of Health  
17 and Welfare;

18 (4) "law enforcement authority" means the state  
19 police or the police department of a political subdivision  
20 of the state;

21 (5) "neglect" means the wilful failure to provide  
22 necessary food, care, clothing, shelter, or medical attention  
23 for the child;

24 (6) "nurse" means a person licensed to practice  
25 professional or practical nursing in this state or an officer  
26 in the regular nursing service of the armed forces of the  
27 United States or the United States Public Health Service  
28 assigned to duty within the state;

29 (7) "physician" means a doctor of medicine licensed

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to practice medicine in the state or an officer in the regular medical service of the armed forces of the United States or the United States Public Health Service assigned to duty within the state.