

Introduced: 2/6/67
Referred: Health, Welfare
and Education and Judiciary

1 IN THE HOUSE

BY HOUSE

2 HOUSE BILL NO. 127

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to medical malpractice actions."

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

8 *Section 1. AS 09.55 is amended by adding a new section to read:

9 Article 6. MALPRACTICE ACTIONS.

10 Sec. 09.55.530. BURDEN OF PROOF. (a) In a malpractice action,
11 based on the negligence of a physician licensed under AS 08.64, the
12 plaintiff shall have the burden of proving:

13 (1) the degree of knowledge or skill possessed or the
14 degree of care ordinarily exercised by physicians of the same specialty
15 practicing in the community where the defendant practices;

16 (2) that the defendant physician either lacked this degree
17 of knowledge or skill or failed to exercise this degree of care; and

18 (3) that as a proximate result of this lack of knowledge or
19 skill or the failure to exercise this degree of care the plaintiff
20 suffered injuries that would not otherwise have been incurred.

21 (b) In malpractice actions there shall be no presumption of
22 negligence on the part of the defendant.

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29 HB 127