

Original Sponsor:
Beirne

Offered: 3/13/67
Referred: Judiciary

1 IN THE HOUSE

BY THE HEALTH, WELFARE
AND EDUCATION COMMITTEE

2 CS FOR 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 and providing for an effective date."

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

9 * Section 1. AS 09.55 is amended by adding new sections to read:

10 ARTICLE 6. MALPRACTICE ACTIONS.

11 Sec. 09.55.530. PURPOSE. The legislature considers that there
12 is a need in Alaska to codify the law with regard to medical liability
13 in order to establish that the law in Alaska in this regard is the
14 same as elsewhere.

15 Sec. 09.55.540. BURDEN OF PROOF. (a) In a malpractice action,
16 based on the negligence of a physician licensed under AS 08.64, a
17 dentist licensed under AS 08.36, or a nurse licensed under AS 08.68,
18 the plaintiff shall have the burden of proving

19 (1) the degree of knowledge or skill possessed or the
20 degree of care ordinarily exercised by the physicians, dentists, or
21 nurses practicing the same speciality in similar communities to that
22 in which the defendant practices;

23 (2) that the defendant either lacked this degree of knowl-
24 edge or skill or failed to exercise this degree of care; and

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

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

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* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.

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