

1 IN THE HOUSE

BY SMITH BY REQUEST

2 HOUSE BILL NO. 98

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to causes of action for medical  
7 malpractice."

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 Sec. 09.55.545. LIMIT OF LIABILITY. (a) In a malpractice action  
11 based on the negligence of a physician, hospital, or nursing home, or  
12 on the combined negligence of a physician, hospital, and nursing home,  
13 the plaintiff may not recover a judgment in excess of \$100,000.

14 (b) In a malpractice action based on the negligence of a physi-  
15 cian, hospital, or nursing home, no damages are recoverable for

16 (1) pain and suffering;

17 (2) amounts for medical care or disability payments payable  
18 under an insurance contract of the plaintiff.

19 Sec. 09.55.560. DEMAND NOT INCLUDED IN THE COMPLAINT. In a  
20 malpractice action based on the negligence of a physician, hospital,  
21 or nursing home, a demand for judgment in damages may not be included  
22 in the complaint.  
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