

Introduced: 1/27/77
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY MALONE AND BEIRNE

2 HOUSE BILL NO. 123

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act eliminating requirement that health care
7 providers purchase medical malpractice insurance from
8 the Medical Indemnity Corporation of Alaska."

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

10 * Section 1. AS 21.88.050(a)(1) is amended to read:

11 (1) in the form approved by the director, issue to all health
12 care providers [PHYSICIANS AND HOSPITALS] who pay the premiums for it a
13 contract or contracts indemnifying health care providers [PHYSICIANS AND
14 HOSPITALS] and their employees who are health care providers against
15 loss by reason of liability for professional services rendered in the
16 state on an occurrence basis, and agreeing to tender on behalf of the
17 health care providers [PHYSICIANS AND HOSPITALS] and their employees who
18 are health care providers a defense in a proceeding brought under AS 09.-
19 55.530 - 09.55.560; the limit of liability provided in contracts issued
20 to doctors and hospitals shall be no less than the minimum liability
21 coverage requirements to be maintained under AS 08.64.215 and AS 18.20.-
22 045; the contract shall cover the defense against but need not indemnify
23 a claim for punitive damages; at the option of a a [THE] physician or
24 hospital and for an additional premium the contract may cover claims
25 against a [THE] physician or hospital that arise out of professional
26 services performed by the physician or hospital for any period after
27 December 31, 1974 except that coverage will not be provided for a claim
28 already filed or of which the physician or hospital had or reasonably
29 should have had notice at the time the retroactive insurance was pur-

1 chased;

2 * Sec. 2. AS 21.88.150(a)(1) is amended to read:

3 (1) provide reinsurance to the corporation covering contracts
4 issued by the corporation for that portion of the liability incurred by
5 the corporation which cannot be reinsured through private casualty in-
6 surers or reinsurers, indemnifying health care providers [PHYSICIANS AND
7 HOSPITALS,] and their employees who are health care providers, and other
8 persons insured by the corporation against loss by reason of liability
9 for professional services and agreeing to tender on behalf of the insureds
10 a defense in an action brought under AS 09.55.530 - 09.55.560;

11 * Sec. 3. Section 48, ch. 102, SLA 1976 is amended to read:

12 Sec. 48. AS 01.10.030 applies to this Act except that if any por-
13 tion of AS 21.88.110 - 21.88.180 is held invalid all of AS 21.88.110 -
14 21.88.180 shall be void and the Medical Indemnity Corporation of Alaska
15 shall assume all duties and liabilities incurred by the Health Care
16 Providers Joint Underwriting Association before the declaration of in-
17 validity; [AND EXCEPT THAT IF THE REQUIREMENT THAT HEALTH CARE PROVIDERS
18 PURCHASE MEDICAL MALPRACTICE INSURANCE FROM THE MEDICAL INDEMNITY
19 CORPORATION OF ALASKA IS FOUND TO BE INVALID, SECS. 41, 42, 43, AND 44
20 OF THIS ACT ARE VOID;] however, the Medical Indemnity Corporation of
21 Alaska and the Health Care Providers Joint Underwriting Association
22 shall continue to discharge and assess to pay claims incurred before the
23 declaration of invalidity.

24 * Sec. 4. AS 08.20.115, AS 08.32.015, AS 08.36.115, AS 08.64.215, AS 08.-
25 68.165, AS 08.71.085, AS 08.72.115, AS 08.80.115, AS 08.84.035, AS 08.86.125;
26 AS 18.20.045; and AS 21.88.050(a)(2) are repealed.