

Introduced: 1/25/85
Referred: Health, Education & Social Services
and Judiciary

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

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SENATE BILL NO. 96

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to report of certain injuries."

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

8 * Section 1. AS 18.20 is amended by adding new sections to read:

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ARTICLE 4. REPORT OF CERTAIN INJURIES.

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Sec. 18.20.270. REPORT OF CERTAIN INJURIES BY HEALTH CARE FACIL-

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ITIES OR PRACTITIONERS. (a) The manager or administrator of a hospi-

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tal, nursing home, public health center, or other health care facility

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in the state, or of a ward or other part of such a facility, to which

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a person suffering from an injury described in (c) of this section

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comes or is brought shall immediately report the injury to the Depart-

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ment of Public Safety, the local police department, or the local

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village police officer.

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(b) A practitioner of the healing arts who examines or treats a

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person suffering from an injury described in (c) of this section shall

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immediately report the injury to the Department of Public Safety, the

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local police department, or the local village police officer.

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(c) This section applies to

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(1) a bullet wound, powder burn, or other injury apparently

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caused by the discharge of a firearm;

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(2) an injury apparently caused by a knife, axe, or other

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sharp or pointed instrument, unless clearly accidental; and

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(3) an injury which is likely to or may result in death,

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unless clearly accidental.

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(d) For purposes of reporting an injury under this section,

1 included in the factors a person may consider when determining whether
2 an injury is clearly accidental are the following:

- 3 (1) examination;
- 4 (2) statements made by the injured person; and
- 5 (3) statements made by others.

6 (e) A report required under this section must be immediately
7 made orally, by telephone or otherwise, and followed as soon as possi-
8 ble by a written report. Both the oral and the written forms of the
9 report must include, to the extent that it can reasonably be obtained:

- 10 (1) the name and address of the injured person;
- 11 (2) a description of the person, including sex, race, and
12 age;
- 13 (3) the person's present whereabouts;
- 14 (4) a description of the character and extent of the per-
15 son's injuries: and
- 16 (5) the name of any person who brought the injured person
17 for treatment.

18 (f) A person who, in good faith, makes a report under this
19 section, or who participates in judicial proceedings related to a
20 report under this section, is immune from any civil or criminal lia-
21 bility which might otherwise be incurred as a result of making such a
22 report or participating in such judicial proceedings.

23 (g) A person who fails to make both the oral and written form of
24 the report required under this section is guilty of a class B misde-
25 meanor.

26 (h) Nothing in this section prohibits a manager or administrator
27 of a health care facility or a practitioner of the healing arts from
28 reporting apparently nonaccidental serious injuries in addition to
29 those required to be reported under this section.

1 Sec. 18.20.280. DEFINITIONS. In AS 18.20.270 -- 18.20.280,

2 (1) "firearm" means a weapon, including a pistol, revolver,
3 rifle, BB gun, or shotgun, designed for discharging a shot capable of
4 causing death or serious physical injury;

5 (2) "health care facility" means a business or institution
6 which provides, on a regular basis, health-related care and services
7 to individuals;

8 (3) "hospital" means a public or private institution pri-
9 marily engaged in providing to inpatients, under the supervision of
10 physicians, diagnostic services and therapeutic services for medical
11 diagnosis, treatment, and care of injured, disabled, or sick persons,
12 or rehabilitation of injured, disabled, or sick persons;

13 (4) "immediately" means as soon as practicable, but no
14 later than 24 hours after the injury is brought to the attention of
15 those required to report;

16 (5) "nursing home" means a facility in which nursing care
17 and medical services are prescribed by or performed under the general
18 direction of physicians for the accommodation of convalescents or
19 other persons who are not acutely ill and not in need of hospital
20 care, but who require skilled nursing care and related medical ser-
21 vices;

22 (6) "practitioner of the healing arts" includes chiroprac-
23 tors, dentists, emergency medical technicians, health aides, interns,
24 midwives, naturopaths, nurses, optometrists, osteopaths, physical
25 therapists, paramedics, physicians, physician assistants, psychia-
26 trists, psychologists, religious healing practitioners, and surgeons;

27 (7) "public health center" means a publicly-owned facility
28 providing public health services, including related facilities such as
29 a laboratory, clinic, or pharmacy;

1 (8) "village police officer" means a village police officer
2 or a village public safety officer.