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Referred: Health, Education and
Social Services

5-1896A

1 IN THE SENATE

BY JONES, FISCHER, COGHILL,
FAIKS AND KELLY

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SENATE BILL NO. 461

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the liability of hospitals for
7 the actions of certain nonemployees."

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

9 * Section 1. AS 09.65 is amended by adding a new section to read:

10 Sec. 09.65.096. CIVIL LIABILITY OF HOSPITALS FOR NONEMPLOYEES.

11 (a) A hospital that is required to provide services by AS 18.20 or
12 regulations implementing that chapter, or that is subject to regu-
13 lation with respect to the provision of services, is not, solely for
14 that reason, liable for civil damages as a result of an act or omis-
15 sion in administering those services by a health care provider who is
16 not an employee of the hospital.

17 (b) Compliance with the standards of a public or private licens-
18 ing or accreditation agency with respect to provision of services or
19 adoption of bylaws or regulations by the hospital governing provision
20 of services, may not be construed as an assumption of civil liability
21 by the hospital for the acts or omissions of a physician or other
22 health care provider who is not an employee of the hospital.

23 (c) This section does not preclude liability for civil damages
24 that are the proximate result of the hospital's own negligence or
25 intentional misconduct.

26 (d) In this section, "health care provider" has the meaning
27 given in AS 18.23.070, except that it does not include a hospital or
28 an employee of the hospital.