

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE BILL NO. 336

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to medical malpractice advisory
7 panels."

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

9 * Section 1. AS 09.55.536(a) is amended to read:

10 (a) In an action for damages due to personal injury or death
11 based upon the provision of professional services by a health care
12 provider when the parties have not agreed to arbitration of the claim
13 under AS 09.55.535, the court shall appoint within 20 days after
14 filing of answer to a summons and complaint a five-person [THREE-
15 PERSON] expert advisory panel unless the court decides that an expert
16 advisory opinion is not necessary for a decision in the case. When
17 the action is filed the court shall, by order, determine the profes-
18 sions or specialties to be represented on the expert advisory panel,
19 giving the parties the opportunity to object or make suggestions.
20 Three members of the panel shall be persons who are not health care
21 providers.

22 * Sec. 2. AS 09.55.536(b) is repealed and reenacted to read:

23 (b) The expert advisory panel shall consider only evidence
24 presented by the parties. Under the applicable rules of the Alaska
25 Rules of Civil Procedure, a party may perform discovery, obtain the
26 attendance of witnesses, examine or cross-examine witnesses, obtain a
27 physical examination of the injured person if alive, and obtain the
28 production of all relevant hospital, medical, or other records or
29 materials relating to the health care provided to the injured person.

1 The parties may attend all hearings of the panel. The panel shall
2 maintain a record of testimony or oral statements of witnesses, and
3 shall keep copies of all written statements it receives.

4 * Sec. 3. AS 09.55.536(f) is amended to read:

5 (f) Discovery [NO DISCOVERY] may be undertaken in a case before
6 [UNTIL] the report of the expert advisory panel is received. [HOW-
7 EVER, THE COURT MAY RELAX THIS PROHIBITION UPON A SHOWING OF GOOD
8 CAUSE BY ANY PARTY.] If the panel has not completed its report within
9 the 30-day period prescribed in (c) of this section, the court may,
10 upon application, grant it an additional 30 days.