

BY THE HESS COMMITTEE BY REQUEST

1 IN THE HOUSE

2

HOUSE BILL NO. 585

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act authorizing certain occupational licensing
7 groups to establish peer review committees."

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

9 * Section 1. AS 08.02 is amended by adding new sections to read:

10 Sec. 08.02.030. PEER REVIEW COMMITTEES FOR HEALTH LICENSEES.

11 (a) In addition to a peer review committee established under AS 08.-
12 01.075(a) for disciplinary purposes, a health licensing board may
13 establish a peer review committee to advise the board or parties who
14 apply under AS 08.02.040 about the appropriateness and quality of
15 treatment given by a health care licensee and the reasonableness of
16 charges assessed by the health care licensee.

17 (b) A board may contract with another organization to provide
18 peer review under this section or appoint a committee. Whether under
19 contract or appointed, a committee must consist of five to seven
20 members who have been licensed by the board for at least five years
21 and who represent all specialty groups licensed by the board when
22 possible. Members of a committee do not receive compensation from the
23 board for their services on the committee but are eligible for per
24 diem and expenses authorized for members of boards and commissions
25 under AS 39.20.180.

26 (c) A committee member may not review a case that involves a
27 relative of the member or a licensee that has a financial relationship
28 with the member.

29 Sec. 08.02.040. APPLICATIONS FOR PEER REVIEW. (a) A health

1 care licensee, a patient of a health care licensee, an entity governed
2 under AS 21 that issues disability policies in the state, a state
3 agency, or a person who self-insures employees with respect to employ-
4 ee health care benefits, who disputes the appropriateness, quality, or
5 cost of health care services provided to a patient by a health care
6 licensee, may apply for the services of a peer review committee estab-
7 lished under AS 08.02.030.

8 (b) An application under this section must be accompanied by the
9 information required by the health licensing board and a fee not to
10 exceed \$100 established by the department under AS 08.01.065.

11 Sec. 08.02.050. PEER REVIEW PROCEDURES. (a) Upon receiving a
12 proper application under AS 08.02.040, the committee shall notify each
13 party named in the application that a review has been requested. The
14 committee shall review the information provided by the applicant and
15 any other affected party and request additional information if needed.

16 (b) At its option, the committee shall meet to conduct a review
17 or communicate by other appropriate means. The committee may conduct
18 a hearing or restrict its review to an examination of written mate-
19 rials supplied by the parties.

20 (c) Within 45 days after receiving all pertinent information,
21 each committee member shall submit a written report of findings to the
22 chair of the committee, who shall be designated for that purpose by
23 the board. Within 15 days after receiving all members' reports on a
24 review, the committee chair shall submit to the board a final report
25 that reflects the views of a majority of the committee members. The
26 board shall send copies of the final report to the parties named in
27 the original application for review and to other persons who partic-
28 ipated in the review process. These reports are confidential.

29 (d) In a review under this section, the committee shall

1 determine whether the treatment or advice rendered was of acceptable
2 quality and consistent with a substantiated diagnosis or whether the
3 fee charged by the licensee was reasonable when compared to charges
4 made by similar licensees for the same or similar services.

5 (e) After a review is completed, the committee may return any
6 requested materials to the persons who provided them.

7 Sec. 08.02.060. EFFECT OF PEER REVIEW. The final report of a
8 peer review committee is advisory in nature to the board and to the
9 persons involved in the review. If the board bases a disciplinary
10 sanction on the results of a peer review conducted under AS 08.02.050,
11 the board must comply with its other procedures for imposing disciplin
12 ary sanctions, including a hearing when required.

13 Sec. 08.02.070. RECORDS FOR PEER REVIEW. (a) The acceptance of
14 or request for payment for treatment rendered to a patient by a health
15 care licensee constitutes the consent of the health care licensee to
16 cooperate in a peer review conducted under AS 08.02.030 - 08.02.090 by
17 providing necessary records and other information necessary to conduct
18 the review. This subsection does not apply unless the patient named
19 in the records consents to disclosure of the records to the committee.

20 (b) The records submitted to the committee for review are confi-
21 dential and may be used only for the purposes of the review.

22 (c) Knowing failure to submit complete records when required
23 under this section is a basis for disciplinary sanctions by the licen-
24 see's board.

25 Sec. 08.02.080. REPORT ON PEER REVIEW ACTIVITIES. (a) A com-
26 mittee established under AS 08.02.030 shall submit to the board that
27 established it an annual report summarizing its activities during the
28 preceding year. The report may not disclose information that would
29 allow a person to identify a patient who was involved in a review.

1 (b) The board shall make the reports submitted under (a) of this
2 section available to the public.

3 Sec. 08.02.090. DEFINITIONS. In AS 08.02.030 - 08.02.090

4 (1) "board" means a health licensing board that establishes
5 a committee;

6 (2) "committee" means a peer review committee established
7 under AS 08.02.030;

8 (3) "health care licensee" means a person licensed by a
9 health licensing board;

10 (4) "health licensing board" means the Board of Chiroprac-
11 tic Examiners established under AS 08.20, the Board of Dental Examin-
12 ers established under AS 08.36, the State Medical Board established
13 under AS 08.64, the Board of Examiners in Optometry established under
14 AS 08.72, and the Board of Psychologist and Psychological Associate
15 Examiners established under AS 08.86; with respect to naturopaths
16 licensed under AS 08.45, "health licensing board" means the Department
17 of Commerce and Economic Development.

18 * Sec. AS 08.02.020 is amended to read:

19 Sec. 08.02.020. LIMITATION OF LIABILITY FOR MEMBERS OF LICENSING
20 BOARDS AND PEER REVIEW COMMITTEES. A person is not liable for damages
21 or other relief in an action by reason of the person's performance of
22 a duty, function, or activity as a member of a licensing board or peer
23 review committee established to review a licensing matter or a peer
24 review committee established under AS 08.02.030, or by reason of a
25 recommendation or action of the board or peer review committee when
26 the person acts in the reasonable belief that the action or recommen-
27 dation is warranted by facts known to the person or to the board or
28 peer review committee after reasonable efforts to ascertain the facts
29 upon which the action or recommendation is made.

1 * Sec. 3. AS 08.20 is amended by adding a new section to Article 1 to
2 read:

3 Sec. 08.20.095. PEER REVIEW COMMITTEES. The board may establish
4 peer review committees under AS 08.02.030 to review the appropriate-
5 ness, quality, and cost of chiropractic services.

6 * Sec. 4. AS 08.36.070(b) is amended to read:

7 (b) The board may

8 (1) order a licensed dentist or licensed dental hygienist
9 to submit to a reasonable physical or mental examination if the den-
10 tist's or the dental hygienist's physical or mental capacity to prac-
11 tice safely is at issue; [AND]

12 (2) authorize its representative to inspect the practice
13 facilities or patient or professional records of a dentist at reason-
14 able times and in a reasonable manner to monitor compliance with this
15 chapter and with AS 08.32; and

16 (3) establish peer review committees under AS 08.02.030 to
17 review the appropriateness, quality, and cost of dental services.

18 * Sec. 5. AS 08.45 is amended by adding a new section to read:

19 Sec. 08.45.100. PEER REVIEW COMMITTEES. The division may estab-
20 lish peer review committees under AS 08.02.030 to review the appropri-
21 ateness, quality, and cost of naturopathic services.

22 * Sec. 6. AS 08.64 is amended by adding a new section to read:

23 Sec. 08.64.102. PEER REVIEW COMMITTEES. The board may establish
24 peer review committees under AS 08.02.030 to review the appropriate-
25 ness, quality, and cost of services provided by persons licensed under
26 this chapter.

27 * Sec. 7. AS 08.72.060(b) is amended to read:

28 (b) The board may

29 (1) adopt a seal;

1 (2) define professional conduct and adopt rules of profes-
2 sional conduct;

3 (3) establish peer review committees under AS 08.02.030 to
4 review the appropriateness, quality, and cost of optometry services.

5 * Sec. 8. AS 08.86 is amended by adding a new section to read:

6 Sec. 08.86.075. PEER REVIEW COMMITTEES. The board may establish
7 peer review committees under AS 08.02.030 to review the appropriate-
8 ness, quality, and cost of services provided by persons licensed under
9 this chapter.