

HOUSE BILL NO. 229
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BOYER, Navarre

Introduced: 3/20/91

Referred: Health, Education & Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Alaska Medicaid malpractice fund; and providing for an effective
2 date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 47.07 is amended by adding a new section to read:

5 Sec. 47.07.200. ALASKA MEDICAID MALPRACTICE FUND. (a) The Alaska
6 Medicaid malpractice fund is established in the general fund. The purpose of the fund is to
7 satisfy malpractice judgments awarded to a person as a result of medical assistance received as
8 an eligible person under the Medicaid program established under this chapter. The fund consists
9 of legislative appropriations.

10 (b) The department may make payments from the fund to satisfy a final judgment entered
11 by a court of this state or by a federal court if the payment has been approved under the
12 provisions of (c) of this section and the payment is to an eligible person who has obtained a
13 medical malpractice judgment against a health care provider or a health facility. The department
14 may not pay more than \$1,000,000 to satisfy a malpractice judgment or pay more than

1 \$1,000,000 to an eligible person.

2 (c) The attorney general shall review claims made against the fund and may conduct any
3 investigation necessary to determine the basis of the claim. If the attorney general determines
4 the claim is a valid judgment of a court of this state or of a federal court entered in favor of an
5 eligible person and against a health care provider or a health care facility that provided Medicaid
6 benefits, the claim may be approved for payment.

7 (d) In this section,

8 (1) "eligible person" means a person described under AS 47.07.020 who receives
9 Medicaid benefits in this state provided under AS 47.07.030;

10 (2) "fund" means the Alaska Medicaid malpractice fund;

11 (3) "health care provider" has the meaning given in AS 21.88.900.

12 * Sec. 2. This Act takes effect July 1, 1991.