

SENATE BILL NO. 285

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR HALFORD

Introduced: 5/10/91
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil liability of a hospital for nonemployees; and providing for an
2 effective date."

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

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

5 Sec. 09.65.096. CIVIL LIABILITY OF HOSPITALS FOR NONEMPLOYEES. (a) A
6 hospital that is required to provide services by AS 18.20 or regulations implementing that
7 chapter, or that is subject to regulation with respect to the provision of services, is not, solely for
8 that reason, liable for civil damages as a result of an act or omission in administering those
9 services by a health care provider who is not an employee of the hospital.

10 (b) Compliance with the standards of a public or private licensing or accreditation agency
11 with respect to provision of services, or adoption by the hospital of bylaws or regulations
12 governing provision of services, may not be construed as an assumption of civil liability by the
13 hospital for the acts or omissions of a health care provider who is not an employee of the
14 hospital.

1 (c) A hospital is not, solely for reason that a health care provider was the actual,
2 apparent, or implied agent of the hospital, liable for civil damages caused by the acts or
3 omissions of a health care provider who is not the hospital's employee, if the hospital provides
4 notice that the health care provider is an independent contractor. The notice required by this
5 subsection shall be posted conspicuously in all admitting areas of the hospital, published at least
6 annually in a newspaper of general circulation in the area, and must be in substantially the
7 following form:

8 Notice of Limited Liability

9 The following health care providers are independent
10 contractors and are not employees of the hospital:

11 (List specific health care providers)

12 The hospital is responsible for exercising reasonable care in
13 granting staff privileges to practice in the hospital, for reviewing those
14 privileges on a regular basis, and for taking appropriate steps to revoke or
15 restrict privileges in appropriate circumstances. The hospital is not
16 otherwise liable for the acts or omissions of a health care provider who is
17 an independent contractor.

18 (d) This section does not preclude liability for civil damages that are the proximate result
19 of the hospital's own negligence or intentional misconduct.

20 (e) In this section,

21 (1) "health care provider" has the meaning given in AS 18.23.070, except that it
22 does not include a hospital or an employee of the hospital;

23 (2) "hospital" has the meaning given in AS 18.20.130 and includes a
24 governmentally owned or operated hospital.

25 * **Sec. 2. APPLICABILITY.** This Act applies to all causes of action accruing on or after the effective
26 date of this Act.

27 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).