

SENATE BILL NO. 462

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE BY REQUEST OF THE HEALTH RESOURCES AND ACCESS TASK FORCE

Introduced: 4/1/92
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil actions resulting from medical malpractice by a physician; and
2 providing for an effective date."

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

4 * **Section 1. PURPOSE.** It is the purpose of this Act to provide a limited period of time in which
5 to bring a lawsuit against a physician based on negligence and thereby encourage the practice of
6 medicine in this state.

7 * **Sec. 2.** AS 09.10 is amended by adding a new section to read:

8 **Sec. 09.10.065. LIMITATION ON ACTIONS INVOLVING A PHYSICIAN. (a)**
9 Notwithstanding AS 09.10.140 or AS 09.55.580, an action based on professional negligence may
10 not be brought against a physician by a person who is, on the date of the alleged negligent act
11 or omission

12 (1) 18 years of age or older, unless the action is brought within three years of the
13 date of injury or within one year of the accrual of the action, whichever occurs first;

14 (2) six years of age or older, but less than 18 years of age, unless the action is

1 brought within three years of the date of injury; or

2 (3) less than six years of age, unless the action is brought within three years of
3 the date of injury or before the person's eighth birthday, whichever period is longer.

4 (b) The limitation imposed under (a) of this section is tolled during any period in which
5 there exists

6 (1) fraud, including fraud or collusion by a parent, guardian, insurer, or physician,
7 resulting in the failure to bring on action on behalf of an injured minor;

8 (2) intentional concealment; or

9 (3) the undiscovered presence of a foreign body, that has no therapeutic or
10 diagnostic purpose or effect, in the body of the injured person and the action is based on the
11 presence of the foreign body.

12 (c) In this section,

13 (1) "physician" means a person licensed under AS 08.64;

14 (2) "professional negligence" means a negligent act or omission by a physician
15 in rendering professional services;

16 (3) "professional services" means services provided by a physician that are within
17 the scope of services for which the physician is licensed, and that are not prohibited under the
18 physician's license or by a hospital in which the physician practices.

19 * Sec. 3. APPLICABILITY. This Act applies to all causes of action for damages resulting from an
20 act or omission occurring on or after the effective date of this Act.

21 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).