

SENATE BILL NO. 463

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 the burden of proof in a civil action against certain physicians; 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 increase access to physicians practicing
5 obstetrics and reduce health care costs associated with the practice of obstetrics by reducing

- 6 (1) the threat of medical malpractice suits;
7 (2) the costs of medical malpractice premiums;
8 (3) the number of unnecessary or defensive tests; and
9 (4) the number of unnecessary medical procedures, including ultrasounds and cesarean

10 sections.

11 * **Sec. 2.** AS 09.17 is amended by adding a new section to read:

12 **Sec. 09.17.025. STANDARD OF PROOF IN OBSTETRICAL MALPRACTICE CASES.**

13 In an action for medical malpractice resulting from services provided by a physician practicing
14 obstetrics, judgment may not be entered against the physician and damages may not be awarded

1 unless liability and damages are proven by clear and convincing evidence.

2 * Sec. 3. This Act applies to a cause of action that accrues on or after the effective date of this Act.

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