

HB

436

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April 22, 1975

The Hon. Susan Sullivan
Chairman, Health, Education and
Social Services Committee
Pouch V
Juneau, Alaska 99811

Re: HB 436 - Medical Malpractice

Dear Representative Sullivan:

As a representative of the American Mutual Insurance Alliance, I am interested in all legislation dealing with the medical malpractice insurance issue. Please let me know when your committee will be holding hearings or work sessions on HB 436.

Very truly yours,

FAULKNER, BANFIELD, DOOGAN & HOLMES

By


Jan Van Dort

JVD/aw



ALASKA STATE

MEDICAL ASSOCIATION

1135 W. Eighth Avenue • Anchorage, Alaska 99501 • (907) 277-6891

May 8, 1975

Representative Mike Bradner
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99801

Re: Medical Malpractice Awards
HB 98

Dear Speaker Bradner:

Earlier in the session we asked for passage of HB 98, an Act limiting awards in medical malpractice suits to \$100,000. We understood then that there was little support for it aside from Mr. Fink.

We then offered with the help of Representative Hackney, a more elaborate remedy to the medical malpractice insurance crisis in HB 436, "an Act creating a Medical Injuries Compensation Board". HB 436 is a complex bill which needs much more study and reworking than there is probably time for in the remaining days of this session.

The crisis still persists, particularly in places such as Juneau and Kenai-Soldotna where medical practice is being severely distorted by the high cost or unavailability of insurance. We estimate that there are still about 50 physicians in Alaska practicing without insurance.

We ask that you consider passing HB 98 as an interim measure to avoid crisis such as presently occurring in California where large numbers of physicians are not working. Idaho and Indiana have passed measures this year limiting, among other things, liability of a doctor to \$100,000. Next year a more totally socially constructive measure such as HB 436 can be passed.

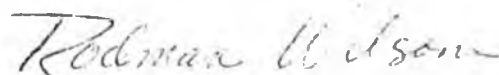
HB 98 is a simple bill, costs the state nothing, does not tamper with contingency fees, and, in our opinion, would cause insurers to re-enter the market since there would be a ceiling on awards. This is a matter which concerns insurance companies enormously in the present day atmosphere of million dollar suits.

Representative Bradner

Page 2

Thank you for your consideration.

Sincerely yours,

A handwritten signature in cursive script that reads "Rodman Wilson".

Rodman Wilson, M. D.
President

RW:m1m

cc. Representatives Ted Smith
Keith Specking
Terry Gardiner
Willard Bowman
Glenn Hackney
Charlie Parr
✓ Susan Sullivan
Mike Beirne
Helen Beirne



ALASKA STATE

MEDICAL ASSOCIATION

1135 W. Eighth Avenue • Anchorage, Alaska 99501 • (907) 277-6891

May 7, 1975

Representative Susan Sullivan
House of Representatives
State of Alaska
Juneau, AK 99801

Dear Representative Sullivan:

Thank you for being willing to hold hearings on HB 436 - "an Act creating a Medical Injuries Compensation Board". Such as it is late in the Legislative year and since other states are passing bills on medical malpractice which we might profitably copy and since we feel that HB 436 needs time for more study and revision, we have decided to ask that action on the bill be deferred until the second half of the United States Legislature in 1976. On the other hand, there continues to be a pressing problem concerning the high cost or unavailability of malpractice insurance. There is still 50 - 60 private practitioners in the state who are not covered by any insurance.

We again suggest to you that the Legislature pass HB 98, an Act relating to causes of action for medical malpractice as an inner measure. The principal feature of the bill is to limit awards in malpractice cases to \$100,000. This would immediately ease the situation in Alaska. Insurance companies, we feel, would be eager to return to the market with such a ceiling on awards. Perhaps in this way a crisis in Alaska such as currently occurring in California and many other states could be avoided.

After longer discussion and study of the problem here and nationally, we could turn our attention next year to HB 436 which in the long run might be of more totally equitable remedy.

The principle reason that we have not pushed hard on HB 98 is that we were given to understand that in March there is little support for it but perhaps in the waning days of the Legislature this could be passed.

Sincerely,

Rodman Wilson, M.D.
President

RW:ldh

cc carolyn Brown, M.D.



ALASKA STATE

MEDICAL ASSOCIATION

1135 W. Eighth Avenue • Anchorage, Alaska 99501 • (907) 277-6891

April 25, 1975

Representative Susan Sullivan
Chairman of the HESS Committee
House of Representatives
State of Alaska
Juneau, AK 99801

Dear Susan:

We have reviewed HB 436 which Representative Hackney has introduced. The Legislative Committee very much supports the concept of this bill and would like to assist you in any way possible to further serious discussion of this bill.

The two main areas where we feel the bill probably needs some further working are as follows:

1. Some type of grievance procedure ought to be available to the patient and physician before the claims come to the Medical Injuries Compensation Board. Possibly some language could be written into the bill which would provide that the claim must have been handled by a grievance committee of the local medical society or the state medical association prior to its presentation to the Medical Injuries Compensation Board.
2. Because claims of injury and/or death often deal with medical data and information, we feel that perhaps the Board should consist of two licensed physicians rather than one.

We certainly support the concept of this bill and are pleased to work with you in any way possible to move it along. Please let us know where we can help.

Sincerely,

Carolyn Brown, M.D.
Chairperson, Legislative Committee

cB:ldh