

SB

113 AM

COMMITTEE REPORT

4/30/75

HOUSE

JUDICIARY

Mr. Speaker:

Date 5/7/75

The Committee on HESS has had SB 113 am

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>Susan Sullivan</u>	_____	_____
<u>James Buckley</u>	_____	_____
<u>_____</u>	_____	_____
<u>_____</u>	_____	_____

Members NOT concurring in the Majority report:

<u>_____</u>	recommends: <u>3-Refer</u>
<u>_____</u>	recommends:
<u>_____</u>	recommends:
<u>_____</u>	recommends:
<u>_____</u>	recommends:

Susan Sullivan Chairman



JUNEAU ALASKA

Alaska State Legislature
House

SB 113 am

HESS COMMITTEE MEETING

May 7, 1975

Members Present:

Beirne Ostrosky
Davis Parr
Hackney Swanson
Osterback Sullivan

Chairman Sullivan called the meeting to order at 3:15pm.

HB 474 Sheri Gross representing Speaker Bradner
In favor of the bill.

Parr Move the bill be amended to add "common" in line 11 after the word "and".
Chairman Hearing no objection to the amendment, so ordered.

Swanson Move and ask unanimous consent for 'en pass' vote.
Chairman Hearing no objection, so ordered.

CSSB 35 am

There was a motion to replace the language of this bill with that of HB 20.
Hearing no objection, so ordered.

Swanson - Move out
Chairman No objection, so ordered.

SB 113 am

Dr. Dave Canterbury Testified in favor of the bill.
Senator Ziegler - Stated that this was a CSSB bill and also testified in favor.

Dr. Spence Testified in favor of the bill.

Beirne - Move and ask unanimous consent.
Chairman Hearing no objection, so ordered.

HJR 28

Hackney Move out of committee.
Chairman Hearing no objection, so ordered.

Adjourned/

MEMO May 2, 1975
FROM SENATOR ZIEGLER
TO REPRESENTATIVE SULLIVAN
RE SB 113

House HESS just received the captioned bill which was given a secondary referral to House Judiciary.

I am attaching copies of correspondence which may be helpful to you. It is a good bill, I feel, and one which is badly needed by hospitals, clinics, the medical profession and so on.

It is about the only piece of personal legislation I would like to see fly and, if there's anything you can do to move it along, I would be appreciative.

RHZ/pkz

enc. 

cc - Representative Gardiner

Ketchikan Medical Clinic

3612 TONGASS
KETCHIKAN, ALASKA 99901

J. W. Mortensen, M. D.
H. J. Henrickson, M. D.
D. E. Johnson, M. D.

Phone 225-3144
Phone 225-3145

March 25, 1975

Senator Robert H. Ziegler
Pouch V
Juneau, Alaska 99811

Dear Senator Ziegler:

I am writing to you in reference to Senate Bill No. 113, regarding the availability of hospital medical audit minutes to the courts.

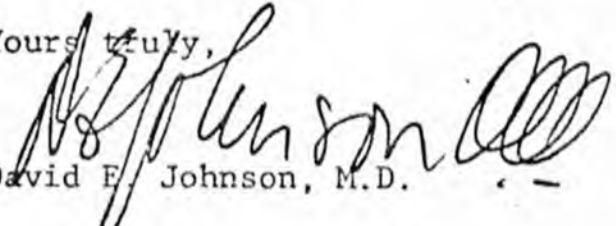
As a practicing physician and as a participant in the Professional Standards Review Organization for Alaska, I am very concerned that our work in reviewing medical care be done in the most frank and completely honest manner possible. It is only if this is true, that the audit will perform its function in assuring that each patient receives the best possible care.

If audit is not preserved separate and distinct from any external inquiry, physicians will be considerably less than forthright in their analyses, to protect themselves from litigation as well as to protect their colleagues. Audits, then, would simply be an elaborate charade.

Because I believe that auditing is important, I earnestly request that you report out this bill favorably from your committee and that you support it on the Senate floor.

Thank you for your assistance in this matter.

Yours truly,


David E. Johnson, M.D.

Senator Robert Zeigler
Page 1

DRS. WILSON AND WILSON, P.C.
ARTHUR N. WILSON, M.D.
JAMES A. WILSON, M.D., F.A.C.S.
ARTHUR N. WILSON, JR. M.D.
P O. BOX 319
KETCHIKAN, ALASKA 99901

Decisions on hospital bills are a part of the process in the hospital. The medical records are audited and to some extent, the practice of medicine is controlled with the use of these records. It is necessary for the hospital to have a system of records which will work most effectively.

March 12, 1975

Senator Robert Zeigler
Pouch V
Juneau, Alaska 99811

Dear Senator Zeigler:

I am writing this letter to express the views of myself and Dr. Arthur Wilson, Jr. with respect to Senate Bill 113. Dr. James Wilson is out of town. He has supported action of the kind outlined for several years during the times that he has been Chief of Staff, on the Executive Board of the Ketchikan General Hospital and an officer in the state Medical Society.

I would say that all of the doctors who are on executive boards of the hospitals in Alaska, or who serve on the various Review Committees want this bill. I have personally spoken to the presidents of the state Medical Society during the last three years--they have told me that attempts have been made to introduce such a bill and have been met with the objection that members of other boards do not get this kind of immunity.

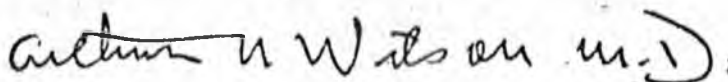
The most recent review board known as the Professional Service Review Organization is being implemented this year. We think there are features of this bill which are unworkable and restrictive, nevertheless it is law and hence must be complied with. Part of the duties of doctors who are on this board will be to look over patients records to determine whether they are getting adequate treatment, whether it is being done on time, whether hospitalizations are unduly prolonged. Any records that show a physician's judgment is faulty, that his treatment is below par, is reported to the Review Board. I think it is obvious that the PSRO member would not want records of their meetings, discussions on cases at hospital staff meetings, available for perusal "in an action brought by a person whose activities have been or are being scrutinized or reviewed by a review organization" to quote the second section of the bill.

(Physicians on hospital staffs owe a duty to the patients in the hospital, to the medical profession and the public to see that the practice of medicine is conducted with the utmost skill possible. Physicians who do slip shod work must be corrected. In many instances this can be done quietly, but when it becomes necessary to refuse further hospital privileges to a staff member because of incompetence, the board member who is trying to set high medical standards should be immune from suits.) We want these records confidential and not subject to subpoena or discovery as set forth in Section 18-23-030.)

42 U.S.C., section 1320c-1 which mentions disciplinary actions by state licensing boards should also have immunity. At the present time they do not have this.

The above are our ideas of what we want, why we want it. We need it because we don't have it. On reading the bill I have not found any objectionable features.

Very truly yours,



Arthur N. Wilson, Sr., M.D.

ANW:kf

CC: Robin Taylor, Attorney
Sister Ellen Caldwell
Rodman Wilson, M.D.



JUNEAU ALASKA

SB 113

Alaska State Legislature
House

Pouch V
Juneau, Alaska 99801
May 29, 1975

Arthur N. Wilson, Sr., M.D.
P.O. Box 319
Ketchikan, Alaska 99901

Dear Dr. Wilson:

Thank you for your letter expressing your support, and the support of Dr. Arthur Wilson, Jr. and Dr. James Wilson for Senate Bill 113.

This bill has passed the Senate and moved rapidly through the House committees. Presently in the Rules Committee, it may come to the House any day now. Our committee took the bill up on May 7, passing it out with a "do pass" recommendation.

I share with you the conviction that Review Board members should be immune from suits, and their records, confidential. I will do whatever possible to ensure the passage of this bill.

Thanks again for writing as the opinions of professionals dealing with health care are particularly useful in assessing such issues.

Yours truly,

Susan Sullivan
Susan Sullivan, Chairwoman
House HESS Committee

SS:la

SB 113

DRS. WILSON AND WILSON, P.C.
ARTHUR N. WILSON, M.D.
JAMES A. WILSON, M.D., F.A.C.S.
ARTHUR N. WILSON, JR., M.D.
P.O. BOX 319
KETCHIKAN, ALASKA 99901

May 5, 1975

Representative Susan Sullivan
House Health Education and Social Services Committee
House of Representatives
Juneau, Alaska 99811

Dear Representative Sullivan:

I am writing this letter to express the views of myself, Dr. Arthur Wilson, Jr. and Dr. James Wilson with respect to Senate Bill 113. Dr. James Wilson has supported action of the kind outlined for several years during the times that he has been Chief of Staff, on the Executive Board of the Ketchikan General Hospital and an officer in the state Medical Society.

I would say that all of the doctors who are on executive boards of the hospitals in Alaska, or who serve on the various Review Committees, want this bill. I have personally spoken to the presidents of the state Medical Society during the last three years--they have told me that attempts have been made to introduce such a bill and have been met with the objection that members of other boards do not get this kind of immunity.

The most recent review board known as the Professional Service Review Organization is being implemented this year. We think there are features of this bill which are unworkable and restrictive, nevertheless it is law and hence must be complied with. Part of the duties of doctors who are on this board will be to look over patients records to determine whether they are getting adequate treatment, whether it is being done on time, whether hospitalizations are unduly prolonged. Any records that show a physician's judgment is faulty, that his treatment is below par, is reported to the Review Board. I think it is obvious that the PSRO member would not want records of their meetings, discussions on cases at hospital staff meetings, available for perusal "in an action brought by a person whose activities have been or are being scrutinized or reviewed by a review organization" to quote the second section of the bill.

Representative Susan Sullivan
May 5, 1975
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Physicians on hospital staffs owe a duty to the patients in the hospital, to the medical profession and the public to see that the practice of medicine is conducted with the utmost skill possible. Physicians who do slip shod work must be corrected. In many instances this can be done quietly, but when it becomes necessary to refuse further hospital privileges to a staff member because of incompetence, the board member who is trying to set high medical standards should be immune from suits. We want these records confidential and not subject to subpoena or discovery as set forth in Section 18-23-030.

42 U.S.C., Section 1320c-1 which mentions disciplinary actions by state licensing boards should also have immunity. At the present time they do not have this.

The above are our ideas of what we want, why we want it. We need it because we don't have it. On reading the bill I have not found any objectionable features.

Very truly yours,

Arthur N. Wilson Sr. M.D.

Arthur N. Wilson, Sr., M.D.

ANW:kf

CC: George Holman, Senate HESS Committee
Terry Gardiner, House Judiciary Committee



JUNEAU ALASKA

Alaska State Legislature
House

Pouch V
Juneau, Alaska 99801
May 30, 1975

Sister Ellen Caldwell
Administrator
Ketchikan General Hospital
3100 Tongass Avenue
Ketchikan, Alaska 99901

Dear Sister Ellen:

Thank you for your letter presenting reasons to support Senate Bill 113.

This bill has passed the Senate and moved rapidly through the House committees. Presently in the Rules Committee, it may come to the House any day now. Our committee took the bill up on May 7, passing it out with a "do pass" recommendation.

I share with you the conviction that Review Board members should be immune from suits, and their records, confidential. I will do whatever possible to ensure the passage of this bill.

Thanks again for the writing as the opinions of those dealing directly with health care are particularly useful in assessing such issues.

Yours truly,

A handwritten signature in cursive script that reads "Susan Sullivan".

Susan Sullivan, Chairwoman
House HESS Committee

SS:la



Ketchikan General Hospital

3100 TONGASS AVE.

Ketchikan, Alaska 99901

May 5, 1975

Representative Susan Sullivan
Chairman House Health Education & Social Services
Pouch V
Juneau, Alaska 99811

Re: Senate Bill #113

Dear Representative Sullivan:

I understand Senate Bill #113 is being referred to the HESS Committee and I want to strongly urge you to support the Bill.

In the interest of high quality care and cost containment, Medicare/Medicaid and the Joint Commission on Accreditation of Hospitals mandate that a program of on-going self-evaluation and peer review be carried out in hospitals.

The hospital medical and professional staff is organized to monitor the care given patients and does this through various committees, utilization review, medical audit, medical records, infection control, etc. Each committee is responsible for a separate component of quality of care.

For this medical care evaluation process to be effective, the staff must look at its own medical performance objectively, rationally, and nonthreateningly with a means to make changes where changes are needed. It must measure the performance of peers against norms of care and medical criteria which the staff itself has set up. Unless the staff is assured of some degree of confidentiality and of immunity from having the records of these review processes subpoenaed, it cannot and will not have free, open and uninhibited discussions. Therefore, it is the concern of the Governing Board, Administration and Medical Staff of this hospital that we obtain this immunity.

Thank you very much for your efforts in obtaining the passage of this bill, Senate Bill #113.

Sincerely,

Sister Ellen Caldwell
Administrator

SEC:ls