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239

# HOUSE COMMITTEE REPORT

(7)

Date Referred: April 18, 1989

FURTHER REFERRALS:

Date of Committee Action: 4/26/89

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: SB 239

SENATE BILL NO. 239 [HEALTH CARE REVIEW COMMITTEES]  
"An Act relating to health care review committees established by the state;  
and providing for an effective date."

RECOMMENDATIONS:  
[ ] be replaced with HCS SB 239 (HESS) [  ] the same title  
[ ] have attached amendment(s) [ ] a new title

- do pass
- [ ] do not pass
- [ ] no recommendation
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept) APPROVES PREVIOUS: \_\_\_\_\_ (Date/Dept)

- [ ] fiscal impact \_\_\_\_\_ [ ] fiscal note(s) \_\_\_\_\_
- [ ] zero fiscal note \_\_\_\_\_ [  ] zero fiscal note(s) 3/23/89 DHSS
- [ ] zero with analysis \_\_\_\_\_ [ ] zero fn/analysis \_\_\_\_\_

SIGNING DO PASS:  
J. Ellis  
Agnes Davis  
Steve Sakota  
Mark Boyer

SIGNING:  
(Check approp. column)

|  | Do Not Pass | No Rec | Amend |
|--|-------------|--------|-------|
|  |             |        |       |
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J. Ellis  
Chairman's Signature

PROPOSED BY DEPARTMENT OF HEALTH AND SOCIAL SERVICES APRIL 25,  
1989

Proposed Amendment, SB 239:

Page 2, Line 28:

After "committee" add the following...."whose membership is  
composed of at least 75 percent health care providers".....

#2  
PROPOSED BY DEPARTMENT OF HEALTH AND SOCIAL SERVICES APRIL 25,  
1989

Proposed Amendment, SB 239:

Page 2, Line 29:

After "services" add the following..."and approved by the  
State Medical Board"....



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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 23, 1989

The Honorable Tim Kelly  
President of the Senate  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that expands the definition of "review organization" in AS 18.23.070(5) to include committees established by the Department of Health and Social Services to review certain public health issues.

AS 18.23 provides various protections for review organizations set up to evaluate and improve health care. First, it facilitates access to information needed for reviews by limiting liability for persons providing information to the review organization. Second, it encourages participation in the review organization by limiting the liability of individual members in performing their duties in the review organization. Third, by strictly limiting disclosure of records and proceedings, it encourages the review organizations to deliberate fully and form conclusions.

AS 18.23.070(5) defines "review organization" as (1) one set up by a hospital, clinic, medical association, or other privately formed health-care-related organization, or (2) the State Medical Board. Thus, even though a major role of the Department of Health and Social Services is setting standards and conducting reviews of medical and health practices, a review committee established by the department cannot benefit from the protections in AS 18.23.

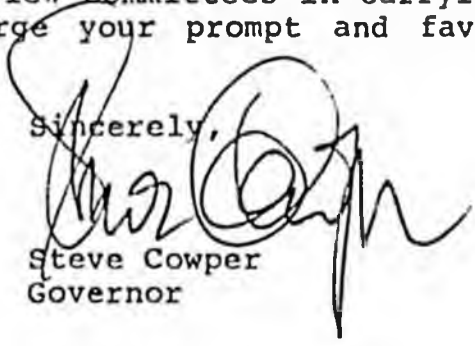
There are now three review committees established by the commissioner of health and social services that would benefit from the proposed amendment. The Maternal and Infant Mortality Review Committee (MIMR) is addressing Alaska's infant mortality rate. Alaska's rate of 5.9 infant deaths per 1,000 live births is far above the national average of 3.7 per 1,000 live births. The department's objective for the review committee is to identify the causes of infant

mortality and issue recommendations to providers and the department which will help reduce Alaska's infant mortality rate. The Sudden Infant Death Syndrome (SIDS) Review Committee will work with the MIMR and address the high proportion of infant deaths that are diagnosed as SIDS. The Trauma Review Committee will address the quality of trauma treatment and prevention programs in the state.

Because these committees are not currently covered by AS 18.23, their proceedings might be discoverable in legal actions. The candid deliberation and conclusions by members of these committees are hampered by the possibility that individual members would be subpoenaed to testify regarding those conclusions in legal actions such as malpractice cases.

In order to assist these review committees in carrying out their important goals, I urge your prompt and favorable action on this bill.

Sincerely,

  
Steve Cowper  
Governor

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: An Act relating to health care review committees established by state  
 Sponsor: Rules  
 Requestor: \_\_\_\_\_

Agency Affected: Health & Social Services  
 BRU: Statewide Health Services  
 Components: Public Health Admin.

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

| OPERATING         | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES |       |       |       |       |       |       |
| TRAVEL            |       |       |       |       |       |       |
| CONTRACTUAL       |       |       |       |       |       |       |
| SUPPLIES          |       |       |       |       |       |       |
| EQUIPMENT         |       |       |       |       |       |       |
| LAND & STRUCTURES |       |       |       |       |       |       |
| GRANTS, CLAIMS    |       |       |       |       |       |       |
| MISCELLANEOUS     |       |       |       |       |       |       |
| TOTAL OPERATING   | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |

|         |     |     |     |     |     |     |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

|         |     |     |     |     |     |     |
|---------|-----|-----|-----|-----|-----|-----|
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

**FUNDING:** (Thousands of Dollars)

|               |     |     |     |     |     |     |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND  |     |     |     |     |     |     |
| FEDERAL FUNDS |     |     |     |     |     |     |
| OTHER         |     |     |     |     |     |     |
| TOTAL         | -0- | -0- | -0- | -0- | -0- | -0- |

**POSITIONS:**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Elizabeth Ward, Director *Elizabeth Ward* Phone: 465-3090  
 Division: Public Health Date: \_\_\_\_\_

Approved by Commissioner: Myra H. Munson *Myra H. Munson* Date: 3/13/89  
 Agency: Department of Health and Social Services

**Distribution (by preparer):**

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