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## 1992 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Commerce & Economic Development  
 Title: An Act relating to the Board of Medicine: BRU: Occupational Licensing  
persons licensed by the Board of Medicine:... Component: Administration  
 Sponsor: Reps. B. Davis, Bruckman  
 Requestor: Senate Labor & Commerce COMPONENT SERIAL NO. 

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## Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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## FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

## POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year impact: None

## ANALYSIS: (Attach a separate page if necessary)

The bill make amendments to the medical licensing statutes regarding limited liability coverage and duties of the board to establish an impaired professionals program that will include mentally ill or cognitively impaired medical professionals. New funds are not required to implement the changes made in the bill.

Prepared By: Jennifer Strickler Phone: 465-2144  
 Division: Occupational Licensing Date: 05/05/92  
 Approved by Commissioner: Glenn A. Olds  
 Agency: Department of Commerce & Economic Development Date: 5.6.92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted

# ALASKA STATE LEGISLATURE

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VICE CHAIR  
HEALTH, EDUCATION  
& SOCIAL SERVICES

COMMUNITY AND  
REGIONAL AFFAIRS  
INTERNATIONAL TRADE  
AND TOURISM

CHAIR  
CHILDREN'S CAUCUS

**REPRESENTATIVE BETTYE DAVIS**

DISTRICT 14 SEAT B • EAST ANCHORAGE • MULDOON

## S P O N S O R   S T A T E M E N T

I appreciate the committee members hearing CSHB 514 (Judiciary).

CSHB 514 (Judiciary) strengthens the State Board of Medicine and medical practitioner program by requiring investigation of physicians who are mentally ill or cognitively impaired.

Section 1 of CSHB 514 immunizes anyone making a good faith report about a medical practitioner licensed under AS 08.64. This provision only applies to persons making reports about medical practitioners licensed under AS 08.64 and does not relate to other licensed professionals under AS 08.

This legislation fills an important gap, and, if enacted, will allow the State Medical Board to more effectively police their own and keep unfit practitioners from jeopardizing the health of Alaskans.

I would appreciate your support for CSHB 514.

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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FAX (907) 465-2029  
Mail Stop 3101


240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

### MEMORANDUM

May 1, 1992

**SUBJECT:** Conflicts between CSHB 514(JUD) and HCS  
CSSSSB 323(L&C)

**TO:** Senator Arliss Sturgulewski  
Attn: Mary Arthur


**FROM:** David R. Dierdorff   
Revisor of Statutes

You have asked for my comments on the consequences if both HB 514 and SB 323 passed the legislature and were signed into law in their present form. Each bill amends AS 08.02.020 by adding a new paragraph (3). The paragraphs are almost identical, except that in HB 514 the provision is limited to persons licensed under AS 08.64, while SB 323 covers a number of professions, including those licensed under AS 08.64, and does not mention mental illness or cognitive impairment.

As revisor, I try to recognize each act of the legislature to the fullest extent. Consequently, should both bills pass, I would have three options. First, I could renumber one of the two paragraphs as (4), which would result in two adjacent and somewhat redundant provisions. Second, I could relocate the paragraph enacted in HB 514 to AS 08.64, as a new provision (with appropriate editorial changes), which would have the same consequence but at least the provisions wouldn't be side by side. Third, I could treat SB 323 as the principal enactment and incorporate the substance of HB 514 in (3) when we publish AS 08.02.020(3).

I am not really happy with any of the consequences. The first two lead to confusion. The third does not pick up all the substance of HB 514 (its provisions apply to any report involving a physician, not just those relating to substance abuse, etc.).

Given the fact that the provisions could be an issue in future litigation, rather than rely on my editorial powers it would be wiser to solve the problem while the bills are before the legislature. I suggest that CSHB 514(JUD) be amended by deleting bill section 1 and adding a new bill section that would read:



Senator Arliss Sturgulewski

May 1, 1992

Page 2

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\* Sec. 2. AS 08.64 is amended by adding a new section to read:

Sec. 08.64.362. LIMITATION OF LIABILITY. An action may not be brought against a person for damages resulting from a report made in good faith to a public agency by the person or participation by the person in an investigation by a public agency or an administrative or judicial proceeding relating to the report, if the report relates to a person licensed under this chapter.

This provision would still be redundant to some extent, but at least it would be preferable to any other option.

If I can be of further assistance, please advise.

DRD:gc:pl  
92-337.glc

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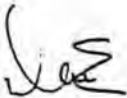
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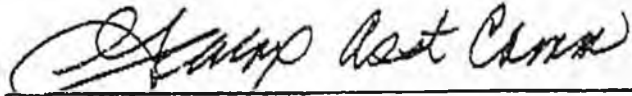
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CSHB 514: "Impaired Medical Practitioner Program"

This bill extends protection from a lawsuit being brought against a contractor or their agent for reporting or participating in administrative or judicial proceedings.

It also adds mentally ill or cognitively impaired practitioners to the list of practitioners who may be identified, confronted, evaluated, and treated under the impaired medical practitioner program.

The department does not object to these changes and, thus, does not oppose this bill.



Glenn A. Olds, Commissioner

Date: \_\_\_\_\_

5.4.91



# ALASKA STATE MEDICAL ASSOCIATION

4107 Laurel Street • Anchorage, Alaska 99508-5334 • (907) 562-2862

April 23, 1992

TO:            Judiciary Committee  
                Alaska House of Representatives

FM:            Alaska State Medical Association ~~ASMA~~

SUBJ:         House Bill 514

The Alaska State Medical Association (ASMA) strongly supports the passage of House Bill 514.

This bill would fill a gap in the duties of the State Medical Board. The bill requires that the medical board investigate physicians who are mentally ill or cognitively impaired. The State Board and the ASMA Impaired Physician Committee have become increasingly effective in dealing and/or disciplining physicians who abuse alcohol and other drugs. Indeed, the current program has become a model for others.

Currently, there exists a gap in the law concerning intervention in less than clear cut cases of mental illness or cognitive impairment, such as early Alzheimer's disease or mental impairment due to drugs even though drug abuse cannot be proven in a court of law. You cannot separate substance abuse and emotional and mental illness. All impairments are identified with a behavioral problem. Only until you identify the problem can you truly assess what the impairment might be.

This bill would make it easier to report impaired physicians and would give clear authority and liability protection for those committee's with contractual agreements.

We have provided the leadership on this issue over the past five years and have a good record in policing our own.

In the interest of public health for all Alaskans, we encourage your support in speedy passage of this bill.