

328

SC

SB

326



ALASKA STATE MEDICAL ASSOCIATION

1135 W. Eighth Avenue • Suite 6 • Anchorage, Alaska 99501 • (907) 277-6391



March 20, 1978

Mr. Terry Gardiner, Chairman
House of Judiciary Committee
Alaska State Legislature
Juneau, Alaska 99801

Dear Representative Gardiner:

At this time, as President of the Alaska State Medical Association, I request your help in the rapid resolution of the ongoing medical malpractice problem by speedy deliberation and passage of HCS for CS SB 326.

At the House of Delegates meeting, which was held at Alyeska on March 10 - 12, 1978, the members there were unanimous in their support for passage of this bill. There was representation from Juneau, Ketchikan, Soldotna, Kenai, Homer, Anchorage, Fairbanks, and the members-at-large as well. The only society which was not represented at our meeting was the society in Sitka. The doctors in Sitka report that four (4) are not in favor repeal of mandatory and exclusive parts of the bill and one (1) is. As far as I know, with careful investigation carried out in the last nine months, these are the only physicians in the State of Alaska who have a strong feeling that leans toward retention of the present law without change. It seems apparent that well over 360 of the 375 practicing physicians in the State of Alaska are in favor of repeal of the mandatory and exclusive parts of the previous malpractice bill.

Again, I would urge you to encourage your colleagues in helping in improving the quality of medicine as it is practiced in the State of Alaska by having the mandatory and exclusive parts of the medical malpractice bill repealed.

Sincerely yours,

David D. Beal, M.D.
President



ALASKA STATE HOSPITAL ASSOCIATION, INC.

5531 ARCTIC BLVD, SUITE 1
PHONE 277-1633

ANCHORAGE, ALASKA 99502

February 14, 1978

Joseph H. McKinnon, Chairman
Commerce Committee
House of Representatives
Alaska State Legislature
Pouch V
Juneau, Alaska 99801

Dear Representative McKinnon,

Several bills having to do with medical malpractice, as relates to our MICA regulations, are in your committee as amendments to MICA. These are HB 123 HB 280, HB 292, HB 309, HB 310 and HB 311. Plus SB 326 which is a companion to HB 484 which is now in Judiciary.

We are not going to attempt to pick out the bits and pieces of these various bills, or cut and paste to come up with what we think such a bill should look like. Rather, we would like to submit to you the three main issues we want to see addressed and let your committee and the Legislature do it up in a manner they see fit. Those three main issues are:

Elimination of the mandatory and exclusive provision of the law

A two-year statute of limitations where no claim can be brought against a provider unless the claim is filed within two years from the date of the alleged act (except in the case of a minor).

A 90-day period of notification where no action based on a provider's alleged negligence may be commenced unless the defendant has been given at least 90 days' notice of the intention to commence action.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Marion".

Marion K Lampman
Executive Director

mk1



529 6TH AVENUE
FAIRBANKS, ALASKA 99701

Fairbanks
MEDICAL ASSOCIATION



March 1, 1978

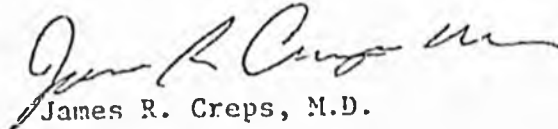
Representative Terry Gardner
Chamber House Judicial Committee
Pouch 5
Juneau, Ak 99801

Dear Representative Gardner:

This letter is to state that the Fairbanks Medical Association agrees with Senate Bill #326, which allows freedom of choice regarding malpractice insurance.

We would like to go on record as agreeing with the Senate on Bill #326. Thank you.

Sincerely yours,


James R. Creps, M.D.
President

JRC:emc



529 6TH AVENUE
FAIRBANKS, ALASKA 99701

Fairbanks
MEDICAL ASSOCIATION



March 1, 1978

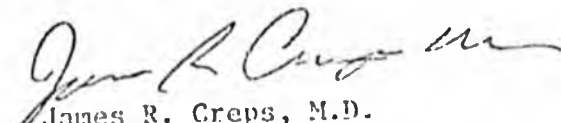
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Sincerely yours,


James R. Creps, M.D.
President

JRC:emc

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February 20, 1978

The Honorable Terry Gardiner
The House of Representatives
P.O. Box 1092
Ketchikan, AK 99901

Dear Mr. Gardiner:

The Kenai Peninsula Medical Society supports the House substitute for Senate Bill No. 325, A Bill for an Act entitled "An Act Relating to Medical Malpractice Insurance Coverage and Providing for an Effective Date."

As we understand it, this removes the onerous mandatory and exclusive clauses previously imposed by Ch 102 SLA 1976 and also allows means for the Medical Indemnity Corporation of Alaska to function as an insurer in the future.

Again, we support this Bill.

Thank you.

Sincerely,

ALEX B. RUSSELL, M.D.
President
Kenai Peninsula Medical Society

ABR/ns
cc: Dr. David Deal



ALASKA STATE MEDICAL ASSOCIATION

1135 W. Eighth Avenue • Suite 6 • Anchorage, Alaska 99501 • (907) 277-6891



March 20, 1978

Mr. Terry Gardiner, Chairman
House of Judiciary Committee
Alaska State Legislature
Juneau, Alaska 99801

Dear Representative Gardiner:

At this time, as President of the Alaska State Medical Association, I request your help in the rapid resolution of the ongoing medical malpractice problem by speedy deliberation and passage of HCS for CS SB 326.

At the House of Delegates meeting, which was held at Alyeska on March 10 - 12, 1978, the members there were unanimous in their support for passage of this bill. There was representation from Juneau, Ketchikan, Soldotna, Kenai, Homer, Anchorage, Fairbanks, and the members-at-large as well. The only society which was not represented at our meeting was the society in Sitka. The doctors in Sitka report that four (4) are not in favor repeal of mandatory and exclusive parts of the bill and one (1) is. As far as I know, with careful investigation carried out in the last nine months, these are the only physicians in the State of Alaska who have a strong feeling that leans toward retention of the present law without change. It seems apparent that well over 360 of the 375 practicing physicians in the State of Alaska are in favor of repeal of the mandatory and exclusive parts of the previous malpractice bill.

Again, I would urge you to encourage your colleagues in helping in improving the quality of medicine as it is practiced in the State of Alaska by having the mandatory and exclusive parts of the medical malpractice bill repealed.

Sincerely yours,

David D. Beal, M.D.
President

DDB:ldh

Gary R. Hedges, M.D.

P. O. BOX 609

JUNEAU, ALASKA 99801

586-6030

March 21, 1978

Terry Gardiner, Chairman Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Gardiner:

We the members of the Juneau Medical Society have received a plea to support HCS for CS for SB326 in the broad concept that it provides for the repeal of manditory and exclusive MICA malpractice insurance as a condition of medical licensure in Alaska, permits the perpetuation of MICA as a voluntary source of malpractice insurance and allows the entry of ~~the~~ continuation of the alternate source of malpractice insurance within the state.

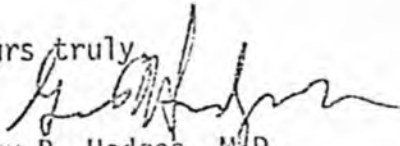
Following numerous informal discussions and discussion of the problem at our Medical Society Meeting on 3-7-78, the above would appear not to accurately reflect the feelings of the Juneau Medical Society.

The section regarding notice to a health care provider is an interesting innovation and it was felt by all to be a positive step forward and quite possibly in many instances get parties to begin communicating rather than suing.

In summary, the feelings of the Juneau Medical Society in regard to this bill, except for the final section just mentioned are relatively neutral. If the Legislature of the State of Alaska in its wisdom feels that passage of this bill will permit the perpetuation of MICA and allow the entry of alternate sources of malpractice insurance within the state, it should be passed. However, we feel that the burden of these things occurring are then on the Legislature. It would appear to the Juneau Medical Society that the main advantages of this bill are financial. 1. It would save the Alaska Court System the difficulty of deciding the constitutionality of the present MICA bill. 2. It would save the medical practitioners the expense of pursuing the suit regarding its constitutionality. 3. It would obviate the need for numerous practitioners to pay back insurance premiums for approaching two years. The other major accomplishment of this bill is to further diminish the desirability of MICA insurance by making it a claims made policy, without a change in the statute of limitations to make a claims made policy adequate coverage.

It is our opinion that this bill in itself does nothing to make the Alaska malpractice insurance market more viable, more equitable or available. If, in its wisdom, the Alaska State Legislature passes this bill and also, in its wisdom, creates other tort reforms other than the notice to health care providers and indeed causes the malpractice insurance market in Alaska to be equitable, available, and viable the members of the Juneau Medical Society will be forever grateful.

Yours truly,


Gary R. Hedges, M.D.

ANCHORAGE MEDICAL SOCIETY
1135 W. 8TH AVE., SUITE 6
ANCHORAGE, ALASKA 99501
907-277-6931

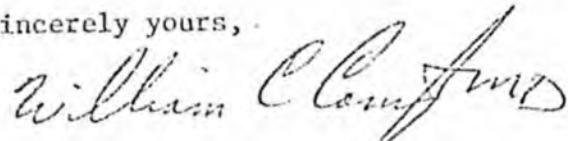
March 3, 1978

Terry Gardiner, Chairman
Judiciary Committee
Alaska State Legislature
Juneau, Alaska 99801

Dear Representative Gardiner:

The Anchorage Medical Society supports HCS for CS SB 326 in the broad concept that it provides for the repeal of mandatory and exclusive MICA malpractice insurance as a condition of medical licensure in Alaska, permits the perpetuation of MICA as a voluntary source of malpractice insurance, and allows the entry and continuation of alternate sources of malpractice insurance within the state.

Sincerely yours,



William C. Compton, M.D.
President

WCC:mlm

cc. Jeff Landry, Lobbyist

URGENT - RETURN IMMEDIATELY IN ENVELOPE PROVIDED

February 27, 1978

Terry Gardiner, Chairman
Judiciary Committee
Alaska State Legislature
Juneau, Alaska

Dear Representative Gardiner:

I, the undersigned member of the ANCHORAGE MEDICAL SOCIETY support HCS for CS SB 326 in the broad concept that it provides for the repeal of mandatory and exclusive MICA malpractice insurance as a condition of medical licensure in Alaska, permits the perpetuation of MICA as a voluntary source of malpractice insurance, and allows the entry and continuation of alternate sources of malpractice insurance within the state.

MICHAEL NEWMAN, MD
(print name)

Michael Newman, MD
(signature)

URGENT - RETURN IMMEDIATELY IN ENVELOPE PROVIDED

February 27, 1978

Terry Gardiner, Chairman
Judiciary Committee
Alaska State Legislature
Juneau, Alaska

Dear Representative Gardiner:

I, the undersigned member of the ANCHORAGE MEDICAL SOCIETY support HGS for CS SB 326 in the broad concept that it provides for the repeal of mandatory and exclusive MICA malpractice insurance as a condition of medical licensure in Alaska, permits the perpetuation of MICA as a voluntary source of malpractice insurance, and allows the entry and continuation of alternate sources of malpractice insurance within the state.

David D. Seal David D. Seal
(print name) (signature)

MICA Medical Indemnity
Corporation of Alaska

1200 AIRPORT HEIGHTS ROAD • SUITE 510
ANCHORAGE, ALASKA 99504
TELEPHONE 907 274-9232

March 3, 1978

Mr. Terry Gardiner, Chairman
Alaska House of Representatives
Judiciary Committee
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Representative Gardiner:

In the past two months, the M.I.C.A. legislative committee has met several times to discuss the proposed changes concerning the Medical Malpractice Act. It was the general consensus of the members that the suggested changes would not only be acceptable but might obviate many of the objections emanating from the physicians who resisted active participation in the program. Since MICA is currently writing indemnity policies for less than forty percent (40%) of the physician population, eighty percent (80%) of whom are the low premium policy holders, it would seem that modifications in the current act would be appropriate.

The most objectionable feature concerning the physicians of the current act involves the mandatory and exclusive provisions. Since the mandatory condition was legislated with the intent to prevent "adverse selection" which would effect appropriate underwriting and since the exact opposite has occurred (the "low risks" have joined and the "high risks" have not), then it would seem that the mandatory clause is purposeless while creating most of the physicians objections. Obviously there would be no reason for these current low risk (low premium) policy holders to abandon this program if it were made voluntary. The latter change might logically encourage greater participation from the non-participating physicians.

At a recent MICA board meeting it was the unanimous opinion that the proposed legislative changes were acceptable. There were also several other salient changes which the MICA board would endorse.

We would have to see a clearer and consistent definition of health care providers throughout the statute. Many problems have arisen classifying clinic members, corporate employees, hospital personnel etc.

Medical Indemnity Corporation of Alaska

Although Section 21,88.030 (f) limits liability against MICA governors, officers and employeess, insolvency might create a problem wherein we might find ourselves as defendents in a law suit which could result in a substantial cost. If this is known then it might restrict recruitment of talented people to administer the program.

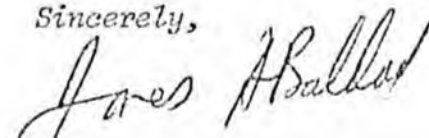
The language in Section 21,88.050 (1) and (7) seems to obligate MICA to write insurance for any physician or hospital on request. We would much rather be allowed to have some underwriting discretion which might be accomplished by eliminating the legal directive "shall" and substituting "may".

Also Section 21,88.090 which may limit our right to cancel a policy solely due to non payment seems too restrictive. Again, we feel that there should be more underwriting discretion allowed which could be judiciously administered.

Section 21,88.055, regarding the decision affecting termination of the corporation, would be more acceptable to us if the MICA board were given some authority in arriving at this decision.

In conclusion the MICA Board members strongly support the proposed legislative changes but would also appreciate legislative consideration regarding the above mentioned issues.

Sincerely,



James A. Baldauf, M. D.
Chairman, Legislative Committee

JAB/jb

CC: Board of Governors
Administrator

Mr. Art Weatherford
Mr. One Arvidson

Division of Ins.
Marilyn Van Vleit