

**CS FOR HOUSE BILL NO. 314(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 3/23/10**

**Referred: Rules**

**Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to fees and charges for medical treatment or services, civil damages,**  
2 **and penalties as they relate to workers' compensation; and providing for an effective**  
3 **date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1.** AS 23.30.097(a) is amended to read:

6 (a) All fees and other charges for medical treatment or service are subject to  
7 regulation by the board consistent with this section. A fee or other charge for medical  
8 treatment or service may not exceed the lowest of

9 (1) the usual, customary, and reasonable fees for the treatment or  
10 service in the community in which it is rendered, for treatment or service

11 (A) provided before August 1, 2007, not to exceed the fees in  
12 the board's fee schedule dated December 1, 2004;

13 (B) provided on or after August 1, 2007, but before March 31,  
14 2009, not to exceed the fees otherwise applicable in (A) of this paragraph

1 adjusted by the percentage change from 2004 to 2006 in the medical care  
 2 component of the Consumer Price Index for all urban consumers compiled by  
 3 the United States Department of Labor, Bureau of Labor Statistics;

4 (C) provided on or after March 31, 2009, but before  
 5 December 31, 2010, not to exceed the fees otherwise applicable in (A) of this  
 6 paragraph adjusted by the percentage change from 2004 to 2008 in the medical  
 7 care component of the Consumer Price Index for all urban consumers compiled  
 8 by the United States Department of Labor, Bureau of Labor Statistics;

9 **(D) provided on or after December 31, 2010, not to exceed**  
 10 **the fees or other charges as specified in a fee schedule established by the**  
 11 **board and adopted by reference in regulation; the fee schedule must be**  
 12 **based on statistically credible data, including charges for the most recent**  
 13 **category I, II, and III medical services maintained by the American**  
 14 **Medical Association and the Health Care Procedure Coding System for**  
 15 **medical supplies, injections, emergency transportation, and other**  
 16 **medically related services, and must result in a schedule that**

17 **(i) reflects the cost in the geographical area where**  
 18 **services are provided; and**

19 **(ii) is at the 90th percentile;**

20 (2) the fee or charge for the treatment or service when provided to the  
 21 general public; or

22 (3) the fee or charge for the treatment or service negotiated by the  
 23 provider and the employer under (c) of this section.

24 \* **Sec. 2.** AS 23.30.250(a) is amended to read:

25 (a) A person who (1) knowingly makes a false or misleading statement,  
 26 representation, or submission related to a benefit under this chapter; (2) knowingly  
 27 assists, abets, solicits, or conspires in making a false or misleading submission  
 28 affecting the payment, coverage, or other benefit under this chapter; (3) knowingly  
 29 misclassifies employees or engages in deceptive leasing practices for the purpose of  
 30 evading full payment of workers' compensation insurance premiums; or (4) employs  
 31 or contracts with a person or firm to coerce or encourage an individual to file a

1           fraudulent compensation claim [IS CIVILLY LIABLE TO A PERSON ADVERSELY  
2           AFFECTED BY THE CONDUCT, IS GUILTY OF THEFT BY DECEPTION AS  
3           DEFINED IN AS 11.46.180, AND] may be **prosecuted under AS 11** [PUNISHED  
4           AS PROVIDED BY AS 11.46.120 - 11.46.150].

5           \* **Sec. 3.** AS 23.30.250(c) is repealed and reenacted to read:

6                   (c) In addition to criminal penalties under this section, a person who violates  
7           this chapter is liable in a civil action brought by or on behalf of a person for  
8           compensatory damages as a result of the violation and an award of three times the  
9           amount of compensatory damages resulting from the violation, subject to adjustment  
10          under AS 09.17, and an award of reasonable attorney fees.

11          \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).