

**SENATE BILL NO. 229**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

**BY SENATOR KIEHL**

**Introduced: 2/24/20**

**Referred: Health and Social Services, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to immunity for consulting physicians, podiatrists, and osteopaths."**

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

3 \* **Section 1.** AS 09.55 is amended by adding a new section to read:

4 **Sec. 09.55.552. Physician, podiatrist, and osteopath immunity;**  
5 **uncompensated consultation.** (a) A consulting physician, podiatrist, or osteopath is  
6 immune from civil liability for claims arising from professional services provided to a  
7 patient if

8 (1) the patient is not a current or former patient of the consulting  
9 physician, podiatrist, or osteopath or the consulting physician's, podiatrist's, or  
10 osteopath's practice;

11 (2) the consulting physician, podiatrist, or osteopath does not examine  
12 or treat the patient;

13 (3) the consulting physician, podiatrist, or osteopath or the consulting  
14 physician's, podiatrist's, or osteopath's practice is not compensated for the  
15 consultation;

1                   (4) the consulting physician, podiatrist, or osteopath is not a  
2 subordinate or supervisor of the physician, podiatrist, or osteopath who requested the  
3 consultation;

4                   (5) the consulting physician, podiatrist, or osteopath is not serving as a  
5 locum tenens or otherwise temporarily managing the practice of the physician,  
6 podiatrist, or osteopath who requested the consultation;

7                   (6) the consulting physician, podiatrist, or osteopath is not on call at  
8 the time of the consultation;

9                   (7) the consulting physician, podiatrist, or osteopath is not required to  
10 provide medical services to the patient under 42 U.S.C. 1395dd (Emergency Medical  
11 Treatment and Active Labor Act) at the time of the consultation; and

12                   (8) a written report is not prepared as a result of the consultation.

13                   (b) Notwithstanding AS 09.17.080, a court may not reduce the civil liability  
14 of, or damages awarded against, a physician, podiatrist, or osteopath who requests a  
15 consultation on grounds that a consulting physician, podiatrist, or osteopath under (a)  
16 of this section should be held liable.

17                   (c) In this section, "consulting physician, podiatrist, or osteopath" means a  
18 physician, podiatrist, or osteopath licensed under AS 08.64.170 - 08.64.250 who  
19 provides advice to another physician, podiatrist, or osteopath about a patient.