

**SENATE BILL NO. 249**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Introduced: 2/21/24

Referred: Health & Social Services, Labor & Commerce

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to medical review organizations; relating to the definitions of 'health**  
2 **care provider' and 'review organization'; and relating to the duties of the chief medical**  
3 **officer in the Department of Health."**

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

5 \* **Section 1.** AS 18.23.030(a) is amended to read:

6 (a) Except as provided in (b), (c), and (e) of this section, all data and  
7 information acquired by a review organization in the exercise of its duties and  
8 functions shall be held in confidence and may not be disclosed to anyone except to the  
9 extent necessary to carry out the purposes of the review organization and is not subject  
10 to subpoena or discovery. Except as provided in (b) of this section, a person described  
11 in AS 18.23.020 may not disclose what transpired at a meeting of a review  
12 organization except to the extent necessary to carry out the purposes of a review  
13 organization, and the proceedings and records of a review organization are not subject  
14 to discovery or introduction into evidence in a civil action against a health care

1 provider arising out of the matter that is the subject of consideration by the review  
 2 organization. Information, documents, or records otherwise available from original  
 3 sources are not immune from discovery or use in a civil action merely because they  
 4 were presented during proceedings of a review organization, nor may a person who  
 5 testified before a review organization or who is a member of it be prevented from  
 6 testifying as to matters within the person's knowledge, but a witness may not be asked  
 7 about the witness's testimony before a review organization or opinions formed by the  
 8 witness as a result of its hearings, except as provided in (b) of this section.

9 \* **Sec. 2.** AS 18.23.030 is amended by adding a new subsection to read:

10 (e) A review organization may publish a report containing data or information  
 11 obtained in the exercise of its duties if the report does not violate federal or state law  
 12 regarding confidentiality of a person or decedent. A report may include

- 13 (1) the identification of trends, patterns, and risk factors;
- 14 (2) an analysis of the rate and cause of death in the state; and
- 15 (3) methods of intervention or prevention related to causes of death.

16 \* **Sec. 3.** AS 18.23.070(3) is amended to read:

17 (3) "health care provider" means **a person licensed, certified, or**  
 18 **otherwise permitted by law to provide health care services in the ordinary course**  
 19 **of business or practice of a profession,** [AN ACUPUNCTURIST LICENSED  
 20 UNDER AS 08.06; A CHIROPRACTOR LICENSED UNDER AS 08.20; A  
 21 DENTAL HYGIENIST LICENSED UNDER AS 08.32; A DENTIST LICENSED  
 22 UNDER AS 08.36; A NURSE LICENSED UNDER AS 08.68; A DISPENSING  
 23 OPTICIAN LICENSED UNDER AS 08.71; AN OPTOMETRIST LICENSED  
 24 UNDER AS 08.72; A PHARMACIST LICENSED UNDER AS 08.80; A PHYSICAL  
 25 THERAPIST OR OCCUPATIONAL THERAPIST LICENSED UNDER AS 08.84; A  
 26 PHYSICIAN LICENSED UNDER AS 08.64; A PODIATRIST; A PSYCHOLOGIST  
 27 AND A PSYCHOLOGICAL ASSOCIATE LICENSED UNDER AS 08.86;] a  
 28 hospital as defined in AS 47.32.900, including a governmentally owned or operated  
 29 hospital, [;] and an employee of a health care provider acting within the course and  
 30 scope of employment;

31 \* **Sec. 4.** AS 18.23.070(5) is amended to read:

1 (5) "review organization" means

2 (A) a hospital governing body or a committee whose  
3 membership is limited to health care providers and administrative staff, except  
4 where otherwise provided for by state or federal law, and that is established by  
5 a hospital, by a clinic, by one or more state or local associations of health care  
6 providers, by an organization of health care providers from a particular area or  
7 medical institution, or by a professional standards review organization  
8 established under 42 U.S.C. 1320c-1, to gather and review information relating  
9 to the care and treatment of patients for the purposes of

10 (i) evaluating and improving the quality of health care  
11 rendered in the area or medical institution;

12 (ii) reducing morbidity or mortality;

13 (iii) obtaining and disseminating statistics and  
14 information relative to the treatment and prevention of diseases, illness,  
15 and injuries;

16 (iv) developing and publishing guidelines showing the  
17 norms of health care in the area or medical institution;

18 (v) developing and publishing guidelines designed to  
19 keep the cost of health care within reasonable bounds;

20 (vi) reviewing the quality or cost of health care services  
21 provided to enrollees of health maintenance organizations;

22 (vii) acting as a professional standards review  
23 organization under 42 U.S.C. 1320c;

24 (viii) reviewing, ruling on, or advising on controversies,  
25 disputes, or questions between a health insurance carrier or health  
26 maintenance organization and one or more of its insured or enrollees;  
27 between a professional licensing board, acting under its powers of  
28 discipline or license revocation or suspension, and a health care  
29 provider licensed by it when the matter is referred to a review  
30 organization by the professional licensing board; between a health care  
31 provider and the provider's patients concerning diagnosis, treatment, or

1 care, or a charge or fee; between a health care provider and a health  
2 insurance carrier or health maintenance organization concerning a  
3 charge or fee for health care services provided to an insured or enrollee;  
4 or between a health care provider or the provider's patients and the  
5 federal or a state or local government, or an agency of the federal or a  
6 state or local government;

7 (ix) acting on the recommendation of a credential  
8 review committee or a grievance committee;

9 (B) the State Medical Board established by AS 08.64.010;

10 (C) a committee established by the commissioner of health and  
11 approved by the **chief medical officer in the Department of Health** [STATE  
12 MEDICAL BOARD] to review public health issues regarding morbidity or  
13 mortality [; AT LEAST 75 PERCENT OF THE COMMITTEE MEMBERS  
14 MUST BE HEALTH CARE PROVIDERS];

15 (D) **a nationally recognized group or entity that accredits**  
16 **health care organizations, including** the Joint Commission on Accreditation  
17 of Healthcare Organizations (JCAHO).