

Alaska State Legislature

House of Representatives



Official Business

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Juneau, AK 99801-1182

SPONSOR STATEMENT FOR HB 472 BY: Representative Tom Anderson

TITLE: An Act relating to claims for personal injury or wrongful death against health care providers; and providing for an effective date.

[HB 472](#) seeks to establish a predictable risk assessment environment for medical liability insurance carriers doing business in Alaska. Alaska's medical liability system is on the verge of a break down. Half of the insurers have terminated business in Alaska over the past 12 months. Other professional liability insurance carriers have not shown an interest in doing business in Alaska because of the unpredictability of our medical liability environment.

Medical liability insurance is a requirement. Health care professionals must have it to be able to deliver babies, install pacemakers, and repair bones. Access to medical liability insurance has reached crisis proportions in many states. Solutions to these problems are complex, but one solution has proven effective in other jurisdictions: a hard cap on non-economic damages – so called “pain and suffering” – of \$250,000. HB 472 does not change awards for quantifiable *economic* damages, such as lost wages and medical expenses.

HB 472, by overturning recent Alaska Supreme Court decisions, also: 1) clarifies what information a health care professional must convey to a patient, and 2) limits liability for a health care professional who electronically or telephonically communicates with a person who disregards the recommendation of the doctor.

I urge your support for this important and timely legislation.