



LAWS OF ALASKA

2024

Source
HB 371

Chapter No.

AN ACT

Relating to medical review organizations; relating to the definitions of "health care provider" and "review organization"; and relating to the duties of the chief medical officer in the Department of Health.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

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

4
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).