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**SUBSTITUTE HOUSE BILL 2787**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Kessler, Campbell, Cody, Morrell, Schual-Berke, Clibborn, Moeller, Upthegrove and Kagi)

READ FIRST TIME 02/05/04.

1 AN ACT Relating to immunity from liability for licensed health care  
2 providers volunteering at community health care settings; and amending  
3 RCW 4.24.300.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 4.24.300 and 2003 c 256 s 1 are each amended to read  
6 as follows:

7 (1) Any person, including but not limited to a volunteer provider  
8 of emergency or medical services, who without compensation or the  
9 expectation of compensation renders emergency care at the scene of an  
10 emergency or who participates in transporting, not for compensation,  
11 therefrom an injured person or persons for emergency medical treatment  
12 shall not be liable for civil damages resulting from any act or  
13 omission in the rendering of such emergency care or in transporting  
14 such persons, other than acts or omissions constituting gross  
15 negligence or willful or wanton misconduct. Any person rendering  
16 emergency care during the course of regular employment and receiving  
17 compensation or expecting to receive compensation for rendering such  
18 care is excluded from the protection of this subsection.

1           (2) Any (~~physician licensed under chapter 18.57 or 18.71 RCW~~)  
2 licensed health care provider as listed in RCW 18.130.040 in the state  
3 of Washington who, without compensation or the expectation of  
4 compensation, provides health care services at a community (~~elinie~~  
5 ~~that is a public or private tax exempt corporation~~) health care  
6 setting is not liable for civil damages resulting from any act or  
7 omission in the rendering of such care, other than acts or omissions  
8 constituting gross negligence or willful or wanton misconduct.

9           (3) For purposes of subsection (2) of this section, "community  
10 health care setting" means an entity that provides health care services  
11 and:

12           (a) Is a clinic operated by a public entity or private tax exempt  
13 corporation;

14           (b) Is a for-profit corporation that maintains and holds itself out  
15 to the public as having established hours on a regular basis for  
16 providing free health care services to members of the public to the  
17 extent that care is provided without compensation or expectation of  
18 compensation during those established hours; or

19           (c) Is a for-profit corporation that is participating, through a  
20 written agreement, in a community-based program to provide access to  
21 health care services for uninsured persons, to the extent that:

22           (i) Care is provided without compensation or expectation of  
23 compensation to individuals who have been referred for care through  
24 that community-based program; and

25           (ii) The health care provider's participation in the community-  
26 based program is conditioned upon his or her agreement to provide  
27 health services without expectation of compensation.

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