

FINAL BILL REPORT

ESHB 1850

C 72 L 06

Synopsis as Enacted

Brief Description: Creating a retired volunteer medical worker license.

Sponsors: By House Committee on Health Care (originally sponsored by Representatives Schual-Berke and Cody).

House Committee on Health Care
House Committee on Appropriations
Senate Committee on Health & Long-Term Care

Background:

Retired Health Care Provider Licenses

Retired health care providers may obtain a retired active credential if such a credential is authorized by the appropriate disciplining authority. Retired active status allows the license holder to practice for no more than 90 days per year or in emergency situations. License holders must maintain any continuing education obligations that may be required of the profession, and they receive a reduced licensing fee.

Immunity for Volunteers

The Good Samaritan Act provides immunity from liability for individuals who provide emergency care at the scene of an emergency without expectation of compensation. In recent years, the Good Samaritan Act has been amended to include immunity provisions for health care providers who volunteer health care services in certain community health care settings. These immunity provisions do not apply to acts or omissions that constitute gross negligence.

In 1997 the U.S. Congress passed the Volunteer Protection Act which provides immunity from liability for individuals providing volunteer services for government or nonprofit entities as long as the volunteer does not commit an act or omission that constitutes gross negligence. In 2001 Washington passed immunity protections to enact more specific standards than the Volunteer Protection Act. In Washington, volunteers for a nonprofit entity only receive the immunity protection when the entity maintains a prescribed amount of liability insurance relative to its revenues.

Summary:

The Secretary of Health (Secretary) is authorized to issue a retired volunteer medical worker license to any person that:

- held an active health care provider license within 10 years prior to his or her initial application for the retired volunteer medical worker license;

- does not have any restrictions to practice due to violations of the Uniform Disciplinary Act; and
- registers with a local emergency services or management organization affiliated with the Emergency Management Division of the Military Department.

Retired volunteer medical workers must be supervised and may only perform the duties that were associated with their practice prior to retirement. They are required to maintain continuing competency requirements established by the Secretary, and they are subject to the Uniform Disciplinary Act. The cost of regulating volunteer medical workers is to be borne equally by license holders across all health professions.

An individual who holds a volunteer medical worker license and is registered as an emergency worker is considered a "covered volunteer." Covered volunteers, their supervisors, health care facilities, property and vehicle owners, local organizations that register covered volunteers, and state and local government entities are immune from liability for the acts or omissions of a covered volunteer while providing assistance or transportation during a disaster or participating in an approved training or exercise in preparation for an emergency or disaster. The immunity applies when the covered volunteer was acting without compensation, within the scope of his or her assigned duties, and under the direction of the local organization with which he or she had been registered. The immunity does not apply to acts of gross negligence or willful misconduct.

Votes on Final Passage:

House	96	0	
House	98	0	
Senate	47	0	(Senate amended)
House	97	0	(House concurred)

Effective: June 7, 2006