
SENATE BILL 6236

State of Washington 66th Legislature 2020 Regular Session

By Senators Kuderer, Pedersen, Lovelett, Wellman, and Hasegawa

Prefiled 01/10/20.

1 AN ACT Relating to certain noneconomic damage waivers; and
2 amending RCW 49.60.510.

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

4 **Sec. 1.** RCW 49.60.510 and 2018 c 70 s 1 are each amended to read
5 as follows:

6 (1) By requesting noneconomic damages under this chapter, a
7 claimant does not place his or her health at issue or waive any
8 health care privilege under RCW 5.60.060 or 18.83.110, or any other
9 law, unless the claimant:

10 (a) Alleges a specific ~~((diagnosable))~~ diagnosed physical or
11 psychiatric injury as a proximate result of the respondents'
12 conduct~~((+))~~, and ~~((+))~~ relies on the records or testimony of a
13 health care provider or expert witness to seek general damages; or

14 ~~((+))~~ (b) Alleges failure to accommodate a disability or
15 alleges discrimination on the basis of a disability.

16 (2) Any waiver under subsection (1)(a) ~~((through-(e)))~~ and (b) of
17 this section is limited to health care records and communication
18 between a claimant and his or her provider or providers:

19 (a) Created or occurring in the period beginning two years
20 immediately preceding the first alleged unlawful act for which the
21 claimant seeks damages and ending at the last date for which the

1 claimant seeks damages, unless the court finds exceptional
2 circumstances to order a longer period of time; and

3 (b) Relating specifically to the (~~diagnosable~~) diagnosed
4 injury, to the health care provider or providers on which the
5 claimant relies in the action, or to the disability specifically at
6 issue in the allegation.

--- END ---