

SENATE BILL REPORT

SB 5764

As Reported By Senate Committee On:
Judiciary, February 22, 2005

Title: An act relating to special immunities.

Brief Description: Providing immunity from civil actions for a health professional making a good faith claim of unprofessional conduct or inability to practice safely against another health professional.

Sponsors: Senators Weinstein, Brandland, Rockefeller and Rasmussen.

Brief History:

Committee Activity: Judiciary: 2/15/05, 2/22/05 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: A person who, in good faith, files a complaint or reports information to the disciplining authority charging a license holder with unprofessional conduct or reports information which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety as a result of a mental or physical condition, is immune from suit in any civil action related to the filing or complaint. A license holder is someone licensed under RCW 18.130, regulation of the health professions.

Summary of Bill: Any member of the health care profession who makes a good faith report, to the entity responsible for disciplinary activities, against another member of a health profession, based on unprofessional conduct or inability to practice with reasonable skill and safety by reason of any physical or mental condition, is immune from civil action for damages arising from such the report. The reporting person that prevails upon the good faith defense is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill needs to be passed. There are some bad doctors and there are physicians who have reported them who have had to spend thousands of dollars defending themselves when the reported persons retaliate by suing them. People who report in good faith should be able to recover attorneys fees and costs when they prevail on the good faith defense.

Testimony Against: None.

Who Testified: PRO: Daniel A. Brzusek, D.O., Washington Osteopathic Medical Association; Larry Shannon, Washington State Trial Lawyers Association; Cliff Webster, Washington State Medical Association.