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SENATE BILL 6173

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State of Washington

63rd Legislature

2014 Regular Session

By Senator Becker

Read first time 01/16/14. Referred to Committee on Law & Justice.

1 AN ACT Relating to protecting Washington's standard of care for  
2 medical malpractice; adding new sections to chapter 7.70 RCW; and  
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the  
6 standard of care protection act.

7 NEW SECTION. **Sec. 2.** The legislature finds and declares that:

8 (1) As health system reform is implemented at both the federal and  
9 state levels, health care providers may face additional liability  
10 exposure related to federal guidelines in state civil actions.

11 (2) Such federal guidelines include:

12 (a) Health care quality measures;

13 (b) Payment adjustments for health care-acquired conditions;

14 (c) Hospital value-based purchasing;

15 (d) Value-based payment modifier under the health care provider fee  
16 schedule;

17 (e) Hospital readmissions;

18 (f) Clinical and community preventive services;

1 (g) Payment adjustments under federal programs, including, but not  
2 limited to, the meaningful use of electronic health records, health  
3 care provider quality reporting system, including maintenance of  
4 certification program, and e-prescribing.

5 (3) Additional liability exposure could lead to more civil actions  
6 against health care providers, increased medical liability insurance  
7 premiums, and reduced access to health care for patients.

8 (4) There are efforts at the federal level to prevent these  
9 provisions from leading to additional health care provider liability  
10 exposure, but the legislation has not been enacted to date.

11 (5) States have the constitutional authority to amend their  
12 statutes to prevent the use of such provisions in medical liability  
13 actions brought under state law and should do so in order to prevent  
14 their liability climate from deteriorating for health care providers,  
15 which would have a negative effect for patients.

16 NEW SECTION. **Sec. 3.** In any medical liability case in the state  
17 of Washington, a health care provider's lack of compliance with or a  
18 health care provider's breach of any federal statute, regulation,  
19 program, guideline, or other provision is not admissible to determine  
20 the standard of care and may not be the legal basis for a presumption  
21 of negligence.

22 NEW SECTION. **Sec. 4.** If any provision of this act or its  
23 application to any person or circumstance is held invalid, the  
24 remainder of the act or the application of the provision to other  
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act are each  
27 added to chapter 7.70 RCW.

28 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of the  
30 state government and its existing public institutions, and takes effect  
31 immediately.

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