S-3293.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 6027**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Kuderer and Palumbo

AN ACT Relating to the discovery of privileged health care information and communications in claims for noneconomic damages under certain civil rights laws; and adding a new section to chapter 49.60 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 49.60 RCW to read as follows:

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

(a) Alleges a specific diagnosable physical or psychiatric injury as a proximate result of the respondents' conduct;

(b) Relies on the records or testimony of a health care provider or expert witness to seek general damages; or

(c) Alleges failure to accommodate a disability or alleges discrimination on the basis of a disability.

(2) Any waiver under subsection (1)(a) through (c) of this section is limited to health care records and communication between a claimant and his or her provider or providers:

(a) Created or occurring in the period beginning two years immediately preceding the first alleged unlawful act for which the claimant seeks damages and ending at the last date for which the claimant seeks damages, unless the court finds exceptional circumstances to order a longer period of time; and

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

**--- END ---**