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SENATE BILL 6027

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State of Washington

65th Legislature

2018 Regular Session

By Senators Kuderer and Palumbo

Prefiled 12/15/17. Read first time 01/08/18. Referred to Committee on Law & Justice.

1 AN ACT Relating to the discovery of privileged health care  
2 information and communications in claims for noneconomic damages  
3 under certain civil rights laws; and adding a new section to chapter  
4 49.60 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60  
7 RCW to read as follows:

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

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

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

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

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

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

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

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