

CERTIFICATION OF ENROLLMENT

SENATE BILL 6027

65th Legislature
2018 Regular Session

Passed by the Senate February 13, 2018
Yeas 42 Nays 5

President of the Senate

Passed by the House February 27, 2018
Yeas 97 Nays 1

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6027** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6027

Passed Legislature - 2018 Regular Session

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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