

RCW 49.60.510 Privileged health information—Noneconomic damages

—Waivers. (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 diagnosed physical or psychiatric injury as a proximate result of the respondents' conduct, and relies on the records or testimony of a health care provider or expert witness to seek general damages; or

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

(2) Any waiver under subsection (1)(a) and (b) 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 diagnosed 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. [2020 c 254 § 1; 2018 c 70 § 1.]