
SUBSTITUTE HOUSE BILL 2380

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dellwo and Dyer)

Read first time 01/31/94.

1 AN ACT Relating to mandated malpractice coverage for health care
2 practitioners; and amending RCW 18.130.330 and 48.22.080.

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

4 **Sec. 1.** RCW 18.130.330 and 1993 c 492 s 412 are each amended to
5 read as follows:

6 (1) Except to the extent that liability insurance is not available,
7 every licensed, certified, or registered health care practitioner whose
8 services are included in the uniform benefits package, as determined by
9 RCW 43.72.130, and whose scope of practice includes independent
10 practice, shall, as a condition of licensure and relicensure, be
11 required to provide evidence of a minimum level of malpractice
12 insurance coverage (~~((issued by a company authorized to do business in
13 this state. On or~~)) of a type satisfactory to the department before
14 ~~((January 1, 1994,))~~ July 1, 1995.

15 The department shall designate by rule:

16 ~~((1))~~ (a) Those health professions whose scope of practice
17 includes independent practice;

1 (~~(2)~~) (b) For each health profession whose scope of practice
2 includes independent practice, whether malpractice insurance is
3 available; (~~and~~

4 ~~(3)~~) (c) If such insurance is available, the appropriate minimum
5 level of mandated coverage; and

6 (d) The types of malpractice insurance coverage that will satisfy
7 the requirements of this section.

8 (2) By December 1, 1994, the department of health shall submit
9 recommendations to appropriate committees of the legislature regarding
10 implementation of this section. The report shall address at least the
11 following issues:

12 (a) Whether exemption of a health care practitioner from the
13 requirements of this section, including but not limited to health care
14 practitioners employed by the federal government and retired health
15 care practitioners, is appropriate; and

16 (b) Whether receipt of malpractice coverage through a certified
17 health plan should be recognized as satisfying the requirements of this
18 section.

19 **Sec. 2.** RCW 48.22.080 and 1993 c 492 s 413 are each amended to
20 read as follows:

21 Effective July 1, 1994, a casualty insurer's issuance of a new
22 medical malpractice policy or renewal of an existing medical
23 malpractice policy to a physician or other independent health care
24 practitioner shall be conditioned upon that practitioner's
25 participation in, and completion of, an insurer-designed health care
26 liability risk management training program once every three years.
27 Completion of said training program during 1994 shall satisfy the first
28 three-year training requirement. The risk management training shall
29 provide information related to avoiding adverse health outcomes
30 resulting from substandard practice and minimizing damages associated
31 with the adverse health outcomes that do occur. For purposes of this
32 section, "independent health care practitioners" means those health
33 care practitioner licensing classifications designated by the
34 department of health in rule pursuant to RCW 18.130.330.

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