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**SENATE BILL 5008**

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**State of Washington                      53rd Legislature                      1993 Regular Session**

**By** Senators Nelson, Winsley, West, Erwin, Sellar, Newhouse and Oke

Read first time 01/11/93. Referred to Committee on Law & Justice.

1            AN ACT Relating to good samaritans and medical services provided to  
2 low-income persons by physicians; amending RCW 18.71.220; adding new  
3 sections to chapter 18.71 RCW; and creating a new section.

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

5            NEW SECTION.    **Sec. 1.**    The legislature finds that low-income  
6 citizens are often unable to obtain medical care. The legislature  
7 further finds that there are retired physicians who are qualified to  
8 provide medical services to low-income persons but who no longer carry  
9 medical malpractice liability insurance. The legislature intends to  
10 allow qualified retired physicians to provide medical services without  
11 compensation to low-income citizens with immunity from liability under  
12 certain conditions.

13           NEW SECTION.    **Sec. 2.**    A new section is added to chapter 18.71 RCW  
14 to read as follows:

15           (1) The secretary of health may issue a special limited license to  
16 qualified retired physicians that will permit the physician to provide  
17 medical care to low-income citizens. The license shall be valid only  
18 for providing medical care without compensation to low-income citizens

1 in a registered low-income or nonprofit health care provider clinic or  
2 service or in a for-profit clinic only during the time that the clinic  
3 designates as nonprofit.

4 (2) A special license may be issued only to a retired physician who  
5 was previously licensed in this or another state as a physician and  
6 whose license was not suspended or revoked at the time he or she  
7 retired.

8 (3) Retired physicians shall meet the same continuing education  
9 requirements as physicians who hold a regular license under this  
10 chapter.

11 (4) The special license shall cost five dollars annually.

12 (5) Holders of the special license shall be subject to the same  
13 professional and disciplinary standards as physicians who hold a  
14 regular license under this chapter.

15 (6) Only primary care may be provided by the retired physician.  
16 Primary care shall be limited to noninvasive procedures and shall not  
17 include obstetrical care, or any specialized care and treatment.  
18 Invasive procedures do not include injections, suturing of minor  
19 lacerations, and incision of boils and superficial abscesses.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.71 RCW  
21 to read as follows:

22 Low-income or nonprofit health care provider clinics or services or  
23 for-profit clinics that designate certain hours as nonprofit shall  
24 register with the secretary of health and shall designate those hours  
25 during which they would serve as low-income or nonprofit clinics.

26 **Sec. 4.** RCW 18.71.220 and 1971 ex.s. c 305 s 4 are each amended to  
27 read as follows:

28 (1) No physician or hospital licensed in this state shall be  
29 subject to civil liability, based solely upon failure to obtain consent  
30 in rendering emergency medical, surgical, hospital, or health services  
31 to any individual regardless of age where its patient is unable to give  
32 his consent for any reason and there is no other person reasonably  
33 available who is legally authorized to consent to the providing of such  
34 care: PROVIDED, That such physician or hospital has acted in good  
35 faith and without knowledge of facts negating consent.

36 (2) A licensed physician, including but not limited to one retired  
37 from practice, who in good faith provides medical care or assistance as

1 defined in section 2(6) of this act at a designated low-income or  
2 nonprofit health care provider clinic or service, or in a for-profit  
3 clinic, during the time that the clinic designates as nonprofit,  
4 operating lawfully in this state without compensation or without the  
5 expectation of receiving or intending to seek compensation shall not be  
6 subject to civil liability for any act or omission occurring in the  
7 course of such care or assistance, unless the acts or omissions  
8 constitute an intentional wrong or manifest a wanton disregard for  
9 human health or safety.

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