

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2380**

Chapter 102, Laws of 1994

53rd Legislature  
1994 Regular Session

MALPRACTICE COVERAGE FOR HEALTH CARE PRACTITIONERS

EFFECTIVE DATE: 6/9/94

Passed by the House March 8, 1994  
Yeas 88 Nays 0

BRIAN EBERSOLE

**Speaker of the  
House of Representatives**

Passed by the Senate March 7, 1994  
Yeas 41 Nays 0

JOEL PRITCHARD

**President of the Senate**

Approved March 25, 1994

MIKE LOWRY

**Governor of the State of Washington**

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2380** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

**Chief Clerk**

FILED

March 25, 1994 - 3:14 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2380**

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AS AMENDED BY THE SENATE

Passed Legislature - 1994 Regular Session

**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 malpractice coverage provided by an employer should be  
17 recognized as satisfying the requirements of this section.

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

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

Passed the House March 8, 1994.

Passed the Senate March 7, 1994.

Approved by the Governor March 25, 1994.

Filed in Office of Secretary of State March 25, 1994.