

HOUSE BILL REPORT

SSB 5601

As Passed House:

April 14, 2003

Title: An act relating to physicians providing care at community clinics.

Brief Description: Limiting liability for physicians providing care at community clinics.

Sponsors: By Senate Committee on Judiciary (originally sponsored by Senators McCaslin and Deccio).

Brief History:

Committee Activity:

Judiciary: 3/27/03, 3/28/03 [DP].

Floor Activity:

Passed House: 4/14/03, 84-12.

Brief Summary of Substitute Bill

- Provides immunity to physicians from liability for their negligence while rendering unpaid services at community clinics.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 6 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Lovick and Newhouse.

Minority Report: Do not pass. Signed by 3 members: Representatives Campbell, Flannigan and Kirby.

Staff: Bill Perry (786-7123).

Background:

Under the state's Good Samaritan law, providers of emergency or medical services may be immune from liability for their negligent conduct under certain circumstances. Any person is granted this immunity if he or she renders emergency care at the scene of an emergency and does so without compensation or the expectation of compensation.

The Legislature has also authorized the Department of Health to purchase and maintain liability malpractice insurance for "retired primary care providers" who provide care without compensation at community clinics. A community health care clinic is a public or private nonprofit tax exempt corporation with the mission of providing primary health care to low income individuals at a charge based upon ability to pay. Primary care providers include physicians, dentists, advanced registered nurse practitioners, physicians' assistants, dental hygienists, and midwives.

Summary of Bill:

Any physician licensed as an osteopath or physician who provides services without compensation at a community clinic is immune from liability for his or her negligence.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Recruiting doctors to provide volunteer services at community clinics has been difficult because these free clinics for low income people often get patients who have not been getting regular medical care. Doctors are reluctant to treat such patients for fear of liability.

Testimony Against: None.

Testified: Representative McMahan; and Cliff Webster, Washington State Medical Association.