

FINAL BILL REPORT

ESHB 2787

C 87 L 04

Synopsis as Enacted

Brief Description: Providing immunity from liability for licensed health care providers at community health care settings.

Sponsors: By House Committee on Health Care (originally sponsored by Representatives Kessler, Campbell, Cody, Morrell, Schual-Berke, Clibborn, Moeller, Upthegrove and Kagi).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background:

The Good Samaritan Act provides immunity from liability for individuals who provide emergency care at the scene of an emergency without expectation of compensation. In 2003, the Good Samaritan Act was amended to include immunity provisions for physicians who volunteer health care services at public or nonprofit community clinics. These immunity provisions do not apply to acts or omissions that constitute gross negligence.

In 1997 the Congress passed the Volunteer Protection Act which provides immunity from liability for individuals volunteering their services for government or nonprofit entities as long as the volunteer does not commit an act or omission that constitutes gross negligence. In 2001 Washington passed immunity protections to enact more specific standards than the Volunteer Protection Act. In Washington, volunteers for a nonprofit entity only receive the immunity protection when the entity maintains a prescribed amount of liability insurance relative to its revenues.

Summary:

Immunity coverage under the Good Samaritan Act for individuals volunteering health care services in certain health care settings is expanded beyond physicians to include all licensed health care providers regulated by certain disciplining authorities.

In addition to the immunity available at public and nonprofit clinics, a health care provider may be immune from liability when volunteering health care services at a for-profit corporation or hospital-based clinic that holds itself out to the public as having, and actually maintains, established hours on a regular basis for providing free health care services to the public. A health care provider may also be immune from liability when volunteering health care services at a for-profit corporation or hospital-based clinic through participation in a community-based program to provide access to such services to uninsured individuals. The health care provider's participation in the program must be conditioned upon providing health care services without compensation or the expectation of compensation.

Votes on Final Passage:

House 92 6

Senate 49 0 (Senate amended)

House 96 0 (House concurred)

Effective: June 10, 2004