

SENATE BILL REPORT

SB 5601

As Reported By Senate Committee On:
Judiciary, February 20, 2003

Title: An act relating to liability for charity care.

Brief Description: Including charity care in the good samaritan law.

Sponsors: Senators McCaslin and Deccio.

Brief History:

Committee Activity: Judiciary: 2/14/03, 2/20/03 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5601 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Roach and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: RCW 4.24.300 is commonly known as the good samaritan law. It provides civil immunity for any person who, without compensation or expectation of compensation, renders emergency care at the scene of an emergency or participates in transporting an injured person for emergency medical treatment. The immunity does not extend to acts or omissions constituting gross negligence or willful or wanton misconduct. Proponents of this bill believe that physicians who perform free medical care in community clinics should also have this protection.

Summary of Substitute Bill: A physician licensed in the state of Washington who provides health care services without compensation or expectation of compensation at a community clinic is not liable for civil damages resulting from such care. The immunity from liability does not extend to acts or omissions which constitute gross negligence or willful or wanton misconduct.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Podiatrists should also be covered in the bill. They have several free clinics. The substitute is preferable to the original. This is a marvelous bill!

Testimony Against: Are we creating a separate standard of care for people who can't afford to pay for medical care?

Testified: Senator Bob McCaslin, prime sponsor; Melanie Steward, Osteopathic Assn. and Podiatrists (pro); Cliff Webster, Washington State Medical Assn. (pro); Larry Shannon, WSTLA (con).