
HOUSE BILL 2492

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Rodne, Jenkins, Morrell, and Tharinger

Read first time 01/20/14. Referred to Committee on Judiciary.

1 AN ACT Relating to liability of health care providers responding to
2 an emergency; and adding a new section to chapter 4.24 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
5 to read as follows:

6 (1) Except as provided in subsection (3) of this section, any
7 health care provider who responds to an emergency is immune from
8 liability, including civil liability, professional conduct sanctions,
9 or administrative sanctions, for acts or omissions in providing or
10 withholding health care to any person to whom the provider owes a duty
11 to provide health care, when the emergency and subsequent conditions
12 cause a lack of personnel or material resources that renders the health
13 care provider unable to provide the level or manner of care that would
14 have been required in the absence of the emergency.

15 (2) Except as provided in subsection (3) of this section, any
16 health care provider credentialing or granting practice privileges to
17 other health care providers to deliver health care in response to an
18 emergency is immune from civil liability arising out of such
19 credentialing or granting of practice privileges if: (a) The health

1 care provider so credentialed or granted practice privileges was
2 responding to an emergency; and (b) the procedures utilized for
3 credentialing and granting practice privileges were consistent with the
4 standards for granting emergency practice privileges adopted by the
5 joint commission on the accreditation of health care organizations.

6 (3) This section does not apply to any acts or omissions
7 constituting gross negligence or willful or wanton misconduct.

8 (4) For purposes of this section:

9 (a) "Ambulatory surgical facility" has the same meaning as provided
10 in RCW 70.230.010.

11 (b) "Credentialing" means the collection, verification, and
12 assessment of whether a health care provider meets relevant licensing,
13 education, and training requirements.

14 (c) "Emergency" means an event or set of circumstances for which
15 the governor has proclaimed a state of emergency pursuant to RCW
16 43.06.010.

17 (d) "Health care provider" means:

18 (i) A member of a profession identified in RCW 18.130.040;

19 (ii) An employee or agent of a member of such a profession acting
20 in the course and scope of his or her employment;

21 (iii) An entity, whether or not incorporated, facility, or
22 institution employing, credentialing, or providing practice privileges
23 to one or more persons described in (d)(i) of this subsection,
24 including, but not limited to, a hospital, ambulatory surgical
25 facility, clinic, health maintenance organization, or nursing home, or
26 an officer, director, employee, or agent thereof acting in the course
27 and scope of his or her employment;

28 (iv) A pharmacist or pharmacy as defined in RCW 18.64.011; or

29 (v) In the event any person identified in (d)(i) through (iv) of
30 this subsection is deceased, his or her estate or personal
31 representative.

32 (e) "Health maintenance organization" has the same meaning as
33 provided in RCW 48.46.020.

34 (f) "Hospital" has the same meaning as provided in RCW 70.41.020.

35 (g) "Nursing home" has the same meaning as provided in RCW
36 18.51.010.

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