
HOUSE BILL 2337

State of Washington

52nd Legislature

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By Representatives Morris, Moyer, Paris, Casada, Franklin, Braddock, Ebersole, H. Myers, Schmidt, Appelwick, Ogden, Locke, Hargrove, Edmondson, D. Sommers, Cantwell, Hochstatter, Rasmussen, Forner, R. Johnson, Zellinsky, Rayburn, Nealey, Heavey, Wineberry, Chandler, Roland, J. Kohl, Ludwig, Mitchell, Orr, Spanel, May, Leonard, Haugen, Ferguson, Sprenkle, Miller, O'Brien and Anderson

Read first time 01/15/92. Referred to Committee on Health Care.

1 AN ACT Relating to community clinics that utilize retired
2 physicians to provide primary care to low-income persons without
3 compensation; adding new sections to chapter 43.70 RCW; creating a new
4 section; and making an appropriation.

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

6 NEW SECTION. **Sec. 1.** There are a number of retired physicians
7 who wish to provide, or are providing, health care services to low-
8 income patients without compensation. However, the cost of obtaining
9 malpractice insurance is a burden that is deterring them from donating
10 their time and services in treating the health problems of the poor.
11 The necessity of maintaining malpractice insurance for those in
12 practice is a significant reality in today's litigious society.

13 A program to alleviate the onerous costs of malpractice insurance
14 for retired physicians providing uncompensated health care services to

1 low-income patients will encourage philanthropy and augment state
2 resources in providing for the health care needs of those who have no
3 access to basic health care services.

4 An estimated sixteen percent of the nonelderly population do not
5 have health insurance and lack access to even basic health care
6 services. This is especially problematic for low-income persons who
7 are young and who are either unemployed or have entry-level jobs
8 without health care benefits. The majority of the uninsured, however,
9 are working adults, and some twenty-nine percent are children. The
10 lack of insurance has particularly detrimental effects on pregnant
11 women and their infants. Persons seeking maternity care, even on
12 public programs such as medicaid, often have a particularly difficult
13 time obtaining a physician because of inadequate payment levels and
14 potential malpractice suits.

15 The legislature declares that this act will increase the
16 availability of primary care to low-income persons and is in the
17 interest of the public health and safety.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW
19 to read as follows:

20 (1) The department shall purchase and maintain liability insurance
21 by contracting with an insurer authorized to do business in this state
22 to provide liability insurance to community clinics which are public or
23 private nonprofit tax-exempt corporations that utilize retired
24 physicians for providing primary care without compensation to low-
25 income individuals at a charge based upon ability to pay. Nothing
26 shall prevent the contracting insurer from refusing to provide coverage
27 for a participating physician in a clinic for claims experience
28 reasons.

1 (2) The state does not assume any liability for damages in any
2 civil action for claims against clinics or physicians covered under
3 this section and section 3 of this act.

4 (3) The department shall monitor the claims experience of retired
5 physicians covered by liability insurers contracting with the
6 department.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW
8 to read as follows:

9 The department shall establish by rule the conditions of
10 participation in the liability insurance program by clinics utilizing
11 retired physicians for the purposes of this section and section 2 of
12 this act. These conditions shall include, but not be limited to, the
13 following:

14 (1) The participating physician associated with the clinic shall
15 hold a valid license to practice medicine and surgery in this state and
16 otherwise be in conformity with current requirements for licensure as
17 a retired physician, including continuing education requirements;

18 (2) The participating physician shall limit the scope of practice
19 in the clinic to primary care procedures which include a basic level of
20 preventive and therapeutic medical care focused on improving and
21 maintaining the individual's general health;

22 (3) The provision of liability insurance coverage shall not extend
23 to acts outside the scope of rendering medical services pursuant to
24 this section and section 2 of this act;

25 (4) The participating physician shall limit the provision of health
26 care services to low-income persons provided that clinics may, but are
27 not required to, provide means tests for eligibility as a condition for
28 obtaining health care services;

1 (5) The participating physician shall not accept compensation for
2 providing health care services from patients served pursuant to this
3 section and section 2 of this act, nor from clinics serving these
4 patients. "Compensation" shall mean any remuneration of value to the
5 participating physician for services provided by the physician, but
6 shall not be construed to include any nominal copayments charged by the
7 clinic, nor reimbursement of related expenses of a participating
8 physician authorized by the clinic in advance of being incurred; and

9 (6) The use of mediation or arbitration for resolving questions of
10 potential liability may be used, however any mediation or arbitration
11 agreement format must be expressed in terms clear enough for a person
12 with a sixth grade level of education to understand, and on a form no
13 longer than one page in length.

14 NEW SECTION. **Sec. 4.** The sum of fifty thousand dollars, or as
15 much thereof as may be necessary, is appropriated for the biennium
16 ending June 30, 1993, from the general fund to the department of health
17 for the purposes of this act.