

2 **SHB 2337** - H COMM AMD **ADOPTED 2/17/92**

3 By Committee on Appropriations

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5 Strike everything after the enacting clause and insert the  
6 following:

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

14 A program to alleviate the onerous costs of malpractice insurance  
15 for retired physicians providing uncompensated health care services to  
16 low-income patients will encourage philanthropy and augment state  
17 resources in providing for the health care needs of those who have no  
18 access to basic health care services.

19 An estimated sixteen percent of the nonelderly population do not  
20 have health insurance and lack access to even basic health care  
21 services. This is especially problematic for low-income persons who  
22 are young and who are either unemployed or have entry-level jobs  
23 without health care benefits. The majority of the uninsured, however,  
24 are working adults, and some twenty-nine percent are children.

25 The legislature declares that this act will increase the  
26 availability of primary care to low-income persons and is in the  
27 interest of the public health and safety."

1        "NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW  
2 to read as follows:

3        (1) The department shall purchase and maintain liability insurance  
4 by contracting with an insurer authorized to do business in this state  
5 to provide liability insurance, under this section and section 3 of  
6 this act, to retired physicians who provide primary care at community  
7 clinics that are public or private nonprofit tax-exempt corporations  
8 that utilize retired physicians for providing primary care without  
9 compensation to low-income individuals at a charge based upon ability  
10 to pay. Nothing shall prevent the contracting insurer from refusing to  
11 provide coverage for a participating physician in a clinic for claims  
12 experience reasons or other appropriate reasons.

13        (2) The state and its officers and employees, or individuals acting  
14 on their behalf, are immune from suit in any action, civil or criminal,  
15 with regard to any claims against clinics or physicians or based upon  
16 the performance of official acts under this chapter.

17        (3) The department shall monitor the claims experience of retired  
18 physicians covered by liability insurers contracting with the  
19 department.

20        (4) The department shall provide liability insurance under this act  
21 only to the extent funds are provided for this purpose by the  
22 legislature."

23        "NEW SECTION. Sec. 3. A new section is added to chapter 43.70 RCW  
24 to read as follows:

25        The department shall establish by rule the conditions of  
26 participation in the liability insurance program by retired physicians  
27 at clinics utilizing retired physicians for the purposes of this  
28 section and section 2 of this act. These conditions shall include, but  
29 not be limited to, the following:

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

5 (2) The participating physician shall limit the scope of practice  
6 in the clinic to primary care. Primary care shall be limited to  
7 noninvasive procedures and shall not include obstetrical care, or any  
8 specialized care and treatment. Noninvasive procedures include  
9 injections, suturing of minor lacerations, and incisions of boils or  
10 superficial abscesses;

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

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

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

26 (6) The use of mediation or arbitration for resolving questions of  
27 potential liability may be used, however any mediation or arbitration  
28 agreement format shall be expressed in terms clear enough for a person  
29 with a sixth grade level of education to understand, and on a form no  
30 longer than one page in length."

1        "NEW SECTION.   **Sec. 4.**        If specific funding for this act,  
2   referencing this act by bill number, is not provided by June 30, 1992,  
3   in the supplemental biennial operating appropriations act, this act  
4   shall be null and void."

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8        On page 1, line 3 of the title, after "compensation;" strike the  
9   remainder of the title and insert "adding new sections to chapter 43.70  
10  RCW; and creating new sections."