

# FINAL BILL REPORT

## ESHB 2337

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C 113 L 92  
*Synopsis As Enacted*

**Brief Description:** Providing malpractice insurance for retired physicians serving low-income patients.

By House Committee on Health Care (originally sponsored 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).

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

**Background:** There are a number of physicians retired from full-time practice who are providing low-income patients basic health care services without compensation. These physicians practice in public health and community clinics on a part-time basis. The funding of liability insurance for these physicians is being curtailed by counties, and the cost of purchasing individual liability insurance policies by these physicians is a burden that may deter them from practicing.

Community clinics include public health and non-profit community health centers that provide primary care to individuals at a charge based upon their ability to pay.

Up to 16 percent of the state's population do not have health insurance at any one time.

**Summary:** The Department of Health is authorized to purchase and maintain liability insurance for retired physicians who provide primary care without compensation to low income persons at community clinics. The department may contract with an insurer for providing the coverage, but the insurer may refuse to cover the physician for claims experience or other appropriate reasons. The state is immune from liability for malpractice claims against clinics or physicians, and claims based upon the performance of official acts within its responsibilities.

The department by rule may establish the conditions for participation by physicians in the liability program. In order to participate, the physician must be currently licensed as a retiree and must limit practice to primary non-invasive care procedures. The liability insurance provided covers only acts within this scope of practice. Participating physicians must serve low income individuals through community clinics without compensation.

Mediation and arbitration agreements for resolving questions of liability may be used. An agreement must be on one page and comprehensible to a person with a sixth grade education.

***Votes on Final Passage:***

House	98	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

***Effective:*** June 11, 1992