
SENATE BILL 5371

State of Washington

52nd Legislature

1991 Regular Session

By Senators Matson, Rasmussen, Erwin, Thorsness, Oke, Craswell, Stratton and Wojahn.

Read first time January 30, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to good samaritans and medical services provided to
2 low-income persons by physicians; amending RCW 18.71.220; adding new
3 sections to chapter 18.71 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that low-income
6 citizens are often unable to obtain medical care. The legislature
7 further finds that there are retired physicians who are qualified to
8 provide medical services to low-income persons but who no longer carry
9 medical malpractice liability insurance. The legislature intends to
10 allow qualified retired physicians to provide medical services without
11 compensation to low-income citizens with immunity from liability under
12 certain conditions.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.71 RCW
14 to read as follows:

1 (1) The secretary of health may issue a special limited license to
2 qualified retired physicians that will permit the physician to provide
3 medical care to low-income citizens. The license shall be valid only
4 for providing medical care without compensation to low-income citizens
5 in a registered low-income or nonprofit health care provider clinic or
6 service or in a for-profit clinic only during the time that the clinic
7 designates as nonprofit.

8 (2) A special license may be issued only to a retired physician who
9 was previously licensed in this or another state as a physician and
10 whose license was not suspended or revoked at the time he or she
11 retired.

12 (3) Retired physicians shall meet the same continuing education
13 requirements as physicians who hold a regular license under this
14 chapter.

15 (4) The special license shall cost five dollars annually.

16 (5) Holders of the special license shall be subject to the same
17 professional and disciplinary standards as physicians who hold a
18 regular license under this chapter.

19 (6) Only primary care may be provided by the retired physician.
20 Primary care shall be limited to noninvasive procedures and shall not
21 include obstetrical care, or any specialized care and treatment.
22 Invasive procedures do not include injections, suturing of minor
23 lacerations, and incision of boils and superficial abscesses.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.71 RCW
25 to read as follows:

26 Low-income or nonprofit health care provider clinics or services or
27 for-profit clinics that designate certain hours as nonprofit shall
28 register with the secretary of health and shall designate those hours
29 during which they would serve as low-income or nonprofit clinics.

1 **Sec. 4.** RCW 18.71.220 and 1971 ex.s. c 305 s 4 are each amended to
2 read as follows:

3 (1) No physician or hospital licensed in this state shall be
4 subject to civil liability, based solely upon failure to obtain consent
5 in rendering emergency medical, surgical, hospital, or health services
6 to any individual regardless of age where its patient is unable to give
7 his consent for any reason and there is no other person reasonably
8 available who is legally authorized to consent to the providing of such
9 care: PROVIDED, That such physician or hospital has acted in good
10 faith and without knowledge of facts negating consent.

11 (2) A licensed physician, including but not limited to one retired
12 from practice, who in good faith provides medical care or assistance as
13 defined in section 2(6) of this act at a designated low-income or
14 nonprofit health care provider clinic or service, or in a for-profit
15 clinic, during the time that the clinic designates as nonprofit,
16 operating lawfully in this state without compensation or without the
17 expectation of receiving or intending to seek compensation shall not be
18 subject to civil liability for any act or omission occurring in the
19 course of such care or assistance, unless the acts or omissions
20 constitute an intentional wrong or manifest a wanton disregard for
21 human health or safety.