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HOUSE BILL 2380

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Dellwo and Dyer

Read first time 01/14/94. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to mandated malpractice coverage for health care  
2 practitioners; and amending RCW 18.130.330.

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

4 **Sec. 1.** RCW 18.130.330 and 1993 c 492 s 412 are each amended to  
5 read as follows:

6 (1) Except to the extent that liability insurance is not available,  
7 every licensed, certified, or registered health care practitioner whose  
8 services are included in the uniform benefits package, as determined by  
9 RCW 43.72.130, and whose scope of practice includes independent  
10 practice, shall, as a condition of licensure and relicensure, be  
11 required to provide evidence of a minimum level of malpractice  
12 insurance coverage (~~((issued by a company authorized to do business in  
13 this state. On or~~)) of a type satisfactory to the department before  
14 ~~((January 1, 1994,))~~ July 1, 1995.

15 The department shall designate by rule:

16 ~~((1))~~ (a) Those health professions whose scope of practice  
17 includes independent practice;

1       (~~(2)~~) (b) For each health profession whose scope of practice  
2 includes independent practice, whether malpractice insurance is  
3 available; (~~and~~  
4 ~~(3)~~) (c) If such insurance is available, the appropriate minimum  
5 level of mandated coverage; and  
6 (d) The types of malpractice insurance coverage that will satisfy  
7 the requirements of this section.  
8       (2) By December 1, 1994, the department of health shall submit  
9 recommendations to appropriate committees of the legislature regarding  
10 implementation of this section. The report shall address at least the  
11 following issues:  
12       (a) Whether exemption of a health care practitioner from the  
13 requirements of this section, including but not limited to health care  
14 practitioners employed by the federal government and retired health  
15 care practitioners, is appropriate;  
16       (b) Whether receipt of malpractice coverage through a certified  
17 health plan should be recognized as satisfying the requirements of this  
18 section; and  
19       (c) Whether an alternative system, such as enterprise liability,  
20 would be more cost-effective and efficient than the requirements of  
21 this section, yet still ensure adequate compensation for individuals  
22 who incur damages as a result of negligent conduct by a health care  
23 practitioner.

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