
Health Care Committee

HB 2787

Brief Description: Providing immunity from liability for licensed health care providers at community health care settings.

Sponsors: Representatives Kessler, Campbell, Cody, Morrell, Schual-Berke, Clibborn, Moeller, Upthegrove and Kagi.

Brief Summary of Bill

- Provides immunity for health care providers volunteering health care services in certain for-profit health care settings.

Hearing Date: 1/27/04

Staff: Chris Blake (786-7392).

Background:

The Good Samaritan Act provides immunity from liability for individuals who provide emergency care at the scene of an emergency without expectation of compensation. In 2003, the Good Samaritan Act was amended to include immunity provisions for physicians who volunteer health care services at public or nonprofit community clinics. These immunity provisions do not apply to acts or omissions that constitute gross negligence.

In 1997 Congress passed the Volunteer Protection Act which provides immunity from liability for individuals providing volunteer services for government or nonprofit entities as long as the volunteer does not commit an act or omission that constitutes gross negligence. In 2001 Washington passed immunity protections to enact more specific standards than the Volunteer Protection Act. In Washington, volunteers for a nonprofit entity only receive the immunity protection when the entity maintains a prescribed amount of liability insurance relative to its revenues.

Summary of Bill:

Good Samaritan Act immunity coverage for individuals volunteering health care services in certain health care settings is expanded beyond physicians to include all licensed health care providers.

A health care provider may be immune from liability when volunteering health care services at a for-profit corporation that holds itself out to the public as having, and actually maintains,

established hours on a regular basis for providing free health care services to the public. In addition, a health care provider may be immune from liability when volunteering health care services through participation in a community-based program to provide access to such services to uninsured individuals.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.