
ENGROSSED SUBSTITUTE HOUSE BILL 2787

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Kessler, Campbell, Cody, Morrell, Schual-Berke, Clibborn, Moeller, Upthegrove and Kagi)

READ FIRST TIME 02/05/04.

1 AN ACT Relating to immunity from liability for licensed health care
2 providers volunteering at community health care settings; and amending
3 RCW 4.24.300.

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

5 **Sec. 1.** RCW 4.24.300 and 2003 c 256 s 1 are each amended to read
6 as follows:

7 (1) Any person, including but not limited to a volunteer provider
8 of emergency or medical services, who without compensation or the
9 expectation of compensation renders emergency care at the scene of an
10 emergency or who participates in transporting, not for compensation,
11 therefrom an injured person or persons for emergency medical treatment
12 shall not be liable for civil damages resulting from any act or
13 omission in the rendering of such emergency care or in transporting
14 such persons, other than acts or omissions constituting gross
15 negligence or willful or wanton misconduct. Any person rendering
16 emergency care during the course of regular employment and receiving
17 compensation or expecting to receive compensation for rendering such
18 care is excluded from the protection of this subsection.

1 (2) Any (~~physician licensed under chapter 18.57 or 18.71 RCW~~)
2 licensed health care provider as listed in RCW 18.130.040 in the state
3 of Washington who, without compensation or the expectation of
4 compensation, provides health care services at a community (~~clinic~~
5 ~~that is a public or private tax exempt corporation~~) health care
6 setting is not liable for civil damages resulting from any act or
7 omission in the rendering of such care, other than acts or omissions
8 constituting gross negligence or willful or wanton misconduct.

9 (3) For purposes of subsection (2) of this section, "community
10 health care setting" means an entity that provides health care services
11 and:

12 (a) Is a clinic operated by a public entity or private tax exempt
13 corporation, except a clinic that is owned, operated, or controlled by
14 a hospital licensed under chapter 70.41 RCW unless the hospital-based
15 clinic either:

16 (i) Maintains and holds itself out to the public as having
17 established hours on a regular basis for providing free health care
18 services to members of the public to the extent that care is provided
19 without compensation or expectation of compensation during those
20 established hours; or

21 (ii) Is participating, through a written agreement, in a community-
22 based program to provide access to health care services for uninsured
23 persons, to the extent that:

24 (A) Care is provided without compensation or expectation of
25 compensation to individuals who have been referred for care through
26 that community-based program; and

27 (B) The health care provider's participation in the community-based
28 program is conditioned upon his or her agreement to provide health
29 services without expectation of compensation;

30 (b) Is a for-profit corporation that maintains and holds itself out
31 to the public as having established hours on a regular basis for
32 providing free health care services to members of the public to the
33 extent that care is provided without compensation or expectation of
34 compensation during those established hours; or

35 (c) Is a for-profit corporation that is participating, through a
36 written agreement, in a community-based program to provide access to
37 health care services for uninsured persons, to the extent that:

1 (i) Care is provided without compensation or expectation of
2 compensation to individuals who have been referred for care through
3 that community-based program; and

4 (ii) The health care provider's participation in the community-
5 based program is conditioned upon his or her agreement to provide
6 health services without expectation of compensation.

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