
HOUSE BILL 2788

State of Washington

58th Legislature

2004 Regular Session

By Representatives Kessler, Schual-Berke, Cody, Morrell, Clibborn, Campbell, Moeller, Darneille, Buck and Kagi

Read first time 01/20/2004. Referred to Committee on Health Care.

1 AN ACT Relating to the liability insurance program for retired
2 primary care providers volunteering to serve low-income patients; and
3 amending RCW 43.70.460.

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

5 **Sec. 1.** RCW 43.70.460 and 1993 c 492 s 276 are each amended to
6 read as follows:

7 (1) The department may establish a program to purchase and maintain
8 liability malpractice insurance for retired primary care providers who
9 provide primary health care services (~~(at community clinics)~~) to low-
10 income patients. The following conditions apply to the program:

11 (a) Primary health care services shall be provided at (~~community~~)
12 clinics serving low-income patients that are public or private tax-
13 exempt corporations or other established practice settings as defined
14 by the department;

15 (b) Primary health care services provided at the clinics shall be
16 offered to low-income patients based on their ability to pay;

17 (c) Retired primary care providers providing health care services
18 shall not receive compensation for their services; and

1 (d) The department shall contract only with a liability insurer
2 authorized to offer liability malpractice insurance in the state.

3 (2) This section and RCW 43.70.470 shall not be interpreted to
4 require a liability insurer to provide coverage to a primary care
5 provider should the insurer determine that coverage should not be
6 offered to a ((~~physician [primary care provider]~~)) primary care
7 provider because of past claims experience or for other appropriate
8 reasons.

9 (3) The state and its employees who operate the program shall be
10 immune from any civil or criminal action involving claims against
11 clinics or ((~~physicians [primary care providers]~~)) primary care
12 providers that provided health care services under this section and RCW
13 43.70.470. This protection of immunity shall not extend to any clinic
14 or primary care provider participating in the program.

15 (4) The department may monitor the claims experience of retired
16 ((~~physicians [primary care providers]~~)) primary care providers covered
17 by liability insurers contracting with the department.

18 (5) The department may provide liability insurance under chapter
19 113, Laws of 1992 only to the extent funds are provided for this
20 purpose by the legislature. If there are insufficient funds to support
21 all applications for liability insurance coverage, priority shall be
22 given to those retired primary care providers working at clinics
23 operated by public or private tax-exempt corporations rather than
24 clinics operated by for-profit corporations.

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