

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2787

58th Legislature
2004 Regular Session

Passed by the House March 11, 2004
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 11, 2004
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2787** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2787

AS AMENDED BY THE SENATE

Passed Legislature - 2004 Regular Session

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 regulated by a disciplining authority
3 under RCW 18.130.040 in the state of Washington who, without
4 compensation or the expectation of compensation, provides health care
5 services at a community (~~clinic that is a public or private tax exempt~~
6 ~~corporation~~) health care setting is not liable for civil damages
7 resulting from any act or omission in the rendering of such care, other
8 than acts or omissions constituting gross negligence or willful or
9 wanton misconduct.

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

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

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

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

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

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

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

36 (c) Is a for-profit corporation that is participating, through a
37 written agreement, in a community-based program to provide access to
38 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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