
SENATE BILL 6902

State of Washington

59th Legislature

2006 Regular Session

By Senators Rasmussen and Brandland

Read first time . Referred to .

1 AN ACT Relating to immunity from liability for health care
2 providers during an emergency or disaster; amending RCW 4.24.300;
3 adding a new section to chapter 18.57A RCW; adding a new section to
4 chapter 18.71A RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** In response to recent national and
7 international disasters, it is the legislature's intent to ensure
8 during times of state and local emergencies and disasters every health
9 care resource available to the state is utilized. The legislature
10 recognizes one of its most important resources during such times is the
11 availability of in-state and out-of-state volunteer health care
12 providers, specifically physicians, physician assistants, and other
13 health care providers with extensive primary care training. The
14 legislature knows that such providers are often reluctant to volunteer
15 their services out of fear they may be found liable for their acts or
16 omissions while assisting those in need during an emergency or
17 disaster. As a way to ensure the maximum number of volunteer health
18 care providers are available during an emergency or disaster, the

1 legislature intends to grant immunity from civil liability to all such
2 providers who provide emergency, medical, or other health care during
3 emergency or disaster situations.

4 **Sec. 2.** RCW 4.24.300 and 2004 c 87 s 1 are each amended to read as
5 follows:

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

18 (2) Any licensed health care provider regulated by a disciplining
19 authority under RCW 18.130.040 in the state of Washington who, without
20 compensation or the expectation of compensation, provides health care
21 services at a community health care setting is not liable for civil
22 damages resulting from any act or omission in the rendering of such
23 care, other than acts or omissions constituting gross negligence or
24 willful or wanton misconduct.

25 (3) Any physician or physician's assistant licensed to practice in
26 this state under chapter 18.57, 18.57A, 18.71, or 18.71A RCW, or any
27 physician or physician's assistant licensed or authorized to practice
28 medicine in any other United States jurisdiction or credentialed as a
29 physician assistant by a federal employer who, without compensation or
30 the expectation of compensation, provides medical or other health-
31 related care: (a) At the scene of an emergency; (b) in connection with
32 an emergency or disaster under chapter 38.52 RCW; or (c) in connection
33 with an incident that is man-made or natural disaster that endangers or
34 threatens to endanger individuals, property, or the environment; and in
35 which the care is provided at the request of an authorized
36 representative of a local, state, or federal agency or body including,
37 but not limited to, a fire department, police department, emergency

1 management agency, or a disaster response agency, is not liable for
2 civil damages resulting from any act or omission in the rendering of
3 such care, other than acts or omissions constituting gross negligence
4 or willful or wanton misconduct.

5 (4) For purposes of subsection (2) of this section, "community
6 health care setting" means an entity that provides health care services
7 and:

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

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

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

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

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

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

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

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

37 (ii) The health care provider's participation in the community-

1 based program is conditioned upon his or her agreement to provide
2 health services without expectation of compensation.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.57A RCW
4 to read as follows:

5 (1) An osteopathic physician's assistant licensed in this state or
6 licensed or authorized to practice in any other United States
7 jurisdiction or who is credentialed as an osteopathic physician's
8 assistant by a federal employer who is responding to a need for medical
9 care created by an emergency or a state or local disaster, as set forth
10 in RCW 4.24.300, may render such care that the osteopathic physician's
11 assistant is able to provide without supervision as it is defined in
12 this chapter, or with such supervision as is available, if any.

13 (2) An osteopathic physician who supervises an osteopathic
14 physician's assistant providing medical care in response to an
15 emergency or state or local disaster is not required to meet the
16 requirements set forth in this chapter for a supervising physician.

17 (3) An osteopathic physician who supervises an osteopathic
18 physician's assistant voluntarily and gratuitously providing emergency
19 care is not liable for civil damages for any personal injuries that
20 result from acts or omissions by the osteopathic physician's assistant
21 rendering emergency care.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.71A RCW
23 to read as follows:

24 (1) A physician assistant licensed in this state or licensed or
25 authorized to practice in any other United States jurisdiction or who
26 is credentialed as a physician assistant by a federal employer who is
27 responding to a need for medical care created by an emergency or a
28 state or local disaster, as set forth in RCW 4.24.300, may render such
29 care that the physician assistant is able to provide without
30 supervision as it is defined in this chapter, or with such supervision
31 as is available, if any.

32 (2) A physician who supervises a physician assistant providing
33 medical care in response to an emergency or state or local disaster is
34 not required to meet the requirements set forth in this chapter for a
35 supervising physician.

1 (3) A physician who supervises a physician assistant voluntarily
2 and gratuitously providing emergency care is not liable for civil
3 damages for any personal injuries that result from acts or omissions by
4 the physician assistant rendering emergency care.

--- END ---