
HOUSE BILL 2478

State of Washington

61st Legislature

2010 Regular Session

By Representatives Kelley and Green

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1 AN ACT Relating to immunity from liability for certain health care
2 providers; and amending RCW 4.24.300.

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

4 **Sec. 1.** 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)(a) Any licensed health care provider regulated by a
19 disciplining authority under RCW 18.130.040 in the state of Washington

1 who, without compensation or the expectation of compensation, provides
2 health care services at a community health care setting or (b) any
3 community health care setting that provides health care services under
4 this section, is not liable for civil damages resulting from any act or
5 omission in the rendering of such care, other than acts or omissions
6 constituting gross negligence or willful or wanton misconduct.

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

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

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

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

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

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

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

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

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

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

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