

SENATE BILL REPORT

SB 6216

As Reported by Senate Committee On:
Health & Long-Term Care, January 25, 2012

Title: An act relating to liability of nonprofit and charitable corporations.

Brief Description: Providing immunity for nonprofit and charitable corporations that provide used eyeglasses for charitable purposes.

Sponsors: Senators Padden, Regala, Hargrove, Baumgartner, Kohl-Welles and Roach.

Brief History:

Committee Activity: Health & Long-Term Care: 1/23/12, 1/25/12 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6216 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker, Ranking Minority Member; Frockt, Kline, Pflug and Pridemore.

Staff: Veronica Warnock (786-7490)

Background: In 1993 the Eye Care for the Homeless Program was enacted. This program requires the Department of Social and Health Services (DSHS) to coordinate the efforts of nonprofit organizations who work with the homeless to deliver vision services free of charge. Optometrists, ophthalmologists, and dispensing opticians are immune from liability for free vision care or eyeglasses provided to the homeless at or below retail cost.

Summary of Bill (Recommended Substitute): DSHS must coordinate the efforts of nonprofit organizations who work with the homeless, the poor, and the uninsured to deliver free vision services.

Provides nonprofit and charitable corporations with immunity from liability when they distribute used eyeglasses without charge to people who are at least 14 years old. This immunity applies only if the eyeglasses are provided by a licensed optometrist or ophthalmologist who personally examined the person receiving the eyeglasses or if the eyeglasses are provided by an optician who consulted with a licensed optometrist or ophthalmologist who personally examined the eyeglass recipient.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Substitute): Removes the word licensed from the term licensed optician.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: The demand for free vision services for the poor and uninsured is greater than ever. The Board of Optometry recently issued an opinion prohibiting the dispensing of used eyeglasses to those in need. This bill would allow charitable organizations, such as Union Gospel Mission and the Lions Club, to continue their long tradition of helping the poor and uninsured obtain vision services. There is no one in the eye care community who opposes this bill.

Persons Testifying: PRO: Senator Mike Padden, prime sponsor; Jeffery A. Forrey, OD, Volunteer Optometric Services to Humanity.