
HOUSE BILL 2561

State of Washington

66th Legislature

2020 Regular Session

By Representatives Macri, Robinson, Stonier, Slatter, Senn, Tharinger, Fitzgibbon, Cody, Walen, Davis, Bergquist, Doglio, J. Johnson, Frame, Pollet, Goodman, Hudgins, Ormsby, Riccelli, and Santos

Read first time 01/15/20. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to protecting pregnancy and miscarriage-related
2 patient care; adding a new section to chapter 43.70 RCW; and adding a
3 new chapter to Title 70 RCW.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Department" means the department of health.

9 (2) "Health care entity" means an entity that supervises,
10 controls, grants privileges to, directs the practice of, or directly
11 or indirectly restricts the practice of, a health care provider.

12 (3) "Health care provider" has the same meaning as in RCW
13 70.02.010.

14 NEW SECTION. **Sec. 2.** (1) Except as provided in subsection (2)
15 of this section, if a health care provider is acting in good faith,
16 within the provider's authorized scope of practice, and within the
17 accepted standard of care, a health care entity may not prohibit the
18 health care provider from providing health care services related to
19 complications of pregnancy, including but not limited to health
20 services related to miscarriage management and treatment for ectopic

1 pregnancies, in cases in which failure to provide the service would
2 violate the accepted standard of care or when the patient presents a
3 medical condition manifesting itself by acute symptoms of sufficient
4 severity such that the absence of immediate medical attention could
5 reasonably be expected to pose an immediate or future serious risk:

6 (a) To the patient's life; or

7 (b) Of irreversible complications or impairment to the patient's
8 bodily functions or any bodily organ or part.

9 (2) Nothing in this section prohibits a health care entity from
10 limiting a health care provider's practice for purposes of:

11 (a) Complying with the network or utilization review requirements
12 of any program or entity authorized by state or federal law to
13 provide insurance coverage for health care services to enrollees; or

14 (b) Quality control or patient safety.

15 NEW SECTION. **Sec. 3.** A patient, a health care provider, or an
16 individual, who is aggrieved by a violation of section 2 of this act,
17 may bring a civil action against a health care entity to enjoin
18 further violations, to recover damages, or both, and may recover
19 costs and reasonable attorneys' fees.

20 NEW SECTION. **Sec. 4.** A health care entity may not penalize,
21 take, or threaten to take adverse action against a health care
22 provider for providing services in compliance with this chapter.

23 NEW SECTION. **Sec. 5.** A health care entity shall provide the
24 information prepared by the department under section 6 of this act at
25 the time of hiring, contracting with, or privileging health care
26 providers and staff, and on a yearly basis thereafter.

27 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.70
28 RCW to read as follows:

29 The department shall design, prepare, and make available online,
30 written materials to clearly inform health care providers and staff
31 of the provisions of, and authority to act under, chapter 70.--- RCW
32 (the new chapter created in section 7 of this act).

1 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act
2 constitute a new chapter in Title 70 RCW.

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