
HOUSE BILL 1507

State of Washington

69th Legislature

2025 Regular Session

By Representatives Scott, Berry, Peterson, Reed, Simmons, Ormsby, Farivar, Parshley, Fosse, Macri, Ramel, Pollet, and Ortiz-Self

Read first time 01/22/25. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to prohibiting certain nondisclosure and
2 nondisparagement provisions in agreements between health care
3 providers and patients related to medical malpractice, or any tort or
4 crime; adding a new section to chapter 4.24 RCW; and prescribing
5 penalties.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
8 to read as follows:

9 (1)(a) A provision in an agreement between a health care provider
10 and patient not to disclose or discuss any act, error, or omission by
11 the health care provider, or the existence of a settlement involving
12 any act, error, or omission by the health care provider, that the
13 patient reasonably believes under Washington state, federal, or
14 common law to constitute medical malpractice, or any tort or crime,
15 is void and unenforceable.

16 (b) Prohibited nondisclosure and nondisparagement provisions
17 include, but are not limited to, nondisclosure and nondisparagement
18 provisions concerning any act, error, or omission by a health care
19 provider occurring in the course of any health care, whether
20 occurring on or off a premises owned or controlled by the health care
21 provider.

1 (c) Prohibited nondisclosure and nondisparagement provisions
2 include, but are not limited to, nondisclosure and nondisparagement
3 provisions contained in any agreement related to the provision of any
4 health care, agreements to pay compensation in exchange for the
5 release of a legal claim arising from the provision of health care,
6 and any other agreement between a health care provider and patient.

7 (2) This section does not prohibit the enforcement of a provision
8 in any agreement that prohibits the disclosure of the amount paid in
9 settlement of a legal claim.

10 (3) It is a violation of this section for a health care provider
11 to request or require a patient to enter into any agreement provision
12 that is prohibited by this section, or for a health care provider to
13 enter into an agreement containing a provision prohibited by this
14 section.

15 (4) It is a violation of this section for a health care provider
16 to attempt to enforce a provision of an agreement prohibited by this
17 section, whether through a lawsuit, a threat to enforce, or any other
18 attempt to influence a party to comply with a provision in any
19 agreement that is prohibited by this section.

20 (5) This section does not prohibit a health care provider and
21 patient from agreeing to protect confidential information that does
22 not involve or is not relevant to any allegation of medical
23 malpractice, or any tort or crime.

24 (6) A health care provider who violates this section after the
25 effective date of this section is liable in a civil cause of action
26 for actual or statutory damages of \$10,000, whichever is more, as
27 well as reasonable attorneys' fees and costs.

28 (7) A nondisclosure or nondisparagement provision in any
29 agreement between a patient who is a Washington resident and their
30 health care provider is governed by Washington law.

31 (8) The provisions of this section are to be liberally construed
32 to fulfill its remedial purpose.

33 (9) Within one year of the effective date of this section, any
34 health care provider that has previously entered into any agreement
35 with a patient containing provisions prohibited by this act must
36 provide written notification to the patient, the patient's legal
37 counsel of record if any, and any other person bound by the
38 agreement, of the existence of this act and identify all provisions
39 of the agreement that are no longer enforceable.

1 (10) As an exercise of the state's police powers and for remedial
2 purposes, this section is retroactive from the effective date of this
3 section only to invalidate nondisclosure or nondisparagement
4 provisions in agreements created before the effective date of this
5 section. This subsection allows the recovery of damages to prevent
6 enforcement of such provisions but does not allow recovery of damages
7 based on the existence of such provisions.

8 (11) The definitions in this subsection apply throughout this
9 section unless the context clearly requires otherwise.

10 (a) "Health care" means any care, service, or procedure provided
11 by a health care provider: (i) To diagnose, treat, or maintain a
12 patient's physical or mental condition; or (ii) that affects the
13 structure or any function of the human body.

14 (b) "Health care provider" has the same meaning as provided in
15 RCW 7.70.020.

16 (c) "Medical malpractice" means an actual or alleged negligent
17 act, error, or omission in providing or failing to provide health
18 care services that is actionable under chapter 7.70 RCW.

19 (d) "Patient" means an individual who receives or has received
20 health care. The term includes a deceased individual who has received
21 health care.

--- END ---