
SUBSTITUTE HOUSE BILL 2337

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Morris, Moyer, Paris, Casada, Franklin, Braddock, Ebersole, H. Myers, Schmidt, Appelwick, Ogden, Locke, Hargrove, Edmondson, D. Sommers, Cantwell, Hochstatter, Rasmussen, Forner, R. Johnson, Zellinsky, Rayburn, Nealey, Heavey, Wineberry, Chandler, Roland, J. Kohl, Ludwig, Mitchell, Orr, Spanel, May, Leonard, Haugen, Ferguson, Sprenkle, Miller, O'Brien and Anderson)

Read first time 01/27/92.

1 AN ACT Relating to community clinics that utilize retired
2 physicians to provide primary care to low-income persons without
3 compensation; adding new sections to chapter 43.70 RCW; creating a new
4 section; and making an appropriation.

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

6 NEW SECTION. **Sec. 1.** There are a number of retired physicians
7 who wish to provide, or are providing, health care services to low-
8 income patients without compensation. However, the cost of obtaining
9 malpractice insurance is a burden that is deterring them from donating
10 their time and services in treating the health problems of the poor.
11 The necessity of maintaining malpractice insurance for those in
12 practice is a significant reality in today's litigious society.

13 A program to alleviate the onerous costs of malpractice insurance
14 for retired physicians providing uncompensated health care services to

1 low-income patients will encourage philanthropy and augment state
2 resources in providing for the health care needs of those who have no
3 access to basic health care services.

4 An estimated sixteen percent of the nonelderly population do not
5 have health insurance and lack access to even basic health care
6 services. This is especially problematic for low-income persons who
7 are young and who are either unemployed or have entry-level jobs
8 without health care benefits. The majority of the uninsured, however,
9 are working adults, and some twenty-nine percent are children.

10 The legislature declares that this act will increase the
11 availability of primary care to low-income persons and is in the
12 interest of the public health and safety.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW
14 to read as follows:

15 (1) The department shall purchase and maintain liability insurance
16 by contracting with an insurer authorized to do business in this state
17 to provide liability insurance, under this section and section 3 of
18 this act, to retired physicians who provide primary care at community
19 clinics that are public or private nonprofit tax-exempt corporations
20 that utilize retired physicians for providing primary care without
21 compensation to low-income individuals at a charge based upon ability
22 to pay. Nothing shall prevent the contracting insurer from refusing to
23 provide coverage for a participating physician in a clinic for claims
24 experience reasons or other appropriate reasons.

25 (2) The state and its officers and employees, or individuals acting
26 on their behalf, are immune from suit in any action, civil or criminal,
27 with regard to any claims against clinics or physicians or based upon
28 the performance of official acts under this chapter.

1 (3) The department shall monitor the claims experience of retired
2 physicians covered by liability insurers contracting with the
3 department.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW
5 to read as follows:

6 The department shall establish by rule the conditions of
7 participation in the liability insurance program by retired physicians
8 at clinics utilizing retired physicians for the purposes of this
9 section and section 2 of this act. These conditions shall include, but
10 not be limited to, the following:

11 (1) The participating physician associated with the clinic shall
12 hold a valid license to practice medicine and surgery in this state and
13 otherwise be in conformity with current requirements for licensure as
14 a retired physician, including continuing education requirements;

15 (2) The participating physician shall limit the scope of practice
16 in the clinic to primary care. Primary care shall be limited to
17 noninvasive procedures and shall not include obstetrical care, or any
18 specialized care and treatment. Noninvasive procedures include
19 injections, suturing of minor lacerations, and incisions of boils or
20 superficial abscesses;

21 (3) The provision of liability insurance coverage shall not extend
22 to acts outside the scope of rendering medical services pursuant to
23 this section and section 2 of this act;

24 (4) The participating physician shall limit the provision of health
25 care services to low-income persons provided that clinics may, but are
26 not required to, provide means tests for eligibility as a condition for
27 obtaining health care services;

28 (5) The participating physician shall not accept compensation for
29 providing health care services from patients served pursuant to this

1 section and section 2 of this act, nor from clinics serving these
2 patients. "Compensation" shall mean any remuneration of value to the
3 participating physician for services provided by the physician, but
4 shall not be construed to include any nominal copayments charged by the
5 clinic, nor reimbursement of related expenses of a participating
6 physician authorized by the clinic in advance of being incurred; and

7 (6) The use of mediation or arbitration for resolving questions of
8 potential liability may be used, however any mediation or arbitration
9 agreement format shall be expressed in terms clear enough for a person
10 with a sixth grade level of education to understand, and on a form no
11 longer than one page in length.

12 NEW SECTION. **Sec. 4.** The sum of fifty thousand dollars, or as
13 much thereof as may be necessary, is appropriated for the biennium
14 ending June 30, 1993, from the general fund to the department of health
15 for the purposes of this act.