

Chapter 7.71 RCW
HEALTH CARE PEER REVIEW

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RCW 7.71.010 Legislative finding. The legislature finds the assurance of quality and cost-effectiveness in the delivery of health care can be assisted through the review of health care by health care providers. It also recognizes that some peer review decisions may be based on factors other than competence or professional conduct. Although it finds that peer review decisions based on matters unrelated to quality and utilization review need redress, it concludes that it is necessary to balance carefully the rights of the consuming public who benefit by peer review with the rights of those who are occasionally hurt by peer review decisions based on matters other than competence or professional conduct.

The legislature intends to foreclose federal antitrust actions to the extent *Parker v. Brown*, 317 U.S. 341 (1943), allows and to permit only those actions in RCW 7.71.020 and 7.71.030. [1987 c 269 § 1.]

RCW 7.71.020 Federal law applicable in Washington state. Pursuant to P.L. 99-660 Sec. 411(c)(2), Title IV of that act shall apply in Washington state as of July 26, 1987. [1987 c 269 § 2.]

RCW 7.71.030 Actions by health care peer review body—Exclusive remedy. (1) If the limitation on damages under RCW 7.71.020 and P.L. 99-660 Sec. 411(a)(1) does not apply, this section shall provide the exclusive remedies in any lawsuit by a health care provider for any action taken by a professional peer review body of health care providers as defined in RCW 7.70.020.

(2) Remedies shall be limited to appropriate injunctive relief, and damages shall be allowed only for lost earnings directly attributable to the action taken by the professional peer review body, incurred between the date of such action and the date the action is functionally reversed by the professional peer review body.

(3) Reasonable attorneys' fees and costs shall be awarded if approved by the court under RCW 7.71.035.

(4) The statute of limitations for actions under this section shall be one year from the date of the action of the professional peer review body. [2013 c 301 § 1; 2012 c 165 § 1; 1987 c 269 § 3.]

RCW 7.71.035 Actions by health care peer review body—Award of costs to substantially prevailing party. (1) Except as provided for

in subsection (2) of this section, at the conclusion of an action under RCW 7.71.030 the court shall award to the substantially prevailing party the costs of the suit attributable to any claim or defense asserted in the action by the nonprevailing party, including reasonable attorneys' fees, if the nonprevailing party's claim, defense, or conduct was frivolous, unreasonable, without foundation, or in bad faith.

(2) At the conclusion of an action under RCW 7.71.030 the court shall award to the substantially prevailing defendant the cost of the suit, including reasonable attorneys' fees, if the nonprevailing plaintiff failed to first exhaust all administrative remedies available before the professional peer review body.

(3) A party shall not be considered to have substantially prevailed if the opposing party obtains an award for damages or permanent injunctive relief under this chapter. [2012 c 165 § 2.]

RCW 7.71.040 Chapter does not limit or repeal other immunities conferred by law. Nothing in this chapter limits or repeals any other immunities conferred upon participants in the peer review process contained in any other state or federal law. [1987 c 269 § 4.]

**RCW 7.71.050 Medical staff privileges and membership—
Revocation, suspension, reduction.** (1) A medical staff privilege sanction process that results in a revocation, suspension, or reduction of medical staff privileges or membership at a health care facility must meet the requirements of RCW 70.41.200(1)(b).

(2) A professional peer review action taken by a health care facility that imposes a revocation, suspension, or reduction of medical staff privileges or membership must meet the requirements of and is subject to 42 U.S.C. Sec. 11112.

(3) In this section, "health care facility" has the same meaning as in RCW 43.70.075. [2019 c 62 § 2.]