
SUBSTITUTE HOUSE BILL 2492

State of Washington 63rd Legislature 2014 Regular Session

By House Judiciary (originally sponsored by Representatives Rodne, Jinkins, Morrell, and Tharinger)

READ FIRST TIME 02/05/14.

1 AN ACT Relating to liability of health care providers responding to
2 an emergency; and adding a new section to chapter 4.24 RCW.

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

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

6 (1) Except as provided in subsection (2) of this section, any
7 health care provider credentialing or granting practice privileges to
8 other health care providers to deliver health care in response to an
9 emergency is immune from civil liability arising out of such
10 credentialing or granting of practice privileges if: (a) The health
11 care provider so credentialed or granted practice privileges was
12 responding to an emergency; and (b) the procedures utilized for
13 credentialing and granting practice privileges were substantially
14 consistent with the standards for granting emergency practice
15 privileges adopted by the joint commission on the accreditation of
16 health care organizations.

17 (2) This section does not apply to any acts or omissions
18 constituting gross negligence or willful or wanton misconduct.

19 (3) For purposes of this section:

1 (a) "Ambulatory surgical facility" has the same meaning as provided
2 in RCW 70.230.010.

3 (b) "Clinic" means a place for treatment of patients on an
4 outpatient basis by a health care provider.

5 (c) "Credentialing" means the collection, verification, and
6 assessment of whether a health care provider meets relevant licensing,
7 education, and training requirements.

8 (d) "Emergency" means an event or set of circumstances for which
9 the governor has proclaimed a state of emergency pursuant to RCW
10 43.06.010.

11 (e) "Health care provider" means:

12 (i) A member of a profession identified in RCW 7.70.020(1);

13 (ii) An employee or agent of a member of such a profession acting
14 in the course and scope of his or her employment;

15 (iii) An entity, whether or not incorporated, facility, or
16 institution employing, credentialing, or providing practice privileges
17 to one or more persons described in (e)(i) of this subsection
18 including, but not limited to, a hospital, ambulatory surgical
19 facility, clinic, health maintenance organization, or nursing home, or
20 an officer, director, employee, or agent thereof acting in the course
21 and scope of his or her employment;

22 (iv) A pharmacist or pharmacy as defined in RCW 18.64.011; or

23 (v) In the event any person identified in (e)(i) through (iv) of
24 this subsection is deceased, his or her estate or personal
25 representative.

26 (f) "Health maintenance organization" has the same meaning as
27 provided in RCW 48.46.020.

28 (g) "Hospital" has the same meaning as provided in RCW 70.41.020.

29 (h) "Nursing home" has the same meaning as provided in RCW
30 18.51.010.

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