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RCW 43.70.460

Retired primary care provider liability malpractice insurance

(1) The department may establish a program to purchase and main insurance for retired primary care providers who provide primary low-income patients. The following conditions apply to the progra

(a) Primary health care services shall be provided at clinics ser that are public or private tax-exempt corporations or other establis defined by the department;

(b) Primary health care services provided at the clinics shall be patients based on their ability to pay;

(c) Retired primary care providers providing health care service compensation for their services; and

(d) The department shall contract only with a liability insurer a liability malpractice insurance in the state.

(2) This section and RCW [43.70.470](#) shall not be interpreted to insurer to provide coverage to a primary care provider should the i coverage should not be offered to a primary care provider because experience or for other appropriate reasons.

(3) The state and its employees who operate the program shall civil or criminal action involving claims against clinics or primary provided health care services under this section and RCW [43.70.4](#) immunity shall not extend to any clinic or primary care provider p program.

(4) The department may monitor the claims experience of retired primary care providers covered by liability insurers contracting with the department.

(5) The department may provide liability insurance under chapter 113, Laws of 1992 only to the extent funds are provided for this purpose by the legislature. If there are insufficient funds to support all applications for liability insurance coverage, priority shall be given to those retired primary care providers working at clinics operated by public or private tax-exempt corporations rather than clinics operated by for-profit corporations.

[2004 c 184 § 1; 1993 c 492 § 276; 1992 c 113 § 2.]

NOTES:

Finding -- 1993 c 492: See note following RCW [28B.115.080](#).

Findings -- Intent -- 1993 c 492: See notes following RCW [43.20.050](#).

Short title -- Severability -- Savings -- Captions not law -- Reservation of legislative power -- Effective dates -- 1993 c 492: See RCW [43.72.910](#) through [43.72.915](#).

Legislative declaration -- 1992 c 113: "There are a number of retired physicians who wish to provide, or are providing, health care services to low-income patients without compensation. However, the cost of obtaining malpractice insurance is a burden that is deterring them from donating their time and services in treating the health problems of the poor. The necessity of maintaining malpractice insurance for those in practice is a significant reality in today's litigious society.

A program to alleviate the onerous costs of malpractice insurance for retired physicians providing uncompensated health care services to low-income patients will encourage philanthropy and augment state resources in providing for the health care needs of those who have no access to basic health care services.

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

The legislature declares that this act will increase the availability of primary care to low-income persons and is in the interest of the public health and safety." [1992 c 113 § 1.]