

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 9, chapter 193, Laws of 1982 and RCW 69.54.120 are each amended to read as follows:

(1) The county legislative authority (~~shall~~) may appoint a county drug abuse administrative board. Such a board may also be designated as the board for other related programs.

(2) The county drug abuse administrative board shall consist of not less than seven nor more than fifteen members. Board members shall serve three-year terms and until their successors are appointed and qualified, except that initially appointed members may serve shorter terms so that an equal number of vacancies occur each year. Members of the board shall be representative of the community and shall include, where possible, former clients, relatives of clients, and members of minority groups and other special groups of local significance. Employees of agencies providing services under RCW 69.54.040 and persons with a financial interest in such agencies shall not be appointed to the board. No more than four elected or appointed city or county officials may serve on the board at the same time. Members shall not be compensated for their duties as members of the board, but may be reimbursed for travel expenses.

(3) The county drug abuse administrative board shall:

(a) Nominate individuals for the position of county drug abuse coordinator;

(b) Conduct public hearings and other investigations to determine the needs and priorities of county citizens;

(c) Review and recommend to the county legislative authority for approval plans, budgets, and applications by the county to the department;

(d) Evaluate the performance of the drug abuse program at least annually;

(e) Advise the county legislative authority and the county coordinator on matters relating to the drug abuse programs; and

(f) Perform such other duties as the department may prescribe by rule.

Passed the House March 8, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 149

[Substitute House Bill No. 383]

HOSPITALS—PHYSICIANS—PROFESSIONAL NEGLIGENCE—CIVIL
ACTION—STANDARD OF CARE—ELEMENTS

AN ACT Relating to special rights of action; amending section 1, chapter 35, Laws of 1975 1st ex. sess. and RCW 4.24.290; and amending section 9, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.040.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 35, Laws of 1975 1st ex. sess. and RCW 4.24.290 are each amended to read as follows:

In any civil action for damages based on professional negligence against a hospital which is licensed by the state of Washington or against the personnel of any such hospital, or against a member of the healing arts including, but not limited to, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, a chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatrist licensed under chapter 18.22 RCW, or a nurse licensed under chapters 18.78 or 18.88 RCW, the plaintiff in order to prevail shall be required to prove by a preponderance of the evidence that the defendant or defendants failed to exercise that degree of skill, care, and learning possessed at that time by other persons in the same profession, and that as a proximate result of such failure the plaintiff suffered damages, but in no event shall the provisions of this section apply to an action based on the failure to obtain the informed consent of a patient.

Sec. 2. Section 9, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.040 are each amended to read as follows:

The following shall be necessary elements of proof that injury resulted from the failure of the health care provider to follow the accepted standard of care:

- (1) The health care provider failed to exercise that degree of care, skill, and learning expected of a reasonably prudent health care provider at that time in the profession or class to which he belongs, in the state of Washington, acting in the same or similar circumstances;
- (2) Such failure was a proximate cause of the injury complained of.

Passed the House March 31, 1983.

Passed the Senate April 16, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

CHAPTER 150

[Substitute House Bill No. 498]

DRIVING WHILE INTOXICATED—ALCOHOL INFORMATION SCHOOL

AN ACT Relating to driving while intoxicated; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515; creating a new section; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 27, chapter 47, Laws of 1982 1st ex. sess. and RCW 46.61.515 are each amended to read as follows: