EAST OLYMPIA FIRE DISTRICT

Reviewed/Revised: 05/25/21

POLICY #P-26

Standard Tort Claim

Supersedes: 07/08/2015 Approved by: Fire Chief
Adopted by the Board of Commissioners: 06/10/2021

PURPOSE: To establish a procedure to provide necessary information when required for claims for damages against Thurston County Fire Protection District 6 ("District").

SCOPE: All members of the District shall abide by the provisions of this policy.

REFERENCES:

RCW 4.96.020 *Tortious conduct of local governmental entities and their agents — Claims — Presentment and filing — Contents*

RCW 4.92.100 *Tortious conduct of state or its agents — Claims — Presentment and filing — Contents*

Section III Medicare, Medicaid and SCHIP Extension Act of 2007

POLICY:

Thurston County Fire Protection District 6 shall appoint an agent to receive and process claims for damages. The identity and contact information of the appointed agent, as well as the Standard Tort Claim Form Packet shall be posted on the District's website and shall be recorded with the Thurston County Auditor.

PROCEDURES/GUIDELINES:

1. The Standard Tort Claim Form Packet shall be posted and available on the District's website. The form must be completed and signed by:

    a. Claimant; or
    b. Person holding a written power of attorney from the Claimant; or
    c. Attorney in fact for the Claimant; or
    d. Attorney admitted to practice in Washington State on the Claimant's behalf; or
    e. A court-approved guardian or guardian ad litem on behalf of the Claimant.

2. The Claim Agent for the District shall be the District's legal counsel:

    Mr. Kinnon Williams
    Foster Garvey PC
    1111 Third Avenue, Suite 3000
    Seattle, WA 98101
    Business Hours: Mon. - Fri. 9:00 a.m. – 5:00 p.m.
    Closed on weekends and official state holidays.

3. Completed Standard Tort Claim forms must be submitted by regular, registered, or certified mail, with return receipt requested, or by delivery to the Claim Agent.

Standard Tort Claim Form Packet

Please *carefully read all of the information in this packet* before completing and presenting your Standard Tort Claim.

A New Law that Impacts Presenting a Standard Tort Claim Form

RCW 4.96.020, requires citizens to present the Standard Tort Claim form with the government entity named in their claim. The law also requires local government entities to provide the Standard Tort Claim form with instructions on how to complete the form. In compliance with these requirements and for the convenience of citizens, the State Department of Enterprise Services, Office of Risk Management developed a Standard Tort Claim Form Packet. The Standard Tort Claims Form may be submitted directly to the Thurston County Fire District 6.

Documents Contained in the Standard Tort Claim Form Packet

1. Instructions for completing the Standard Tort Claim Form
2. Standard Tort Claim Form
3. Medical Authorization
4. Vehicle Collision Form (for tort claims involving vehicle accidents/collisions)
5. Mandatory Medicare Beneficiary Reporting Form

Legal Requirements for Presenting Standard Tort Claim Forms

In order to verify the claim and additional supporting information, the law requires that the Standard Tort Claim form be signed by:

- Claimant; or
- Person holding a written power of attorney from the Claimant; or
- Attorney in fact for the Claimant; or
- Attorney admitted to practice in Washington State on the Claimant's behalf; or
- A court-approved guardian or guardian ad litem on behalf of the Claimant

Present in Person or Mail the Standard Tort Claim Form and Supporting Documents to:

Mail to:
Attn: Kinnon Williams, Claims Agent
Foster Garvey PC
1111 Third Avenue, Suite 3000
Seattle, WA 98101

Deliver to:
Attn: Kinnon Williams
Foster Garvey PC
1111 Third Avenue, Suite 3000
Seattle, WA 98101

Business Hours: Monday-Friday, 9:00 a.m. to 5:00 p.m.
Closed on weekends and official state holidays

INSTRUCTIONS FOR COMPLETING A STANDARD TORT CLAIM FORM
General Liability Claim Form #SF 210

Before presenting a Standard Tort Claim form, please read these instructions, the Standard Tort Claim form, and other appropriate forms in their entirety.

- Type or print clearly in ink and sign the Standard Tort Claim form. Do not stable or tape documents. Do not put in claim form binders or add divider tabs as all documents must be scanned.

- Provide all requested information and any available documents or evidence supporting your claim, such as medical records or bills for personal injuries, photographs, proof of ownership for property damages, receipts for property value, etc.

- If the requested information cannot be supplied in the space provided, please use additional blank sheets so your Standard Tort Claim form can be easily read and understood.

- The following are *examples* on how to complete the Tort Claim Form (#SF 210):

    1. Doe, John Michael – 02/20/1965
    2. 1234 XYZ St., Apt. 01, Anycity, WA Zipcode
    3. PO Box 123, Anycity, WA Zipcode
    4. Same (or residence at the time of incident)
    5. (Area Code) -123-4567
    6. Email Address
    7. 8:00 a.m., August 9, 2014
    8. If the incident that caused the damages occurred over a period of time, please provide the beginning time and the ending time
    9. Washington, Thurston, City, Thurston County Fire District 6 office, parking lot
    10. If applicable, I-5, Eastbound, Milepost 000, near the XYZ Exit
    11. Thurston County Fire District 6
    12. Doe, Jane, 1234 ABC St., Anycity, State Zipcode (Area Code) 123-4567; Tow Truck Driver; Tow Truck Company
    13. List employee names who have knowledge about the incident in question, if known or enter "Unknown"
    14. List all other witnesses having knowledge of the incident in question, with their names, addresses, and telephone numbers that are not listed within items 12 and 13. Also include a description of their knowledge. For example, if your sister was with you, when the alleged incident occurred, please include her name, address, telephone number, and indicate she witnessed the incident.
    15. Please describe the incident that resulted in the injury or damages, specifically answering the questions who, what, where, when and why.
    16. If you reported this incident to law enforcement, safety, or security personnel, please provide a copy of the report or contact information to the person you spoke with.
    17. Please provide all of your medical providers with their names, address, telephone numbers, and the type of treatment. If you were treated for a personal injury, please include your medical records and bills.
    18. Please provide the dollar amount for your damages, including your time loss, medical costs, property damage loss, etc. This amount should represent your opinion of total compensation.

- If you are presenting a personal injury claim, please sign and attach the Medical Release form.

- If your claim involves a motor vehicle accident, please complete, sign, and attach the Vehicle Collision Form.

STANDARD TORT CLAIM FORM

General Liability Claim Form #SF 210

Pursuant to Chapter 4.96 RCW, this form is for filing a tort claim against the Thurston County Fire District 6. Some of the information requested on this form is required by RCW 4.96.020 and may be subject to public disclosure. Pursuant to the law, Standard Tort Claim forms cannot be submitted electronically (via e-mail or fax).

PLEASE TYPE OR PRINT IN INK

Mail or deliver to:

Attn: Kinnon Williams
Foster Garvey PC
1111 Third Avenue, Suite
3000Seattle, WA 98101

Business Hours: Mon. - Fri. 9:00 a.m. – 5:00 p.m.
Closed on weekends and official state holidays

For Official Use Only
No.

CLAIMANT INFORMATION

1. Claimant's name:

Last name First Middle Date of birth (mm/dd/yyyy)

2. Current residential address:

3. Mailing address (if different):

4. Residential address at the time of the incident (if different from current address):

5. Claimant's daytime telephone number: _____ Home _____ Business

6. Claimant's e-mail address: _____

INCIDENT INFORMATION

7. Date of the incident: _____ (mm/dd/yyyy) Time: _____ ☐ a.m. ☐ p.m. (check one)

8. If the incident occurred over a period of time, date of first and last occurrences:
From_____ (mm/dd/yyyy) Time: _____ ☐ a.m. ☐ p.m. to_____ (mm/dd/yyyy) Time: _____ ☐ a.m. ☐ p.m.

9. Location of incident: _____
State, County City, if applicable Place where occurred

10. If the incident occurred on a street or highway:

Name of street or highway, milepost number, intersection with or nearest intersecting street

11. State/local agency or department alleged responsible for damage/injury:

12. Names, addresses and telephone numbers of all persons involved in or witness to this incident:

13. Names, addresses and telephone numbers of all state or Thurston County Fire District 6 employees having knowledge about this incident:

_____
_____
_____

14. Names, addresses and telephone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

_____
_____
_____

15. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

_____
_____
_____
_____
_____
_____
_____

16. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom? Please attach a copy of the report or contact information.

_____
_____
_____
_____

17. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.

_____
_____
_____
_____

18. I claim damages from the Thurston County Fire District 6 in the sum of $_____.

19. Please attach documents which support the claim's allegations.

This Claim form must be signed by the Claimant, a person holding a written power of attorney from the Claimant, by the attorney in fact for the Claimant, by an attorney admitted to practice in Washington State on the Claimant's behalf, or by a court-approved guardian or guardian ad litem on behalf of the Claimant.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signature of Claimant	**Date and place (residential address, city and county)**
Signature of Representative	**Date and place (residential address, city and county)**
Print Name of Representative	**Bar Number (if applicable)**

Claim # _____

Authorization for Release of Protected Health Information (PHI) to Thurston County Fire District 6

Name: _____
(Last, First, Middle Initial or Middle Name)

Date of Birth: Month_____Day_____Year _____

I hereby authorize disclosure of my protected health information to the Thurston County Fire District 6, for purposes of processing my claim for damages filed with the Thurston County Fire District 6.

I understand that by signing this document, I authorize the release of the following information:

Complete medical record for all services, including history and physical exam; progress notes; x-ray reports; inpatient admissions; operative notes; physical or other therapy; laboratory and other test reports; physician and physician assistant orders; nursing notes; and all other records and references designated by the provider as part of its medical record.

HIV Test Results and medical information related to HIV testing or treatment.

Psychiatric, mental and behavioral health records, including treatment notes, assessments, testing documents and results, and medical records related to mental health diagnosis and treatment.

Alcohol assessment, testing, referral or treatment records.

All other chemical dependency assessment of treatment records.

Pharmacy prescriptions and reports.

All letters and memos received or sent, including electronic mail, referencing my treatment, compliance with treatment and any other subject related to my medical treatment.

Information related to alleged sexual assault or sexually transmitted disease, including test results.

Urgent care, outpatient or other clinic visit information.

Gynecological and/or obstetrical information.

All client records generated for or by governmental programs of which I am a client. Identify the program(s) and agency:

_____
_____.

Financial records related to my care and treatment.

I understand the following: **(PLEASE READ AND INITIAL ALL STATEMENTS)**

_____ I understand that my records are protected under HIPAA/PHI regulations (federal law) and the Washington State Health Care Information Act (RCW 70.02).

_____ I understand that my health information may be subject to re-disclosure by Thurston County Fire District 6 and not protected for purposes of evaluating and investigating the claim I have filed with the Thurston County Fire District 6.

_____ I understand that the specific information to be disclosed in my medical record may include information regarding alcohol, drug or other controlled substance use, counseling referrals and/or a history of testing or treatment of acquired immune deficiency syndrome.

_____ I understand that I may revoke this authorization at any time by notifying Thurston County Fire District 6 in writing, and that the revocation will be effective as of the date Thurston County Fire District 6 receives it. Any records obtained pursuant to this Authorization for Release of PHI prior to the revocation will be deemed authorized by me for release.

_____ I understand that this Authorization for Release will expire 90 days from the date I sign it. I can also authorize a different time frame for this release to be valid. This permission is valid until my claim is resolved or closed by Thurston County Fire District 6.

A Photostat of this Authorization carries the same authority as the original for purposes of releasing my records to Thurston County Fire District 6

_____
Signature of Authorizing Individual

Date of Signature: _____

Telephone number: _____

_____
Witness (where patient is over 13 and signing the release)

Where the signer is not the subject of the records:

I am authorized to sign this because I am the (attach proof of authority):

☐ Parent of minor ☐ Legal Guardian

☐ Personal Representative ☐ Other

To the Provider or Records Custodian:
Please send legible copies of all records to:

Delivery:
Thurston County Fire District 6
Attn: Kinnon Williams
Foster Garvey PC
1111 Third Avenue, Suite 3000
Seattle, WA 98101

Mail:
Thurston County Fire District 6
Attn: Kinnon Williams
Foster Garvey PC
1111 Third Avenue, Suite 3000
Seattle, WA 98101

VEHICLE COLLISION FORM

PLEASE TYPE OR PRINT IN INK

Please attach this form to your standard tort claim form, if the claim involves a vehicle collision.

CLAIMANT AND INCIDENT INFORMATION

CLAIMANT'S NAME (A SEPARATE FORM MUST BE COMPLETED FOR EACH CLAIMANT)	DATE OF ACCIDENT(mm/dd/yyyy)	TIME AM ☐ PM ☐
CURRENT STREET (RESIDENCE) ADDRESS / CITY / STATE / ZIP		PHONE HOME WORK
(RESIDENCE) STREET ADDRESS FOR SIX MONTHS PRIOR TO THE ACCIDENT / CITY / STATE / ZIP		EMAIL
State/County/City (if applicable) where occurred / STREET OR HWY / MILEPOST NO. / INTERSECTION OR NEAREST STREET/ROAD		

YOUR VEHICLE INFORMATION (VEHICLE #1)

YEAR	MAKE	MODEL	LICENSE PLATE NO.	WHERE CAN CAR BE SEEN?	WHEN?

NAME OF VEHICLE OWNER	ADDRESS	CITY	HOME AND WORK PHONE

NAME OF DRIVER	ADDRESS	CITY	HOME AND WORK PHONE

DRIVER'S LICENSE NUMBER	STATE OF ISSUANCE	DATE OF EXPIRATION

DESCRIBE DAMAGE	ESTIMATE $	YOUR INSURANCE COMPANY AND POLICY NO.

OTHER VEHICLE INFORMATION (VEHICLE #2)

YEAR	MAKE	MODEL	LICENSE PLATE NO.	STATE AGENCY, IF KNOWN

NAME OF OWNER	ADDRESS	CITY	PHONE

NAME OF DRIVER	ADDRESS	CITY	PHONE

DESCRIBE DAMAGE	ESTIMATE $

OTHER NON-VEHICLE DAMAGE

WAS OTHER (NON-VEHICLE) PROPERTY DAMAGED? IF SO, DESCRIBE WHAT TYPE OF PROPERTY WAS DAMAGED.

NAME OF OWNER	ADDRESS	CITY	PHONE

DESCRIBE DAMAGE	ESTIMATE $

INJURED PARTIES

NAME	ADDRESS	PHONE	INJURY	AGE	VEH 1	VEH 2	VEH 3	PED	OTH
		HOME WORK							
		HOME WORK							
		HOME WORK							
		HOME WORK							
		HOME WORK							

WITNESSES

NAME (ATTACH ADDITIONAL SHEETS IF NECESSARY)	ADDRESS	CITY	PHONE
			HOME WORK
			HOME WORK
			HOME WORK

SF 138 (July 2009)

COMPLETE ALL DETAILS

Describe conduct and circumstances causing injury or damages and explain the extent of medical, physical or mental injuries. Please identify name, address, and telephone number of treating physicians and other medical providers. Please attach property damage estimates and/or all medical bills in support of your claim. If necessary, attach additional pages containing information in this format.

_____

_____

_____

_____

_____

_____

☐ Straight Road
☐ Curve – R or L
☐ Level

☐ Hillcrest
☐ Uphill
☐ Downhill

☐ One Lane
☐ One and One-Half Lane
☐ Two Lane or Four Lane

Show on diagram position of each car, vehicle or injured person, indicating by arrow direction of each.

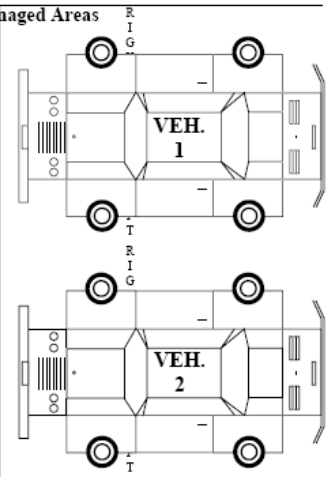
Sidewalk
Street
Center
Sidewalk

IMPORTANT

If street or view was obstructed in any way, indicate where and how; also indicate any street car or tracks and traffic signals or signs.

Indicate points of compass
N. E. S. W.

Mark Damaged Areas



LIGHT CONDITIONS (CHECK ONE)	TRAFFIC CONTROL	TYPE OF ROAD (CHECK ONE OR MORE)	VEHICLE CONDITION (CHECK ONE OR MORE)	ROAD SURFACE (CHECK ONE)	WEATHER (CHECK ONE)
1 ☐ DAYLIGHT	VEHICLE NO. 1 NO. 2	VEHICLE NO. 1 NO. 2	VEHICLE NO. 1 NO. 2	VEHICLE NO. 1 NO. 2	1 ☐ CLEAR, CLOUDY & OVERCAST
2 ☐ DAWN	1 ☐ ☐ SIGNALS	1 ☐ ☐ ONE WAY	1 ☐ ☐ DEFECTIVE BRAKES	1 ☐ ☐ DRY	2 ☐ RAINING
3 ☐ DUSK	2 ☐ ☐ STOP SIGN	2 ☐ ☐ TWO WAY	2 ☐ ☐ DEFECTIVE HEADLIGHTS	2 ☐ ☐ WET	3 ☐ SNOWING
4 ☐ DARK STREET LIGHTS ON	3 ☐ ☐ FLASHING RED	3 ☐ ☐ REVERSIBLE ROAD	3 ☐ ☐ DEFECTIVE REAR LIGHTS	3 ☐ ☐ SNOW	4 ☐ FOG
5 ☐ DARK STREET LIGHTS OFF	4 ☐ ☐ FLASHING AMBER	4 ☐ ☐ INTER-CHANGE LOOP RAMP	4 ☐ ☐ TIRES WORN	4 ☐ ☐ ICE	5 ☐ OTHER (SPECIFY)
6 ☐ DARK NO STREET LIGHT	5 ☐ ☐ RR SIGNAL	5 ☐ ☐ ALLEY	5 ☐ ☐ PUNCTURED OR BLOWN TIRES	5 ☐ ☐ OTHER (SPECIFY)	
7 ☐ OTHER (SPECIFY)	6 ☐ ☐ OFFICER/ FLAGMAN	6 ☐ ☐ TWO WAY-LEFT TURN LANES	6 ☐ OTHER (SPECIFY)		
	7 ☐ ☐ YIELD SIGN	1 ☐ ☐ SEPARATED			
	8 ☐ ☐ NO TRAFFIC CONTROL	2 ☐ ☐ DIVIDED			
	9 ☐ ☐ OTHER	3 ☐ ☐ UNDIVIDED			

NAME OF INVESTIGATING POLICE AGENCY: _____

INVESTIGATING AGENCY REPORT NO. _____

A separate claim form should be submitted for each claimant.

This information is being provided to aid in resolving the claim.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

_____ _____

Signature of Claimant *Date and Place (residential address, city and county)*

MMSEA REPORTING COMPLIANCE DECLARATION

The Centers for Medicare & Medicaid Services (CMS) is the federal agency that oversees the Medicare program. Many Medicare beneficiaries have other insurance in addition to their Medicare benefits. Sometimes, Medicare is supposed to pay after the other insurance. However, if certain other insurance delays payment, Medicare may make a "conditional payment" so as not to inconvenience the beneficiary and recover after the insurance pays.

Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 (MMSEA), a federal law that became effective January 1, 2009, requires that liability insurers (including self-insurers like the state of Washington), no-fault insurers, and workers' compensation plans report specific information about Medicare beneficiaries who have other insurance coverage. This reporting is to assist CMS and other insurance plans to properly coordinate payment of benefits among plans so that your claims are paid promptly and correctly. Please answer the questions below so that we may comply with this law.

Please review this picture of the Medicare card to determine if you have, or have ever had, a similar Medicare card.

Section I

Are you presently, or have you ever been enrolled in Medicare Part A or Part B?	Yes☐	No☐
If yes, please complete the following. If no, proceed to Section II.		
Full Name: *(Please print the name exactly as it appears on the SSN or Medicare card if available.)*		
Medicare Claim Number:	**Date of Birth(Mo/Day/Year)**	
Social Security Number: (If Medicare Claim Number is Unavailable)	**Sex**	Female☐ Male☐

Section II

I understand that the information requested is to assist the requesting insurance arrangement to accurately coordinate benefits with Medicare and to meet its mandatory reporting obligations under Medicare law.

Claimant Name (Please Print) **Claim Number**

Name of Person Completing This Form If Claimant is Unable (Please Print)

Signature of Person Completing This Form **Date**

If you have completed Sections I and II above, stop here. If you are refusing to provide the information requested in Sections I and II, proceed to Section III.

Section III

Claimant Name (Please Print) **Claim Number**

For the reason(s) listed below, I have not provided the information requested. I understand that if I am a Medicare beneficiary and I do not provide the requested information, I may be violating obligations as a beneficiary to assist Medicare in coordinating benefits to pay my claims correctly and promptly.

Reason(s) for Refusal to Provide Requested Information:

Signature of Person Completing This Form **Date**