

# HOUSE BILL REPORT

## EHB 2838

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### As Passed Legislature

**Title:** An act relating to mediation of health care injury disputes.

**Brief Description:** Limiting mediation of health care injury disputes.

**Sponsors:** Representatives Dyer, Cody, Foreman, McMahan, Goldsmith, Huff, Carlson and Robertson.

**Brief History:**

**Committee Activity:**

Health Care: 1/30/96, 2/1/96 [DP].

**Floor Activity:**

Passed House: 2/9/96, 97-0.

Passed Legislature.

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### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** Do pass. Signed by 11 members: Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Cody, Ranking Minority Member; Murray, Assistant Ranking Minority Member; Campbell; Conway; Crouse; Sherstad; Skinner and H. Sommers.

**Staff:** Charlie Gavigan (786-7340).

**Background:** Washington has several provisions in law dealing with medical malpractice actions. These health care actions, like other actions, are limited by a statute of limitations. A statute of limitations requires court actions be brought within a specific timeframe or be barred.

Health care actions are subject to mandatory mediation.

If a written, good faith request for mediation is made prior to filing the action, the statute of limitations is tolled while the mediation occurs.

**Summary of Bill:** If a written, good faith request for mediation is made prior to filing the action, the statute of limitations is tolled for one year, rather than for an unspecified period of time.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill puts reasonable timeframes on efforts to mediate disputes before a court action is filed.

**Testimony Against:** None.

**Testified:** Gary Morse, Physicians Insurance Exchange and Washington State Medical Association (supports); and Larry Shannon, Washington State Trial Lawyers Association (supports).