

SENATE BILL REPORT

SHB 2936

As Reported By Senate Committee On:
Law & Justice, February 26, 1998

Title: An act relating to actions for injuries resulting from health care.

Brief Description: Clarifying statute of limitations on actions for professional negligence against health care providers.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Dyer, Backlund, Skinner and Sherstad).

Brief History:

Committee Activity: Law & Justice: 2/23/98, 2/26/98 [DP, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Kline, Long and McCaslin.

Minority Report: Do not pass.

Signed by Senator Stevens.

Staff: Dick Armstrong (786-7460)

Background: The statute of limitations for bringing most health care-related lawsuits has three time periods. Generally, an action must be brought within the later of three years after the act that caused the harm, or one year after discovering the cause of the harm, but never more than eight years after the act. This eight-year period is referred to as the period of "repose." However, the statute is "tolled" (*i.e.*, the period of limitation does not run) while the claimant is a minor, is incompetent, or is imprisoned before sentencing on a criminal charge. These tolling provisions apply to most kinds of civil lawsuits.

The statute of limitations applicable to health care also contains a provision that tolls the running of the statute "upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic or diagnostic purpose or effect." This tolling period is open-ended.

Summary of Bill: The statute of limitations is tolled for one year from when a patient has actual knowledge of fraud, concealment, or presence of a foreign object.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Testified: No one.