

FINAL BILL REPORT

SSB 5732

C 141 L 04

Synopsis as Enacted

Brief Description: Revising provisions for long-term care service options.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Rasmussen, Brandland and Winsley).

Senate Committee on Health & Long-Term Care
House Committee on Judiciary

Background: Under the doctrine of joint and several liability, multiple defendants whose negligent acts caused a plaintiff's injury are each individually liable for all of the plaintiff's damages. Jointly and severally liable defendants may have rights of contribution among themselves; thus, a defendant who pays more than his or her share can seek reimbursement from those defendants who paid less than their share. The plaintiff, however, may seek all of the damages from any one of the defendants.

With certain exceptions, Washington has abolished joint and several liability in cases involving the fault of multiple parties. One of these exceptions occurs when a plaintiff suffering bodily injury or incurring property damage is found to be not at fault; then, each defendant against whom judgment is entered is jointly and severally liable for the plaintiff's total damages.

There is concern that for potential defendants, such as Area Agencies on Aging, the existence of joint and several liability provides an incentive for plaintiffs to litigate.

Summary: Case management responsibilities include verifying that the client's plan of care adequately meets the needs of the client. The plan of care shall include a statement by the individual provider that he or she has the ability to carry out his or her responsibilities. An individual consumer's need for case management services may be met through an alternative delivery system.

Votes on Final Passage:

Senate 47 0
House 95 0 (House amended)
Senate 48 0 (Senate concurred)

Effective: June 10, 2004