

## HB 3135 - DIGEST

Provides that, in an action or arbitration for damages for injury or death occurring as a result of providing health care, or arranging for the provision of health care, whether brought under chapter 7.70, 4.20, or 4.24 RCW, or any other applicable law, the total amount of noneconomic damages that may be awarded to the claimant shall not exceed one million dollars unless the injury or death resulted from an act or omission that constituted gross negligence, or that was reckless, willful or wanton, or intentional, in which case there is no limitation on the amount of noneconomic damages that may be awarded to the claimant.

Creates the indigent emergency medical care account in the custody of the state treasurer. The account shall receive deposits of excess awards of noneconomic damages as provided in this act.

Provides that expenditures from the account may be used only to provide grants to health care facilities that provide emergency room health care services. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to health care facilities that serve a disproportionate share of low-income and medically indigent patients with emergency room health care services. Any residue in the account shall accumulate in the account and shall not revert to the general fund at the end of the biennium. Costs incurred by the department in administering the account shall be paid from the account.

Provides that an attorney may not contract for or collect a contingency fee for representing a person in connection with an action for damages for injury or death occurring as a result of providing health care or related services, or the arranging for the provision of health care or related services, that exceeds twenty percent of the amount recovered.

Declares that the limitation in this provision applies whether the recovery is by judgment, settlement, arbitration, mediation, or other form of alternative dispute resolution.

Provides that, for purposes of this act, "recovered" means the net sum recovered after deducting any disbursements or costs incurred in connection with the arbitration, litigation, or settlement of the claim. Costs of medical care incurred by the plaintiff and the attorney's office overhead costs or charges are not deductible disbursements or costs for such purposes.