

1 **ESSB 5304** - H AMD TO H COMM AMD 000335 LOST 4-8-93  
2 By Representative Dyer

3 On page 120, after line 10, insert the following:

4 "Sec. 422. RCW 7.70.030 and 1975-'76 2nd ex.s c 56 s 8 are  
5 each amended to read as follows:

6 No award shall be made in any action or arbitration for damages  
7 for injury occurring as the result of health care which is provided  
8 after June 25, 1976, unless the plaintiff establishes one or more  
9 of the following propositions:

10 (1) That injury resulted from the failure of a health care  
11 provider to follow the accepted standard of care provided, however,  
12 that a health care provider, as a matter of law, follows the  
13 accepted standard of care if he or she follows a course of  
14 treatment accepted by recognized and competent health care  
15 professionals experienced in the treatment at issue, even if other  
16 recognized and competent health care professionals do not accept  
17 the course of treatment followed by the health care provider;

18 (2) That a health care provider promised the patient or his  
19 representative that the injury suffered would not occur;

20 (3) That injury resulted from health care to which the patient  
21 or his representative did not consent.

22 Unless otherwise provided in this chapter, the plaintiff shall  
23 have the burden of proving each fact essential to an award by a  
24 preponderance of the evidence."

Renumber the remaining sections and correct internal references accordingly.

EFFECT: The amendment adds back language which was in the bill as it came to the house and is commonly called the two schools of thought amendment.