

VETO MESSAGE ON SB 5304-S2

May 17, 1993

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 424, Engrossed Second Substitute Senate Bill No. 5304, entitled:
"AN ACT Relating to health care."

Engrossed Second Substitute Senate Bill No. 5304, adopts the Washington Health Services Act. Through this bill the legislature has given the people of Washington major health care reform. This bill will provide access to all residents of the state and will begin to control the spiraling costs of our health care system.

Section 424 of Engrossed Second Substitute Senate Bill 5304 changes the measurement and apportionment of damages in court actions for injuries resulting from health care by holding a defendant against whom judgment has been entered responsible for the fault of entities already released by a claimant. This section, along with the other liability reforms such as malpractice review and mandatory mediation contained in Part IV C. of the bill, is intended to encourage settlements and reduce litigation costs in medical malpractice cases. While I share in the legislature's goal of reduced malpractice litigation, I question whether this language as written will achieve the desired result.

For this reason, I have vetoed section 424 of Engrossed Second Substitute Senate Bill No. 5304.

With the exception of section 424, Engrossed Second Substitute Senate Bill No. 5304 is approved.

Respectfully submitted,
Mike Lowry
Governor