

2 **SHB 2839** - H AMD 264

3 By Representatives Cody, Morris and others

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW  
8 to read as follows:

9 (1) The claimant's attorney shall file the certificate specified in  
10 subsection (2) of this section within ninety days of filing or service,  
11 whichever occurs later, of any action for damages arising out of the  
12 negligence of a person licensed, registered, or certified under Title  
13 18 RCW and subject to chapter 18.130 RCW or a health care facility as  
14 defined in RCW 48.43.005.

15 (2) The certificate issued by the claimant's attorney shall  
16 declare:

17 (a) That the attorney has reviewed the facts of the case;

18 (b) That the attorney has consulted with at least one qualified  
19 expert who the attorney reasonably believes is knowledgeable in the  
20 relevant issues involved in the particular action and who has expertise  
21 in those areas requiring expert testimony in an action against a health  
22 care facility or health care professional;

23 (c) That the expert is willing and available to testify to  
24 admissible facts or opinions; and

25 (d) That the attorney has concluded on the basis of such review and  
26 consultation that there is reasonable and meritorious cause for the  
27 filing of such action.

28 (3) Where a certificate is required under this section, and where  
29 there are multiple defendants, the certificate or certificates must  
30 state the attorney's conclusion that on the basis of review and expert  
31 consultation, there is reasonable and meritorious cause for the filing  
32 of such action as to each defendant.

33 (4) The provisions of this section shall not be applicable to a pro  
34 se plaintiff until such a time as an attorney appears on the  
35 plaintiff's behalf.

36 (5) If a named defendant seeks to apportion fault against a  
37 nonparty entity under RCW 4.22.070, the defendant shall file a

1 certificate of merit as specified in subsection (2) of this section  
2 that there is reasonable and meritorious cause for joining the nonparty  
3 entity and shall be required to join the nonparty entity as a party to  
4 the action.

5 (6) Violation of this section shall be grounds for either dismissal  
6 of the case or sanctions against the attorney, or both, as the court  
7 deems appropriate."

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9 By Representative

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11 On page 1, line 1 of the title, after "reform;" strike the  
12 remainder of the title and insert "and adding a new section to chapter  
13 4.24 RCW."

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