

ESHB 1928 - H AMD TO H AMD (1928-S.E AMH LANT ADAM 047)

By Representative

1 On page 3, beginning on line 1 of the amendment, strike all of
2 section 3 and insert the following:

3 "Sec. 3. RCW 7.70.080 and 1975-'76 2nd ex.s. c 56 s 13 are
4 each amended to read as follows:

5 (1) Any party may present evidence to the trier of fact that
6 the ((patient)) plaintiff has already been, or will be, compensated
7 for the injury complained of from ((any source except the assets of
8 the patient, his representative, or his immediate family, or
9 insurance purchased with such assets. In the event such evidence
10 is admitted, the plaintiff may present evidence of an obligation to
11 repay such compensation. Insurance bargained for or provided on
12 behalf of an employee shall be considered insurance purchased with
13 the assets of the employee)) a collateral source. In the event the
14 evidence is admitted, the plaintiff may present evidence of any
15 amount that was paid or contributed to secure the right to any
16 compensation. Compensation as used in this section shall mean
17 payment of money or other property to or on behalf of the patient,
18 rendering of services to the patient free of charge to the patient,
19 or indemnification of expenses incurred by or on behalf of the
20 patient. Notwithstanding this section, evidence of compensation by
21 a defendant health care provider may be offered only by that
22 provider.

23 (2) Unless otherwise provided by statute, there is no right of
24 subrogation or reimbursement from a plaintiff's tort recovery with
25 respect to compensation covered in subsection (1) of this section."

EFFECT: Amends the collateral source provision to remove the ability of a plaintiff to show evidence of an obligation to repay collateral source payments. Also, provides that, unless

otherwise provided in statute, there is no right to subrogation or reimbursement from a plaintiff's tort judgment for these payments.