

# SENATE BILL REPORT

## HB 1929

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As of April 2, 2003

**Title:** An act relating to the eight-year statute of repose in RCW 4.16.350.

**Brief Description:** Reenacting the eight-year statute of repose.

**Sponsors:** Representatives Lantz, Carrell, Cody, McMahan, Schual-Berke, Clibborn, Kessler, Newhouse, Campbell, Moeller, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, Simpson, Sommers and Haigh.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 4/2/03.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Staff:** Tanya Karwaki (786-7447)

**Background:** The time period during which a medical malpractice action may be brought is limited by statutes of limitations and repose. A statute of limitations provides that a claim may be brought during a specified time period after an injury occurs, after which any claim is barred from being brought. A statute of repose terminates the right to bring an action after a specified time period. Pursuant to Washington's statute of limitations, an action for medical malpractice must be brought within three years of the act or omission alleged to have caused the injury, or one year after the injury was discovered, or reasonably should have been discovered, whichever period is longer. Washington's statute of repose prohibiting actions from being brought more than eight years after the injury has been held to be unconstitutional by the Washington Supreme Court. The time for bringing an action is tolled if there is proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic purpose. In such circumstances, an action must be brought within one year of actual knowledge.

**Summary of Bill:** The eight-year statute of repose in medical malpractice cases is reenacted. The reenacted statute of repose is intended to apply to cases commenced on or after the effective date of the act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.