

SENATE BILL REPORT

SB 5754

As of February 26, 2003

Title: An act relating to the mandatory mediation of health care claims.

Brief Description: Concerning mandatory mediation of health care claims.

Sponsors: Senators Rasmussen, Sheahan, Winsley, Benton, Hargrove, Finkbeiner and McCaslin.

Brief History:

Committee Activity: Health & Long-Term Care: 2/27/03.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Tanya Karwaki (786-7447)

Background: Since 1993, the Legislature has provided for mandatory mediation of all claims arising from health care injuries. The filing of a written, good faith request for mediation of a medical malpractice claim tolls the statute of limitations for filing such a claim. After unsuccessful mediation, the parties retain the right to trial by jury.

Summary of Bill: No medical malpractice action may be commenced unless the defendant has been given at least 90 days' notice. After filing the presuit notice, the claim is subject to mandatory mediation prior to trial.

The Washington State Supreme Court must adopt rules requiring mandatory mediation without exception and rules providing procedures for the parties to certify to the court the manner of mediation they used.

Appropriation: None.

Fiscal Note: Requested on February 25, 2003.

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