
ENGROSSED HOUSE BILL 2839

State of Washington

58th Legislature

2004 Regular Session

By Representatives Schual-Berke, Kagi, Cody, Lantz, Linville, Morrell, Wallace, Kenney, O'Brien, Miloscia, Sommers, Rockefeller, Clibborn and Edwards

Read first time 01/21/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to a study of alternatives for resolving disputes
2 related to injuries resulting from health care; and creating new
3 sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that there has
6 been significant controversy regarding the most appropriate means to
7 resolve disputes related to injuries occurring as a result of health
8 care, and that an impartial examination of all of the issues
9 surrounding resolution of these disputes is needed. An impartial
10 examination is an important component of efforts to address concerns
11 raised regarding the handling and outcome of disputes related to
12 injuries occurring as a result of health care in the current civil
13 liability system.

14 (2) Through the establishment of a joint task force, the
15 legislature intends to provide for an impartial examination of issues
16 surrounding resolution of disputes related to injuries occurring as a
17 result of health care, with the goal of developing recommendations for
18 prompt resolution of these disputes that provides equitable results for
19 all of the individuals and entities involved.

1 NEW SECTION. **Sec. 2.** (1) A joint task force is created to study
2 judicial and administrative alternatives for resolving disputes related
3 to injuries occurring as a result of health care. The task force is
4 organized and chaired by the office of the attorney general. In
5 addition to the office of the attorney general, members of the task
6 force shall include:

7 (a) Representatives of the legislature, including one member
8 appointed by each caucus;

9 (b) Representatives of the superior courts of Washington state
10 appointed by the president of the superior court judges association,
11 and shall include one judicial officer of the superior court from
12 eastern Washington and one judicial officer of the superior court from
13 western Washington;

14 (c) A representative of the Washington state court of appeals
15 appointed by the chief justice of the state supreme court;

16 (d) A retired judge who is actively involved in mediation or
17 arbitration of medical malpractice disputes;

18 (e) The secretary of the department of health;

19 (f) Two physician representatives of the Washington state medical
20 association, appointed by that organization, one of whom has a medical
21 practice and one of whom has a surgical practice. At least one of the
22 physician representatives must practice in a specialty that is
23 considered a high risk specialty for purposes of the availability and
24 cost of medical malpractice insurance coverage;

25 (g) A representative of the Washington state hospital association,
26 appointed by that organization;

27 (h) A representative of the Washington state bar association,
28 appointed by that organization;

29 (i) A representative of health care consumers, appointed by the
30 attorney general.

31 (2) The task force shall seek input from, and consult with, other
32 interested health professions and organizations in the course of its
33 deliberations.

34 (3) The objectives of the task force are to:

35 (a) Examine approaches used in other states and jurisdictions to
36 address resolution of disputes related to injuries occurring as a
37 result of health care, including but not limited to mediation and

1 arbitration, administrative compensation systems, the use of impartial
2 medical experts chosen by the court or agreed upon by the parties, and
3 the use of specialized courts or judges;

4 (b) Recommend one or more methods to resolve disputes related to
5 injuries occurring as a result of health care, including, but not
6 limited to, an administrative resolution process; a judicial resolution
7 process such as medical courts, or modifications of court rules that
8 will increase the medical knowledge of superior court judges; or any
9 combination thereof;

10 (c) Recommend an implementation plan that will address:

11 (i) A specific administrative structure for each method used to
12 resolve disputes related to injuries occurring as a result of health
13 care;

14 (ii) The cost to implement the plan; and

15 (iii) The changes to statutes and court rules necessary to
16 implement the plan.

17 (3) The office of the attorney general shall use staff of the
18 office of program research and senate committee services to research
19 and compile information relevant to the mission of the task force by
20 December 31, 2004, and to provide other staff support services needed
21 by the task force.

22 (4) The task force shall submit its report to the governor and
23 appropriate committees of the legislature no later than November 1,
24 2005.

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