

2804-S

Sponsor(s): House Committee on Judiciary (originally sponsored by Representatives Lantz, Rockefeller, Clibborn, Moeller, Kirby, Cody, Morrell, Flannigan, Sommers, Campbell, Lovick, Kagi, Miloscia, O'Brien, Hunt, G. Simpson, Conway, Haigh, Linville, Edwards, Kenney and Chase)

Brief Description: Changing provisions relating to actions against health care providers.

**HB 2804-S - DIGEST**

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that the unavailability or unaffordability of malpractice insurance has caused hardship to health care providers.

Finds that this hardship has the potential to result in impaired access to critical health care services, especially in high risk areas of practice, for Washington state citizens.

Finds that factors contributing to increasing malpractice insurance rates and restrictions in coverage are numerous and complex. No single solution can address these multiple factors, but changes in the civil liability system can significantly address some of these factors.

Declares an intent to improve the performance of the civil liability system with respect to the process by which actions alleging negligence by a health care provider are processed and resolved.

Declares that these changes are designed to ensure that the legal system functions as fairly as possible and that it appropriately addresses concerns that a bad outcome is too often considered the equivalent of malpractice.

Establishes a commission on noneconomic damages. The commission shall study the feasibility of developing and implementing an advisory schedule of noneconomic damages in actions for injuries resulting from health care under chapter 7.70 RCW. The commission shall present the results of the feasibility study and an implementation plan, if appropriate, to the relevant policy committees of the legislature by October 31, 2005.