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HOUSE BILL 1777

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Schual-Berke, Cody, Darneille, Ormsby, Morrell,  
Green and Springer

Read first time 02/04/2005. 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 by the office of the governor.    Members of the task force  
5        shall include:

6            (a) One member from each of the two largest caucuses of the house  
7        of representatives, appointed by the speaker of the house of  
8        representatives; and one member from each of the two largest caucuses  
9        of the senate, appointed by the president of the senate;

10           (b) The governor;

11           (c) The attorney general;

12           (d) Two judges representing the superior courts of Washington state  
13        appointed by the president of the superior court judges association,  
14        one of whom is from a superior court located in eastern Washington and  
15        one of whom is from a superior court located in western Washington;

16           (e) A representative of the Washington state court of appeals,  
17        appointed by the chief justice of the state supreme court;

18           (f) A retired judge who is actively involved in mediation or  
19        arbitration of medical malpractice disputes, appointed by the governor;

20           (g) The secretary of the department of health;

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

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

29           (j) A representative of the Washington state bar association,  
30        appointed by that organization;

31           (k) A representative of health care consumers, appointed by the  
32        governor.

33           (2) The task force shall select a chair from among its members.

34           (3) The task force shall seek input from, and consult with, other  
35        interested health professions and organizations in the course of its  
36        deliberations.

37           (4) The objectives of the task force are to:

1 (a) Examine approaches used in other states and jurisdictions to  
2 address resolution of disputes related to injuries occurring as a  
3 result of health care, including but not limited to mediation and  
4 arbitration, administrative compensation systems, the use of impartial  
5 medical experts chosen by the court or agreed upon by the parties, and  
6 the use of specialized courts or judges;

7 (b) Recommend one or more methods to resolve disputes related to  
8 injuries occurring as a result of health care, including, but not  
9 limited to, an administrative resolution process; a judicial resolution  
10 process such as medical courts; modifications of court rules; or any  
11 combination thereof; and

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

13 (i) A specific administrative structure for each of the methods  
14 recommended under (b) of this subsection;

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

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

18 (5) Staff of the office of financial management, the attorney  
19 general's office, the office of program research, and senate committee  
20 services shall assist with research and compilation of information  
21 relevant to the mission of the task force and provide other staff  
22 support needed by the task force.

23 (6) The task force shall submit its report to the governor and  
24 appropriate committees of the legislature no later than November 1,  
25 2006.

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