
Civil Rights & Judiciary Committee

HB 1527

Brief Description: Concerning settlement demands or offers made prior to mandatory mediation of health care claims.

Sponsors: Representatives Bergquist, Schmick, Thai, Reed, Macri and Zahn.

Brief Summary of Bill

- Requires that a settlement demand or offer for a medical malpractice action that is subject to mandatory mediation that is made prior to mediation may not be set to expire prior to the parties' good faith attendance at the mediation.

Hearing Date: 2/4/25

Staff: Matt Sterling (786-7289).

Background:

Medical Malpractice.

Medical malpractice actions are civil tort actions for the recovery of damages for injury or death resulting from the provision of health care. A health care provider may be found liable in a medical malpractice action if the:

- health care provider failed to follow the standard of care;
- health care provider promised that the injury suffered would not occur; or
- injury resulted from health care to which the patient did not consent.

The statute of limitations for medical malpractice actions has varying time periods depending on the circumstances, but the general rule is that an action must be brought within three years of the alleged act or omission or within one year of discovery that the injury was caused by the alleged

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act or omission.

Settlements for Medical Malpractice Claims.

Mandatory Mediation.

Medical malpractice claims are subject to mandatory mediation in accordance with court rules adopted by the Washington Supreme Court. The court rule provides deadlines for commencing mediation proceedings, the process for appointing a mediator, and the procedure for conducting mediation proceedings. The rule allows mandatory mediation to be waived upon petition of any party that mediation is not appropriate.

Arbitration.

Parties to a dispute may voluntarily agree in writing to enter into arbitration to resolve the dispute. A procedural framework for conducting the arbitration proceeding is provided in statute, including provisions relating to appointment of an arbitrator, attorney representation, witnesses, depositions, and awards. Courts have authority to confirm arbitration awards, or modify or vacate arbitration awards under certain circumstances.

A cause of action that has been mediated is exempt from any superior court civil rules mandating arbitration of civil actions or participation in settlement conferences prior to trial.

Summary of Bill:

Settlements for Medical Malpractice Claims.

A settlement demand or offer for a medical malpractice action that is subject to mandatory mediation that is made by a party prior to mediation may not be set to expire prior to the parties' good faith attendance at the mediation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.