

HOUSE BILL REPORT

EHB 2838

As Passed Legislature

Title: An act relating to mediation of health care injury disputes.

Brief Description: Limiting mediation of health care injury disputes.

Sponsors: Representatives Dyer, Cody, Foreman, McMahan, Goldsmith, Huff, Carlson and Robertson.

Brief History:

Committee Activity:

Health Care: 1/30/96, 2/1/96 [DP].

Floor Activity:

Passed House: 2/9/96, 97-0.

Passed Legislature.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass. Signed by 11 members: Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Cody, Ranking Minority Member; Murray, Assistant Ranking Minority Member; Campbell; Conway; Crouse; Sherstad; Skinner and H. Sommers.

Staff: Charlie Gavigan (786-7340).

Background: Washington has several provisions in law dealing with medical malpractice actions. These health care actions, like other actions, are limited by a statute of limitations. A statute of limitations requires court actions be brought within a specific timeframe or be barred.

Health care actions are subject to mandatory mediation.

If a written, good faith request for mediation is made prior to filing the action, the statute of limitations is tolled while the mediation occurs.

Summary of Bill: If a written, good faith request for mediation is made prior to filing the action, the statute of limitations is tolled for one year, rather than for an unspecified period of time.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill puts reasonable timeframes on efforts to mediate disputes before a court action is filed.

Testimony Against: None.

Testified: Gary Morse, Physicians Insurance Exchange and Washington State Medical Association (supports); and Larry Shannon, Washington State Trial Lawyers Association (supports).