

# SENATE BILL REPORT

## SSB 5065

---

---

As Passed Senate, March 10, 2005

**Title:** An act relating to injuries resulting from health care.

**Brief Description:** Requiring notice of potential injuries resulting from health care.

**Sponsors:** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Jacobsen, Parlette, Kohl-Welles and Keiser).

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/26/05, 2/23/05 [DPS].

Passed Senate: 3/10/05, 46-1.

---

### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5065 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Ranking Minority Member; Brandland, Franklin, Kastama, Kline, Parlette and Poulsen.

**Staff:** Stephanie Yurcisin (786-7438)

**Background:** Currently, health care providers and facilities are not required to inform patients of adverse incidents after they occur. Some providers and facilities are concerned that providing such information could increase their liability and as a result may refrain from informing patients about adverse incidents.

**Summary of Bill:** Hospitals are required to have policies to assure that, when appropriate, information about unanticipated outcomes is provided to patients, their families, or surrogate decision makers. Notification of unanticipated outcomes or an apology neither constitutes an acknowledgment or admission of liability, nor may it be introduced as evidence in a civil action.

Beginning January 1, 2006, the Department of Health must ensure the policy is in place when it performs its survey of the hospital.

**Substitute Bill Compared to Original Bill:** The substitute bill allows apologies to be made without being admissible as evidence in a civil action, and removes the word "annual" when referring to the Department of Health hospital surveys.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** None.

**Testimony Against:** None.

**Who Testified:** No one.