

1 5304-S2 AMS MOYE S2364.1

2 **2SSB 5304** - S AMD 000202

3 By Senator Moyer

4 WITHDRAWN 3.12.93

5 On page 92, after line 34, insert the following:

6 "Sec. 317. RCW 7.70.030 and 1975-'76 2nd ex.s. c 56 s 8 are each
7 amended to read as follows:

8 No award shall be made in any action or arbitration for damages for
9 injury occurring as the result of health care which is provided after
10 June 25, 1976, unless the plaintiff establishes one or more of the
11 following propositions:

12 (1) That injury resulted from the failure of a health care provider
13 to follow the accepted standard of care provided, however, that a
14 health care provider, as a matter of law, follows the accepted standard
15 of care if he or she follows a course of treatment accepted by
16 recognized and competent health care professionals experienced in the
17 treatment at issue, even if other recognized and competent health care
18 professionals do not accept the course of treatment followed by the
19 health care provider;

20 (2) That a health care provider promised the patient or his
21 representative that the injury suffered would not occur;

22 (3) That injury resulted from health care to which the patient or
23 his representative did not consent.

24 Unless otherwise provided in this chapter, the plaintiff shall have
25 the burden of proving each fact essential to an award by a
26 preponderance of the evidence."

27 Renumber the remaining sections consecutively and correct internal
28 references accordingly.

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4 On page 1, line 10 of the title, after "70.41.200," insert
5 "7.70.030,"

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