

FINAL BILL REPORT

SHB 2936

C 147 L 98

Synopsis as Enacted

Brief Description: Limiting certain civil actions against health care providers.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Dyer, Backlund, Skinner and Sherstad).

House Committee on Law & Justice
Senate Committee on Law & Justice

Background: The statute of limitations for bringing most health care-related lawsuits has three time periods. Generally, an action must be brought within the later of three years after the act that caused the harm, or one year after discovering the cause of the harm, but never more than eight years after the act. However, the statute is "tolled" (i.e., the period of limitation does not run) while the claimant is a minor, is incompetent, or is imprisoned before sentencing on a criminal charge. These tolling provisions apply to most kinds of civil lawsuits.

In addition, the statute of limitations applicable to health care actions contains a provision that tolls the running of the statute "upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic or diagnostic purpose or effect." This tolling period is open-ended.

Summary: The statute of limitations is tolled for one year from the date a patient has actual knowledge of fraud, concealment, or presence of a foreign object.

Votes on Final Passage:

House 96 0

Senate 48 0

Effective: June 11, 1998