

HOUSE BILL ANALYSIS

SSB 6701

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

Brief Description: Clarifying statute of limitations on actions for professional negligence against health care providers.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Fairley, Long, Kline and Thibaudeau).

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Bill Perry (786-7123).

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. This eight-year period is referred to as the period of "repose." 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.

The statute of limitations applicable to health care also 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 of Bill: The statute of limitations is tolled for one year from when a patient has actual knowledge of fraud, concealment, or presence of a foreign object.

This change in the statute of limitations applies only to cases filed after the effective date of the act.

Fiscal Note: Not requested.

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

Office of Program Research