

EHB 2839 - S COMM AMD
By Committee on Judiciary

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that there has
4 been significant controversy regarding the most appropriate means to
5 resolve disputes related to injuries occurring as a result of health
6 care, and that an impartial examination of all of the issues
7 surrounding resolution of these disputes is needed. An impartial
8 examination is an important component of efforts to address concerns
9 raised regarding the handling and outcome of disputes related to
10 injuries occurring as a result of health care in the current civil
11 liability system.

12 (2) Through the establishment of a joint task force, the
13 legislature intends to provide for an impartial examination of issues
14 surrounding resolution of disputes related to injuries occurring as a
15 result of health care, with the goal of developing recommendations for
16 prompt resolution of these disputes that provides equitable results for
17 all of the individuals and entities involved.

18 NEW SECTION. **Sec. 2.** (1) A joint task force is created to study
19 judicial and administrative alternatives for resolving disputes related
20 to injuries occurring as a result of health care. The task force is
21 organized and chaired by the office of the attorney general. In
22 addition to the office of the attorney general, members of the task
23 force shall include:

24 (a) Representatives of the legislature, including one member
25 appointed by each caucus;

26 (b) Representatives of the superior courts of Washington state
27 appointed by the president of the superior court judges association,
28 and shall include one judicial officer of the superior court from

1 eastern Washington and one judicial officer of the superior court from
2 western Washington;

3 (c) A representative of the Washington state court of appeals
4 appointed by the chief justice of the state supreme court;

5 (d) A retired judge who is actively involved in mediation or
6 arbitration of medical malpractice disputes;

7 (e) The secretary of the department of health;

8 (f) Two physician representatives of the Washington state medical
9 association, appointed by that organization, one of whom has a medical
10 practice and one of whom has a surgical practice. At least one of the
11 physician representatives must practice in a specialty that is
12 considered a high risk specialty for purposes of the availability and
13 cost of medical malpractice insurance coverage;

14 (g) A representative of the Washington state hospital association,
15 appointed by that organization;

16 (h) A representative of the Washington state bar association,
17 appointed by that organization;

18 (i) A representative of health care consumers, appointed by the
19 attorney general.

20 (2) The task force shall seek input from, and consult with, other
21 interested health professions and organizations in the course of its
22 deliberations.

23 (3) The objectives of the task force are to:

24 (a) Examine approaches used in other states and jurisdictions to
25 address resolution of disputes related to injuries occurring as a
26 result of health care, including but not limited to mediation and
27 arbitration, administrative compensation systems, the use of impartial
28 medical experts chosen by the court or agreed upon by the parties, and
29 the use of specialized courts or judges;

30 (b) Recommend one or more methods to resolve disputes related to
31 injuries occurring as a result of health care, including, but not
32 limited to, an administrative resolution process; a judicial resolution
33 process such as medical courts, or modifications of court rules that
34 will increase the medical knowledge of superior court judges; or any
35 combination thereof;

36 (c) Recommend an implementation plan that will address:

1 (i) A specific administrative structure for each method used to
2 resolve disputes related to injuries occurring as a result of health
3 care;
4 (ii) The cost to implement the plan; and
5 (iii) The changes to statutes and court rules necessary to
6 implement the plan.
7 (4) The office of the attorney general shall use staff of the
8 office of program research and senate committee services to research
9 and compile information relevant to the mission of the task force by
10 August 31, 2004, and to provide other staff support services needed by
11 the task force.
12 (5) The task force shall submit its report to the governor and
13 appropriate committees of the legislature no later than November 1,
14 2004."

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15 On page 1, line 2 of the title, after "care;" strike the remainder
16 of the title and insert "and creating new sections."

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