
HOUSE BILL 2773

State of Washington 58th Legislature 2004 Regular Session

By Representatives Schual-Berke, Benson and Morrell

Read first time 01/20/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to establishing a commission on noneconomic
2 damages; creating new sections; and providing an expiration date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) A commission on noneconomic damages is
5 established. The commission shall develop a plan for implementing an
6 advisory schedule of noneconomic damages in actions for injuries
7 resulting from health care under chapter 7.70 RCW. The commission
8 shall present the plan to the relevant policy committees of the
9 legislature by October 31, 2005.

10 (2) The commission's goal is to develop a plan that will increase
11 the predictability and proportionality of settlements and awards for
12 noneconomic damages in actions for injuries resulting from health care.
13 In developing its plan, the commission shall consider:

14 (a) The information that can most appropriately be used to provide
15 guidance to the trier of fact regarding noneconomic damage awards,
16 giving consideration to: (i) Past noneconomic damage awards for
17 similar injuries, considering severity and duration of the injuries;
18 (ii) past noneconomic damage awards for similar claims for damages; and

1 (iii) such other information or methodologies the commission finds
2 appropriate;

3 (b) The most appropriate format in which to present the information
4 to the trier of fact; and

5 (c) When and under what circumstances an advisory schedule should
6 be utilized in alternative dispute resolution settings and presented to
7 the trier of fact at trial.

8 (3) For the purposes of this section, "noneconomic damages" has the
9 meaning given in RCW 4.56.250.

10 NEW SECTION. **Sec. 2.** (1) The commission is composed of fifteen
11 members, as follows: (a) One member from each of the two largest
12 caucuses in the senate, to be appointed by the secretary of the senate,
13 and one member from each of the two largest caucuses in the house of
14 representatives, to be appointed by the speaker of the house of
15 representatives; (b) one health care ethicist; (c) one economist; (d)
16 one actuary; (e) two attorneys, one representing the plaintiff's bar
17 and one representing the insurance defense bar; (f) two superior court
18 judges; (g) one hospital; (h) two physicians; and (i) one medical
19 malpractice insurer. The governor shall appoint the nonlegislative
20 members of the commission.

21 (2) The governor shall select a chair of the commission from among
22 those commission members that are not health care providers, medical
23 malpractice insurers, or attorneys.

24 (3) Legislative members of the commission shall be reimbursed for
25 travel expenses under RCW 44.04.120. Nonlegislative members of the
26 commission shall be reimbursed for travel expenses as provided in RCW
27 43.03.050 and 43.03.060. Travel expenses of nonlegislative members of
28 the commission shall be paid jointly by the house of representatives
29 and senate.

30 (4) The office of financial management shall provide support to the
31 commission to enable it to perform its functions, with the assistance
32 of staff from the administrative office of the courts.

33 NEW SECTION. **Sec. 3.** This act expires July 1, 2006.

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