

5209

Sponsor(s): Senators Deccio, Rasmussen, Winsley, Hewitt, T. Sheldon, Morton, Parlette, Stevens, Hale, Brandland, Mulliken, McCaslin and Oke

Brief Description: Concerning actions for injury or damage against a health care provider based upon professional negligence.

SB 5209 - DIGEST

(SEE ALSO PROPOSED 1ST SUB)

Provides that, in an action or arbitration for damages for injury occurring as a result of health care, the injured plaintiff may not recover noneconomic damages exceeding two hundred fifty thousand dollars.

Provides that an attorney may not contract for or collect a contingency fee for representing a person in connection with an action for damages against a health care provider based upon professional negligence in excess of the following limits: (1) Forty percent of the first fifty thousand dollars recovered;

(2) Thirty-three and one-third percent of the next fifty thousand dollars recovered;

(3) Twenty-five percent of the next five hundred thousand dollars recovered;

(4) Fifteen percent of any amount in which the recovery exceeds six hundred thousand dollars.

Provides that, in any action for damages for injury occurring as a result of health care, the court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds fifty thousand dollars in future damages.

Declares that this act takes effect only if chapter . . . (Senate Joint Resolution No. . . . (S-0321/03)), Laws of 2003 is approved by the electorate at the next general election held in this state.