

HOUSE BILL REPORT

SSB 5065

As Passed House:

April 6, 2005

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

Brief Description: Requiring notice of potential injuries resulting from health care.

Sponsors: By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Jacobsen, Parlette, Kohl-Welles and Keiser).

Brief History:

Committee Activity:

Judiciary: 3/31/05 [DP].

Floor Activity:

Passed House: 4/6/05, 98-0.

Brief Summary of Substitute Bill

- Requires hospitals to have in place policies regarding providing information about unanticipated outcomes to patients or their family members.
- Provides that notifications of unanticipated outcomes do not constitute an admission of liability and that notifications and statements or gestures of apology are inadmissible as evidence in a civil action.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

Staff: Edie Adams (786-7180).

Background:

Each hospital is required to inform the Department of Health when certain events occur in its facility. These events include unanticipated deaths or major permanent losses of function; patient suicides; infant abductions or discharges to the wrong family; sexual assault or rape; transfusions with major blood incompatibilities; surgery performed on the wrong patient or site; major facility system malfunctions; or fires affecting patient care or treatment. A

hospital must report this information within two business days of the hospital leaders learning of the event. A hospital is not required to disclose unanticipated outcomes to patients.

In 2002, the Legislature passed legislation that makes expressions of sympathy relating to the pain, suffering, or death of an injured person inadmissible in a civil trial. A statement of fault, however, is not made inadmissible under this provision.

Summary of Bill:

Hospitals are required to have in place policies regarding disclosure of information about unanticipated outcomes to patients, their family members, or their surrogate decision makers when appropriate. A notification of an unanticipated outcome does not constitute an acknowledgment of liability. In addition, the fact or content of a notification and any statement or gesture of apology are inadmissible as evidence in a civil action.

The Department of Health is required to ensure that hospitals have in place policies regarding disclosure of unanticipated outcomes.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This issue became very important to me as a result of the case of a woman who was maltreated at a hospital. The hospital avoided her and was unwilling to talk to her or her family or attorney. All this bill does is require some communication on the part of the hospital staff. Most providers are willing to communicate and talk with their patients, and this should be encouraged. The hospital association has agreed to this and would post such policies, and the trial lawyers are also accepting of the bill.

Testimony Against: None.

Persons Testifying: Senator Thibaudeau, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.