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**SUBSTITUTE SENATE BILL 5065**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

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

READ FIRST TIME 02/25/05.

1       AN ACT Relating to injuries resulting from health care; adding a  
2 new section to chapter 70.41 RCW; and creating a new section.

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

4       NEW SECTION. **Sec. 1.** A new section is added to chapter 70.41 RCW  
5 to read as follows:

6       Hospitals shall have in place policies to assure that, when  
7 appropriate, information about unanticipated outcomes is provided to  
8 patients or their families or any surrogate decision makers identified  
9 pursuant to RCW 7.70.065. Notifications of unanticipated outcomes  
10 under this section do not constitute an acknowledgement or admission of  
11 liability, nor can the fact of notification, the content disclosed, or  
12 any and all statements, affirmations, gestures, or conduct expressing  
13 apology be introduced as evidence in a civil action.

14       NEW SECTION. **Sec. 2.** Beginning January 1, 2006, the department  
15 shall, during the survey of a hospital, ensure that the policy required  
16 in section 1 of this act is in place.

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