



Wrongful Death: Maintaining a Stable Structure for Health Care-Related Liability

Background

“Wrongful death” is a legal term for a death caused by the act of another. Long-standing state law allows certain people to sue and recover certain damages for the wrongful death of a loved one; a spouse or child may sue, but a parent or sibling may sue only if they are economically dependent on the deceased and are US citizens. A tragic accident involving a Ride-the-Ducks vehicle in 2015 identified the unfairness of the US citizen requirement. A 2018 bill proposed removing the citizenship requirement, but it also proposed removing the financial dependence requirements for parents and siblings and would have greatly expanded the damages that all relatives can recover.

WSHA Position

Changes to the wrongful death statute should be limited to the removal of residency requirements. WSHA is very concerned about, and opposes, expanding the basis for recovery and the categories of damages that may be recovered.

Key Messages

- Washington State law currently maintains a strong and stable structure for health care-related liability, including wrongful death.
- Changes to the wrongful death statute should be limited to the removal of residency requirements. This would address the unfairness identified in the Ride-the-Ducks tragedy.
- Current law strikes a delicate balance: certain family members and those who are financially dependent may be compensated for their loss while recognizing health care providers cannot have unending liability. Under current state law, hospitals face the entire cost of a wrongful death award - even if it is only 1% at fault.
- Hospitals provide vital services and are pillars of our communities. Expanding the law on who may sue and for what types of damages dramatically expands liability. In turn, this may result in liability insurance premiums spiking and may make it more difficult for hospitals to provide patients access to services, particularly in more rural areas.

Contact Information

Jaclyn Greenberg
Policy Director, Legal Affairs
JaclynG@wsa.org | 206.216.2506

Lisa Thatcher
WSHA Lobbyist
LisaThatcher@comcast.net | 253.686.8746