

**RCW 4.24.290 Action for damages based on professional negligence of hospitals or members of healing arts—Standard of proof—Evidence—Exception.** In any civil action for damages based on professional negligence against a hospital which is licensed by the state of Washington or against the personnel of any such hospital, or against a member of the healing arts including, but not limited to, an acupuncturist or acupuncture and Eastern medicine practitioner licensed under chapter 18.06 RCW, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, a chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatric physician and surgeon licensed under chapter 18.22 RCW, or a nurse licensed under chapter 18.79 RCW, the plaintiff in order to prevail shall be required to prove by a preponderance of the evidence that the defendant or defendants failed to exercise that degree of skill, care, and learning possessed at that time by other persons in the same profession, and that as a proximate result of such failure the plaintiff suffered damages, but in no event shall the provisions of this section apply to an action based on the failure to obtain the informed consent of a patient. [2019 c 308 s 15; 2010 c 286 s 12; 1995 c 323 s 2; 1994 sp.s. c 9 s 702; 1985 c 326 s 26; 1983 c 149 s 1; 1975 1st ex.s. c 35 s 1.]

**Findings—2019 c 308:** See note following RCW 18.06.010.

**Intent—2010 c 286:** See RCW 18.06.005.

**Severability—Headings and captions not law—Effective date—1994 sp.s. c 9:** See RCW 18.79.900 through 18.79.902.

*Limitations of actions for injuries resulting from health care or related services: RCW 4.16.350.*