
SENATE BILL 5919

State of Washington

53rd Legislature

1993 Regular Session

By Senator Talmadge

Read first time 02/25/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to the technical correction of an erroneous
2 internal reference in RCW 7.70.065; amending RCW 7.70.065; and creating
3 a new section.

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

5 NEW SECTION. **Sec. 1.** Section 2 of this act corrects an internal
6 reference error that occurred in 1990 during major revision to chapter
7 11.88 RCW, the guardianship statute.

8 **Sec. 2.** RCW 7.70.065 and 1987 c 162 s 1 are each amended to read
9 as follows:

10 (1) Informed consent for health care for a patient who is not
11 competent, as defined in RCW 11.88.010(1)((~~b~~))(e), to consent may be
12 obtained from a person authorized to consent on behalf of such patient.
13 Persons authorized to provide informed consent to health care on behalf
14 of a patient who is not competent to consent shall be a member of one
15 of the following classes of persons in the following order of priority:

16 (a) The appointed guardian of the patient, if any;

1 (b) The individual, if any, to whom the patient has given a durable
2 power of attorney that encompasses the authority to make health care
3 decisions;

4 (c) The patient's spouse;

5 (d) Children of the patient who are at least eighteen years of age;

6 (e) Parents of the patient; and

7 (f) Adult brothers and sisters of the patient.

8 (2) If the physician seeking informed consent for proposed health
9 care of the patient who is not competent to consent makes reasonable
10 efforts to locate and secure authorization from a competent person in
11 the first or succeeding class and finds no such person available,
12 authorization may be given by any person in the next class in the order
13 of descending priority. However, no person under this section may
14 provide informed consent to health care:

15 (a) If a person of higher priority under this section has refused
16 to give such authorization; or

17 (b) If there are two or more individuals in the same class and the
18 decision is not unanimous among all available members of that class.

19 (3) Before any person authorized to provide informed consent on
20 behalf of a patient not competent to consent exercises that authority,
21 the person must first determine in good faith that that patient, if
22 competent, would consent to the proposed health care. If such a
23 determination cannot be made, the decision to consent to the proposed
24 health care may be made only after determining that the proposed health
25 care is in the patient's best interests.

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