
SUBSTITUTE HOUSE BILL 2494

State of Washington

60th Legislature

2008 Regular Session

By House Judiciary (originally sponsored by Representatives Moeller, Ormsby, and Chase)

READ FIRST TIME 02/06/08.

1 AN ACT Relating to end-of-life health care directives; amending RCW
2 43.70.480; and adding a new section to chapter 4.24 RCW.

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

4 **Sec. 1.** RCW 43.70.480 and 2000 c 70 s 1 are each amended to read
5 as follows:

6 (1) The department of health shall adopt guidelines and protocols
7 for how emergency medical personnel shall respond when summoned to the
8 site of an injury or illness for the treatment of a person who has
9 signed a written directive ((or)), durable power of attorney, or
10 medical order form developed by the department pursuant to subsection
11 (2) of this section requesting that ((he or she not receive futile
12 emergency medical)) life-sustaining treatment, as defined by RCW
13 70.122.020(5) and emergency treatment including, but not limited to,
14 "resuscitate" or "do not resuscitate" orders, or related comfort care
15 be provided, withheld, or withdrawn under specified circumstances.

16 ((The guidelines shall include development of)) (2) The department
17 shall develop a simple medical order form for documenting a person's
18 life-sustaining and emergency treatment preferences, which clearly
19 indicates "resuscitate" or "do not resuscitate" and other choices for

1 life-sustaining and emergency treatment or related comfort care that
2 shall be ((used statewide)) followed by emergency medical personnel
3 certified under chapters 18.71 and 18.73 RCW.

4 (3) The form must be signed by:

5 (a) An advanced registered nurse practitioner, naturopathic
6 physician, osteopathic physician, osteopathic physician assistant,
7 physician, or physician assistant; and

8 (b)(i) The person; or

9 (ii) The person's legal representative, as defined in RCW 7.70.065,
10 following the informed consent criteria in RCW 7.70.060.

11 (4) Emergency medical personnel who, in good faith, provide,
12 withhold, or withdraw treatment from a person in accordance with the
13 directions stated on a medical order form developed and endorsed by the
14 department of health under this section and executed in accordance with
15 subsection (3) of this section shall be immune from civil or criminal
16 liability, including professional conduct sanctions, unless the
17 provider failed to act in accordance with the standards of care
18 required by RCW 7.70.040.

19 (5) The form may also be followed by other providers as defined in
20 section 2 of this act, for the purposes of identifying and implementing
21 a person's requests regarding providing, withholding, or withdrawing
22 life-sustaining treatment, emergency treatment including "resuscitate"
23 or "do not resuscitate," or treatment related to comfort care. The
24 provisions of this section do not supersede other legal requirements
25 applicable to providers. Providers may not require any person to
26 execute the form. The provider must follow informed consent
27 requirements under chapter 7.70 RCW. In addition, health care
28 facilities, health facilities, and adult family homes must comply with
29 all licensing and certification requirements.

30 NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW
31 to read as follows:

32 (1) For the purposes of this section, "provider" means:

33 (a) An advanced registered nurse practitioner, naturopathic
34 physician, osteopathic physician, osteopathic physician assistant,
35 physician, or physician assistant;

36 (b) A health care provider acting within the provider's licensed

1 scope of practice and under the direction of an advanced registered
2 nurse practitioner, osteopathic physician, osteopathic physician
3 assistant, physician, or physician assistant;

4 (c) A kidney disease treatment center and its personnel; or

5 (d) A health facility as defined in chapter 70.122 RCW and its
6 personnel, health care facility as defined in chapter 71.32 RCW and its
7 personnel, or adult family home as defined in chapter 70.128 RCW and
8 its personnel.

9 (2) Nothing in this act shall be interpreted to permit providers or
10 personnel to act outside the scope of their practice.

11 (3) Any provider who, in good faith, provides, withholds, or
12 withdraws life-sustaining treatment, emergency treatment including
13 "resuscitate" or "do not resuscitate," or related treatment for comfort
14 care from a person in accordance with the directions stated on a
15 medical order form developed and endorsed by the department of health
16 under RCW 43.70.480 and signed in accordance with RCW 43.70.480(3)
17 shall be immune from civil or criminal liability, including
18 professional conduct sanctions. The immunity authorized by this
19 subsection does not include immunity from the provider's failure to
20 provide, withhold, or withdraw treatment in accordance with the
21 standard of care required by RCW 7.70.040.

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