

SENATE BILL REPORT

SB 6214

As Reported By Senate Committee On:
Human Services & Corrections, January 26, 2000

Title: An act relating to duties of guardians or limited guardians.

Brief Description: Changing guardian duties under probate and trust law.

Sponsors: Senators Deccio, Winsley and Franklin.

Brief History:

Committee Activity: Human Services & Corrections: 1/26/2000 [DPS]

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6214 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Stevens and Zarelli.

Staff: Joan K. Mell (786-7447)

Background: Based upon varying legal interpretations of the law, some health care facilities and health care providers have prevented the delivery of services as directed in an instrument prepared in advance of an emergency. The legal arguments focus on the capacity of a guardian or other designated care provider making a decision regarding code or supportive care services to make such a decision in advance of the need for care.

Summary of Substitute Bill: Guardians and other legal representatives can consent to CPR or do-not-resuscitate if certain conditions are present that are documented by a licensed physician.

Substitute Bill Compared to Original Bill: The underlying bill language is stricken.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: Obtaining a court order would be too limiting. Interest groups are working as an advisory committee to resolve concerns. More time is needed.

Testified: CON: John Jardine, WA Assn. of Professional Guardians; Liz Lindley, WA Assn. of Professional Guardians, Lifetime Advocacy Plus; Chris Neil, attorney; Laurie Stovers; Mike Longyear, WA State Bar Assn. Elder Law.