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SENATE BILL 5378

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State of Washington                      62nd Legislature                      2011 Regular Session

By Senators Prentice, Swecker, Hargrove, Stevens, and Regala

Read first time 01/21/11. Referred to Committee on Health & Long-Term Care.

1            AN ACT Relating to cause of death information for purposes of the  
2 death with dignity act; and amending RCW 70.245.040 and 70.245.180.

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

4            **Sec. 1.** RCW 70.245.040 and 2009 c 1 s 4 are each amended to read  
5 as follows:

6            (1) The attending physician shall:

7            (a) Make the initial determination of whether a patient has a  
8 terminal disease, is competent, and has made the request voluntarily;

9            (b) Request that the patient demonstrate Washington state residency  
10 under RCW 70.245.130;

11            (c) To ensure that the patient is making an informed decision,  
12 inform the patient of:

13            (i) His or her medical diagnosis;

14            (ii) His or her prognosis;

15            (iii) The potential risks associated with taking the medication to  
16 be prescribed;

17            (iv) The probable result of taking the medication to be prescribed;

18 and

1 (v) The feasible alternatives including, but not limited to,  
2 comfort care, hospice care, and pain control;

3 (d) Refer the patient to a consulting physician for medical  
4 confirmation of the diagnosis, and for a determination that the patient  
5 is competent and acting voluntarily;

6 (e) Refer the patient for counseling if appropriate under RCW  
7 70.245.060;

8 (f) Recommend that the patient notify next of kin;

9 (g) Counsel the patient about the importance of having another  
10 person present when the patient takes the medication prescribed under  
11 this chapter and of not taking the medication in a public place;

12 (h) Inform the patient that he or she has an opportunity to rescind  
13 the request at any time and in any manner, and offer the patient an  
14 opportunity to rescind at the end of the fifteen-day waiting period  
15 under RCW 70.245.090;

16 (i) Verify, immediately before writing the prescription for  
17 medication under this chapter, that the patient is making an informed  
18 decision;

19 (j) Fulfill the medical record documentation requirements of RCW  
20 70.245.120;

21 (k) Ensure that all appropriate steps are carried out in accordance  
22 with this chapter before writing a prescription for medication to  
23 enable a qualified patient to end his or her life in a humane and  
24 dignified manner; and

25 (l)(i) Dispense medications directly, including ancillary  
26 medications intended to facilitate the desired effect to minimize the  
27 patient's discomfort, if the attending physician is authorized under  
28 statute and rule to dispense and has a current drug enforcement  
29 administration certificate; or

30 (ii) With the patient's written consent:

31 (A) Contact a pharmacist and inform the pharmacist of the  
32 prescription; and

33 (B) Deliver the written prescription personally, by mail or  
34 facsimile to the pharmacist, who will dispense the medications directly  
35 to either the patient, the attending physician, or an expressly  
36 identified agent of the patient. Medications dispensed pursuant to  
37 this subsection shall not be dispensed by mail or other form of  
38 courier.

1           (2) The (~~attending~~) physician (~~may~~) who signs the patient's  
2 death certificate (~~which~~) shall list (~~the underlying terminal~~  
3 ~~disease as~~) the cause of death as assisted suicide.

4           **Sec. 2.** RCW 70.245.180 and 2009 c 1 s 18 are each amended to read  
5 as follows:

6           (1) Nothing in this chapter authorizes a physician or any other  
7 person to end a patient's life by lethal injection, mercy killing, or  
8 active euthanasia. Actions taken in accordance with this chapter  
9 except for filling out the death certificate and for recording accurate  
10 vital statistics do not, for any purpose, constitute suicide, assisted  
11 suicide, mercy killing, or homicide, under the law. State reports  
12 shall (~~not~~) refer to practice under this chapter as (~~"suicide" or~~)  
13 "assisted suicide(~~-~~)" or "ingested lethal medication" consistent with  
14 RCW 70.245.010 (~~(7), (11), and~~) (12) (~~(7.245.020(1),~~  
15 ~~70.245.040(1)(k), 70.245.060, 70.245.070, 70.245.090, 70.245.120 (1)~~  
16 ~~and (2), 70.245.160 (1) and (2), 70.245.170, 70.245.190(1) (a) and (d),~~  
17 ~~and 70.245.200(2), state reports shall refer to practice under this~~  
18 ~~chapter as obtaining and self-administering life-ending medication)).~~

19           (2) Nothing contained in this chapter shall be interpreted to lower  
20 the applicable standard of care for the attending physician, consulting  
21 physician, psychiatrist or psychologist, or other health care provider  
22 participating under this chapter.

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