
SUBSTITUTE HOUSE BILL 2652

State of Washington 64th Legislature 2016 Regular Session

By House Transportation (originally sponsored by Representatives
Cody, Schmick, Clibborn, and Frame)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to improving access to health care declarations;
2 amending RCW 70.122.130; and adding a new section to chapter 46.20
3 RCW.

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

5 **Sec. 1.** RCW 70.122.130 and 2013 c 251 s 12 are each amended to
6 read as follows:

7 (1) The department of health shall establish ~~((and maintain))~~ a
8 statewide health care declarations registry containing the health
9 care declarations identified in subsection (2) of this section as
10 submitted by residents of Washington. The department shall contract
11 with an entity, which may be a private organization or another state
12 that operates a similar registry, to coordinate and manage the
13 registry in compliance with the standards identified in this section.
14 The ~~((department))~~ entity shall digitally reproduce and store health
15 care declarations in the registry. The ~~((department))~~ entity may
16 establish standards for individuals to submit digitally reproduced
17 health care declarations directly to the registry, but is not
18 required to review the health care declarations that it receives to
19 ensure they comply with the particular statutory requirements
20 applicable to the document. ~~((The department may contract with an~~
21 ~~organization that meets the standards identified in this section.))~~

1 (2)(a) An individual may submit any of the following health care
2 declarations to the (~~department of health~~) entity to be digitally
3 reproduced and stored in the registry:

4 (i) A directive, as defined by this chapter;

5 (ii) A durable power of attorney for health care, as authorized
6 in chapter 11.94 RCW;

7 (iii) A mental health advance directive, as defined by chapter
8 71.32 RCW; or

9 (iv) A form adopted pursuant to the department of health's
10 authority in RCW 43.70.480.

11 (b) Failure to submit a health care declaration to the
12 (~~department of health~~) entity does not affect the validity of the
13 declaration.

14 (c) Failure to notify the (~~department of health~~) entity of a
15 valid revocation of a health care declaration does not affect the
16 validity of the revocation.

17 (d) The entry of a health care directive in the registry under
18 this section does not:

19 (i) Affect the validity of the document;

20 (ii) Take the place of any requirements in law necessary to make
21 the submitted document legal; or

22 (iii) Create a presumption regarding the validity of the
23 document.

24 (3) The entity, in consultation with the department of health,
25 shall prescribe a procedure for an individual to revoke a health care
26 declaration contained in the registry.

27 (4) The registry must:

28 (a) Be maintained in a secure database that is accessible through
29 a web site maintained by the (~~department of health~~) entity;

30 (b) Send annual electronic messages to individuals that have
31 submitted health care declarations to request that they review the
32 registry materials to ensure that it is current;

33 (c) Provide individuals who have submitted one or more health
34 care declarations with access to their documents and the ability to
35 revoke their documents at all times; and

36 (d) Provide the personal representatives of individuals who have
37 submitted one or more health care declarations to the registry,
38 attending physicians, advanced registered nurse practitioners, health
39 care providers licensed by a disciplining authority identified in RCW
40 18.130.040 who is acting under the direction of a physician or an

1 advanced registered nurse practitioner, and health care facilities,
2 as defined in this chapter or in chapter 71.32 RCW, access to the
3 registry at all times.

4 (5) In designing the registry and web site, the ~~((department of~~
5 ~~health))~~ entity shall ensure compliance with state and federal
6 requirements related to patient confidentiality.

7 (6) The ~~((department))~~ entity shall provide information to health
8 care providers and health care facilities on the registry web site
9 regarding the different federal and Washington state requirements to
10 ascertain and document whether a patient has an advance directive.

11 (7) The department of health may accept donations, grants, gifts,
12 or other forms of voluntary contributions to support its activities
13 and the activities of the entity related to the creation and
14 maintenance of the health care declarations registry and statewide
15 public education campaigns related to the existence of the registry.
16 All receipts from donations made under this section, and other
17 contributions and appropriations specifically made for the purposes
18 of creating and maintaining the registry established under this
19 section and statewide public education campaigns related to the
20 existence of the registry, shall be deposited into the general fund.
21 These moneys in the general fund may be spent only after
22 appropriation.

23 (8) The department of health may adopt rules as necessary to
24 implement chapter 108, Laws of 2006.

25 (9) By December 1, ~~((2008))~~ 2018, the department shall report to
26 the house and senate committees on health care the following
27 information:

28 (a) The identity and qualifications of the entity selected to
29 coordinate and manage the registry;

30 (b) Number of participants in the registry;

31 ~~((b))~~ (c) Number of health care declarations submitted by type
32 of declaration as defined in this section;

33 ~~((e))~~ (d) Number of health care declarations revoked and the
34 method of revocation;

35 ~~((d))~~ (e) Number of providers and facilities, by type, that
36 have been provided access to the registry;

37 ~~((e))~~ (f) Actual costs of operation of the registry.

38 NEW SECTION. Sec. 2. A new section is added to chapter 46.20
39 RCW to read as follows:

1 (1) Beginning July 1, 2017, an applicant for a new driver's
2 license or identicard or driver's license or identicard renewal may
3 request that the application designate whether the applicant:

4 (a) Has executed a health care declaration listed in RCW
5 70.122.130(2)(a); and

6 (b) Has executed a health care declaration listed in RCW
7 70.122.130(2)(a) that is stored in the health care declarations
8 registry established in RCW 70.122.130.

9 (2)(a) When issuing or renewing a driver's license or identicard
10 for a person who has indicated on his or her application that he or
11 she has a health care declaration, the department shall issue an
12 original or renewed driver's license or identicard that denotes the
13 existence of a health care declaration through a symbol or
14 abbreviation.

15 (b) When issuing or renewing a driver's license or identicard for
16 a person who has indicated on his or her application that he or she
17 has a health care declaration that is stored in the health care
18 declarations registry, the department shall issue an original or
19 renewed driver's license or identicard that denotes the existence of
20 a health care declaration through a symbol or abbreviation as well as
21 a code that, when electronically scanned, directs an authorized
22 health care provider or facility to the person's health care
23 declaration in the health care declarations registry.

24 (3) Specific medical treatment must not be imprinted on a
25 driver's license or identicard issued under this section.

26 (4)(a) The department shall post several signs in each of its
27 licensing service offices that clearly indicate that an applicant for
28 a driver's license or identicard may request that the driver's
29 license or identicard denote the existence of a health care
30 declaration.

31 (b) The department shall modify its online and mail-in driver's
32 license and identicard renewal forms to allow an applicant to request
33 that the driver's license or identicard denote the existence of a
34 health care declaration.

--- END ---