
SENATE BILL 5908

State of Washington

53rd Legislature

1993 Regular Session

By Senators Wojahn, Niemi, Snyder, Rinehart and Moore

Read first time 02/24/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to the patient self-determination act; and adding
2 a new chapter to Title 70 RCW.

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

4 NEW SECTION. **Sec. 1.** The intent of this chapter is to incorporate
5 requirements of the Patient Self-Determination Act (Omnibus Budget
6 Reconciliation Act of 1990, P.L. 101 through 508, and 42 U.S.C. Sec.
7 1396a(a) (Supp. 1991) into Washington law and to supplement those
8 requirements in certain respects.

9 NEW SECTION. **Sec. 2.** This chapter shall apply to all
10 institutional health care providers in the state of Washington,
11 including but not limited to hospitals, skilled nursing facilities,
12 home health agencies, hospices, and prepaid health care organizations.

13 NEW SECTION. **Sec. 3.** Every institutional health care provider
14 must have written policies and procedures applicable to all adults
15 receiving care, that identify and explain the rights of adults to make
16 decisions concerning their medical care, including the right to accept
17 or refuse treatment, and the right to withdraw consent previously given

1 for treatment that is ongoing. Policies must include the right to make
2 advance directives, including either instructional directives or health
3 care durable powers of attorney, or both, that direct health care
4 providers to withhold or withdraw life-sustaining treatment as the
5 document provides. Procedures must describe how policies are
6 implemented.

7 NEW SECTION. **Sec. 4.** Every competent adult patient, or if the
8 patient is incompetent then his or her surrogate, identified in RCW
9 7.70.065, must be given a printed summary of the written policies and
10 procedures of the facility regarding consent for treatment and advance
11 directives described in section 3 of this act. The summary shall be
12 provided at the time of admission to an institutional health care
13 provider facility, or in the case of a prepaid health care
14 organization, at the time of enrolling in the organization, or in the
15 case of a home health provider, including home hospice, before the
16 person comes under the care of the provider. If requested by a patient
17 or surrogate, the provider shall furnish a copy of its full policies
18 and procedures. This section applies to outpatients as well as
19 inpatients.

20 NEW SECTION. **Sec. 5.** Every competent adult patient, or if the
21 patient is incompetent then his or her surrogate, identified in RCW
22 7.70.065, must be given a printed description of rights regarding
23 consent for medical treatment, including refusal of unwanted treatment
24 and advance directives. The description shall be one to be issued by
25 the office of the attorney general within sixty days of enactment of
26 this law and updated as appropriate. A provider may give an additional
27 descriptive statement if it wishes to do so. The description or
28 descriptions shall be provided at the time of admission to an
29 institutional health care provider facility, or in the case of a
30 prepaid health care organization, at the time of enrolling in the
31 organization, or in the case of a home health care provider, including
32 home hospice, before the person comes under the care of the provider.
33 This section applies to outpatients as well as inpatients.

34 NEW SECTION. **Sec. 6.** (1) Every competent adult patient, or if the
35 patient is incompetent then his or her surrogate, identified in RCW
36 7.70.065, must be offered a form of advance directives, including at

1 least the form in RCW 70.122.030 and a form of durable power of
2 attorney for health care decisions, at the time of admission to an
3 institutional health care provider facility, or in the case of a
4 prepaid health care organization, at the time of enrolling in the
5 organization, or in the case of a home health care provider, before the
6 person comes under the care of the provider.

7 (2) If a patient chooses not to complete an advance directive then
8 the provider must inform the patient of the provisions of RCW 7.70.065
9 so that the patient will know who will have decision-making authority
10 if the patient becomes incapacitated.

11 (3) This section applies to outpatients as well as inpatients.

12 NEW SECTION. **Sec. 7.** Institutional health care providers must
13 document in each patient's medical record whether or not the patient
14 has executed an advance directive and who has the durable power of
15 attorney for the patient or who is the surrogate decisionmaker under
16 RCW 7.70.065.

17 NEW SECTION. **Sec. 8.** Institutional health care providers must
18 conduct appropriate education for their staff concerning patients'
19 rights regarding consent for medical treatment, including advance
20 directives and durable power of attorney.

21 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act shall
22 constitute a new chapter in Title 70 RCW.

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