

# HOUSE BILL ANALYSIS

## SSB 6214

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**Title:** An act relating to requirements for consent to and refusal of cardiopulmonary resuscitation.

**Brief Description:** Establishing requirements for consent to and refusal of cardiopulmonary resuscitation.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Deccio, Winsley and Franklin).

### Brief Summary of Bill

- Allows a person or the legal representative of an incompetent person, with some restrictions, to refuse cardiopulmonary resuscitation.

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### HOUSE COMMITTEE ON JUDICIARY

**Staff:** Mark Friendshuh (786-7291); Bill Perry (786-7123).

#### Background:

The Natural Death Act (act) allows a competent individual to create a "Health Care Directive" (directive), often known as a living will, that specifies the care that may or may not be given in a situation where the declarer is no longer able to give directions. The declarer may instruct, for example, that in case of a terminal or permanent unconscious condition "life-sustaining treatment" not be provided. "Life-sustaining treatment" is defined by statute as "any medical or surgical intervention that uses mechanical or other artificial means." The act makes no specific reference to cardiopulmonary resuscitation, though the supreme court has cited the American Medical Association's statement that cardiopulmonary resuscitation is a form of life-sustaining treatment that may be withheld "in cases of terminal irreversible illness where death is not unexpected."

Where a person becomes incompetent after having written a directive, the directive must be followed unless revoked by the declarer. Revocation may be made by the declarer regardless of competency.

If there is no directive, a legal representative of an incompetent person has the authority to make medical care decisions on behalf of the incompetent person,

including the decision to provide or withhold "life-sustaining treatment," so long as withholding does not violate the state's interest. State interests include preservation of life, prevention of suicide, maintaining the integrity of the medical profession, and protection of third-party interests. The court has balanced the state interests in preserving life against the degree of bodily invasion.

**Summary of Bill:**

An individual or the legal representative of an incompetent individual may, in certain situations, refuse cardiopulmonary resuscitation. Before a person may refuse resuscitation, a doctor must determine one of the following conditions:

- a high probability the patient's heart or breathing will stop;
- cardiopulmonary resuscitation would be futile;
- the patient has a terminal condition;
- the patient has a permanent unconscious condition; or
- resuscitation would impose an extraordinary burden on the patient.

**Fiscal Note:** Not requested.

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

Office of Program Research