H-3565.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 2652**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Cody, Schmick, Clibborn, and Frame

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

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

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

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

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

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

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

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

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

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

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

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

(i) Affect the validity of the document;

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

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

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

(4) The registry must:

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

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

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

(d) Provide the personal representatives of individuals who have submitted one or more health care declarations to the registry, attending physicians, advanced registered nurse practitioners, health care providers licensed by a disciplining authority identified in RCW 18.130.040 who is acting under the direction of a physician or an advanced registered nurse practitioner, and health care facilities, as defined in this chapter or in chapter 71.32 RCW, access to the registry at all times.

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

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

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

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

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

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

(b) Number of participants in the registry;

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

((~~(c)~~)) (d) Number of health care declarations revoked and the method of revocation;

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

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

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

(1) Beginning July 1, 2017, the application form for any new driver's license or identicard or driver's license or identicard renewal must ask the applicant to designate whether the applicant:

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

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

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

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

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

**--- END ---**