
SENATE BILL 6066

State of Washington

68th Legislature

2024 Regular Session

By Senators Padden and Fortunato

Read first time 01/09/24. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to amending the provisions of the Washington
2 death with dignity act; and amending RCW 70.245.090 and 70.245.190.

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

4 **Sec. 1.** RCW 70.245.090 and 2023 c 38 s 10 are each amended to
5 read as follows:

6 (1) To receive a prescription for medication that the qualified
7 patient may self-administer to end his or her life in a humane and
8 dignified manner, a qualified patient shall have made an oral request
9 and a written request, and reiterate the oral request to his or her
10 attending qualified medical provider at least seven days after making
11 the initial oral request.

12 (2) At the time the qualified patient makes his or her second
13 oral request, the attending qualified medical provider shall offer
14 the qualified patient an opportunity to rescind the request.

15 ~~((3) A transfer of care or medical records does not restart any
16 waiting period under this section.))~~

17 **Sec. 2.** RCW 70.245.190 and 2023 c 38 s 16 are each amended to
18 read as follows:

19 (1) Except as provided in RCW 70.245.200 and subsection (2) of
20 this section:

1 (a) A person shall not be subject to civil or criminal liability
2 or professional disciplinary action for participating in good faith
3 compliance with this chapter. This includes being present when a
4 qualified patient takes the prescribed medication to end his or her
5 life in a humane and dignified manner;

6 (b) A professional organization or association, or health care
7 provider, may not subject a person to censure, discipline,
8 suspension, loss of license, loss of privileges, loss of membership,
9 or other penalty for participating or refusing to participate in good
10 faith compliance with this chapter;

11 (c) A patient's request for or provision by an attending
12 qualified medical provider of medication in good faith compliance
13 with this chapter does not constitute neglect for any purpose of law
14 or provide the sole basis for the appointment of a guardian or
15 conservator; and

16 (d) Only willing health care providers shall participate in the
17 provision to a qualified patient of medication to end his or her life
18 in a humane and dignified manner. If a health care provider is unable
19 or unwilling to carry out a patient's request under this chapter, and
20 the patient transfers his or her care to a new health care provider,
21 the prior health care provider shall transfer, upon request, a copy
22 of the patient's relevant medical records to the new health care
23 provider.

24 (2)(a) A health care provider may prohibit another health care
25 provider from participating under chapter 1, Laws of 2009 on the
26 premises of the prohibiting provider if the prohibiting provider has
27 given notice to all health care providers with privileges to practice
28 on the premises and to the general public of the prohibiting
29 provider's policy regarding participating under chapter 1, Laws of
30 2009. A health care provider may not, by contract or other form of
31 agreement, prohibit another health care provider from participating
32 under chapter 1, Laws of 2009 while acting outside the course and
33 scope of the provider's capacity as an employee or independent
34 contractor of the prohibiting health care provider and while at a
35 location that is not on the prohibiting health care provider's
36 premises and not on property that is owned by, leased by, or under
37 the direct control of the prohibiting health care provider. This
38 subsection does not prevent a health care provider from providing
39 health care services to a patient that do not constitute
40 participation under chapter 1, Laws of 2009.

1 (b) A health care provider may subject another health care
2 provider to the sanctions stated in this subsection if the
3 sanctioning health care provider has notified the sanctioned provider
4 before participation in chapter 1, Laws of 2009 that it prohibits
5 participation in chapter 1, Laws of 2009:

6 (i) Loss of privileges, loss of membership, or other sanctions
7 provided under the medical staff bylaws, policies, and procedures of
8 the sanctioning health care provider if the sanctioned provider is a
9 member of the sanctioning provider's medical staff and participates
10 in chapter 1, Laws of 2009 while on the health care facility premises
11 of the sanctioning health care provider, but not including the
12 private medical office of a qualified medical provider or other
13 provider;

14 (ii) Termination of a lease or other property contract or other
15 nonmonetary remedies provided by a lease contract, not including loss
16 or restriction of medical staff privileges or exclusion from a
17 provider panel, if the sanctioned provider participates in chapter 1,
18 Laws of 2009 while on the premises of the sanctioning health care
19 provider or on property that is owned by or under the direct control
20 of the sanctioning health care provider; or

21 (iii) Termination of a contract or other nonmonetary remedies
22 provided by contract if the sanctioned provider participates in
23 chapter 1, Laws of 2009 while acting in the course and scope of the
24 sanctioned provider's capacity as an employee or independent
25 contractor of the sanctioning health care provider. Nothing in this
26 subsection (2) (b) (iii) prevents:

27 (A) A health care provider from participating in chapter 1, Laws
28 of 2009 while acting outside the course and scope of the provider's
29 capacity as an employee or independent contractor and while at a
30 location that is not on the sanctioning health care provider's
31 facility premises and is not on property that is owned by, leased by,
32 or under the direct control of the sanctioning health care provider;
33 or

34 (B) A patient from contracting with his or her attending
35 qualified medical provider and consulting qualified medical provider
36 to act outside the course and scope of the provider's capacity as an
37 employee or independent contractor of the sanctioning health care
38 provider and while at a location that is not on the sanctioning
39 health care provider's facility premises and is not on property that

1 is owned by, leased by, or under the direct control of the
2 sanctioning health care provider.

3 (c) A health care provider that imposes sanctions under (b) of
4 this subsection shall follow all due process and other procedures the
5 sanctioning health care provider may have that are related to the
6 imposition of sanctions on another health care provider.

7 (d) For the purposes of this subsection:

8 (i) "Notify" means a separate statement in writing to the health
9 care provider specifically informing the health care provider before
10 the provider's participation in chapter 1, Laws of 2009 of the
11 sanctioning health care provider's policy about participation in
12 activities covered by this chapter.

13 (ii) "Participate in chapter 1, Laws of 2009" means to perform
14 the duties of an attending qualified medical provider under RCW
15 70.245.040, the consulting qualified medical provider function under
16 RCW 70.245.050, or the counseling function under RCW 70.245.060.
17 "Participate in chapter 1, Laws of 2009" does not include:

18 (A) Making an initial determination that a patient has a terminal
19 disease and informing the patient of the medical prognosis;

20 (B) Providing information about the Washington death with dignity
21 act to a patient upon the request of the patient;

22 (C) ~~((Charting a patient's first request, as referenced in RCW
23 70.245.020, to services as provided in chapter 1, Laws of 2009;~~

24 ~~(D))~~ Providing a patient, upon the request of the patient, with
25 a referral to another attending or consulting qualified medical
26 provider; or

27 ~~((E))~~ (D) A patient contracting with his or her attending
28 qualified medical provider and consulting qualified medical provider
29 to act outside of the course and scope of the provider's capacity as
30 an employee or independent contractor of the sanctioning health care
31 provider.

32 (3) Suspension or termination of staff membership or privileges
33 under subsection (2) of this section is not reportable under RCW
34 18.130.070. Action taken under RCW 70.245.030, 70.245.040,
35 70.245.050, or 70.245.060 may not be the sole basis for a report of
36 unprofessional conduct under RCW 18.130.180.

1 (4) References to "good faith" in subsection (1)(a), (b), and (c)
2 of this section do not allow a lower standard of care for health care
3 providers in the state of Washington.

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