
HOUSE BILL 3001

State of Washington

58th Legislature

2004 Regular Session

By Representatives Pettigrew, Boldt, Flannigan, Bailey, Kagi, Clibborn, Shabro, McDermott, Dickerson, Miloscia, Darneille, Roach, O'Brien, Morrell, Santos, Linville, Lantz, Wood and Chase

Read first time 01/26/2004. Referred to Committee on Children & Family Services.

1 AN ACT Relating to authorization to consent to medical care for
2 minors; adding a new section to chapter 74.13 RCW; creating a new
3 section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** (1) It is the intent of the legislature to
6 assist children in the care of kin to access appropriate medical
7 services. Children being raised by kin have faced barriers to medical
8 care because their kinship caregivers have not been able to verify that
9 they are the identified primary caregivers of these children. Such
10 barriers pose an especially significant challenge to kinship caregivers
11 in dealing with health professionals when children are left in their
12 care with no warning.

13 (2) To assist kinship caregivers in executing adequate and
14 appropriate decisions regarding the medical needs of a child in their
15 care, a mechanism is hereby created to authorize kinship caregivers to
16 consent to medical care for those children in their care.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW
18 to read as follows:

1 (1) In addition to such other persons as may be so authorized, any
2 person eighteen years of age or older standing in loco parentis to a
3 child under eighteen years of age is authorized to consent to any
4 medical or surgical treatment or procedure not prohibited by law,
5 including professional use of anesthetics and administration of
6 prescribed medications, provided that the treatment or procedure has
7 been suggested, recommended, prescribed, or directed by a licensed
8 health care practitioner performing services within that practitioner's
9 authorized scope of practice.

10 (2) No person who acts in good faith reliance on consent provided
11 pursuant to subsection (1) of this section shall be subject to criminal
12 liability, civil liability, or professional disciplinary action as a
13 result of such reliance.

14 (3) Any person who falsely claims to be standing in loco parentis
15 or who, based on in loco parentis status, provides consent to a medical
16 or surgical treatment or procedure despite actual knowledge that the
17 parent of the child would object to such treatment or procedure shall
18 be subject to a civil penalty of one thousand dollars for each
19 violation and may also be subject to criminal liability.

20 (4) This section shall not apply to children who are in the custody
21 of the department of social and health services or other agency
22 contracted by the department of social and health services.

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