
ENGROSSED SUBSTITUTE HOUSE BILL 1608

State of Washington

66th Legislature

2019 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Macri, Dolan, Slatter, Stonier, Robinson, Kilduff, Riccelli, Senn, Goodman, Tharinger, Jinkins, Davis, Cody, Appleton, Kloba, Ortiz-Self, Valdez, Frame, Pollet, Stanford, Tarleton, and Leavitt)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to protecting patient care; adding a new section
2 to chapter 43.70 RCW; and adding 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 definitions in this section apply
5 throughout this chapter unless the context clearly requires
6 otherwise.

7 (1) "Department" means the department of health.

8 (2) "Health care entity" means an entity that supervises,
9 controls, grants privileges to, directs the practice of, or directly
10 or indirectly restricts the practice of, a health care provider.

11 (3) "Health care provider" has the same meaning as in RCW
12 70.02.010.

13 (4) "Medically accurate" means information that is verified or
14 supported by research in compliance with scientific methods, is
15 published in peer-reviewed journals, where appropriate, and is
16 recognized as accurate and objective by professional organizations
17 and agencies with expertise in the relevant field.

18 NEW SECTION. **Sec. 2.** (1) If a health care provider is acting in
19 good faith, within the provider's scope of practice, education,
20 training, and experience, including specialty areas of practice and

1 board certification, and within the accepted standard of care, a
2 health care entity may not:

3 (a) Limit the health care provider's provision of:

4 (i) Medically accurate and comprehensive information and
5 counseling to a patient regarding the patient's health status
6 including, but not limited to, diagnosis, prognosis, recommended
7 treatment, treatment alternatives, and any potential risks to the
8 patient's health or life; and

9 (ii) Information about available services and about what relevant
10 resources are available in the community and how to access those
11 resources for obtaining the care of the patient's choice;

12 (b) Limit the health care provider's provision of information
13 about and regarding Washington's death with dignity act, chapter
14 70.245 RCW, information about what relevant resources are available
15 in the community, and how to access those resources for obtaining the
16 care of the patient's choice.

17 (2) A health care entity may not discharge, demote, suspend,
18 discipline, or otherwise discriminate against a health care provider
19 for providing information in compliance with this section.

20 (3) If any part of this section is found to be in conflict with
21 federal requirements which are a prescribed condition to the receipts
22 of federal funds to the state, the conflicting part of this section
23 is inoperative solely to the extent of the conflict with respect to
24 the agencies directly affected, and such finding or determination
25 shall not affect the operation of the remainder of the section.

26 NEW SECTION. **Sec. 3.** A health care entity must provide the
27 information prepared by the department under section 4(1) of this act
28 at the time of hiring, contracting with, or privileging health care
29 providers and staff, and on a yearly basis thereafter. Hospitals must
30 also provide information to clearly inform health care providers and
31 staff of the provisions of the federal emergency medical treatment
32 and labor act (42 U.S.C. Sec. 1395dd), including obligations to
33 screen, stabilize, and transfer patients, at the time of hiring,
34 contracting with, or privileging health care providers and staff, and
35 on a yearly basis thereafter.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70
37 RCW to read as follows:

1 (1) The department must design, prepare, and make available
2 online, written materials to clearly inform health care providers and
3 staff of the provisions of, and authority to act under, chapter
4 70.--- RCW (the new chapter created in section 5 of this act).

5 (2) The department must design, prepare, and make available
6 online, written materials to provide information to providers and
7 patients regarding Washington's death with dignity act, chapter
8 70.245 RCW.

9 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act
10 constitute a new chapter in Title 70 RCW.

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