1197-S AMH ABBA LEIN 214

**SHB 1197** - H AMD TO H AMD (H-1212.3/21) **395**

By Representative Abbarno

**ADOPTED 03/04/2021**

On page 1, beginning on line 20 of the striking amendment, after "assistant" strike all material though "record" on line 25 and insert "as outlined in (e) of this subsection"

On page 4, beginning on line 1 of the striking amendment, after "(ii)" strike all material through "revocation." on line 8 and insert "The physician, nurse practitioner, or physician assistant to whom a health care surrogate designation has been communicated must enter a document with this information into the patient's health care record, provided that the physician, nurse practitioner, or physician assistant determines that the patient has capacity at the time of the designation and documents it in the patient's health record. The designation must be signed by the patient, unless the physician, nurse practitioner, or physician assistant determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the designation orally.

(iii) A designation may be revoked by the patient at any time, in the following methods:

(A) A written revocation by the patient expressing his or her intent to revoke, signed and dated by the patient. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record in the patient's medical record the time and date when the physician received notification of the written revocation.

(B) A verbal expression by the patient of his or her intent to revoke the designation. Such designation shall become effective only upon communication to the attending physician by the patient. The attending physician shall record in the patient's medical record the time, date, and place of the revocation and shall obtain a signature from the patient, unless the physician determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the revocation orally."

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 7, beginning on line 6 of the striking amendment, after "assistant" strike all material though "record" on line 11 and insert "as outlined in (e) of this subsection"

On page 9, beginning on line 16 of the striking amendment, after "(ii)" strike all material through "revocation." on line 23 and insert "The physician, nurse practitioner, or physician assistant to whom a health care surrogate designation has been communicated must enter a document with this information into the patient's health care record, provided that the physician, nurse practitioner, or physician assistant determines that the patient has capacity at the time of the designation and documents it in the patient's health record. The designation must be signed by the patient, unless the physician, nurse practitioner, or physician assistant determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the designation orally.

(iii) A designation may be revoked by the patient at any time, in the following methods:

(A) A written revocation by the patient expressing his or her intent to revoke, signed and dated by the patient. Such revocation shall become effective only upon communication to the attending physician by the patient or by a person acting on behalf of the patient. The attending physician shall record in the patient's medical record the time and date when the physician received notification of the written revocation.

(B) A verbal expression by the patient of his or her intent to revoke the designation. Such designation shall become effective only upon communication to the attending physician by the patient. The attending physician shall record in the patient's medical record the time, date, and place of the revocation and shall obtain a signature from the patient, unless the physician determines that the patient is unable to physically sign. If the patient is unable to sign, he or she may make the revocation orally."

Renumber the remaining subsection consecutively and correct any internal references accordingly.

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|  | EFFECT:  Requires a patient's signature when establishing or revoking a health care surrogate designation, unless the health care provider determines that the patient is unable to physically sign, in which case the patient may designate or revoke orally. Restructures subsections. |

**--- END ---**