
Health Care & Wellness Committee

HB 1035

Brief Description: Prohibiting health care entities from restricting the provision of certain health care services by health care providers.

Sponsors: Representatives Walen, Ryu, Simmons, Goodman, Bateman, Reed, Ramel, Duerr, Street, Callan, Doglio, Macri, Tharinger, Wylie, Gregerson, Bergquist, Thai, Kloba, Santos, Ormsby and Fosse.

Brief Summary of Bill

- Prohibits health care entities from limiting a health care provider from conducting certain activities, including providing a patient with medically accurate health care information, information about the Death with Dignity Act, or referrals.
- Prohibits health care entities from restricting a health care provider's ability to provide health care services when not providing the services would pose a risk to the patient's life.
- Prohibits employing health care providers from contractually restricting an employee health care provider from participating in the Death with Dignity Act while outside of the scope of employment and not on the employing health care provider's premises.

Hearing Date: 1/17/23

Staff: Ingrid Lewis (786-7293).

Background:

Provision of Health Care Information.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Health care entities are generally prohibited from limiting health care providers from providing accurate and comprehensive information to patients about the patient's health status and treatment options, including information about available services and what relevant resources are available in the community and how to access those resources.

Death with Dignity Act.

The Death with Dignity Act allows Washington adult residents that have a terminal illness with six months or less to live to request medication that the patient may self-administer to end his or her life. Health care providers are not required to participate, and health care providers may prohibit participation on their premises. Health care providers may sanction other health care providers for participating unless the participation occurs outside of the course and scope of the provider's capacity as an employee or independent contractor.

Summary of Bill:

A health care entity may not limit the following if a health care provider is acting in good faith, within their scope of practice, education, training, and experience, and within the accepted standard of care:

- the provision of medically accurate and comprehensive information to a patient regarding the patient's health status including, but not limited to, diagnosis, prognosis, recommended treatment, treatment alternatives, and any potential risks to the patient's health or life;
- the provision of information regarding the Death with Dignity Act; or
- referrals, or the timing of referrals.

"Medically accurate information" is defined as information that is verified or supported by research in compliance with scientific methods, is published in peer-reviewed journals, where appropriate, and is recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field.

In addition, a health care entity may not prohibit a health care provider from providing health services in cases in which failure to provide the services would pose a serious risk to an individual's life or health or would violate the standard of care provided that the health care provider is acting in good faith, within their scope of practice, education, training, and experience, and within the accepted standard of care.

Death with Dignity Act.

An employing health care provider may not contractually prohibit an employee health care provider from participating in the Death with Dignity Act while outside of the employment relationship and not on the employing health care provider's premises. A health care provider who does participate in the Death with Dignity Act outside the course and scope of an employment relationship with a health care provider who prohibits participation is required to be at a location not on the employer's premises.

Appropriation: None.

Fiscal Note: Requested on January 10, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.