
SENATE BILL 5665

State of Washington

68th Legislature

2023 Regular Session

By Senator Wagoner

1 AN ACT Relating to allowing courts to order appropriate hospital
2 discharge and transition to long-term care services or residence for
3 an individual in a hospital during the pendency of a guardianship
4 process; and adding a new section to chapter 11.130 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 11.130
7 RCW to read as follows:

8 (1) Upon a motion by an interested party, or on its own accord,
9 the court, having determined that the respondent lacks the ability to
10 meet essential requirements for physical health, safety, or self-care
11 because the respondent is unable to receive and evaluate information
12 or make or communicate decisions, even with appropriate supportive
13 services, technological assistance, or supported decision making and
14 unable to make appropriate discharge and care planning decisions for
15 themselves and after notice is given to the parties as provided in
16 RCW 11.130.270(2) (a) through (c) and notice is provided to any other
17 notice party, and after an opportunity for hearing, which may be
18 shortened on the court's discretion, may issue an order in a
19 proceeding for a protective arrangement, emergency guardianship,
20 guardianship, or conservatorship, granting an appropriate third

1 person limited decision-making authority in order to do any or all of
2 the following:

3 (a) Discharge the respondent from an acute care hospital licensed
4 under chapter 70.41 RCW, a psychiatric hospital licensed under
5 chapter 71.12 RCW, or a state psychiatric hospital licensed under
6 chapter 72.23 RCW. The respondent must be ready for discharge as
7 determined by the treating physician;

8 (b) Effect the transfer of the respondent into an appropriate
9 care setting that is desired by the respondent or an appropriate
10 third person if the respondent is unable to express their desires and
11 is consistent with RCW 11.130.330(7);

12 (c) Apply for medicaid long-term care benefits or other public
13 benefits and authorize available services on behalf of the respondent
14 including, but not limited to, authorization of negotiated care
15 plans; or

16 (d) Exercise other authority the court deems appropriate to
17 effectuate appropriate hospital discharge and transition to long-term
18 care services or residence, including authority to relocate the
19 respondent if a long-term care or residence placement is determined
20 by the facility, the respondent, or the appropriate third person to
21 be an inappropriate setting for the respondent.

22 (2) For purposes of this section, an "appropriate third person"
23 means a spouse or registered domestic partner of the respondent,
24 children of the respondent who are at least 18 years of age, parents
25 of the respondent, or adult siblings of the respondent. The court may
26 assess the knowledge, skills, and abilities of an appropriate third
27 person to make decisions that are based on the known desires of the
28 respondent and in the respondent's best interests.

29 (3) An appropriate third person authorized to make decisions
30 under this section must make decisions in accordance with RCW
31 11.130.325 and does not have authority to dispose of the respondent's
32 property except as specifically authorized by court order.

33 (4) An appropriate third person authorized to make decisions
34 under this section is required to notify any potential care setting
35 or care provider of the pending proceeding under this chapter in
36 writing before the respondent's facility contract and care plan are
37 finalized.

38 (5) The authority for an appropriate third person to provide
39 consent under this section must terminate no later than when the
40 pending proceeding under this chapter is resolved.

1 (6) The court may set a reasonable schedule of reporting
2 requirements in order to monitor any decisions and outcomes as
3 authorized by the court order.

--- **END** ---