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HOUSE BILL 1724

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State of Washington

69th Legislature

2025 Regular Session

By Representatives Paul, Griffey, Bronoske, Shavers, Schmidt, Reed, Pollet, Nance, and Ormsby

Read first time 01/29/25. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to improving access and practices relating to  
2 portable orders for life-sustaining treatment; amending RCW 43.70.480  
3 and 70.122.130; adding a new section to chapter 43.70 RCW; adding a  
4 new section to chapter 42.56 RCW; creating a new section; and  
5 providing an expiration date.

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

7 **Sec. 1.** RCW 43.70.480 and 2000 c 70 s 1 are each amended to read  
8 as follows:

9 (1)(a) The department of health shall adopt guidelines and  
10 protocols for how emergency medical personnel shall respond when  
11 summoned to the site of an injury or illness for the treatment of a  
12 person who has signed a written directive or durable power of  
13 attorney requesting that he or she not receive futile emergency  
14 medical treatment.

15 (b) The guidelines shall include the development of a simple form  
16 to record an individual's preferences, known as "portable orders for  
17 life-sustaining treatment" that shall be used statewide. The form  
18 must include an option for the individual to opt out of their  
19 provider submitting their form to the registry created by this  
20 section.

1 (c) (i) The provisions of chapter 1.80 RCW apply to any signature  
2 required on the portable orders for life-sustaining treatment form.

3 (ii) An individual's verbal confirmation of the portable orders  
4 for life-sustaining treatment form satisfies any requirement for  
5 their signature if:

6 (A) Requiring the individual to sign the form in person or  
7 electronically would require significant difficulty or expense; and

8 (B) A licensed health care provider witnesses the verbal  
9 confirmation and signs the form attesting that the provider witnessed  
10 the confirmation. The witnessing health care provider may not be the  
11 same provider who signs the order, and must verify the identity of  
12 the individual who is providing the verbal confirmation.

13 (d) Physicians, physician assistants, and advanced practice  
14 registered nurses who are treating an individual who has executed a  
15 portable orders for life-sustaining treatment form may review the  
16 individual's form with them on an annual or more frequent basis to  
17 ensure it reflects the patient's current health status and treatment  
18 preferences.

19 (2) (a) Any provider who participates in good faith in the  
20 provision of medical care or the withholding or withdrawal of  
21 treatment from a person in accordance with the person's portable  
22 orders for life-sustaining treatment form shall be immune from legal  
23 liability, including civil, criminal, or professional conduct  
24 sanctions, unless otherwise negligent.

25 (b) The establishment of a statewide registry as described in  
26 section 2 of this act does not create any new or distinct obligation  
27 for a provider to determine whether a person has completed a portable  
28 orders for life-sustaining treatment form.

29 (c) A provider is not subject to civil or criminal liability or  
30 sanctions for unprofessional conduct under the uniform disciplinary  
31 act, chapter 18.130 RCW, when in good faith and without negligence:

32 (i) The provider provides, does not provide, withdraws, or  
33 withholds treatment in the absence of actual knowledge of the  
34 existence of a portable orders for life-sustaining treatment form  
35 stored in the registry established in section 2 of this act;

36 (ii) The provider provides, does not provide, withdraws, or  
37 withholds treatment pursuant to a portable orders for life-sustaining  
38 treatment form stored in the registry established in section 2 of  
39 this act in the absence of actual knowledge of the revocation of the  
40 form;

1 (iii) The provider provides, does not provide, withdraws, or  
2 withholds treatment according to a portable orders for life-  
3 sustaining treatment form stored in the registry established in  
4 section 2 of this act in good faith reliance upon the validity of the  
5 form and the form is subsequently found to be invalid; or

6 (iv) The provider provides, does not provide, withdraws, or  
7 withholds treatment according to a portable orders for life-  
8 sustaining treatment form stored in the registry established in  
9 section 2 of this act.

10 (d) Except for acts of gross negligence, willful misconduct, or  
11 intentional wrongdoing, the department of health is not subject to  
12 civil liability for any claims or demands arising out of the  
13 administration or operation of the registry established in section 2  
14 of this act.

15 (e) For the purposes of this subsection, "provider" means: A  
16 physician; an advanced practice registered nurse; a physician  
17 assistant; a licensed health care provider acting under the direction  
18 of a physician, advanced practice registered nurse, or physician  
19 assistant; a physician's trained advanced emergency medical  
20 technician and paramedic; an emergency medical technician; a health  
21 facility as defined in chapter 70.122 RCW, and its personnel; or a  
22 health care facility as defined in chapter 71.32 RCW, and its  
23 personnel.

24 NEW SECTION. Sec. 2. A new section is added to chapter 43.70  
25 RCW to read as follows:

26 (1) The department shall establish and maintain a statewide  
27 registry containing the portable orders for life-sustaining treatment  
28 forms received pursuant to subsection (2)(b) of this section as  
29 submitted by health care providers and residents of Washington. The  
30 registry must be designed to allow for future expansion to support  
31 the addition of other health care declarations such as advance  
32 directives, durable powers of attorney for health care, and mental  
33 health advance directives.

34 (2)(a) The department shall digitally reproduce and store  
35 portable orders for life-sustaining treatment forms in the registry.  
36 The department shall establish standards for physicians, physician  
37 assistants, advanced registered nurse practitioners, their agents and  
38 employees, individuals, and personal representatives to submit  
39 portable orders for life-sustaining treatment forms directly to the

1 registry. The department shall collaborate with health care providers  
2 and individuals to establish best practices for health care providers  
3 that sign portable orders for life-sustaining treatment forms to  
4 discuss with individuals if the form should be submitted to the  
5 registry and how the form will be submitted. The department shall  
6 review the portable orders for life-sustaining treatment forms that  
7 it receives to ensure they comply with the applicable statutory and  
8 regulatory requirements. The department may contract with an  
9 organization that meets the standards identified in this section.

10 (b) (i) A physician, physician assistant, or advanced registered  
11 nurse practitioner that signs a completed portable orders for life-  
12 sustaining treatment form, or their agent or employee, may submit the  
13 form to the department or registry consistent with the standards  
14 adopted by the department under this section on the individual's  
15 behalf, unless the individual has opted out of submitting the form to  
16 the registry.

17 (ii) An individual or an individual's personal representative may  
18 submit a portable orders for life-sustaining treatment form that  
19 meets the standards established under this section to the department  
20 to be stored in the registry. Forms submitted directly to the  
21 department by an individual or the individual's personal  
22 representative must be submitted in a digital format.

23 (iii) Failure to submit a portable orders for life-sustaining  
24 treatment form to the department does not affect the validity of the  
25 form.

26 (iv) Failure to notify the department of a valid revocation of a  
27 portable orders for life-sustaining treatment form does not affect  
28 the validity of the revocation.

29 (v) The entry of a portable orders for life-sustaining treatment  
30 form in the registry under this section does not:

31 (A) Affect the validity of the portable orders for life-  
32 sustaining treatment form;

33 (B) Take the place of any requirements in law necessary to make  
34 the submitted portable orders for life-sustaining treatment form  
35 legal; or

36 (C) Create a presumption regarding the validity of the portable  
37 orders for life-sustaining treatment form.

38 (c) The department shall prescribe procedures for:

39 (i) An individual to revoke a portable orders for life-sustaining  
40 treatment form contained in the registry; and

1 (ii) Removal or archival of a portable orders for life-sustaining  
2 treatment form on request of the individual who executed the form or  
3 their legal surrogate or upon confirmation that the individual who  
4 executed the form has died.

5 (d) The registry must:

6 (i) Be maintained in a secure database that is accessible through  
7 a website maintained by the department or its contractor;

8 (ii) Provide each individual that has a portable orders for life-  
9 sustaining treatment form submitted to the registry with a  
10 registration number;

11 (iii) To the extent such information is available, store contact  
12 information for individuals who have a portable orders for life-  
13 sustaining treatment form in the registry, their health care agents,  
14 and other authorized individuals;

15 (iv) Send annual notices to individuals that have a portable  
16 orders for life-sustaining treatment form in the registry to request  
17 that they review the registry materials to ensure that they are  
18 current. To the extent possible, notices should be provided  
19 electronically through email, text message, or push notification;

20 (v) Provide individuals that have a portable orders for life-  
21 sustaining treatment form in the registry with access to their forms  
22 and the ability to revoke their forms at all times; and

23 (vi) Provide the personal representatives of individuals that  
24 have a portable orders for life-sustaining treatment form in the  
25 registry, physicians, physician assistants, advanced registered nurse  
26 practitioners, health care providers licensed by a disciplining  
27 authority identified in RCW 18.130.040 who is acting under the  
28 direction of a physician, physician assistant, or an advanced  
29 registered nurse practitioner, including a physician's trained  
30 advanced emergency medical technician and paramedic certified under  
31 chapter 18.71 RCW and emergency medical technician certified under  
32 chapter 18.73 RCW, health facilities as defined in chapter 70.122  
33 RCW, and health care facilities, as defined in chapter 71.32 RCW,  
34 access to the registry at all times.

35 (e) In designing the registry and website, the department shall  
36 ensure compliance with state and federal requirements related to  
37 patient confidentiality. The department shall store and manage  
38 personal health information contained in the registry as if the  
39 department was a covered entity for purposes of the federal health  
40 insurance portability and accountability act of 1996, 42 U.S.C. Sec.

1 1320d et seq., and a health care provider for purposes of chapter  
2 70.02 RCW. The department may allow qualified researchers access to  
3 deidentified registry data under the requirements established in RCW  
4 70.02.210(1). The registry is exempt from public copying and  
5 inspection for purposes of the public records act as indicated in  
6 section 5 of this act.

7 (f) The department may accept donations, grants, gifts, or other  
8 forms of voluntary contributions to support activities related to the  
9 creation and maintenance of the registry and statewide public  
10 education campaigns related to the existence of the registry. All  
11 receipts from donations made under this section, and other  
12 contributions and appropriations specifically made for the purposes  
13 of creating and maintaining the registry established under this  
14 section and statewide public education campaigns related to the  
15 existence of the registry, shall be deposited into the general fund.  
16 These moneys in the general fund may be spent only after  
17 appropriation.

18 (g) The department may adopt rules as necessary to implement this  
19 section.

20 NEW SECTION. **Sec. 3.** (1) The department of health shall  
21 research options for types of alternative evidence that may be  
22 utilized to indicate that a person has executed the portable orders  
23 for life-sustaining treatment form and does not wish to have  
24 resuscitative efforts, for example, medical jewelry, a physical card,  
25 or an electronic application-based form.

26 (2) The department of health shall submit a report to the  
27 legislature by June 30, 2026, in compliance with RCW 43.01.036, that  
28 details its recommendations regarding:

29 (a) Whether or not alternative evidence should be implemented and  
30 in what form;

31 (b) Guidelines and protocols for emergency medical personnel to  
32 recognize types of alternative evidence; and

33 (c) Standards for production and endorsement of alternative  
34 evidence.

35 (3) This section expires January 1, 2027.

36 **Sec. 4.** RCW 70.122.130 and 2016 c 209 s 406 are each amended to  
37 read as follows:

1 (1) The department of health shall establish and maintain a  
2 statewide health care declarations registry containing the health  
3 care declarations identified in subsection (2) of this section as  
4 submitted by residents of Washington. The department shall digitally  
5 reproduce and store health care declarations in the registry. The  
6 department may establish standards for individuals to submit  
7 digitally reproduced health care declarations directly to the  
8 registry, but is not required to review the health care declarations  
9 that it receives to ensure they comply with the particular statutory  
10 requirements applicable to the document. The department may contract  
11 with an organization that meets the standards identified in this  
12 section.

13 (2)(a) An individual may submit any of the following health care  
14 declarations to the department of health to be digitally reproduced  
15 and stored in the registry:

16 (i) A directive, as defined by this chapter;

17 (ii) A durable power of attorney for health care, as authorized  
18 in chapter 11.125 RCW; or

19 (iii) A mental health advance directive, as defined by chapter  
20 71.32 RCW (~~;~~ ~~or~~

21 ~~(iv) A form adopted pursuant to the department of health's~~  
22 ~~authority in RCW 43.70.480)).~~

23 (b) Failure to submit a health care declaration to the department  
24 of health does not affect the validity of the declaration.

25 (c) Failure to notify the department of health of a valid  
26 revocation of a health care declaration does not affect the validity  
27 of the revocation.

28 (d) The entry of a health care directive in the registry under  
29 this section does not:

30 (i) Affect the validity of the document;

31 (ii) Take the place of any requirements in law necessary to make  
32 the submitted document legal; or

33 (iii) Create a presumption regarding the validity of the  
34 document.

35 (3) The department of health shall prescribe a procedure for an  
36 individual to revoke a health care declaration contained in the  
37 registry.

38 (4) The registry must:

39 (a) Be maintained in a secure database that is accessible through  
40 a website maintained by the department of health;

1 (b) Send annual electronic messages to individuals that have  
2 submitted health care declarations to request that they review the  
3 registry materials to ensure that it is current;

4 (c) Provide individuals who have submitted one or more health  
5 care declarations with access to their documents and the ability to  
6 revoke their documents at all times; and

7 (d) Provide the personal representatives of individuals who have  
8 submitted one or more health care declarations to the registry,  
9 attending physicians, advanced registered nurse practitioners, health  
10 care providers licensed by a disciplining authority identified in RCW  
11 18.130.040 who is acting under the direction of a physician or an  
12 advanced registered nurse practitioner, and health care facilities,  
13 as defined in this chapter or in chapter 71.32 RCW, access to the  
14 registry at all times.

15 (5) In designing the registry and website, the department of  
16 health shall ensure compliance with state and federal requirements  
17 related to patient confidentiality.

18 (6) The department shall provide information to health care  
19 providers and health care facilities on the registry website  
20 regarding the different federal and Washington state requirements to  
21 ascertain and document whether a patient has an advance directive.

22 (7) The department of health may accept donations, grants, gifts,  
23 or other forms of voluntary contributions to support activities  
24 related to the creation and maintenance of the health care  
25 declarations registry and statewide public education campaigns  
26 related to the existence of the registry. All receipts from donations  
27 made under this section, and other contributions and appropriations  
28 specifically made for the purposes of creating and maintaining the  
29 registry established under this section and statewide public  
30 education campaigns related to the existence of the registry, shall  
31 be deposited into the general fund. These moneys in the general fund  
32 may be spent only after appropriation.

33 (8) The department of health may adopt rules as necessary to  
34 implement chapter 108, Laws of 2006.

35 (9) By December 1, 2008, the department shall report to the house  
36 and senate committees on health care the following information:

37 (a) Number of participants in the registry;

38 (b) Number of health care declarations submitted by type of  
39 declaration as defined in this section;



1 (c) Number of health care declarations revoked and the method of  
2 revocation;

3 (d) Number of providers and facilities, by type, that have been  
4 provided access to the registry;

5 (e) Actual costs of operation of the registry.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.56  
7 RCW to read as follows:

8 The registry established in section 2 of this act and its  
9 contents are exempt from inspection and copying under this chapter.

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