

SENATE BILL REPORT

SB 5919

AS REPORTED BY COMMITTEE ON HEALTH & HUMAN SERVICES,
MARCH 2, 1993

Brief Description: Correcting an internal reference error in RCW 7.70.065, informed consent.

SPONSORS: Senator Talmadge

SENATE COMMITTEE ON HEALTH & HUMAN SERVICES

Majority Report: Do pass.

Signed by Senators Talmadge, Chairman; Wojahn, Vice Chairman; Deccio, Erwin, Franklin, Fraser, Hargrove, McAuliffe, McDonald, Moyer, Niemi, Prentice, Quigley, Sheldon, L. Smith, and Winsley.

Staff: Shannon Murphy (786-7483)

Hearing Dates: March 2, 1993

BACKGROUND:

In 1990, Chapter 11.88 RCW underwent major revision. As a result of an oversight, a reference to RCW 11.88.010(b) in RCW 7.70.065 was not revised to reflect the changes in RCW 11.88.010.

The revisions made to Chapter 11.88 RCW were isolated to that chapter. There was no intent to change the definition referenced by RCW 7.70.065.

RCW 7.70.065 makes reference to RCW 11.88.010 (1)(b). Prior to revision, RCW 11.88.010(1)(b) defined an incompetent person for the purpose of giving informed consent as "any person who is incompetent by reason of mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity..." This definition now appears in RCW 11.88.010(1)(e).

RCW 11.88.010(1)(b) as revised in 1990 refers to a person being deemed incapacitated when a "superior court determines that a person is at a significant risk of financial harm based upon a demonstrated inability to adequately manage property or financial affairs."

The reference in RCW 7.70.065 should reference RCW 11.88.010(1)(e). This error was discovered in November of 1992.

SUMMARY:

RCW 7.70.065 is technically amended to correct an oversight in drafting. The reference to RCW 11.88.010(1)(b) in RCW 7.70.065 is amended to read RCW 11.88.010(1)(e).

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR: None

TESTIMONY AGAINST: None

TESTIFIED: No one