

SHB 1000 - H AMD 71

By Representative Moeller

ADOPTED 03/11/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 43.70.480 and 2000 c 70 s 1 are each amended to read
4 as follows:

5 (1) The department of health shall adopt guidelines and protocols
6 for how emergency medical personnel shall respond when summoned to the
7 site of an injury or illness for the treatment of a person who has
8 signed a written directive or durable power of attorney requesting that
9 he or she not receive futile emergency medical treatment. The
10 guidelines shall include development of a ~~((simple))~~ medical order form
11 that shall be used statewide.

12 (2) Any provider as defined in subsection (3)(a) (i), (ii), or
13 (iii) of this section or any facility, who participates in the
14 provision of medical care or in the withholding or withdrawal of life-
15 sustaining treatment, or any provider defined in subsection (3)(a) (iv)
16 or (v) of this section, who participates in the provision of or the
17 withholding or withdrawal of life-sustaining treatment, in accordance
18 with the directions contained in the form developed under subsection
19 (1) of this section is immune from legal liability, including civil,
20 criminal, and professional conduct sanctions, as long as such
21 participation has been conducted in good faith, within the scope of his
22 or her credentials or employment, and is not found to be negligent
23 under chapter 7.70 RCW.

24 (3) For purposes of this section:

25 (a) "Provider" includes:

26 (i) A physician licensed under chapter 18.71 RCW, an osteopathic
27 physician licensed under chapter 18.57 RCW, a podiatric physician
28 licensed under chapter 18.22 RCW, an advanced registered nurse
29 practitioner licensed under chapter 18.79 RCW, a physician assistant

1 licensed under chapter 18.71A RCW, and an osteopathic physician's
2 assistant licensed under chapter 18.57A RCW;

3 (ii) Any credentialed health care provider acting under the
4 direction of an individual identified in (a)(i) of this subsection;

5 (iii) Any credentialed provider listed under RCW 18.71.210;

6 (iv) Any credentialed provider regulated under chapter 18.130 RCW;
7 and

8 (v) Any long-term care worker exempted from certification
9 requirements under RCW 18.88B.041(1).

10 (b) "Facility" includes a hospital licensed under chapter 70.41
11 RCW, a nursing home licensed under chapter 18.51 RCW, a home care
12 agency, a home health agency or hospice agency licensed under chapter
13 70.127 RCW, a community residential services business established under
14 chapter 71A.10 RCW, an assisted living facility licensed under chapter
15 18.20 RCW, an adult family home licensed under chapter 70.128 RCW, an
16 institution licensed under chapter 71.12 RCW, a state hospital
17 designated under chapter 72.23 RCW, a clinic that is part of a
18 community mental health service delivery system established under
19 chapter 71.24 RCW, a long-term care facility as defined in RCW
20 43.190.020, any state veterans' home established under chapter 72.36
21 RCW, any entity identified in RCW 18.71.210, and any kidney disease
22 treatment center.

23 (4) Nothing in this chapter may be interpreted to change the
24 standard of care with respect to: (a) Health care provided in
25 accordance with a directive under chapter 70.122 RCW; or (b) persons
26 authorized to provide informed consent to health care on behalf of a
27 patient who is not competent to consent under RCW 7.70.065."

28 Correct the title.

EFFECT: The amendment makes the following changes:

(1) Removes the requirement that the form must be signed by the patient in order for the immunity to apply.

(2) Removes language stating that the standard of care required by RCW 7.70.040 must be met when providing, withholding, or withdrawing treatment.

(3) Adds the following to the list of providers and facilities

eligible for immunity when acting within the scope of their credentials or employment, in good faith, and without negligence:

(a) Credentialed providers regulated under the Uniform Disciplinary Act.

(b) Long-term care workers who are exempt from certification requirements.

(c) Community residential services businesses.

(d) Licensed home care agencies.

(4) Adds a provision stating that the standard of care with respect to care provided in accordance with an advance directive and surrogate decision making are unaffected.

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