
Judiciary Committee

HB 1000

Title: An act relating to immunity for health care providers following directions contained in a form developed pursuant to RCW 43.70.480

Brief Description: Providing immunity for health care providers following directions contained in a form developed pursuant to RCW 43.70.480.

Sponsors: Representatives Moeller, Morrell, Wylie, McCoy, Ryu, Reykdal, Seaquist, Moscoso, Appleton, Green, Cody, Ormsby and Jinkins.

| |
|---|
| <p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Provides immunity for health care providers and facilities following end-of-life planning declarations. |
|---|

Hearing Date: 1/16/13

Staff: Omeara Harrington (786-7136).

Background:

The Department of Health has implemented a Physician Orders for Life-Sustaining Treatment (POLST) form. This standardized form allows individuals to summarize their wishes regarding end of life treatment and communicate those wishes emergency medical personnel or staff in hospitals or residential care settings. The form is intended for use by any individual with an advanced life limiting illness.

Instructions on the POLST form require the form to be signed by a patient's physician or advanced registered nurse practitioner after discussion with the patient or the patient's surrogate decision-maker regarding patient preferences. These preferences include whether or not to attempt resuscitation, what medical interventions are permitted when a person has a pulse or is breathing, and whether and how administration of antibiotics and artificial administration of nutrition should occur.

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

A POLST differs from an advance directive, which is another kind of document that expresses an individual's preferences regarding the withholding or withdrawal of life-sustaining treatment in the event that he or she is in a terminal condition or permanent unconscious state. Advance directives have additional formal requirements including signing in the presence of two neutral witnesses and may be created far in advance of onset of a life-limiting condition. Although an advance directive is not necessary to implement a POLST for a patient, the POLST may function as a summary of an individual's advance directive choices.

Emergency medical personnel are immune for acts and omissions that occur in good faith while rendering emergency care, including following physician's orders contained in a POLST. In addition to emergency medical personnel, some health care providers and facilities also use POLST forms. While these providers and facilities are statutorily immune from legal liability for carrying out advance directives, equivalent immunity language does not exist in the POLST statute.

Summary of Bill:

Absent negligence, a provider acting within the scope of his or her license, or any facility participating in good faith, will not be legally liable or subject to professional sanction for following the directions on the POLST form. This immunity only extends to specifically listed providers and facilities.

It is specified that the POLST form is a medical order.

Appropriation: None.

Fiscal Note: Not requested.

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