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SENATE BILL 5683

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Becker, Hargrove, and Padden

Read first time 02/08/13. Referred to Committee on Health Care .

1 AN ACT Relating to information under the death with dignity act;  
2 and amending RCW 70.245.010, 70.245.040, and 70.245.180.

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

4 **Sec. 1.** RCW 70.245.010 and 2009 c 1 s 1 are each amended to read  
5 as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Adult" means an individual who is eighteen years of age or  
9 older.

10 (2) "Attending physician" means the physician who has primary  
11 responsibility for the care of the patient and treatment of the  
12 patient's terminal disease.

13 (3) "Competent" means that, in the opinion of a court or in the  
14 opinion of the patient's attending physician or consulting physician,  
15 psychiatrist, or psychologist, a patient has the ability to make and  
16 communicate an informed decision to health care providers, including  
17 communication through persons familiar with the patient's manner of  
18 communicating if those persons are available.

1 (4) "Consulting physician" means a physician who is qualified by  
2 specialty or experience to make a professional diagnosis and prognosis  
3 regarding the patient's disease.

4 (5) "Counseling" means one or more consultations as necessary  
5 between a state licensed psychiatrist or psychologist and a patient for  
6 the purpose of determining that the patient is competent and not  
7 suffering from a psychiatric or psychological disorder or depression  
8 causing impaired judgment.

9 (6) "Health care provider" means a person licensed, certified, or  
10 otherwise authorized or permitted by law to administer health care or  
11 dispense medication in the ordinary course of business or practice of  
12 a profession, and includes a health care facility.

13 (7) "Informed decision" means a decision by a qualified patient, to  
14 request and obtain a prescription for medication that the qualified  
15 patient may self-administer to end his or her life in a humane and  
16 dignified manner, that is based on an appreciation of the relevant  
17 facts and after being fully informed by the attending physician of:

18 (a) His or her medical diagnosis;

19 (b) His or her prognosis, and the treatment for cure or prolonging  
20 life;

21 (c) The potential risks associated with taking the medication to be  
22 prescribed;

23 (d) The probable result of taking the medication to be prescribed;  
24 and

25 (e) The feasible alternatives including, but not limited to,  
26 comfort care, hospice care, and pain control.

27 (8) "Medically confirmed" means the medical opinion of the  
28 attending physician has been confirmed by a consulting physician who  
29 has examined the patient and the patient's relevant medical records.

30 (9) "Patient" means a person who is under the care of a physician.

31 (10) "Physician" means a doctor of medicine or osteopathy licensed  
32 to practice medicine in the state of Washington.

33 (11) "Qualified patient" means a competent adult who is a resident  
34 of Washington state and has satisfied the requirements of this chapter  
35 in order to obtain a prescription for medication that the qualified  
36 patient may self-administer to end his or her life in a humane and  
37 dignified manner.

1 (12) "Self-administer" means a qualified patient's act of ingesting  
2 medication to end his or her life in a humane and dignified manner.

3 (13) "Terminal disease" means an incurable and irreversible disease  
4 that has been medically confirmed and will, within reasonable medical  
5 judgment, produce death within six months.

6 **Sec. 2.** RCW 70.245.040 and 2009 c 1 s 4 are each amended to read  
7 as follows:

8 (1) The attending physician shall:

9 (a) Make the initial determination of whether a patient has a  
10 terminal disease, is competent, and has made the request voluntarily;

11 (b) Request that the patient demonstrate Washington state residency  
12 under RCW 70.245.130;

13 (c) To ensure that the patient is making an informed decision,  
14 inform the patient of:

15 (i) His or her medical diagnosis;

16 (ii) His or her prognosis, and the treatment for cure or prolonging  
17 life;

18 (iii) The potential risks associated with taking the medication to  
19 be prescribed;

20 (iv) The probable result of taking the medication to be prescribed;  
21 and

22 (v) The feasible alternatives including, but not limited to,  
23 comfort care, hospice care, and pain control;

24 (d) Refer the patient to a consulting physician for medical  
25 confirmation of the diagnosis, and for a determination that the patient  
26 is competent and acting voluntarily;

27 (e) Refer the patient for counseling if appropriate under RCW  
28 70.245.060;

29 (f) Recommend that the patient notify next of kin;

30 (g) Counsel the patient about the importance of having another  
31 person present when the patient takes the medication prescribed under  
32 this chapter and of not taking the medication in a public place;

33 (h) Inform the patient that he or she has an opportunity to rescind  
34 the request at any time and in any manner, and offer the patient an  
35 opportunity to rescind at the end of the fifteen-day waiting period  
36 under RCW 70.245.090;

1 (i) Verify, immediately before writing the prescription for  
2 medication under this chapter, that the patient is making an informed  
3 decision;

4 (j) Fulfill the medical record documentation requirements of RCW  
5 70.245.120;

6 (k) Ensure that all appropriate steps are carried out in accordance  
7 with this chapter before writing a prescription for medication to  
8 enable a qualified patient to end his or her life in a humane and  
9 dignified manner; and

10 (l)(i) Dispense medications directly, including ancillary  
11 medications intended to facilitate the desired effect to minimize the  
12 patient's discomfort, if the attending physician is authorized under  
13 statute and rule to dispense and has a current drug enforcement  
14 administration certificate; or

15 (ii) With the patient's written consent:

16 (A) Contact a pharmacist and inform the pharmacist of the  
17 prescription; and

18 (B) Deliver the written prescription personally, by mail or  
19 facsimile to the pharmacist, who will dispense the medications directly  
20 to either the patient, the attending physician, or an expressly  
21 identified agent of the patient. Medications dispensed pursuant to  
22 this subsection shall not be dispensed by mail or other form of  
23 courier.

24 (2) The (~~attending~~) physician (~~may~~) who signs the patient's  
25 death certificate (~~which~~) shall list (~~the underlying terminal~~  
26 ~~disease as~~) the cause of death as assisted suicide.

27 **Sec. 3.** RCW 70.245.180 and 2009 c 1 s 18 are each amended to read  
28 as follows:

29 (1) Nothing in this chapter authorizes a physician or any other  
30 person to end a patient's life by lethal injection, mercy killing, or  
31 active euthanasia. Actions taken in accordance with this chapter  
32 except for filling out the death certificate and for recording accurate  
33 vital statistics do not, for any purpose, constitute suicide, assisted  
34 suicide, mercy killing, or homicide, under the law. State reports  
35 shall (~~not~~) refer to practice under this chapter as (~~"suicide" or~~)  
36 "assisted suicide(~~-~~)" or "ingested lethal medication" consistent with  
37 RCW 70.245.010 (~~(7), (11), and~~) (12) (~~(7), 70.245.020(1),~~

1 ~~70.245.040(1)(k), 70.245.060, 70.245.070, 70.245.090, 70.245.120 (1)~~  
2 ~~and (2), 70.245.160 (1) and (2), 70.245.170, 70.245.190(1) (a) and (d),~~  
3 ~~and 70.245.200(2), state reports shall refer to practice under this~~  
4 ~~chapter as obtaining and self-administering life-ending medication)).~~

5 (2) Nothing contained in this chapter shall be interpreted to lower  
6 the applicable standard of care for the attending physician, consulting  
7 physician, psychiatrist or psychologist, or other health care provider  
8 participating under this chapter.

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