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## Transportation Committee

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### HB 2652

**Brief Description:** Concerning the maintenance and disclosure of health care declarations.

**Sponsors:** Representatives Cody, Schmick, Clibborn and Frame.

#### Brief Summary of Bill

- Requires the Department of Health to contract with a third party for the coordination and management of the statewide health care declarations registry.
- Requires the Department of Licensing to issue driver's licenses and identicards, beginning July 1, 2017, with a symbol or abbreviation that denotes the presence of a health care declaration and a code that, if the declaration is stored in the statewide registry, allows health care providers access to the cardholder's declaration in the registry.

**Hearing Date:** 1/25/16

**Staff:** Mark Matteson (786-7145).

#### **Background:**

##### Health Care Declaration Registry.

The Department of Health (DOH) established a statewide health care declarations registry in 2006 pursuant to Legislative direction. Until June 30, 2011, the DOH accepted new declarations from individuals who wanted their declarations to be stored in the registry. Eligible declarations included an advance health care directive, a durable power of attorney for health care, a mental health advance directive, and a Physician Orders for Life-Sustaining Treatment (POLST) form. In general, an advance directive relating to health or mental health is a document in which a person makes a declaration of instructions, or appoints another to make decisions on behalf of the person, regarding the person's health or mental health treatment and is often pertinent to end-of-life treatment situations. A completed POLST form is similar to many advance directives, allowing individuals to summarize preferences regarding end-of-life treatment and to

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communicate those preferences to emergency medical personnel and staff in hospitals or residential care settings. The registry is to be available to health care providers at all times.

While the DOH is still statutorily required to maintain the health care declarations registry, most of the maintenance funding was eliminated in the 2011-13 biennial budget. Since July 1, 2011, the DOH has not accepted new declarations. The registry is only maintained for those individuals who made declarations before July 1, 2011.

The Robert Bree Collaborative (Collaborative) was established in 2011 to provide a forum to allow stakeholders to work together to improve the quality, cost-effectiveness, and outcomes of health care in Washington. In 2014 the Collaborative formed an end-of-life care workgroup to address end-of-life issues. Among other things, the workgroup acknowledged that the DOH health care declarations registry was underutilized. The workgroup recommended that Washington contract to join an existing registry in use by another state and promote the registry to health systems, providers, and Washington residents to facilitate use. In addition, the workgroup recommended that driver's license cards and identicards be modified to allow the addition of an indicator showing the presence of an advance directive and the addition of a quick response (QR) code to permit direct access to the registry.

#### Driver's Licenses and Identicards.

The Department of Licensing (DOL) issues driver's licenses and identicards to residents of Washington. To obtain a license or identicard, a person must apply to the DOL and pay the required fee of \$54. In the application, the person must provide his or her name, date of birth, sex, Washington residence address, description, driving licensing history, and any other information required by the DOL. Thereafter, the DOL will issue a license or identicard which provides certain information about the holder, such as his or her name, date of birth, physical description, anatomical gift statement, Washington residence address, and signature.

#### **Summary of Bill:**

The DOH is required to contract with a private organization or another state to coordinate and manage the Washington health care declarations registry. If contracting with another state, the other state must operate a similar registry. By December 1, 2018, the DOH must report to the House and Senate committees on health care. The report must include the identity and qualifications of the entity selected to manage the registry; the number of registry participants; the number of health care declarations submitted, by type; the number of health care declarations revoked from the registry; the number of health care providers and facilities, by type, that have been provided access to the registry; and the actual costs of operating the registry.

Beginning July 1, 2017, an application form for any new driver's license or identicard must ask the applicant whether he or she has executed a health care declaration and, if so, whether it is stored in the statewide health care declarations registry. When issuing a driver's license or identicard, the DOL must include on the card a symbol or abbreviation that denotes the existence of a health care declaration and, if the declaration is stored in the statewide registry, a code that, when scanned, provides an authorized health care provider access to the person's declaration in the registry.

**Appropriation:** None.

**Fiscal Note:** Requested on January 16, 2016.

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