

SHB 1608 - H AMD 1396

By Representative Macri

ADOPTED 02/17/2020

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

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Department" means the department of health.

7 (2) "Health care entity" means an entity that supervises,
8 controls, grants privileges to, directs the practice of, or directly
9 or indirectly restricts the practice of, a health care provider.

10 (3) "Health care provider" has the same meaning as in RCW
11 70.02.010.

12 (4) "Medically accurate" means information that is verified or
13 supported by research in compliance with scientific methods, is
14 published in peer-reviewed journals, where appropriate, and is
15 recognized as accurate and objective by professional organizations
16 and agencies with expertise in the relevant field.

17 NEW SECTION. **Sec. 2.** (1) If a health care provider is acting in
18 good faith, within the provider's scope of practice, education,
19 training, and experience, including specialty areas of practice and
20 board certification, and within the accepted standard of care, a
21 health care entity may not:

22 (a) Limit the health care provider's provision of:

23 (i) Medically accurate and comprehensive information and
24 counseling to a patient regarding the patient's health status
25 including, but not limited to, diagnosis, prognosis, recommended
26 treatment, treatment alternatives, and any potential risks to the
27 patient's health or life; and

28 (ii) Information about available services and about what relevant
29 resources are available in the community and how to access those
30 resources for obtaining the care of the patient's choice;

1 (b) Limit the health care provider's provision of information
2 about and regarding Washington's death with dignity act, chapter
3 70.245 RCW, information about what relevant resources are available
4 in the community, and how to access those resources for obtaining the
5 care of the patient's choice.

6 (2) A health care entity may not discharge, demote, suspend,
7 discipline, or otherwise discriminate against a health care provider
8 for providing information in compliance with this section.

9 (3) If any part of this section is found to be in conflict with
10 federal requirements which are a prescribed condition to the receipts
11 of federal funds to the state, the conflicting part of this section
12 is inoperative solely to the extent of the conflict with respect to
13 the agencies directly affected, and such finding or determination
14 shall not affect the operation of the remainder of the section.

15 NEW SECTION. **Sec. 3.** A health care entity must provide the
16 information prepared by the department under section 4(1) of this act
17 at the time of hiring, contracting with, or privileging health care
18 providers and staff, and on a yearly basis thereafter. Hospitals must
19 also provide information to clearly inform health care providers and
20 staff of the provisions of the federal emergency medical treatment
21 and labor act (42 U.S.C. Sec. 1395dd), including obligations to
22 screen, stabilize, and transfer patients, at the time of hiring,
23 contracting with, or privileging health care providers and staff, and
24 on a yearly basis thereafter.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.70
26 RCW to read as follows:

27 (1) The department must design, prepare, and make available
28 online, written materials to clearly inform health care providers and
29 staff of the provisions of, and authority to act under, chapter
30 70.--- RCW (the new chapter created in section 5 of this act).

31 (2) The department must design, prepare, and make available
32 online, written materials to provide information to providers and
33 patients regarding Washington's death with dignity act, chapter
34 70.245 RCW.

35 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act
36 constitute a new chapter in Title 70 RCW."

1 Correct the title.

EFFECT: 1. Provides that a health care entity cannot limit a health care provider's provision of information if the provider is acting within the provider's scope of practice, education, training, and experience, rather than within the provider's privileges at the health care entity.

2. Prohibits a health care entity from limiting a health care provider's provision of information about how a patient can access resources relevant to the patient's choice of care.

3. Prohibits a health care entity from discharging, demoting, suspending, disciplining, or otherwise discriminating against a health care provider who provides information in accordance with the act, rather than prohibiting a health care entity from penalizing, taking, or threatening to take adverse action against a health care provider who provides information in accordance with the act.

4. Makes a variety of nonsubstantive, technical changes such as reordering words and removing duplicative language.

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