

SHB 1197 - H AMD TO H AMD (H-1212.3/21) **395**

By Representative Abbarno

ADOPTED 03/04/2021

1 On page 1, beginning on line 20 of the striking amendment, after
2 "assistant" strike all material though "record" on line 25 and insert
3 "as outlined in (e) of this subsection"

4
5 On page 4, beginning on line 1 of the striking amendment, after
6 "(ii)" strike all material through "revocation." on line 8 and insert
7 "The physician, nurse practitioner, or physician assistant to whom a
8 health care surrogate designation has been communicated must enter a
9 document with this information into the patient's health care record,
10 provided that the physician, nurse practitioner, or physician
11 assistant determines that the patient has capacity at the time of the
12 designation and documents it in the patient's health record. The
13 designation must be signed by the patient, unless the physician, nurse
14 practitioner, or physician assistant determines that the patient is
15 unable to physically sign. If the patient is unable to sign, he or she
16 may make the designation orally.

17 (iii) A designation may be revoked by the patient at any time, in
18 the following methods:

19 (A) A written revocation by the patient expressing his or her
20 intent to revoke, signed and dated by the patient. Such revocation
21 shall become effective only upon communication to the attending
22 physician by the patient or by a person acting on behalf of the
23 patient. The attending physician shall record in the patient's medical
24 record the time and date when the physician received notification of
25 the written revocation.

26 (B) A verbal expression by the patient of his or her intent to
27 revoke the designation. Such designation shall become effective only

1 upon communication to the attending physician by the patient. The
2 attending physician shall record in the patient's medical record the
3 time, date, and place of the revocation and shall obtain a signature
4 from the patient, unless the physician determines that the patient is
5 unable to physically sign. If the patient is unable to sign, he or she
6 may make the revocation orally."

7
8 Renumber the remaining subsection consecutively and correct any
9 internal references accordingly.

10
11 On page 7, beginning on line 6 of the striking amendment, after
12 "assistant" strike all material through "record" on line 11 and insert
13 "as outlined in (e) of this subsection"

14
15 On page 9, beginning on line 16 of the striking amendment, after
16 "(ii)" strike all material through "revocation." on line 23 and
17 insert "The physician, nurse practitioner, or physician assistant to
18 whom a health care surrogate designation has been communicated must
19 enter a document with this information into the patient's health care
20 record, provided that the physician, nurse practitioner, or physician
21 assistant determines that the patient has capacity at the time of the
22 designation and documents it in the patient's health record. The
23 designation must be signed by the patient, unless the physician, nurse
24 practitioner, or physician assistant determines that the patient is
25 unable to physically sign. If the patient is unable to sign, he or she
26 may make the designation orally.

27 (iii) A designation may be revoked by the patient at any time, in
28 the following methods:

29 (A) A written revocation by the patient expressing his or her
30 intent to revoke, signed and dated by the patient. Such revocation
31 shall become effective only upon communication to the attending
32 physician by the patient or by a person acting on behalf of the
33 patient. The attending physician shall record in the patient's medical

1 record the time and date when the physician received notification of
2 the written revocation.

3 (B) A verbal expression by the patient of his or her intent to
4 revoke the designation. Such designation shall become effective only
5 upon communication to the attending physician by the patient. The
6 attending physician shall record in the patient's medical record the
7 time, date, and place of the revocation and shall obtain a signature
8 from the patient, unless the physician determines that the patient is
9 unable to physically sign. If the patient is unable to sign, he or she
10 may make the revocation orally."

11
12 Renumber the remaining subsection consecutively and correct any
13 internal references accordingly.

14

EFFECT: Requires a patient's signature when establishing or
revoking a health care surrogate designation, unless the health care
provider determines that the patient is unable to physically sign,
in which case the patient may designate or revoke orally.
Restructures subsections.

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