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**SUBSTITUTE HOUSE BILL 1724**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Paul, Griffey, Bronoske, Shavers, Schmidt, Reed, Pollet, Nance, and Ormsby)

READ FIRST TIME 02/17/25.

1 AN ACT Relating to improving access and practices relating to  
2 portable orders for life-sustaining treatment; amending RCW 43.70.480  
3 and 70.122.130; adding a new section to chapter 43.70 RCW; adding a  
4 new section to chapter 42.56 RCW; creating a new section; and  
5 providing an expiration date.

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

7 **Sec. 1.** RCW 43.70.480 and 2000 c 70 s 1 are each amended to read  
8 as follows:

9 (1)(a) The department of health shall adopt guidelines and  
10 protocols for how emergency medical personnel shall respond when  
11 summoned to the site of an injury or illness for the treatment of a  
12 person who has signed a written directive or durable power of  
13 attorney requesting that he or she not receive futile emergency  
14 medical treatment.

15 (b) The guidelines shall include the development of a simple form  
16 to record an individual's preferences, known as "portable orders for  
17 life-sustaining treatment" that shall be used statewide. The form  
18 must include an option for the individual to opt out of their  
19 provider submitting their form to the registry created by this  
20 section.

1 (c) (i) The provisions of chapter 1.80 RCW apply to any signature  
2 required on the portable orders for life-sustaining treatment form.

3 (ii) An individual's verbal confirmation of the portable orders  
4 for life-sustaining treatment form satisfies any requirement for  
5 their signature if:

6 (A) Requiring the individual to sign the form in person or  
7 electronically would require significant difficulty or expense; and

8 (B) A licensed health care provider witnesses the verbal  
9 confirmation and signs the form attesting that the provider witnessed  
10 the confirmation. The witnessing health care provider may not be the  
11 same provider who signs the order, and must verify the identity of  
12 the individual who is providing the verbal confirmation.

13 (d) Physicians, physician assistants, and advanced registered  
14 nurse practitioners who are treating an individual who has completed  
15 a portable orders for life-sustaining treatment form may review the  
16 individual's form with them on an annual or more frequent basis to  
17 ensure it reflects the patient's current health status and treatment  
18 preferences.

19 (2) (a) Except where greater liability protection is provided in  
20 law, any provider who participates in good faith in the provision of  
21 medical care or the withholding or withdrawal of treatment from a  
22 person in accordance with the person's portable orders for life-  
23 sustaining treatment form shall be immune from legal liability,  
24 including civil, criminal, or professional conduct sanctions, unless  
25 otherwise negligent.

26 (b) The establishment of a statewide registry as described in  
27 section 2 of this act does not create any new or distinct obligation  
28 for a provider to determine whether a person has completed a portable  
29 orders for life-sustaining treatment form.

30 (c) Except where greater liability protection is provided in law,  
31 a provider is not subject to civil or criminal liability or sanctions  
32 for unprofessional conduct under the uniform disciplinary act,  
33 chapter 18.130 RCW, when in good faith and without negligence:

34 (i) The provider provides, does not provide, withdraws, or  
35 withholds treatment in the absence of actual knowledge of the  
36 existence of a portable orders for life-sustaining treatment form  
37 stored in the registry established in section 2 of this act;

38 (ii) The provider provides, does not provide, withdraws, or  
39 withholds treatment pursuant to a portable orders for life-sustaining  
40 treatment form stored in the registry established in section 2 of

1 this act in the absence of actual knowledge of the revocation of the  
2 form;

3 (iii) The provider provides, does not provide, withdraws, or  
4 withholds treatment according to a portable orders for life-  
5 sustaining treatment form stored in the registry established in  
6 section 2 of this act in good faith reliance upon the validity of the  
7 form and the form is subsequently found to be invalid; or

8 (iv) The provider provides, does not provide, withdraws, or  
9 withholds treatment according to a portable orders for life-  
10 sustaining treatment form stored in the registry established in  
11 section 2 of this act.

12 (d) Except for acts of gross negligence, willful misconduct, or  
13 intentional wrongdoing, the department of health is not subject to  
14 civil liability for any claims or demands arising out of the  
15 administration or operation of the registry established in section 2  
16 of this act.

17 (e) For the purposes of this subsection, "provider" means: A  
18 physician; an advanced registered nurse practitioner; a physician  
19 assistant; a licensed health care provider acting under the direction  
20 of a physician, advanced registered nurse practitioner, or physician  
21 assistant; a physician's trained advanced emergency medical  
22 technician and paramedic; an emergency medical technician; a health  
23 facility as defined in chapter 70.122 RCW, and its personnel; or a  
24 health care facility as defined in chapter 71.32 RCW, and its  
25 personnel.

26 NEW SECTION. Sec. 2. A new section is added to chapter 43.70  
27 RCW to read as follows:

28 (1) The department shall establish and maintain a statewide  
29 registry containing the portable orders for life-sustaining treatment  
30 forms received pursuant to subsection (2)(b) of this section as  
31 submitted by health care providers and residents of Washington. The  
32 registry must be designed to allow for future expansion to support  
33 the addition of other health care declarations such as advance  
34 directives, durable powers of attorney for health care, and mental  
35 health advance directives.

36 (2)(a) The department shall digitally reproduce and store  
37 portable orders for life-sustaining treatment forms in the registry.  
38 The department shall establish standards for physicians, physician  
39 assistants, advanced registered nurse practitioners, their agents and

1 employees, individuals, and personal representatives to submit  
2 portable orders for life-sustaining treatment forms directly to the  
3 registry. The department shall collaborate with health care providers  
4 and individuals to establish best practices for health care providers  
5 that sign portable orders for life-sustaining treatment forms to  
6 discuss with individuals if the form should be submitted to the  
7 registry and how the form will be submitted. The department shall  
8 review the portable orders for life-sustaining treatment forms that  
9 it receives to ensure they comply with the applicable statutory and  
10 regulatory requirements. The department may contract with an  
11 organization that meets the standards identified in this section.

12 (b) (i) A physician, physician assistant, or advanced registered  
13 nurse practitioner that signs a completed portable orders for life-  
14 sustaining treatment form, or their agent or employee, shall submit  
15 the form to the department or registry consistent with the standards  
16 adopted by the department under this section on the individual's  
17 behalf, unless the individual has opted out of submitting the form to  
18 the registry.

19 (ii) An individual or an individual's personal representative may  
20 submit a portable orders for life-sustaining treatment form that  
21 meets the standards established under this section to the department  
22 to be stored in the registry. Forms submitted directly to the  
23 department by an individual or the individual's personal  
24 representative must be submitted in a digital format.

25 (iii) Failure to submit a portable orders for life-sustaining  
26 treatment form to the department does not affect the validity of the  
27 form.

28 (iv) Failure to notify the department of a valid revocation of a  
29 portable orders for life-sustaining treatment form does not affect  
30 the validity of the revocation.

31 (v) The entry of a portable orders for life-sustaining treatment  
32 form in the registry under this section does not:

33 (A) Affect the validity of the portable orders for life-  
34 sustaining treatment form;

35 (B) Take the place of any requirements in law necessary to make  
36 the submitted portable orders for life-sustaining treatment form  
37 legal; or

38 (C) Create a presumption regarding the validity of the portable  
39 orders for life-sustaining treatment form.

40 (c) The department shall prescribe procedures for:

1 (i) An individual to revoke a portable orders for life-sustaining  
2 treatment form contained in the registry; and

3 (ii) Removal or archival of a portable orders for life-sustaining  
4 treatment form on request of the individual who completed the form or  
5 their legal surrogate or upon confirmation that the individual who  
6 completed the form has died.

7 (d) The registry must:

8 (i) Be maintained in a secure database that is accessible through  
9 a website maintained by the department or its contractor;

10 (ii) Provide each individual that has a portable orders for life-  
11 sustaining treatment form submitted to the registry with a  
12 registration number;

13 (iii) To the extent such information is available, store contact  
14 information for individuals who have a portable orders for life-  
15 sustaining treatment form in the registry, their health care agents,  
16 and other authorized individuals;

17 (iv) Send annual notices to individuals that have a portable  
18 orders for life-sustaining treatment form in the registry to request  
19 that they review the registry materials to ensure that they are  
20 current. To the extent possible, notices should be provided  
21 electronically through email, text message, or push notification;

22 (v) Provide individuals that have a portable orders for life-  
23 sustaining treatment form in the registry with access to their forms  
24 and the ability to revoke their forms at all times; and

25 (vi) Provide the personal representatives of individuals that  
26 have a portable orders for life-sustaining treatment form in the  
27 registry, providers as defined in RCW 43.70.480, health facilities as  
28 defined in chapter 70.122 RCW, and health care facilities, as defined  
29 in chapter 71.32 RCW, access to the registry at all times.

30 (e) In designing the registry and website, the department shall  
31 ensure compliance with state and federal requirements related to  
32 patient confidentiality. The department shall store and protect the  
33 data in the registry in accordance with the state requirements to  
34 protect health care information. The registry is exempt from public  
35 copying and inspection for purposes of the public records act as  
36 indicated in section 5 of this act.

37 (f) The department may accept donations, grants, gifts, or other  
38 forms of voluntary contributions to support activities related to the  
39 creation and maintenance of the registry and statewide public  
40 education campaigns related to the existence of the registry. All

1 receipts from donations made under this section, and other  
2 contributions and appropriations specifically made for the purposes  
3 of creating and maintaining the registry established under this  
4 section and statewide public education campaigns related to the  
5 existence of the registry, shall be deposited into the general fund.  
6 These moneys in the general fund may be spent only after  
7 appropriation.

8 (g) The department may adopt rules as necessary to implement this  
9 section.

10 NEW SECTION. **Sec. 3.** (1) The department of health shall  
11 research options for types of alternative evidence that may be  
12 utilized to indicate that a person has completed the portable orders  
13 for life-sustaining treatment form and does not wish to have  
14 resuscitative efforts, for example, medical jewelry, a physical card,  
15 or an electronic application-based form.

16 (2) The department of health shall submit a report to the  
17 legislature by June 30, 2026, in compliance with RCW 43.01.036, that  
18 details its recommendations regarding:

19 (a) Whether or not alternative evidence should be implemented and  
20 in what form;

21 (b) Guidelines and protocols for emergency medical personnel to  
22 recognize types of alternative evidence; and

23 (c) Standards for production and endorsement of alternative  
24 evidence.

25 (3) This section expires January 1, 2027.

26 **Sec. 4.** RCW 70.122.130 and 2016 c 209 s 406 are each amended to  
27 read as follows:

28 (1) The department of health shall establish and maintain a  
29 statewide health care declarations registry containing the health  
30 care declarations identified in subsection (2) of this section as  
31 submitted by residents of Washington. The department shall digitally  
32 reproduce and store health care declarations in the registry. The  
33 department may establish standards for individuals to submit  
34 digitally reproduced health care declarations directly to the  
35 registry, but is not required to review the health care declarations  
36 that it receives to ensure they comply with the particular statutory  
37 requirements applicable to the document. The department may contract

1 with an organization that meets the standards identified in this  
2 section.

3 (2) (a) An individual may submit any of the following health care  
4 declarations to the department of health to be digitally reproduced  
5 and stored in the registry:

6 (i) A directive, as defined by this chapter;

7 (ii) A durable power of attorney for health care, as authorized  
8 in chapter 11.125 RCW; or

9 (iii) A mental health advance directive, as defined by chapter  
10 71.32 RCW (~~or~~

11 ~~(iv) A form adopted pursuant to the department of health's~~  
12 ~~authority in RCW 43.70.480)).~~

13 (b) Failure to submit a health care declaration to the department  
14 of health does not affect the validity of the declaration.

15 (c) Failure to notify the department of health of a valid  
16 revocation of a health care declaration does not affect the validity  
17 of the revocation.

18 (d) The entry of a health care directive in the registry under  
19 this section does not:

20 (i) Affect the validity of the document;

21 (ii) Take the place of any requirements in law necessary to make  
22 the submitted document legal; or

23 (iii) Create a presumption regarding the validity of the  
24 document.

25 (3) The department of health shall prescribe a procedure for an  
26 individual to revoke a health care declaration contained in the  
27 registry.

28 (4) The registry must:

29 (a) Be maintained in a secure database that is accessible through  
30 a website maintained by the department of health;

31 (b) Send annual electronic messages to individuals that have  
32 submitted health care declarations to request that they review the  
33 registry materials to ensure that it is current;

34 (c) Provide individuals who have submitted one or more health  
35 care declarations with access to their documents and the ability to  
36 revoke their documents at all times; and

37 (d) Provide the personal representatives of individuals who have  
38 submitted one or more health care declarations to the registry,  
39 attending physicians, advanced registered nurse practitioners, health  
40 care providers licensed by a disciplining authority identified in RCW

1 18.130.040 who is acting under the direction of a physician or an  
2 advanced registered nurse practitioner, and health care facilities,  
3 as defined in this chapter or in chapter 71.32 RCW, access to the  
4 registry at all times.

5 (5) In designing the registry and website, the department of  
6 health shall ensure compliance with state and federal requirements  
7 related to patient confidentiality.

8 (6) The department shall provide information to health care  
9 providers and health care facilities on the registry website  
10 regarding the different federal and Washington state requirements to  
11 ascertain and document whether a patient has an advance directive.

12 (7) The department of health may accept donations, grants, gifts,  
13 or other forms of voluntary contributions to support activities  
14 related to the creation and maintenance of the health care  
15 declarations registry and statewide public education campaigns  
16 related to the existence of the registry. All receipts from donations  
17 made under this section, and other contributions and appropriations  
18 specifically made for the purposes of creating and maintaining the  
19 registry established under this section and statewide public  
20 education campaigns related to the existence of the registry, shall  
21 be deposited into the general fund. These moneys in the general fund  
22 may be spent only after appropriation.

23 (8) The department of health may adopt rules as necessary to  
24 implement chapter 108, Laws of 2006.

25 (9) By December 1, 2008, the department shall report to the house  
26 and senate committees on health care the following information:

27 (a) Number of participants in the registry;

28 (b) Number of health care declarations submitted by type of  
29 declaration as defined in this section;

30 (c) Number of health care declarations revoked and the method of  
31 revocation;

32 (d) Number of providers and facilities, by type, that have been  
33 provided access to the registry;

34 (e) Actual costs of operation of the registry.

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 42.56  
36 RCW to read as follows:



1       The registry established in section 2 of this act and its  
2 contents are exempt from inspection and copying under this chapter.

--- **END** ---