
SENATE BILL 5574

State of Washington

65th Legislature

2017 Regular Session

By Senators Keiser and Bailey

1 AN ACT Relating to improving access to health care declarations;
2 and amending RCW 70.122.130.

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

4 **Sec. 1.** RCW 70.122.130 and 2016 c 209 s 406 are each amended to
5 read as follows:

6 (1) The department of health shall establish ~~((and maintain))~~ a
7 statewide health care declarations registry containing the health
8 care declarations identified in subsection (2) of this section as
9 submitted by residents of Washington. The department shall contract
10 with an entity, which may be a private organization or another state
11 that operates a similar registry, to coordinate and manage the
12 registry in compliance with the standards identified in this section.
13 The ~~((department))~~ entity shall digitally reproduce and store health
14 care declarations in the registry. The ~~((department))~~ entity may
15 establish standards for individuals to submit digitally reproduced
16 health care declarations directly to the registry, but is not
17 required to review the health care declarations that it receives to
18 ensure they comply with the particular statutory requirements
19 applicable to the document. ~~((The department may contract with an~~
20 ~~organization that meets the standards identified in this section.))~~

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

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

5 (ii) A durable power of attorney for health care, as authorized
6 in chapter 11.125 RCW;

7 (iii) A mental health advance directive, as defined by chapter
8 71.32 RCW; or

9 (iv) A form adopted pursuant to the department of health's
10 authority in RCW 43.70.480.

11 (b) Failure to submit a health care declaration to the
12 (~~department of health~~) entity does not affect the validity of the
13 declaration.

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

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

19 (i) Affect the validity of the document;

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

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

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

27 (4) The registry must:

28 (a) Be maintained in a secure database that is accessible through
29 a web site maintained by the (~~department of health~~) entity;

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

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

36 (d) Provide the personal representatives of individuals who have
37 submitted one or more health care declarations to the registry,
38 attending physicians, advanced registered nurse practitioners, health
39 care providers licensed by a disciplining authority identified in RCW
40 18.130.040 who is acting under the direction of a physician or an

1 advanced registered nurse practitioner, and health care facilities,
2 as defined in this chapter or in chapter 71.32 RCW, access to the
3 registry at all times.

4 (5) In designing the registry and web site, the ~~((department of~~
5 ~~health))~~ entity shall ensure compliance with state and federal
6 requirements related to patient confidentiality.

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

11 (7) The department of health may accept donations, grants, gifts,
12 or other forms of voluntary contributions to support its activities
13 and the activities of the entity related to the creation and
14 maintenance of the health care declarations registry and statewide
15 public education campaigns related to the existence of the registry.
16 All receipts from donations made under this section, and other
17 contributions and appropriations specifically made for the purposes
18 of creating and maintaining the registry established under this
19 section and statewide public education campaigns related to the
20 existence of the registry, shall be deposited into the general fund.
21 These moneys in the general fund may be spent only after
22 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))~~ 2019, the department shall report to
26 the house and senate committees on health care the following
27 information:

28 (a) The identity and qualifications of the entity selected to
29 coordinate and manage the registry;

30 (b) Number of participants in the registry;

31 ~~((b))~~ (c) Number of health care declarations submitted by type
32 of declaration as defined in this section;

33 ~~((e))~~ (d) Number of health care declarations revoked and the
34 method of revocation;

35 ~~((d))~~ (e) Number of providers and facilities, by type, that
36 have been provided access to the registry;

37 ~~((e))~~ (f) Actual costs of operation of the registry.

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