

FOR IMMEDIATE RELEASE

June 24, 2019

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New law will improve health care decision-making for incapacitated patients in Washington state
House Bill 1175 helps ensure patient choices are honored

SEATTLE – A newly passed law in Washington state represents a significant increase in health care autonomy for its patients. House Bill 1175, passed during the recent state legislative session, expands decision-making options for patients who lack capacity and helps health care providers ensure patients' health care decisions are known and honored. The Washington State Hospital Association (WSHA) and the Washington State Medical Association (WSMA) collaborated with the bill's primary sponsor, Representative Christine Kilduff (D-University Place), as well as Honoring Choices Pacific Northwest – the joint WSHA/WSMA advance care planning initiative – to advocate in support of the bill during legislative session. The law will go into effect on July 28, 2019.

The newly enacted law has two elements that will help patients when they are unable to make their own medical decisions. First, the law expands the type of people who can be a surrogate health care decision-maker to include extended family members and close friends. Second, the law allows a notary to finalize a health care directive (commonly known as an advance directive for health care or a living will). Previously, two witnesses were required to finalize a health care directive, which presented a barrier for some patients wishing to complete this form.

“WSHA is dedicated to helping Washington hospitals have the resources to support and recognize the health care decisions of their patients,” WSHA President and CEO Cassie Sauer said. “This law not only increases health care accessibility for incapacitated patients, it ensures that hospitals can collaborate with patients and their loved ones to deliver the highest quality of care.”

Before passage, only a few types of family members could make medical decisions for a patient who lacked capacity and hadn't previously named a health care agent. If a patient didn't have a spouse, child, parent or sibling available to be their surrogate decision-maker, the only option was to wait in a hospital or other care setting for a court to appoint a guardian. The guardianship process is often lengthy and

expensive, and resulting medical decisions are ultimately made by someone who doesn't know the patient personally.

"It is important for all adults to name their health care agent on a durable power of attorney for health care form," Donna Smith, MD, WSMA immediate past president and chair of the Honoring Choices Pacific Northwest advisory council said. "But for those who don't have a health care agent and find themselves unable to speak after a medical emergency, we can now talk to the people who know the patient best, rather than relying on a state appointed guardian – a virtual stranger – to guide their medical care."

"House Bill 1175 is about honoring people's wishes and delivering the best care possible at critical moments in their lives. For patients unable to make decisions about their medical needs, and family members or close friends watching a loved one struggling, this law catches Washington up with other states," Rep. Christine Kilduff, D-University Place, the prime sponsor of the legislation said.

Preventing situations where patients are inappropriately and avoidably waiting in a hospital or other care setting is a priority for Washington's health care community. WSHA and WSMA members are committed to providing the best possible care for their patients. The passage of this law is another step in addressing both priorities. Both associations will continue advocating at the state and federal levels for policies that increase access in health care to ensure that Washington patients have access to the highest possible quality of care and resources.

The Washington State Medical Association and Honoring Choices Pacific Northwest will release updated health care directive forms on July 28, available at www.wsma.org/advance-directives and www.honoringchoicespnw.org/plan/write-it-down/. Previously completed or executed health care directives will not be impacted by the new law.

About the Washington State Hospital Association

The Washington State Hospital Association advocates for and provides value to members in achieving their missions and improving the health of their communities. WSHA represents more than 100 hospitals and health systems in the state, including those that are non-profit, investor-owned, and county, state and military hospitals. The Triple Aim guides our members and our work, as we strive to improve the patient experience, improve the health of populations and reduce the cost of health care. Visit www.wsha.org for more information.

About the Washington State Medical Association

The Washington State Medical Association represents more than 11,000 physicians, physician assistants, resident physicians and medical students in Washington state. The WSMA has advocated on behalf of the house of medicine for more than 125 years. Our vision is to make Washington state the best place to practice medicine and receive care.

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