
SENATE BILL 5542

State of Washington

66th Legislature

2019 Regular Session

By Senators Kuderer, Randall, Takko, Van De Wege, Dhingra, Saldaña, Keiser, Wellman, and Conway

Read first time 01/23/19. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to protecting patient care; adding a new section
2 to chapter 43.70 RCW; and adding a new chapter to Title 70 RCW.

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

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

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

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

11 (3) "Health care provider" has the same meaning as in RCW
12 70.02.010.

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

18 NEW SECTION. **Sec. 2.** (1) Except as provided in subsection (2)
19 of this section, if a health care provider is acting in good faith,

1 within the provider's authorized scope of practice, and within the
2 relevant standard of care, a health care entity may not:

3 (a) Limit the health care provider's provision of medically
4 accurate and comprehensive information and resources to a patient
5 regarding the patient's health status including, but not limited to,
6 diagnosis, prognosis, recommended treatment, treatment alternatives,
7 information about available services and where and how to obtain
8 them, and any potential risks to the patient's health or life;

9 (b) Limit the health care provider's provision of information
10 regarding Washington's death with dignity act, chapter 70.245 RCW;

11 (c) Prohibit the health care provider from providing health
12 services in cases in which failure to provide the service would
13 violate the accepted standard of care or when the patient presents a
14 medical condition manifesting itself by acute symptoms of sufficient
15 severity such that the absence of immediate medical attention could
16 reasonably be expected to pose an immediate or future serious risk:

17 (i) To the patient's life; or

18 (ii) Of irreversible complications or impairment to the patient's
19 bodily functions or any bodily organ or part.

20 (2) Nothing in this section prohibits a health care entity from
21 limiting a health care provider's practice for purposes of:

22 (a) Complying with the network or utilization review requirements
23 of any program or entity authorized by state or federal law to
24 provide insurance coverage for health care services to enrollees; or

25 (b) Quality control or patient safety.

26 NEW SECTION. **Sec. 3.** A patient, a health care provider, or an
27 individual, who is aggrieved by a violation of section 2 of this act,
28 may bring a civil action against a health care entity to enjoin
29 further violations, to recover damages, or both, and may recover
30 costs and reasonable attorneys' fees.

31 NEW SECTION. **Sec. 4.** A health care entity must provide the
32 information prepared by the department under section 5 of this act at
33 the time of hiring, contracting with, or privileging health care
34 providers and staff, and on a yearly basis thereafter.

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70
36 RCW to read as follows:

1 The department must design, prepare, and make available online,
2 written materials to clearly inform health care providers and staff
3 of the provisions of, and authority to act under, chapter 70.--- RCW
4 (the new chapter created in section 6 of this act) and the federal
5 emergency medical treatment and labor act (42 U.S.C. Sec. 1395dd).

6 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act
7 constitute a new chapter in Title 70 RCW.

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