

## HB 1175

### FAQs

#### What does HB 1175 change?

Passed during the 2019 state legislative session, HB 1175 expands decision-making options for patients who lack capacity and helps health care providers ensure patients' health care decisions are known and honored.

Specifically, the new law:

- Allows a notary to finalize a health care directive (commonly known as a living will).  
*Please note: two witnesses can still finalize the health care directive.*
- Includes extended family members and close friends in the hierarchy of decision-makers.

It also changes the wording of the witness attestation in the health care directive, so it now reads:

Attestation: The declarer has been personally known to me or has provided proof of identity. I believe him or her to be capable of making health care decisions.to be.

These changes bring the completion requirements for the DPOAH form and Health Care Directive into better alignment. Specifically: Washington residents must have their signature on the *Health Care Directive* form and the *Durable Power of Attorney for Health Care* form **either** witnessed by two people **or** acknowledged by a notary public.

HB 1175 made no changes to the witness requirements. The witness requirements do still differ between the DPOAH and health care directive forms.

Rules for Witnesses	DPOAH (Health Care Agent)	Health Care Directive
Must be at least 18 years of age and competent.	✓	✓
Cannot be related to you or your health care agent by blood, marriage or state registered domestic partnership.	✓	✓
Cannot be your home care provider or a care provider at an adult family home or long-term care facility where you live.	✓	
Cannot be your designated health care agent(s).	✓	
Would not be entitled to any portion of your estate upon your death.		✓
Cannot be your attending physician or an employee of your attending physician or health care facility where you are a patient.		✓
Cannot be any person who has a claim against any portion of your estate at the time of signature of this document.		✓

Where can I find a copy of HB 1175?

HB 1175 can be found [here](#).

When do the changes go into effect?

As of July 28, 2019, HB 1175 will be in effect.

Is there an updated Honoring Choices PNW advance directive that includes the changes to the health care directive?

Yes. It will be available for download from our [website](#), as well as our LMS course titled [HB 1175](#) no later than July 29, 2019.

Are health care directives that were completed before July 28, 2019 out of date? Do they need to be re-done?

Health care directives completed before July 28, 2019 are still valid. Previously completed or executed health care directives will not be impacted by the new law.

I have a bunch of copies of advance directive. Do I need to reprint all of them?

No. We suggest only reprinting the health care directive portion as needed (see "Health Care Directive – pg. 1-3.") For individuals who plan to have their health care directive witness (not notarized), there would not be a need to reprint the paperwork—they can use the old version as-is.

Of course, when a new printing run is needed, please use updated Honoring Choices PNW advance directive.

Where can I find a local notary?

You can find a national notary database [here](#). This listing includes notaries who have supplied contact information to the website.

To check credentials, you will need to visit the Washington State Department of Licensing look-up page [here](#).

Sometimes organizations will have onsite notaries. It is up to each organization to determine whether in-house notaries can complete advance directives.

Who is part of the extended family members and close friends now included in the decision-making hierarchy?

The updated hierarchy is:

1. A guardian appointed by the state
2. Named health care agent with health care decision-making authority in the advance directive
3. Your spouse or registered domestic partner (even if separated)
4. Your adult children \*
5. Your parents \*
6. Your adult siblings \*
7. Your adult grandchildren \*
8. Your adult nieces & nephews \*
9. Your adult aunts & uncles \*
10. A close friend who meets certain criteria\*

\* Any group that has more than one person: all in the group must agree to the care.

For easy refence and sharing, you can download an updated Decision-Making Hierarchy poster from the LMS course [HB 1175](#).

**Does this extended hierarchy change processes?**

No. The process of finding and engaging with the hierarchy members should remain the same. There is simply a longer list of potential decision-makers.

*Caveat: The close friend option may create additional processes due to the criteria required.*

**What are the certain criteria that a close friend must meet in order to be a decision-maker?**

A close friend must be an adult who:

- Has exhibited special care and concern for the patient;
- Is familiar with the patient's personal values;
- Is reasonably available to make health care decisions;
- Is not any of the following:
  - A physician to the patient or
  - An employee of the physician;
  - The owner, administrator, or employee of a health care facility, nursing home, or long-term care facility where the patient resides or receives care; or a person who

And can sign a declaration that they:

- Are a close friend of the patient;
- Are willing and able to become involved in the patient's health care;
- Have maintained such regular contact with the patient as to be familiar with the patient's activities, health, personal values, and morals; and
- Are not aware of a person in a higher priority class willing and able to provide informed consent to health care on behalf of the patient.

**Where can I find this declaration mentioned in the criteria for a close friend?**

A sample declaration can be found [here](#) (note: automatic Word document download). Each organization should review the sample form in consultation with legal counsel.

*Note: Declarations are intended for providers or facilities to use.*

**Where can I find more information?**

The press release about HB 1775 can be found [here](#).

The Washington State Hospital Association has a bulletin [here](#) which thoroughly outlines the new law.

The Honoring Choices PNW's LMS course [HB 1175](#) in the LMS portal hosts all tools, resources, and information we have collected.

Feel free to reach out to your dedicated Faculty or email [info@honoringchoicespnw.org](mailto:info@honoringchoicespnw.org) as additional questions arise.