STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Home and Community Living Administration
P.O. Box 45600 • Olympia, Washington 98504

December 18, 2025

HCLA: ESF #2025-038
WASHINGTON STATE DEATH WITH DIGNITY ACT (DWDA) – IMPLEMENTATION WITHIN ENHANCED SERVICES FACILITIES (ESF)

Dear Enhanced Services Facility Provider,

The Washington State Death with Dignity Act (DWDA), chapter 70.245 RCW, was passed by voter initiative on November 4, 2008, and became law on March 5, 2009. As of that date, all eligible, terminally ill WA residents who are seeking to end their lives in a humane and dignified manner have the right to request and ingest lethal doses of medication that can be self-administered as part of their end-of-life care.

Please note: Civil liability, criminal liability, or professional disciplinary action do not result from participation in good faith compliance with the DWDA.

The DWDA recognizes the rights of both residents and healthcare providers. This letter provides regulatory information to ensure compliance under the DWDA. A facility's DWDA policy may directly affect how and where a resident exercises their end-of-life rights. Therefore, effective immediately, facilities must complete the following steps, in compliance with federal and state laws.

Step One: Level of participation.
Determine whether, and to what extent, the facility will participate in activities authorized by the DWDA.

> **Please Note:** Residents maintain the right to exercise their rights under the DWDA, regardless of the facility's participation. Facilities may not prohibit a resident from privately and independently self-administering DWDA medication in their own apartment or room.

Step Two: Develop and implement a written DWDA policy.
The facility's DWDA policy must specify the facility's level of participation, if any, in activities authorized under the DWDA, including but not limited to:

- Whether or not the facility allows staff and independent contractors who provide resident care to engage in the following activities on the facility's premises:
  - Dispensing DWDA medication; and
  - Storage or handling of DWDA medication; and
  - Staff presence or supervision during ingestion of DWDA medication. *(With the exception of facility staff and independent contractors, residents have the right to decide who will be in the room with them when ingesting DWDA medication.)*

Step Three: Notification in writing.
Provide written notice of the facility's level of participation by giving a copy of the facility's DWDA policies and procedures to all staff, independent contractors who provide resident care, and all current and prospective residents.

Additional requirements when a resident chooses to inform the facility of their choice to participate with the DWDA:

- Facilities must ensure compliance with regulatory requirements related to labeling, storing, and recording of medications that are self-administered by residents. This requirement applies equally to medications prescribed under the DWDA.
- Under the DWDA, a pharmacy will dispense medication directly to the resident, or another person as requested by the resident. Facilities cannot prohibit the resident or individuals assisting the resident from bringing the medication onto the facility premises for the resident to self-administer in their own apartment or room.
- When a resident chooses to participate with the DWDA and their current portable order for life sustaining treatments contains a request for cardiopulmonary resuscitation (CPR), the resident must be provided with the opportunity to update the document to reflect a request that resuscitation not be attempted.
- Facilities must not require a resident to relocate because they choose to participate with the DWDA.

End of Life WA is a nonprofit organization that provides support, resources, and information for individuals and families that choose to participate with the DWDA.

The RCS policy unit will continue to gather and evaluate input from clients, residents, families, facilities, providers, and other interested parties to evaluate the need for future rulemaking.

Please forward questions and/or related input to the RCSpolicy@dshs.wa.gov

Sincerely,

Miriam Mina, Acting Director
Residential Care Services

DSHS: *"Partnering with People"*

Related References:

- RCW 69.41.010(15) – Definitions,
- RCW 70.129.030 – Notice of rights and services – Admission of individuals,
- WAC 388-107-1580 – Policies and procedures,
- WAC 388-107-0170 through WAC 388-107-0190 – Resident rights,
- WAC 388-107-0100 through WAC 388-107-0150 – Individual treatment plan,
- WAC 388-107-0320 through WAC 388-107-0340 – Medications,
- DPL 024-02-08-1.pdf,
- Death with Dignity Act | Washington State Department of Health,
- Frequently Asked Questions About Death With Dignity | Washington State Department of Health,
- Home - End of Life Washington,
  - End of Life WA DWD Checklist,
  - DWD for Medical Providers,
  - The Protecting Access to Medical Aid-In Dying Act,
  - EOLWA Overview of DWDA.