

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2041

By: Schwartz

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7 COMMITTEE SUBSTITUTE

8 (Public health and safety - advance directives

9 registry - State Department of Health -

10 codification -

11 effective date)

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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3101.17 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 A. The State Department of Health shall establish and maintain
19 an advance directives registry. The registry shall:

20 1. Be accessible through a web site maintained by the State
21 Department of Health;

22 2. Be used to store advance directives pursuant to the Oklahoma
23 Advance Directive Act that are filed with the registry by or with
24 the authorization of the person executing the advance directive; and

1 3. Be maintained in a secure database that is designed to
2 provide access to each advance directive filed in the registry by
3 the person who executed the advance directive, any person named as
4 an agent in the advance directive, any person related within the
5 second degree of consanguinity or affinity to the person who
6 executed the advance directive, or a health care provider caring for
7 the person who executed the advance directive.

8 B. The State Board of Health shall adopt rules to implement the
9 creation and maintenance of the advance directives registry and to
10 regulate access to the registry. The Department shall promulgate
11 initial rules no later than May 1, 2009.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3101.18 of Title 63, unless
14 there is created a duplication in numbering, reads as follows:

15 The State Department of Health shall maintain a web site of
16 advance directive forms that may be downloaded for printing and word
17 processing programs.

18 Under the heading "Statutory Advance Directive Form", the web
19 site shall include the forms specified in subsection B of Section
20 3101.4 of Title 63 of the Oklahoma Statutes.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3101.19 of Title 63, unless
23 there is created a duplication in numbering, reads as follows:

1 A. The State Department of Health shall prepare, and from time
2 to time amend, a disclosure statement designed to inform patients of
3 the availability of the advance directive forms on its web site and
4 of the option of filing executed advance directives with its advance
5 directives registry. It shall make the current disclosure statement
6 available on its web site and shall inform those entities to which
7 the obligation imposed by subsection B of this section applies of
8 the availability of the disclosure statement and how to obtain it.

9 B. Any entity to which the requirements of 42 U.S.C., Section
10 1395cc(f) or of 42 U.S.C., Section 1396a(w) apply shall, at the time
11 of providing the written information required by 42 U.S.C., Section
12 1395cc(f)(1)(A)(i) or 42 U.S.C., Section 1396a(w)(1)(A)(i), include
13 a copy of the disclosure statement described in subsection A of this
14 section.

15 SECTION 4. This act shall become effective November 1, 2008.

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