

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 486

By: Lamb of the Senate

and

Schwartz of the House

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8  
9 COMMITTEE SUBSTITUTE

10 ( public health and safety - advance directives -

11 establishing registry - codification -

12 effective date )

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

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

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

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

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

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

11           B. The State Board of Health shall adopt rules to implement the  
12 creation and maintenance of the advance directives registry and to  
13 regulate access to the registry. The Department shall promulgate  
14 initial rules no later than one hundred eighty (180) days after the  
15 effective date of this act.

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

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

22           Under the heading "Statutory Advance Directive Form", the web  
23 site shall include the forms specified in Section 3101.4 of Title 63  
24 of the Oklahoma Statutes.

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

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

12 B. Any entity to which the requirements of 42 U.S.C., Section  
13 1395cc(f) or of 42 U.S.C., Section 1396a(w) apply shall, at the time  
14 of providing the written information required by 42 U.S.C., Section  
15 1395cc(f) (1) (A) (i) or 42 U.S.C., Section 1396a(w) (1) (A) (i), include  
16 a copy of the disclosure statement described in subsection A of this  
17 section. No such entity may condition the provision of health care  
18 to any person on the filing by or on behalf of that person of an  
19 advance directive with the advance directives registry.

20 SECTION 4. This act shall become effective November 1, 2007.

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