

THE HOUSE OF REPRESENTATIVES  
Thursday, March 6, 2008

Committee Substitute for  
House Bill No. 2041

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2041 - By: SCHWARTZ of the House.

( public health and safety – advance directives registry – State Department of Health – codification - effective date )

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

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

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

- 6 1. Be accessible through a web site maintained by the State Department of Health;  
7 2. Be used to store advance directives pursuant to the Oklahoma Advance Directive  
8 Act that are filed with the registry by or with the authorization of the person executing  
9 the advance directive; and  
10 3. Be maintained in a secure database that is designed to provide access to each  
11 advance directive filed in the registry by the person who executed the advance directive,  
12 any person named as an agent in the advance directive, any person related within the

1 second degree of consanguinity or affinity to the person who executed the advance  
2 directive, or a health care provider caring for the person who executed the advance  
3 directive.

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

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

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

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

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

18 A. The State Department of Health shall prepare, and from time to time amend, a  
19 disclosure statement designed to inform patients of the availability of the advance  
20 directive forms on its web site and of the option of filing executed advance directives with  
21 its advance directives registry. It shall make the current disclosure statement available  
22 on its web site and shall inform those entities to which the obligation imposed by

1 subsection B of this section applies of the availability of the disclosure statement and  
2 how to obtain it.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT AND  
9 TRANSPORTATION, dated 03-05-08 - DO PASS, As Amended.