THE STATE SENATE
Monday, February 26, 2007

Committee Substitute for
Senate Bill No. 486

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 486 - By: LAMB of the Senate and SCHWARTZ of the House.

[public health and safety - advanced directives - establishing registry - codification - effective date]

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

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

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

1. Be accessible through a website maintained by the State Department of Health;

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

3. Be maintained in a secure database that is designed to provide access to each advance directive filed in the registry by the person who executed the advance directive, any person named as an agent in the advance directive, any person related within the second degree of consanguinity or affinity to the person who

executed the advance directive, or a health care provider caring for the person who executed the advance directive.

B. The State Board of Health shall adopt rules to implement the creation and maintenance of the advance directives registry and to regulate access to the registry. The Department shall promulgate initial rules no later than 180 days after the effective date of this act.

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

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

Under the heading "Statutory Advance Directive Form", the website shall include the forms specified in subsection B of Section 3101.4 of this title.

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

A. The State Department of Health shall prepare, and from time to time amend, a disclosure statement designed to inform patients of the availability of the advance directive forms on its website and of the option of filing executed advance directives with its advance

directives registry. It shall make the current disclosure statement available on its website and shall inform those entities to which the obligation imposed by subsection B of this section applies of the availability of the disclosure statement and how to obtain it.

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

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

COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURSES, dated 2-22-07 - DO PASS, As Amended and Coauthored.