

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 346

By: Crain of the Senate

3 and
4 Ritze of the House

5
6
7 (public health and safety - advance directives
8 registry - codification -
9 effective date)

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12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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14 "(public health and safety - advance directives
15 registry - codification -
16 effective date)

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20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3102.1 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

23 A. The State Department of Health shall establish and maintain
24 an advance directives registry which shall be accessible through a

1 website maintained by the Department. The registry shall be used to
2 store advance directives pursuant to the Oklahoma Advance Directive
3 Act that are filed with the registry by or with the authorization of
4 those executing the advance directives.

5 B. The registry shall be maintained in a secure database that
6 is designed to provide access to each advance directive filed in the
7 database by the person who executed the advance directive, those
8 named as agents in the advance directive, any person related within
9 the fourth degree of consanguinity or affinity to the person who
10 executed the advance directive, or a health care provider caring for
11 the person who executed the advance directive.

12 C. 1. The State Board of Health shall promulgate rules as
13 necessary to implement the creation and maintenance of the advance
14 directives registry and to regulate access to the registry.

15 2. The rules shall establish a fee for the initial lodging of
16 an advance directive in the advance directives registry database
17 calculated to be adequate in the aggregate to cover the cost of
18 establishing and administering the advance directives registry
19 database, the Statutory Advance Directive Form portion of the
20 website containing the advance directive forms under Section 2 of
21 this act, and the disclosure statement under Section 3 of this act.
22 No fee shall be charged for the alteration or removal of an advance
23 directive from the advance directives registry database. The Board
24 is authorized to increase or decrease the fee as necessary to ensure

1 that the revenue from it is adequate to cover the cost for purposes
2 in accordance with this paragraph, but does not exceed that cost
3 together with an appropriate reserve fund to cover errors in
4 estimation.

5 3. The Board shall promulgate the initial rules no later than
6 one hundred eighty (180) days after the effective date of this act.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3102.2 of Title 63, unless there
9 is created a duplication in numbering, reads as follows:

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

13 B. Under the heading "Statutory Advance Directive Form", the
14 website shall include the forms specified in subsection C of Section
15 3101.4 of this title.

16 C. 1. Under the heading "Alternative Advance Directive Forms",
17 the website shall include other advance directive forms submitted to
18 the Department by individuals and groups in an electronic format the
19 Department shall specify; provided, that before being posted on the
20 website, any such form shall be reviewed to ensure that the form
21 complies with the requirements of Section 3101.4 of this title and
22 other provisions of state law.

23 2. The State Board of Health shall establish a fee to be
24 charged for the submission of each Alternative Advance Directive

1 Form calculated to be adequate to cover the cost of reviewing and
2 posting the form. The Board is authorized to increase or decrease
3 the fee as necessary to ensure that the revenue from it is adequate
4 to cover the cost for purposes in accordance with this paragraph,
5 but does not exceed that cost together with an appropriate reserve
6 fund to cover errors in estimation.

7 D. In the section titled "Alternative Advance Directive Forms",
8 the website shall prominently post the following disclaimer:

9 "This website includes for your consideration alternative
10 advance directive forms submitted by individuals or groups
11 reflecting different perspectives on advance health care decisions
12 which you may wish to review before completing your own advance
13 directive. Although they have been reviewed to ensure that they do
14 not violate Oklahoma law, neither the State Department of Health nor
15 the State of Oklahoma endorses or assumes any responsibility for any
16 of these forms."

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3102.3 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 A. The State Department of Health shall prepare, and from time
21 to time amend, a disclosure statement designed to inform patients of
22 the availability of the advance directive forms on the Department's
23 website and of the option of filing executed advance directives with
24 the Department's advance directives registry. The Department shall

1 make the current disclosure statement available on the Department's
2 website and shall inform the entities specified in subsection B of
3 this section of the availability of the disclosure statement and how
4 to obtain the disclosure statement.

5 B. Any entity to which the requirements of 42 U.S.C., Section
6 1395cc(f) or of 42 U.S.C., Section 1396a(w) apply shall, at the time
7 of providing the written information required by 42 U.S.C., Section
8 1395cc(f)(1)(A)(i) or 42 U.S.C., Section 1396a(w)(1)(A)(i), include
9 a copy of the disclosure statement described in subsection A of this
10 section.

11 SECTION 4. This act shall become effective November 1, 2009."

12 Passed the House of Representatives the 20th day of April, 2009.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2009.

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Presiding Officer of the Senate

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