

1 ENGROSSED SENATE  
2 BILL NO. 346

By: Crain of the Senate

3 and

4 Ritze of the House

5  
6 [ public health and safety - advance directives

7 registry - codification -

8 effective date ]

9  
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

14 A. The State Department of Health shall establish and maintain  
15 an advance directives registry which shall be accessible through a  
16 website maintained by the Department. The registry shall be used to  
17 store advance directives pursuant to the Oklahoma Advance Directive  
18 Act that are filed with the registry by or with the authorization of  
19 those executing the advance directives.

20 B. The registry shall be maintained in a secure database that  
21 is designed to provide access to each advance directive filed in the  
22 database by the person who executed the advance directive, those  
23 named as agents in the advance directive, any person related within  
24 the fourth degree of consanguinity or affinity to the person who

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

3 |       C. The State Board of Health shall promulgate rules as  
4 | necessary to implement the creation and maintenance of the advance  
5 | directives registry and to regulate access to the registry. The  
6 | Board shall promulgate the initial rules no later than one hundred  
7 | eighty (180) days after the effective date of this act.

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

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

14 |       B. Under the heading "Statutory Advance Directive Form", the  
15 | website shall include the forms specified in subsection C of Section  
16 | 3101.4 of this title.

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

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

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

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

14 A. The State Department of Health shall prepare, and from time  
15 to time amend, a disclosure statement designed to inform patients of  
16 the availability of the advance directive forms on the Department's  
17 website and of the option of filing executed advance directives with  
18 the Department's advance directives registry. The Department shall  
19 make the current disclosure statement available on the Department's  
20 website and shall inform the entities specified in subsection B of  
21 this section of the availability of the disclosure statement and how  
22 to obtain the disclosure statement.

23 B. Any entity to which the requirements of 42 U.S.C., Section  
24 1395cc(f) or of 42 U.S.C., Section 1396a(w) apply shall, at the time

1 of providing the written information required by 42 U.S.C., Section  
2 1395cc(f)(1)(A)(i) or 42 U.S.C., Section 1396a(w)(1)(A)(i), include  
3 a copy of the disclosure statement described in subsection A of this  
4 section.

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

6 Passed the Senate the 9th day of March, 2009.

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Presiding Officer of the Senate

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10 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

11 2009.

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Presiding Officer of the House  
of Representatives

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