

THE HOUSE OF REPRESENTATIVES
Wednesday, April 15, 2009

Committee Substitute for
ENGROSSED
Senate Bill No. 346

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 346 - By: CRAIN
of the Senate and RITZE of the House.

(public health and safety - advance directives registry - codification -
effective date)

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

4 A. The State Department of Health shall establish and maintain an advance
5 directives registry which shall be accessible through a website maintained by the
6 Department. The registry shall be used to store advance directives pursuant to the
7 Oklahoma Advance Directive Act that are filed with the registry by or with the
8 authorization of those executing the advance directives.

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

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

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

6 2. The rules shall establish a fee for the initial lodging of an advance directive in
7 the advance directives registry database calculated to be adequate in the aggregate to
8 cover the cost of establishing and administering the advance directives registry database,
9 the Statutory Advance Directive Form portion of the website containing the advance
10 directive forms under Section 2 of this act, and the disclosure statement under Section 3
11 of this act. No fee shall be charged for the alteration or removal of an advance directive
12 from the advance directives registry database. The Board is authorized to increase or
13 decrease the fee as necessary to ensure that the revenue from it is adequate to cover the
14 cost for purposes in accordance with this paragraph, but does not exceed that cost
15 together with an appropriate reserve fund to cover errors in estimation.

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

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

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

1 B. Under the heading “Statutory Advance Directive Form”, the website shall
2 include the forms specified in subsection C of Section 3101.4 of this title.

3 C. 1. Under the heading “Alternative Advance Directive Forms”, the website shall
4 include other advance directive forms submitted to the Department by individuals and
5 groups in an electronic format the Department shall specify; provided, that before being
6 posted on the website, any such form shall be reviewed to ensure that the form complies
7 with the requirements of Section 3101.4 of this title and other provisions of state law.

8 2. The State Board of Health shall establish a fee to be charged for the submission
9 of each Alternative Advance Directive Form calculated to be adequate to cover the cost of
10 reviewing and posting the form. The Board is authorized to increase or decrease the fee
11 as necessary to ensure that the revenue from it is adequate to cover the cost for purposes
12 in accordance with this paragraph, but does not exceed that cost together with an
13 appropriate reserve fund to cover errors in estimation.

14 D. In the section titled “Alternative Advance Directive Forms”, the website shall
15 prominently post the following disclaimer:

16 “This website includes for your consideration alternative advance directive forms
17 submitted by individuals or groups reflecting different perspectives on advance health
18 care decisions which you may wish to review before completing your own advance
19 directive. Although they have been reviewed to ensure that they do not violate
20 Oklahoma law, neither the State Department of Health nor the State of Oklahoma
21 endorses or assumes any responsibility for any of these forms.”

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

4 A. The State Department of Health shall prepare, and from time to time amend, a
5 disclosure statement designed to inform patients of the availability of the advance
6 directive forms on the Department's website and of the option of filing executed advance
7 directives with the Department's advance directives registry. The Department shall
8 make the current disclosure statement available on the Department's website and shall
9 inform the entities specified in subsection B of this section of the availability of the
10 disclosure statement and how to obtain the disclosure statement.

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
17 dated 04-14-09 - DO PASS, As Amended.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.