

SB 346

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THE STATE SENATE
Thursday, February 19, 2009

Senate Bill No. 346
As Amended

SENATE BILL NO. 346 - By: Crain of the Senate and Ritze of the House.

[public health and safety - advance directives 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 3102.1 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 which shall be accessible through a website maintained by the Department. The registry shall be used to store advance directives pursuant to the Oklahoma Advance Directive Act that are filed with the registry by or with the authorization of those executing the advance directives.

B. The registry shall be maintained in a secure database that is designed to provide access to each advance directive filed in the database by the person who executed the advance directive, those named as agents in the advance directive, any person related within 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.

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.

1 B. Any entity to which the requirements of 42 U.S.C., Section
2 1395cc(f) or of 42 U.S.C., Section 1396a(w) apply shall, at the time
3 of providing the written information required by 42 U.S.C., Section
4 1395cc(f)(1)(A)(i) or 42 U.S.C., Section 1396a(w)(1)(A)(i), include
5 a copy of the disclosure statement described in subsection A of this
6 section.

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

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-09 - DO
9 PASS, As Amended and Coauthored.