

1 ENGROSSED SENATE
2 BILL NO. 126

By: David and Pittman of the
Senate

3 and

4 Cox of the House

5
6
7 An Act relating to the Oklahoma Advance Directive
8 Act; amending 63 O.S. 2011, Section 3102.1, which
9 relates to the advance directives registry database;
10 removing certain provisions relating to certain
11 administrative rules; deleting certain provisions
12 relating to fees; permitting State Department of
13 Health to enter into certain contracts for certain
14 purposes; requiring negotiation of certain costs for
15 certain purposes; amending 63 O.S. 2011, Section
16 3102.2, which relates to the advance directive forms
17 database; removing establishment of certain fees for
18 certain purposes; directing promulgation of rules;
19 and providing an effective date.

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

21 SECTION 1. AMENDATORY 63 O.S. 2011, Section 3102.1, is
22 amended to read as follows:

23 Section 3102.1. A. The State Department of Health shall
24 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.

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

8 C. ~~1. The State Board of Health shall promulgate rules as
9 necessary to implement the creation and maintenance of the advance
10 directives registry and to regulate access to the registry.~~

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

1 ~~3. The Board shall promulgate the initial rules no later than~~
2 ~~one hundred eighty (180) days after the effective date of this act~~
3 The State Department of Health may enter into contracts with private
4 vendors to obtain the services necessary to meet the requirements of
5 the Oklahoma Advance Directive Act. Any costs to the public to
6 access the registry shall be negotiated in the contracts provided
7 for in this paragraph.

8 SECTION 2. AMENDATORY 63 O.S. 2011, Section 3102.2, is
9 amended to read as follows:

10 Section 3102.2. A. The State Department of Health shall
11 maintain a website of advance directive forms that may be downloaded
12 for printing and into 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 E. The State Department of Health shall promulgate rules
18 necessary to implement the provisions of this act.

19 SECTION 3. This act shall become effective November 1, 2015.
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