

An Act

ENROLLED SENATE
BILL NO. 126

By: David and Pittman of the
Senate

and

Cox of the House

An Act relating to the Oklahoma Advance Directive Act; amending 63 O.S. 2011, Section 3102.1, which relates to the advance directives registry database; removing certain provisions relating to certain administrative rules; deleting certain provisions relating to fees; permitting State Department of Health to enter into certain contracts for certain purposes; requiring negotiation of certain costs for certain purposes; amending 63 O.S. 2011, Section 3102.2, which relates to the advance directive forms database; removing establishment of certain fees for certain purposes; directing promulgation of rules; and providing an effective date.

SUBJECT: Advance directives

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

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

Section 3102.1. 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 executed the advance directive, or a health care provider caring for the person who executed the advance directive.

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

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

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

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

Section 3102.2. A. The State Department of Health shall maintain a website of advance directive forms that may be downloaded for printing and into word processing programs.

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

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

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

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

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

E. The State Department of Health shall promulgate rules necessary to implement the provisions of this act.

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

Passed the Senate the 9th day of March, 2015.

Kim Daniel
Presiding Officer of the Senate

Passed the House of Representatives the 6th day of April, 2015.

Joe R. Danner
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 7th

day of April, 20 15, at 2:40 o'clock pm M.

By: Summer Curry

Approved by the Governor of the State of Oklahoma this 10th

day of April, 20 15, at 9:36 o'clock A M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 10th

day of April, 20 15, at 1:48 o'clock P. M.

By: Chris Driscoll