

# LEGAL SERVICES

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## MEMORANDUM

January 23, 2009

**SUBJECT:** Sectional summary of HB 71, a bill relating to a registry for advance health care directives (Work Order No. 26-LS0289\E)

**TO:** Representative Lindsey Holmes  
Attn: James Waldo

**FROM:** *JB*  
Theresa Bannister  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

**Section 1.** Protects a health care facility from civil or criminal liability for two listed types of actions related to the directive registry.

**Section 2.** Allows a hospital to make a reasonable search of the directive registry when the hospital refers an individual at or near death to a procurement organization.

**Section 3.** Makes a procurement organization's access to the department's records subject to the new directive registry provisions.

**Section 4.** This is the main authorizing section for the directive registry. Directs the department to maintain a registry for advance health care directives. Allows individuals to place their directives in the registry. Makes the registry confidential and indicates when the department may release information from the registry. Directs the department to make the registry accessible for viewing on the Internet 24 hours a day to a health care facility for the facility's patients. States that the department is not required to review a directive for validity or compliance with law before placing it in the registry. Directs the department to remove a directive from the registry and return it to the maker when requested by the maker or an agent, guardian, or surrogate of the maker. Requires the department to review the registry every five years and to remove directives of individuals deceased for six months or more. Provides that not filing a directive does not affect the directive's validity. Provides that failing to tell the department about a revocation does not affect the revocation. Allows the department to charge certain fees to implement the section. Directs the department to adopt regulations about identification procedures and requirements to protect the security of the registry.

If I may be of further assistance, please advise.

TLB:ljw  
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