

CS FOR HOUSE BILL NO. 71(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 4/15/09

Referred: Judiciary

Sponsor(s): REPRESENTATIVES HOLMES, DAHLSTROM, MILLETT, AND KAWASAKI

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a registry for advance health care directives."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 13.52.080 is amended by adding a new subsection to read:

4 (d) A health care facility or hospital is not subject to civil or criminal liability
5 for

6 (1) acting in reliance on an advance health care directive obtained from
7 the directive registry established under AS 13.52.310; or

8 (2) not checking the directive registry established under AS 13.52.310
9 to determine if a patient of the health care facility has filed an advance health care
10 directive in the registry.

11 * **Sec. 2.** AS 13.52 is amended by adding a new section to read:

12 **Sec. 13.52.310. Advance health care directive registry.** (a) The department
13 shall establish and maintain a registry for advance health care directives. The registry
14 must consist of

15 (1) a list of the names of individuals who have made written directives

1 for themselves and who have filed them with the department under (b) of this section;
2 and

3 (2) scanned copies of the directives identified in (1) of this subsection.

4 (b) An individual who has made a written directive for the individual may file
5 the directive with the department for placement in the registry.

6 (c) Except as provided in this subsection and by (d) of this section, the registry
7 is confidential, and the department may not use the information in the registry for
8 another purpose. The department may release by mail or fax

9 (1) the name of an individual who filed a directive with the department
10 under (b) of this section and a copy of a directive in the registry to

11 (A) the individual who made the directive;

12 (B) the agent, guardian, or surrogate of the individual who
13 made the directive; or

14 (C) a health care facility in this state or hospital in this state if
15 the individual who made the directive is a patient of the health care facility or
16 hospital;

17 (2) a copy of a directive in the registry to a hospital in another state if
18 requested by the

19 (A) individual who made the directive; or

20 (B) agent, guardian, or surrogate of the individual who made
21 the directive.

22 (d) The department shall make the registry accessible for viewing on the
23 Internet 24 hours a day to a hospital in this state to determine if an individual who is a
24 patient at the health care facility has a directive or to obtain a copy of a directive for an
25 individual who is a patient at the health care facility.

26 (e) The department is not required to review a directive for validity or
27 compliance with this chapter or another law before placing the directive in the
28 registry.

29 (f) The department shall remove a directive from the registry if the individual
30 requests in writing that the directive be removed.

31 (g) Not filing a directive with the department for placement in the registry

1 does not affect the validity of the directive. Failure to notify the department that a
2 directive in the registry has been revoked does not affect the validity of the revocation.

3 (h) The department may charge a fee to file or provide a copy of a directive
4 filed in the registry under this section, except that the department may not charge a fee
5 for removing a directive from the registry or for answering an inquiry by a health care
6 facility or hospital in this state regarding whether an individual has a directive in the
7 registry. The fee may not exceed the department's administrative costs of fulfilling the
8 request.

9 (i) To protect the security of the directives and names on the registry, the
10 department shall establish by regulation identification procedures and requirements for
11 an individual, agent, surrogate, guardian, hospital, or health care facility to access the
12 registry.

13 (j) The department shall establish by regulation criteria and procedures for the
14 collection, storage, access, distribution, removal and disposal of directives from the
15 registry and a schedule for removing directives from the registry.

16 (k) The department and its employees are not liable for civil damages as a
17 result of an act or omission in the establishment or maintenance of the registry or other
18 implementation of this section.

19 (l) In this section,

20 (1) "directive" means a written advance health care directive;

21 (2) "registry" means the registry established under this section.