

HOUSE BILL NO. 61

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HOLMES, KAWASAKI, OLSON, AND GARDNER, Millett

Introduced: 1/18/11

Referred: Health and Social Services, Judiciary, Finance

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 or hospital has filed an advance
10 health care 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, or contract with a registry organization to establish and
14 maintain, a registry for advance health care directives. The registry 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 registry under (b) of this section; and
 2 (2) scanned copies of the directives identified in (1) of this subsection.

3 (b) An individual who has made a written directive for the individual may file
 4 the directive with the registry.

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

9 (1) the name of an individual who filed a directive with the registry
 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 hospital has a directive or to obtain a copy of a directive for an individual
 25 who is a patient at the hospital.

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

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

31 (g) Not filing a directive with the registry does not affect the validity of the

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

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