



Representative Lindsey Holmes

House Bill 44 Sectional Analysis

“An Act relating to a registry for advance health care directives.”

- 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.** This is the primary authorizing section for the directive registry. It has several subsections that do the following:
- (a) Directs the Department of Health and Social Services to create and maintain the registry. It indicates that the registry shall consist solely of the names and scanned copies of advance health care directives of individuals who register.
 - (b) Establishes that filing an advance health care directive in the registry is voluntary, through use of the term “may”.
 - (c) Makes it clear that the registry is completely confidential. It allows the Department to release a copy of a person’s directive to the individual who created it, the guardian or other agent of the individual, or a hospital in the state where the individual is a patient. Additionally, it allows the Department to provide a copy of the directive to a hospital in another state if it is requested by the individual or their guardian, agent or surrogate.
 - (d) Directs the Department to make the registry viewable online for hospitals here in the state (in case of emergencies).
 - (e) Clarifies that the Department will not review directives submitted to the registry for their legal validity.
 - (f) Allows that an individual can remove their directive from the registry at any time.
 - (g) Clarifies that filing a directive with the registry does not affect its validity and that a directive can be revoked or changed without informing the registry.
 - (h) Allows the Department to charge a fee for filing a registry to recoup administrative costs, but prohibits the Department from charging a fee for removing a directive from the registry.
 - (i) Empowers the Department to make regulations to ensure that people who attempt to access a directive in the registry are allowed to have access to a directive.

- (j) Empowers the Department to make regulations regarding regular maintenance on the registry, including removing directives that are old or out of date.
- (k) Protects the Department and its employees from legal liability for regular operation of the registry.
- (l) Provides definitions of registry and directive.