

HOUSE BILL NO. 391

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE MURKOWSKI

Introduced: 2/16/00

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the filing of certain health documents commonly known as**
2 **advance health directives and living wills; and amending Rule 1002, Alaska Rules**
3 **of Evidence."**

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

5 * **Section 1.** AS 18.12 is amended by adding a new section to read:

6 **Sec. 18.12.095. Filing of health documents.** (a) A person may file with the
7 Department of Health and Social Services a health document that the person indicates
8 is the person's declaration. To file the health document, the person must complete a
9 registration form and pay a fee established by the department by regulation. The
10 department may not accept a health document for filing under this subsection unless
11 the signatures on the health document are original signatures. After the department has
12 placed the health document on the Internet, the department shall return the health
13 document to the person.

14 (b) The department shall establish an Internet site for displaying and retrieving

1 the filed health documents and the completed registration forms. The filing site must
2 be searchable by name and must contain exact copies of the filed health documents
3 and completed registration forms. The filing site, including the exact copies of the
4 filed health documents and completed registration forms, must be open to the public
5 and available for retrieval of the filed health documents and completed registration
6 forms 24 hours a day. In this subsection, "completed registration forms" means the
7 registration forms completed under (a) of this section.

8 (c) A print-out from the filing site of a filed health document constitutes for
9 all purposes a signed original of the filed health document. A print-out of a filed
10 health document may not be construed to be more or less valid than the filed health
11 document.

12 (d) The filing of a health document under (a) of this section may not be
13 construed to suggest that the department has made any determination about the health
14 document.

15 (e) The presence or absence of a health document on the filing site may not
16 be construed as an indication of whether or not the declaration purportedly represented
17 by the health document has been revoked.

18 (f) A person does not have a duty to search the filing site to determine whether
19 there is a filed health document for another person. However, if a health care provider
20 is provided with a print-out from the filing site of a filed health document, the health
21 care provider shall treat the print-out as an original signed document.

22 (g) A person may request at any time that the department remove from the
23 Internet filing site a health document filed by the person under (a) of this section. The
24 department shall establish by regulation a procedure for the removal of a filed health
25 document. The procedure must include appropriate identification measures to confirm
26 that the person requesting the removal of the filed health document is the person who
27 made the health document filed as the person's declaration, except that the regulations
28 may also include a procedure for removal of filed health documents of deceased
29 persons.

30 (h) In this section,

31 (1) "department" means the Department of Health and Social Services;

1 (2) "filed health document" means a health document filed under (a)
2 of this section;

3 (3) "filing site" means the Internet site established by the department
4 to contain the health documents filed under (a) of this section.

5 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 **INDIRECT COURT RULE AMENDMENT.** AS 18.12.095, enacted by sec. 1 of this
8 Act, changes Rule 1002, Alaska Rules of Evidence, by providing that a print-out of a health
9 document that has been filed with the Department of Health and Social Services under
10 AS 18.12.095 constitutes an original of the health document that was filed.