

HOUSE BILL NO. 259

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GARA AND COSTELLO

Introduced: 1/21/14

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the advance health care directive registry; providing a central**
2 **repository for advance health care directives for access by authorized health care**
3 **providers; and providing for the confidentiality of the information submitted to the**
4 **registry."**

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

6 *** Section 1.** AS 13.52.060 is amended by adding a new subsection to read:

7 (k) A supervising health care provider who receives a written advance health
8 care directive, revocation of an advance health care directive, declaration of an
9 anatomical gift, revocation of a declaration of an anatomical gift, or designation or
10 disqualification of a surrogate shall promptly submit a copy to the advance health care
11 directive registry established under AS 13.52.400, unless the supervising health care
12 provider knows that it is already in the advance health care directive registry.

13 *** Sec. 2.** AS 13.52 is amended by adding new sections to read:

14 **Article 2. Advance Health Care Directive Registry.**

1 **Sec. 13.52.400. Advance health care directive registry established.** The
2 department, as part of the Electronic Health Information Exchange System established
3 in AS 18.23.300 - 18.23.325, shall make available a secure online central registry for
4 the storage of advance health care directives.

5 **Sec. 13.52.410. Filing of documents with the registry.** (a) A person may
6 submit the following documents, or the revocations of those documents, to the
7 department for filing in the advance health care directive registry established under
8 AS 13.52.400:

- 9 (1) an advance health care directive;
- 10 (2) a declaration of an anatomical gift; and
- 11 (3) designation or disqualification of a surrogate.

12 (b) A person who has executed a document described in (a) of this section is
13 not required to participate in the registry and may opt out of the registry.

14 (c) The department shall

- 15 (1) develop a procedure for authorizing health care providers to
16 immediately access the registry;
- 17 (2) provide the manner for submitting a document described in (a) of
18 this section;
- 19 (3) provide the manner for submitting a notice of a revocation of a
20 document described in (a) of this section;
- 21 (4) provide the manner in which a person may opt out of the registry
22 under (b) of this section; and
- 23 (5) establish procedures to protect confidentiality of information
24 submitted to the registry.

25 **Sec. 13.52.420. Use of registry.** The department shall allow a health care
26 provider authorized by the department under AS 13.52.410 access to the registry for
27 health care purposes.

28 **Sec. 13.52.430. Application to individuals.** (a) Nothing in this chapter is
29 intended to require an individual to execute or have a document described in
30 AS 13.52.410.

31 (b) The submission of a document described in AS 13.52.410(a) to the registry

1 does not affect the ability to revoke that document.

2 (c) Failure to submit a document described in AS 13.52.410(a) to the registry
3 does not affect the validity of the document.

4 (d) Failure to notify the department of the revocation of a document described
5 in AS 13.52.410(a) does not affect the validity of a revocation that meets the statutory
6 requirements for the revocation to be valid under AS 13.52.010 - 13.52.395 (Health
7 Care Decisions Act).

8 **Sec. 13.52.440. Confidentiality of collected information.** The registry and
9 the information contained in it are confidential and are not public records under
10 AS 40.25.100 - 40.25.295.

11 **Sec. 13.52.490. Regulations.** The department may adopt regulations to
12 implement AS 13.52.400 - 13.52.499.

13 **Sec. 13.52.499. Definitions.** In AS 13.52.400 - 13.52.499,

14 (1) "advance health care directive" has the meaning given in
15 AS 13.52.390;

16 (2) "anatomical gift" has the meaning given in AS 13.52.390;

17 (3) "department" means the Department of Health and Social Services;

18 (4) "health care provider" has the meaning given in AS 13.52.390;

19 (5) "registry" means the advance health care directive registry;

20 (6) "supervising health care provider" has the meaning given in
21 AS 13.52.390;

22 (7) "surrogate" has the meaning given in AS 13.52.390.

23 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 REVISOR'S INSTRUCTION. The revisor of statutes is requested to substitute
26 "AS 13.52.010 - 13.52.395" for "this chapter" wherever "this chapter" occurs in
27 "AS 13.52.010 - 13.52.395."