

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 122

AN ACT

To amend chapter 194, RSMo, by adding thereto one new section relating to a health care directives registry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Chapter 194, RSMo, is amended by adding thereto
2 one new section, to be known as section 194.600, to read as
3 follows:

4 194.600. 1. As used in this section, the following terms
5 mean:

6 (1) "Adult", an individual who is eighteen years of age or
7 older;

8 (2) "Advance health care directive", a power of attorney
9 for health care or a declaration signed or authorized by an
10 adult, containing the person's direction concerning a health care
11 decision;

12 (3) "Declaration", a record, including but not limited to a
13 living will, an intent to donate an anatomical gift pursuant to
14 the uniform anatomical gift act under sections 194.210 to
15 194.294, or a do-not-resuscitate order, signed by an adult
16 specifying the circumstances under which a life support system
17 may be withheld or withdrawn;

1 (4) "Department", the department of health and senior
2 services;

3 (5) "Health care decision", any decision regarding the
4 health care of the person;

5 (6) "Intake point", any licensed health care provider or
6 licensed attorney.

7 2. The department shall issue a request for proposal and
8 contract with a third party for the establishment of a secure
9 online central registry for citizens to store advance health care
10 directives and to give authorized health care providers access to
11 such directives.

12 3. An adult declarant may submit an advance health care
13 directive or declaration and the revocations of such documents to
14 the "Advance Health Care Directive Registry" established under
15 this section.

16 4. Any document and any revocation of a document submitted
17 for filing in the registry shall be submitted electronically at
18 an intake point and signed electronically with a unique
19 identifier, such as a social security number, a driver's license
20 number, or another unique government-issued identifier. The
21 electronic submission of the document shall be accompanied by a
22 fee not to exceed ten dollars.

23 5. All data and information contained in the registry shall
24 remain confidential and shall be exempt from the provisions of
25 chapter 610.

26 6. The department shall promulgate rules to carry out the
27 provisions of this section which shall include, but not be
28 limited to:

1 (1) A determination of who may access the registry,
2 including physicians, other licensed health care providers, the
3 declarant, and his or her legal representative or designee;

4 (2) A process for directing the declarant submitting a
5 declaration of an anatomical gift to follow the procedures under
6 the uniform anatomical gift act under sections 194.210 to
7 194.294;

8 (3) A means for the contracting third party to annually
9 remind registry users of which documents they have registered;
10 and

11 (4) The fee for filing a document with the registry.

12 7. Any rule or portion of a rule, as that term is defined
13 in section 536.010, that is created under the authority delegated
14 in this section shall become effective only if it complies with
15 and is subject to all of the provisions of chapter 536, and, if
16 applicable, section 536.028. This section and chapter 536, are
17 nonseverable and if any of the powers vested with the general
18 assembly pursuant to chapter 536, to review, to delay the
19 effective date, or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rulemaking
21 authority and any rule proposed or adopted after August 28, 2015,
22 shall be invalid and void.

23 8. Failure to register a document with the registry
24 maintained under this section shall not affect the document's
25 validity. Failure to notify the registry of the revocation of a
26 document previously filed with the registry shall not affect the
27 validity of a revocation that meets the statutory requirements
28 for the revocation to be valid.