

FIRST REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 122**  
98TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WALSH.

Offered February 25, 2015.

Senate Substitute adopted, February 25, 2015.

Taken up for Perfection February 25, 2015. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

0329S.03P

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**AN ACT**

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

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

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

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

- 2       **(1) "Adult", an individual who is eighteen years of age or older;**  
3       **(2) "Advance health care directive", a power of attorney for**  
4 **health care or a declaration signed or authorized by an adult,**  
5 **containing the person's direction concerning a health care decision;**  
6       **(3) "Declaration", a record, including but not limited to a living**  
7 **will, an intent to donate an anatomical gift pursuant to the uniform**  
8 **anatomical gift act under sections 194.210 to 194.294, or a do-not-**  
9 **resuscitate order, signed by an adult specifying the circumstances**  
10 **under which a life support system may be withheld or withdrawn;**  
11       **(4) "Department", the department of health and senior services;**  
12       **(5) "Health care decision", any decision regarding the health care**  
13 **of the person;**  
14       **(6) "Intake point", any licensed health care provider or licensed**  
15 **attorney.**

16       **2. The department shall issue a request for proposal and contract**  
17 **with a third party for the establishment of a secure online central**  
18 **registry for citizens to store advance health care directives and to give**

19 authorized health care providers access to such directives.

20           3. An adult declarant may submit an advance health care  
21 directive or declaration and the revocations of such documents to the  
22 "Advance Health Care Directive Registry" established under this  
23 section.

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

30           5. All data and information contained in the registry shall  
31 remain confidential and shall be exempt from the provisions of chapter  
32 610.

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

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

38           (2) A process for directing the declarant submitting a declaration  
39 of an anatomical gift to follow the procedures under the uniform  
40 anatomical gift act under sections 194.210 to 194.294;

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

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

44           7. Any rule or portion of a rule, as that term is defined in section  
45 536.010, that is created under the authority delegated in this section  
46 shall become effective only if it complies with and is subject to all of  
47 the provisions of chapter 536, and, if applicable, section 536.028. This  
48 section and chapter 536, are nonseverable and if any of the powers  
49 vested with the general assembly pursuant to chapter 536, to review, to  
50 delay the effective date, or to disapprove and annul a rule are  
51 subsequently held unconstitutional, then the grant of rulemaking  
52 authority and any rule proposed or adopted after August 28, 2015, shall  
53 be invalid and void.

54           8. Failure to register a document with the registry maintained  
55 under this section shall not affect the document's validity. Failure to

56 **notify the registry of the revocation of a document previously filed with**  
57 **the registry shall not affect the validity of a revocation that meets the**  
58 **statutory requirements for the revocation to be valid.**

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