

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 887

98TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WALSH.

Read 1st time January 11, 2016, and ordered printed.

Read 2nd time January 20, 2016, and referred to the Committee on Veterans' Affairs and Health.

Reported from the Committee January 28, 2016, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up February 9, 2016. Read 3rd time and placed upon its final passage; bill passed.

ADRIANE D. CROUSE, Secretary.

5029S.01P

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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 or a do-not-resuscitate order, signed by an adult specifying the**  
8 **circumstances under which a life support system may be withheld or**  
9 **withdrawn;**

10 **(4) "Department", the department of health and senior services;**

11 **(5) "Health care decision", any decision regarding the health care**  
12 **of the person;**

13 **(6) "Intake point", any licensed health care provider or licensed**  
14 **attorney.**

15 **2. The department shall issue a request for proposal and contract**  
16 **with a third party for the establishment of a secure online central**  
17 **registry for individuals to be known as the "Advance Health Care**

18 Directives Registry" 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 registry established under subsection 2 of this section.

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

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

32 6. The third party awarded a contract pursuant to subsection 2  
33 of this section shall be solely responsible for all issues applicable to the  
34 registry, including but not limited to development and operation of the  
35 registry; educating the general public, licensed health care providers,  
36 and legal professionals about the registry; responding to questions;  
37 providing technical assistance to users; and collection of user fees not  
38 to exceed ten dollars.

39 7. The department may promulgate rules to carry out the  
40 provisions of this section which may include, but not be limited to:

41 (1) A determination of who may access the registry, including  
42 physicians, other licensed health care providers, the declarant, and his  
43 or her legal representatives or designees; and

44 (2) A means for the contracting third party to annually remind  
45 registry users of which documents they have registered.

46 8. Any rule or portion of a rule, as that term is defined in section  
47 536.010, that is created under the authority delegated in this section  
48 shall become effective only if it complies with and is subject to all of  
49 the provisions of chapter 536, and, if applicable, section 536.028. This  
50 section and chapter 536, are nonseverable and if any of the powers  
51 vested with the general assembly pursuant to chapter 536, to review, to  
52 delay the effective date, or to disapprove and annul a rule are  
53 subsequently held unconstitutional, then the grant of rulemaking  
54 authority and any rule proposed or adopted after August 28, 2016, shall

55 **be invalid and void.**

56 **9. Failure to register a document with the registry maintained**  
57 **under this section shall not affect the document's validity. Failure to**  
58 **notify the registry of the revocation of a document previously filed with**  
59 **the registry shall not affect the validity of a revocation that meets the**  
60 **statutory requirements for such revocation to be valid.**

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