

FIRST REGULAR SESSION

SENATE BILL NO. 50

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0419S.01I

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:

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

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

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order, signed by an adult specifying the circumstances under which a life support system may be withheld or withdrawn;**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

2. The department shall issue a request for proposal and contract with a third party for the establishment of a secure online central registry for individuals to be known as the "Advance Health Care Directives Registry" to store advance health care directives and to give authorized health care providers access to such directives.

3. An adult declarant may submit an advance health care 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, 2017, 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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