

By: Nelson

S.B. No. 26

A BILL TO BE ENTITLED

AN ACT

relating to establishing an advance directive registry.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 166, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. ADVANCE DIRECTIVE REGISTRY

Sec. 166.201. ADVANCE DIRECTIVE REGISTRY. (a) The department shall establish and maintain an advance directive registry that is accessible through an Internet website.

(b) The registry must be used to store advance directives made under this chapter that are filed with the department.

(c) The department shall ensure that the registry is maintained in a secure database that is designed to provide authorized health care providers with immediate access to the registry at all times but prevent unauthorized access to the registry.

Sec. 166.202. CONTRACT WITH PRIVATE ENTITY. The department may contract with a public or private entity to develop and maintain the advance directive registry.

Sec. 166.203. FEES. The department may not charge a fee to:  
(1) register an advance directive in the registry; or  
(2) access an advance directive maintained in the registry.

Sec. 166.204. EVIDENCE OF REGISTRATION. The department

1 shall provide a method by which a notation indicating that an  
2 individual has an advance directive registered with the department  
3 may be placed on the individual's driver's license or  
4 identification card.

5 Sec. 166.205. REMOVAL FROM REGISTRY. If the department  
6 receives notice that an advance directive that is contained in the  
7 registry has been revoked or that the individual who is the subject  
8 of an advance directive contained in the registry is deceased, the  
9 department shall remove the advance directive from the registry.

10 Sec. 166.206. REGISTRATION NOT REQUIRED. (a) Failure to  
11 file an advance directive with the registry does not affect the  
12 validity of the advance directive.

13 (b) Failure to notify the department of a revocation of an  
14 advance directive does not affect the validity of the revocation.

15 Sec. 166.207. CONFIDENTIALITY. Information obtained by  
16 the department for the advance directive registry is confidential  
17 and may be disclosed only with the written consent of the declarant  
18 of the advanced directive or a person authorized to make health care  
19 decisions on the declarant's behalf.

20 Sec. 166.208. GIFTS AND GRANTS. The department may accept  
21 gifts, grants, donations, bequests, and other forms of voluntary  
22 contributions to support, promote, and maintain the advance  
23 directive registry.

24 Sec. 166.209. RULES. (a) The executive commissioner of the  
25 Health and Human Services Commission shall adopt rules to implement  
26 the creation and maintenance of the advance directive registry,  
27 including rules to:

1           (1) protect the confidentiality of individuals in  
2 accordance with Section 159.002, Occupations Code;

3           (2) inform the public about the registry;

4           (3) require the written consent of the declarant of  
5 the advance directive or a person authorized to make health care  
6 decisions on the declarant's behalf before any information relating  
7 to the declarant is included in the registry; and

8           (4) ensure the authenticity of an advance directive  
9 submitted to the department for inclusion in the advance directive  
10 registry.

11           (b) The rules governing use or disclosure of information in  
12 the registry must be at least as stringent as the Health Insurance  
13 Portability and Accountability Act and Privacy Standards, as  
14 defined by Section 181.001.

15           SECTION 2. This Act takes effect September 1, 2007.