

HOUSE BILL No. 4942

May 13, 2009, Introduced by Reps. Ball, Meadows, Johnson, Slavens, Simpson, Melton, Haugh, Corriveau, Young, Marleau, Liss, Mayes and Scripps and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 2515.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2515. (1) THE SECRETARY OF STATE SHALL CREATE, OPERATE,
2 AND MAINTAIN A STATEWIDE ADVANCE HEALTH CARE DIRECTIVE REGISTRY.
3 THE SECRETARY OF STATE, IN CONSULTATION WITH THE COMMISSION, SHALL
4 ESTABLISH THE TECHNOLOGY TO IMPLEMENT THE REGISTRY ON OR BEFORE
5 JANUARY 1, 2010.

6 (2) THE SECRETARY OF STATE SHALL ENSURE THE PRIVACY AND
7 SECURITY OF ANY DOCUMENT OR INFORMATION SUBMITTED TO, TRANSMITTED
8 FROM, OR STORED IN THE REGISTRY. THE SECRETARY OF STATE AND ANY

1 PERSON WHO ACCESSES THE REGISTRY SHALL COMPLY WITH ALL OTHER
2 PROVISIONS OF THIS ACT OR ANY OTHER FEDERAL OR STATE LAW
3 ESTABLISHING PRIVACY AND SECURITY STANDARDS APPLICABLE TO HEALTH OR
4 OTHER PERSONALLY IDENTIFIABLE INFORMATION. INFORMATION IN THE
5 REGISTRY SHALL NOT BE ACCESSED OR USED FOR ANY PURPOSE UNRELATED TO
6 DECISION-MAKING FOR HEALTH CARE OR DISPOSITION OF REMAINS, EXCEPT
7 THAT THE INFORMATION MAY BE USED FOR STATISTICAL OR ANALYTICAL
8 PURPOSES AS LONG AS THE INDIVIDUAL'S IDENTITY IS NOT REVEALED AND
9 ALL PERSONALLY IDENTIFIABLE INFORMATION REMAINS CONFIDENTIAL.

10 (3) THE SECRETARY OF STATE SHALL MAINTAIN A RECORD OF AN
11 INDIVIDUAL WHO FILES AN ADVANCE HEALTH CARE DIRECTIVE WITH THE
12 SECRETARY OF STATE TO BE STORED IN THE REGISTRY. THE SECRETARY OF
13 STATE SHALL MAINTAIN THE REGISTRY IN A MANNER THAT PROVIDES
14 ELECTRONIC ACCESS, INCLUDING, BUT NOT LIMITED TO, THE TRANSFER OF
15 ADVANCE HEALTH CARE DIRECTIVES TO HEALTH CARE PROVIDERS.

16 (4) THE SECRETARY OF STATE SHALL PROVIDE TO AN INDIVIDUAL WHO
17 FILES AN ADVANCE HEALTH CARE DIRECTIVE WITH THE SECRETARY OF STATE
18 TO BE STORED IN THE REGISTRY A STICKER THAT CAN BE PLACED ON A
19 DRIVER LICENSE OR PERSONAL IDENTIFICATION CARD INDICATING THAT THE
20 HOLDER HAS AN ADVANCE HEALTH CARE DIRECTIVE IN THE REGISTRY.

21 (5) THE REGISTRY UNDER THIS SECTION SHALL MEET ALL OF THE
22 FOLLOWING REQUIREMENTS:

23 (A) BE ACCESSIBLE TO HEALTH CARE PROVIDERS TO ALLOW THEM TO
24 OBTAIN THE NAME, ADDRESS, AND DATE OF BIRTH OF AN INDIVIDUAL ON THE
25 REGISTRY TO DETERMINE, UPON SERIOUS ILLNESS OF THE INDIVIDUAL,
26 WHETHER THE INDIVIDUAL HAS AN ADVANCE HEALTH CARE DIRECTIVE STORED
27 IN THE REGISTRY.

1 (B) PROVIDE ELECTRONIC ACCESS, INCLUDING, BUT NOT LIMITED TO,
2 THE TRANSFER OF STORED ADVANCE HEALTH CARE DIRECTIVES, ON A
3 CONTINUOUS BASIS AT NO COST TO HEALTH CARE PROVIDERS.

4 (6) THE SECRETARY OF STATE, THE DEPARTMENT OF COMMUNITY
5 HEALTH, AND THE DEPARTMENT OF HUMAN SERVICES SHALL EACH PROVIDE ON
6 ITS PUBLIC WEBSITE INFORMATION ON ADVANCE HEALTH CARE DIRECTIVES
7 AND THE REGISTRY. THE SECRETARY OF STATE, THE DEPARTMENT OF
8 COMMUNITY HEALTH, AND THE DEPARTMENT OF HUMAN SERVICES SHALL
9 PROMOTE PUBLIC AWARENESS OF THE ADVANTAGES OF CREATING ADVANCE
10 HEALTH CARE DIRECTIVES AND THE AVAILABILITY OF THE REGISTRY.

11 (7) THE SECRETARY OF STATE MAY PROMULGATE RULES UNDER THE
12 ADMINISTRATIVE PROCEDURES ACT OF 1969 TO PROVIDE FOR THE
13 IMPLEMENTATION AND ADMINISTRATION OF THIS SECTION. THE RULES MAY
14 INCLUDE ANY OF THE FOLLOWING:

15 (A) THE PROCESS FOR SECURELY SUBMITTING, REVOKING, AMENDING,
16 REPLACING, AND ACCESSING THE INFORMATION CONTAINED IN THE REGISTRY.

17 (B) THE PROCESS FOR INCORPORATION INTO THE REGISTRY OF
18 NOTIFICATIONS OF AMENDMENT, SUSPENSION, OR REVOCATION OF ADVANCE
19 HEALTH CARE DIRECTIVES.

20 (8) AS USED IN THIS SECTION:

21 (A) "ADVANCE HEALTH CARE DIRECTIVE" MEANS THAT TERM AS DEFINED
22 IN SECTION 10121.

23 (B) "HEALTH CARE PROVIDER" MEANS ANY OF THE FOLLOWING:

24 (i) A HEALTH PROFESSIONAL LICENSED, REGISTERED, OR OTHERWISE
25 AUTHORIZED TO ENGAGE IN A HEALTH PROFESSION UNDER ARTICLE 15.

26 (ii) A HEALTH FACILITY OR AGENCY LICENSED OR CERTIFIED UNDER
27 ARTICLE 17.

1 (C) "REGISTRY" MEANS THE STATEWIDE ADVANCE HEALTH CARE
2 DIRECTIVE REGISTRY CREATED IN THIS SECTION.