

SENATE BILL NO. 196
INTRODUCED BY C. SQUIRES

A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING A SINGLE PRIVACY LEVEL FOR HEALTH CARE DECLARATION REGISTRY; AND AMENDING SECTION 50-9-503, MCA."

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

Section 1. Section 50-9-503, MCA, is amended to read:

"50-9-503. Entry of declaration into health care declaration registry -- removal of declaration. (1)

Upon receipt of a declaration pertaining to life-sustaining treatment, the attorney general shall determine if the declaration is in compliance with the provisions of 50-9-103. If the declaration is not in compliance with the provisions of 50-9-103, the attorney general shall return the declaration together with a statement that the declaration was not filed due to its nonconformance with the requirements of 50-9-103.

(2) (a) If a declaration is accepted for filing, the attorney general shall create a digital copy of the declaration and enter it into the database of the health care declaration registry.

(b) The attorney general shall assign a unique access code to each individual who files a declaration that may be used by that individual or by a health care provider in a case in which the individual becomes a qualified patient to access the registry to view the filed declaration.

(c) (i) After entering the digital copy of the declaration in the registry, the attorney general shall return to the individual filing the declaration the original declaration along with ~~two~~ a wallet-sized ~~cards~~ card that ~~indicate~~ indicates that a copy of the declaration exists in the registry and that the name and access code on the ~~cards~~ card may be used to access the registry to view an electronic copy of the declaration.

~~(ii) (A) In addition to the materials provided to an individual filing a declaration under subsection (2)(c)(i), the attorney general shall include a form asking the individual filing the declaration to indicate on the form the privacy level that the individual desires with respect to accessing the declaration and asking the individual to return the form to the attorney general.~~

~~(B) An individual shall choose between two privacy levels. The standard privacy level allows access~~

(3) After entry in the registry, the declaration may be accessed by the individual filing the declaration, appropriate health care providers, anyone with the name and access code, and anyone with the social security number, birth date, and mother's maiden name of the individual who filed the declaration. The higher privacy level

~~allows access only by the individual filing the declaration, appropriate health care providers, and anyone with the name and access code. If a form indicating a choice of privacy level is not returned to the attorney general, the attorney general shall use the standard privacy level in determining access to a declaration.~~

~~(3)~~(4) If the attorney general receives a notice of the revocation of a declaration that is contained in the health care declaration registry or is notified that a person who is the subject of a declaration filed in the registry is deceased, the attorney general shall remove that declaration from the registry."

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