



General Assembly

January Session, 2007

Raised Bill No. 1144

LCO No. 3982

* _____SB01144PH_GAE032307_____*

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT ESTABLISHING A CENTRAL INDEX FOR ADVANCE HEALTH CARE DIRECTIVES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) (a) On or before January
2 1, 2009, the Secretary of the State shall establish and administer, or
3 contract for the establishment and administration of, a central index
4 for advance health care directives, as defined in section 19a-570 of the
5 general statutes. The Secretary of the State shall prescribe a registration
6 form for purposes of such central index that contains (1) the
7 registrant's full name and mailing address, and (2) an indication of the
8 advance health care directives that the registrant is submitting
9 pursuant to subsection (b) of this section. The Secretary of the State
10 may prescribe such other forms as the Secretary deems necessary for
11 operating the central index.

12 (b) A person may submit a copy of any of the following documents
13 or revocations of such documents, together with the registration form
14 prescribed pursuant to subsection (a) of this section, to the Secretary of
15 the State for inclusion in the advance health care directives central
16 index established pursuant to subsection (a) of this section:

17 (1) Documents containing directions about administration,
18 withholding or withdrawal of specific life support systems, created in
19 accordance with section 19a-575 of the general statutes;

20 (2) Documents containing health care instructions, the appointment
21 of a health care representative, the designation of a conservator of the
22 person for future incapacity or an anatomical gift, created in
23 accordance with section 19a-575a of the general statutes;

24 (3) Documents concerning the appointment of a health care
25 representative, created in accordance with section 19a-576 of the
26 general statutes;

27 (4) Any other documents created in accordance with chapter 368w
28 of the general statutes;

29 (5) Statutory short form powers of attorney for health care decisions,
30 created in accordance with chapter 7 of the general statutes; and

31 (6) Any document similar to those specified in subdivisions (1) to
32 (5), inclusive, of this subsection that represent a person's advance
33 health care directives.

34 (c) Upon receipt of the registration form and a document described
35 in subsection (b) of this section, the Secretary of the State, or the entity
36 with whom the Secretary contracts for administration of the central
37 index, shall create a reproduction of the document and index the
38 reproduced document. The Secretary or the entity shall (1) assign a
39 unique identifying number and password to each indexed document,
40 and (2) after indexing the reproduced document into the central index,
41 return the document to the person who submitted it, with a form
42 prescribed by the Secretary that contains the document's file number
43 and password.

44 (d) The Secretary of the State shall not review or provide any advice
45 concerning any documents submitted for inclusion in the advance
46 health care directives central index, including, but not limited to,

47 advice concerning whether the documents are in compliance with
48 applicable statutory requirements.

49 (e) The provisions of this section shall not be construed to invalidate
50 (1) documents containing advance health care directives that are not
51 submitted for inclusion in the central index, or (2) otherwise valid
52 revocations of such documents in cases where the Secretary of the State
53 has not been notified of the revocation.

54 (f) The entry of a document into the central index does not (1) affect
55 the validity of the document in whole or in part, (2) relate to the
56 accuracy of information contained in the document, or (3) create a
57 presumption regarding the validity of the document, the accuracy of
58 information contained in the document, or that the statutory
59 requirements for the document have been satisfied.

60 (g) The Secretary of the State shall only disclose information in the
61 advance health care directives central index to individuals who
62 possess the valid file number and password for a document.

63 (h) Any document or record included in the advance health care
64 directives central index, including file numbers, passwords and any
65 other information maintained by the Secretary of the State pursuant to
66 this section, shall not be deemed a public record and shall not be
67 subject to disclosure under the provisions of section 1-210 of the
68 general statutes.

69 (i) The Secretary of the State may adopt, in accordance with the
70 provisions of chapter 54 of the general statutes, such regulations as are
71 necessary to carry out the purposes of this section.

72 (j) The state of Connecticut, the Secretary of the State and any agent
73 or person employed by the Secretary of the State shall be held harmless
74 from any liability or causes of action arising out of the administration
75 or operation of the advance health care directives central index.

76 Sec. 2. Subsection (b) of section 1-210 of the general statutes is

77 amended by adding subdivision (23) as follows (*Effective from passage*):

78 (NEW) (23) Records, documents or information pertaining to the
79 central index for advance health care directives established under
80 section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>from passage</i>	1-210(b)

PH

Joint Favorable C/R

GAE