

AMENDED IN SENATE APRIL 21, 2014
AMENDED IN SENATE MARCH 27, 2014

SENATE BILL

No. 1357

Introduced by Senator Wolk

February 21, 2014

An act to add Section 4788 to the Probate Code, relating to resuscitative measures.

LEGISLATIVE COUNSEL'S DIGEST

SB 1357, as amended, Wolk. Physician Orders for Life Sustaining Treatment form: ~~state-wide~~ *statewide* registry.

Existing law defines a request regarding resuscitative measures as a written document, signed by an individual with capacity, or a legally recognized health care decisionmaker, and the individual's physician, directing a health care provider regarding resuscitative measures. Existing law defines a Physician Orders for Life Sustaining Treatment form, which is commonly referred to as a POLST form, and provides that a request regarding resuscitative measures includes a POLST form. Existing law requires that a POLST form and the medical intervention and procedures offered by the form be explained by a health care provider. Existing law distinguishes a request regarding resuscitative measures from an advance health care directive.

This bill would enact the California POLST Registry Act. The bill would require the ~~State Department of Public Health~~ *California Health and Human Services Agency* to establish and operate a ~~state-wide~~ *statewide* registry system, to be known as the California POLST Registry, for the purpose of collecting POLST forms received from ~~individuals electing to health care providers, who would be required to submit the forms and disseminating to the registry unless a patient~~

or his or her health care decisionmaker chooses not to participate. The bill would require the agency to disseminate the information in the forms to authorized users, including health care providers. The bill would require the ~~department~~ agency to adopt rules for the operation of the registry, which would include the means by which POLST forms would be submitted, revised, and revoked, appropriate and timely methods for dissemination of POLST form information, and procedures for verifying the identity of users and maintaining the confidentiality of POLST forms. The bill would require that any disclosure of POLST form information in the registry be made in accordance with applicable federal privacy laws. The bill ~~would authorize the department to charge an appropriate fee to registrants using the registry and~~ would provide immunity for people who submit information to, and use information in; the registry and act in good faith.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 California POLST Registry Act.
- 3 SEC. 2. Section 4788 is added to the Probate Code, to read:
- 4 4788. (a) For purposes of this section:
- 5 (1) “Agency” means the California Health and Human Services
- 6 Agency.
- 7 ~~(1)~~
- 8 (2) “Authorized user” means a person authorized by the
- 9 department to submit information to, or to receive information
- 10 from, the POLST registry, including health care providers.
- 11 ~~(2) “Department” means the State Department of Public Health.~~
- 12 (3) “Health care provider” has the meaning provided in Section
- 13 4621.
- 14 ~~(3)~~
- 15 (4) “POLST form” means a Physician Orders for Life Sustaining
- 16 Treatment form that fulfills the requirements of Section 4780.
- 17 ~~(4) “Registrant” means an individual who elects to submit a~~
- 18 ~~POLST form to the registry.~~
- 19 (5) “Registry” means the California POLST Registry established
- 20 by the ~~department~~ agency pursuant to this section.

1 (b) ~~The department~~ *agency* shall establish and operate a
2 statewide registry system, to be known as the California POLST
3 Registry, for the purpose of collecting a POLST form received
4 from a ~~registrant~~ *health care provider* and disseminating the
5 information in the form to an authorized user. *The registry may*
6 *be operated and maintained by a contractor of the agency.* The
7 ~~department~~ *agency* shall adopt all rules ~~and regulations~~ necessary
8 for the operation of the registry, which shall include, but not be
9 limited to, the following:

10 (1) The means by which a POLST form may be submitted to
11 the registry, may be revised, and may be revoked *and which shall*
12 *include a method for electronic delivery of this information and*
13 *the use of legally sufficient electronic signatures.*

14 (2) Appropriate and timely methods by which the information
15 in the registry may be disseminated to an authorized user.

16 (3) Procedures for verifying the identity of an authorized user.

17 (4) Procedures to ensure the accuracy of, and to appropriately
18 protect the confidentiality of, POLST forms submitted to the
19 registry.

20 (c) The registry and the information it contains shall be the
21 property of the state and any disclosure of information in POLST
22 forms received by the registry shall be made in a manner consistent
23 with the federal Health Insurance Portability and Accountability
24 Act of 1996 (Public Law 104-191).

25 ~~(d) The department may charge an appropriate and reasonable~~
26 ~~fee to a registrant in an amount that, when the fees charged to~~
27 ~~registrants are aggregated, does not exceed the actual cost of~~
28 ~~establishing and maintaining the registry.~~

29 *(d) A health care provider who completes a POLST with a*
30 *patient or his or her legally recognized health care decisionmaker*
31 *shall submit a copy of the POLST to the registry unless the patient*
32 *or the decisionmaker chooses not to participate in the registry.*

33 ~~(e) A registrant reporting information to the registry or an~~
34 ~~authorized user acting upon information obtained from the registry~~
35 ~~is not subject to criminal prosecution, civil liability, discipline for~~
36 ~~unprofessional conduct, administrative sanction, or any other~~
37 ~~sanction if the person acted in good faith and had no knowledge~~
38 ~~that the action or decision would be inconsistent with a health care~~

- 1 decision that the individual signing the request would have made
- 2 on his or her own behalf under like circumstances.

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