

AMENDED IN ASSEMBLY APRIL 8, 2014

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2452**

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**Introduced by Assembly Member Pan**

February 21, 2014

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An act to amend Sections 4800, 4801, 4802, and 4806 of, and to add Sections 4801.5 and 4807 to, the Probate Code, ~~and to add Section 12820 to the Vehicle Code,~~ relating to advance health care directives.

LEGISLATIVE COUNSEL'S DIGEST

AB 2452, as amended, Pan. Advance health care directive registry.

Existing law directs the Secretary of State to establish an Advance Health Care Directive Registry to receive and release specified information from a person who has executed a written advance health care directive. Existing law requires the Secretary of State to charge a fee to each registrant in an amount such that, when all fees charged to registrants are aggregated, the aggregated fees do not exceed the actual cost of establishing and maintaining the registry. Existing law provides that failure to register with the Secretary of State does not affect the validity of an advance health care directive.

This bill would require, commencing on January 1, 2016, the Secretary of State to establish and maintain access, as specified, to a secure portion of the Secretary of State's Internet Web site that provides an electronic reproduction of an advance health care directive and other specified documents submitted to the registry system. The bill would require this access to include the ability to view the electronic reproduction on the Internet Web site, as well as download, print, and otherwise retrieve a

copy of the electronic reproduction. The bill would, among other things, require the secretary to establish procedures to register, replace, and remove an advance health care directive, as specified.

~~This bill would also require, commencing on January 1, 2016, an application for an original or renewal driver’s license or identification card to contain a space for the applicant to authorize the Department of Motor Vehicles to add a blue “wish” dot with a “white caduceus symbol” to each applicant’s driver license or identification card signifying enrollment in the California Secretary of State’s Advance Health Care Directive Registry. The application would be required to include check boxes for an applicant to mark acceptance, if desired, of the dot.~~

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. Section 4800 of the Probate Code is amended to  
 2 read:  
 3 4800. (a) (1) The Secretary of State shall establish a registry  
 4 system through which a person who has executed a written advance  
 5 health care directive may register in a central information center,  
 6 information regarding the advance directive, making that  
 7 information available upon request to any health care provider,  
 8 the public guardian, or the legal representative of the registrant.  
 9 (2) Commencing on January 1, 2016, the Secretary of State  
 10 shall establish and maintain access, as prescribed by this part, to  
 11 a secure portion of the Secretary of State’s Internet Web site that  
 12 provides an electronic reproduction of an advance health care  
 13 directive and other documents described in subdivision (c)  
 14 submitted to the registry system. This access shall include the  
 15 ability to view the electronic reproduction on the Internet Web  
 16 site, as well as download, print, and otherwise retrieve a copy of  
 17 the electronic reproduction.  
 18 (b) Commencing on January 1, 2016, the Secretary of State  
 19 shall establish a process to register an advance health care directive  
 20 and submit personal information and documents to the registry  
 21 either by electronic submission or submission of paper documents.  
 22 Commencing on January 1, 2016, the Secretary of State shall  
 23 establish a process to merge documents in the registry prior to

1 January 1, 2016, with the access system established in paragraph  
2 (2) of subdivision (a). This process shall require a person who  
3 registers an advance health care directive to submit to the secretary  
4 all of the following:

5 (1) An application in a form prescribed by the Secretary of State.

6 (2) A copy or electronic reproduction of the advance health care  
7 directive.

8 (3) Any fee established by the Secretary of State pursuant to  
9 subdivision (f).

10 (c) Information that may be received shall be limited to all of  
11 the following regarding the registrant:

12 (1) Name.

13 (2) Social security number.

14 (3) Driver's license number, or other state-issued individual  
15 identifying number established by law, if any.

16 (4) Address.

17 (5) Date and place of birth.

18 (6) The registrant's advance health care directive.

19 (7) A values statement, questionnaire, or other document that  
20 supplements the advance health care directive.

21 (8) Durable power of attorney form.

22 (9) A physician orders for life-sustaining treatment (POLST)  
23 form.

24 (10) The intended place of deposit or safekeeping of a written  
25 advance health care directive and any other document described  
26 in this subdivision.

27 (11) The name and telephone number of the agent and any  
28 alternative agent.

29 (d) When the Secretary of State receives the items described in  
30 subdivision (b) from a registrant, the secretary shall do all of the  
31 following:

32 (1) Assign a registration number and password to access the  
33 registry to the registrant.

34 (2) Issue the registrant an Advance Health Care Directive  
35 Registry registration card indicating that an advance health care  
36 directive, or information regarding an advance health care directive,  
37 has been deposited with the registry. The information on the card  
38 shall include, but not be limited to, the registrant's name,  
39 registration number, and password to access the registry. Costs  
40 associated with issuance of the card shall be offset by the fee

1 charged by the Secretary of State to receive and register  
2 information at the registry.

3 (3) Make or transfer an electronic reproduction of the advance  
4 health care directive and other documents described in subdivision  
5 (c) and post it to the registry and, if the person consents, a statewide  
6 health information exchange system.

7 (e) The Secretary of State, at the request of the registrant or his  
8 or her legal representative, shall transmit the information received  
9 regarding the written advance health care directive to the registry  
10 system of another jurisdiction as identified by the registrant, or his  
11 or her legal representative.

12 (f) The Secretary of State shall charge a fee to each registrant  
13 in an amount such that, when all fees charged to registrants are  
14 aggregated, the aggregated fees do not exceed the actual cost of  
15 establishing and maintaining the registry.

16 SEC. 2. Section 4801 of the Probate Code is amended to read:

17 4801. (a) Notwithstanding any other law, the Secretary of  
18 State shall limit access to the registry, including a registrant's  
19 advance health care directive, personal information, and other  
20 documents received, to when all of the following occur:

21 (1) The assigned registration number and password are provided.

22 (2) Access to the advance health care directive is required  
23 pursuant to a lawful order of a court of competent jurisdiction,  
24 requested by the registrant or the registrant's legal representative,  
25 requested by the public guardian, or requested by a provider of  
26 health care to the registrant only for the purpose of providing health  
27 care to the registrant.

28 (3) The Secretary of State determines that providing access to  
29 the advance health care directive is in the best interest of the  
30 registrant. However, a registrant or legal representative of the  
31 registrant may access the advance health care directive of the  
32 registrant for any purpose.

33 (b) The Secretary of State shall establish procedures to verify  
34 the identities of health care providers, the public guardian, and  
35 other authorized persons requesting information pursuant to Section  
36 4800. No fee shall be charged to any health care provider, the  
37 public guardian, or other authorized person requesting information  
38 pursuant to Section 4800.

39 (c) A request for access pursuant to this part shall state the need  
40 for the information.

1 (d) The Secretary of State shall respond by the close of business  
2 on the next business day to a request for information made pursuant  
3 to Section 4717 by the emergency department of a general acute  
4 care hospital when the request is made by means other than through  
5 the Secretary of State's Internet Web site.

6 (e) Information that may be released upon request shall not  
7 include the registrant's social security number except when  
8 necessary to verify the identity of the registrant.

9 SEC. 3. Section 4801.5 is added to the Probate Code, to read:

10 4801.5. The Secretary of State shall establish procedures for  
11 all of the following:

12 (a) The registration of an advance health care directive or other  
13 document described in Section 4800 that replaces an advance  
14 health care directive or other document that is posted on the  
15 registry.

16 (b) The removal from the registry of an advance health care  
17 directive or other document described in Section 4800 that has  
18 been revoked following the revocation of the advance health care  
19 directive or other document or the death of the registrant.

20 (c) The issuance of a duplicate registration card or the provision  
21 of other access to the registrant's registration number and password  
22 if a registration card issued pursuant to this section is lost, stolen,  
23 destroyed, or otherwise unavailable.

24 SEC. 4. Section 4802 of the Probate Code is amended to read:

25 4802. The Secretary of State shall establish procedures to advise  
26 each registrant of the following:

27 (a) A health care provider may not honor a written advance  
28 health care directive until it receives a copy from the registrant or  
29 accesses the advance health care directive from the registry.

30 (b) Each registrant must notify the registry upon revocation of  
31 the advance health care directive.

32 (c) Each registrant must reregister upon execution of a  
33 subsequent advance health care directive.

34 SEC. 5. Section 4806 of the Probate Code is amended to read:

35 4806. (a) The Secretary of State shall work with the State  
36 Department of Public Health and the office of the Attorney General  
37 to develop information about end of life care, advance health care  
38 directives, and registration of the advance health care directives  
39 at the registry established pursuant to subdivision (a) of Section

1 4800. This information shall be developed utilizing existing  
2 information developed by the office of the Attorney General.

3 (b) Links to the information specified in subdivision (a) and to  
4 the registry shall be available on the Web sites of the Secretary of  
5 State, the State Department of Public Health, the Department of  
6 Motor Vehicles, the office of the Attorney General, the Department  
7 of Managed Health Care, the Department of Insurance, the Board  
8 of Registered Nursing, and the Medical Board of California.

9 SEC. 6. Section 4807 is added to the Probate Code, to read:

10 4807. Commencing on January 1, 2016, the Secretary of State  
11 shall, while establishing and maintaining electronic access to the  
12 registry and to the extent practicable, consult with any entity  
13 licensed pursuant to Division 2 (commencing with Section 1200)  
14 of the Health and Safety Code, to integrate a process for retrieving  
15 documents and information stored in the Advance Health Care  
16 Directive Registry from a statewide health information exchange  
17 system.

18 ~~SEC. 7. Section 12820 is added to the Vehicle Code, to read:~~

19 ~~12820. (a) Commencing on January 1, 2016, an application~~  
20 ~~for an original or renewal driver’s license or identification card~~  
21 ~~shall contain a space for the applicant to authorize the department~~  
22 ~~to add a blue “wish” dot with a “white caduceus symbol” to each~~  
23 ~~applicant’s driver license or identification card signifying~~  
24 ~~enrollment in the California Secretary of State’s Advance Health~~  
25 ~~Care Directive Registry. The application shall include check boxes~~  
26 ~~for an applicant to mark either one of the following:~~

27 ~~(1) Yes, print a blue “WISH” dot with a “white caduceus~~  
28 ~~symbol” on my card.~~

29 ~~(2) No, not at this time.~~

30 ~~(b) The department shall inquire verbally of an applicant~~  
31 ~~applying in person for an original or renewal driver’s license or~~  
32 ~~identification card at a department office as to whether the applicant~~  
33 ~~wishes to enroll in the Advance Health Care Directive Registry.~~  
34 ~~Failure or refusal to answer this question or check a box on the~~  
35 ~~application form shall not be a basis for the department to deny~~  
36 ~~an applicant a driver’s license or identification card. The~~  
37 ~~department may direct the applicant to the California Secretary of~~  
38 ~~State Advance Health Care Directive Registry Program for~~  
39 ~~additional information.~~

1 (e) ~~The following language shall be included with the question~~  
2 ~~required by subdivision (a):~~  
3 ~~“Marking “Yes” authorizes DMV to add a blue dot with a “white~~  
4 ~~caduceus symbol” to your license indicating enrollment in the~~  
5 ~~California Secretary of State’s Advance Health Care Directive~~  
6 ~~Registry. You must enroll in the Advance Health Care Directive~~  
7 ~~Registry by contacting the California Secretary of State Registries~~  
8 ~~Program or by visiting the Internet Web site at~~  
9 ~~www.sos.ca.gov/ahcdr/. Only after DMV receives confirmation~~  
10 ~~of your enrollment in the Advance Health Care Directive Registry~~  
11 ~~and receives authorization provided on this form, may DMV add~~  
12 ~~the blue dot to your license or identification card. If you wish to~~  
13 ~~remove your name from the registry you must contact the~~  
14 ~~California Secretary of State Registries Program (see back); DMV~~  
15 ~~can remove the blue dot from your licenses but cannot remove you~~  
16 ~~from the registry.”~~