

AMENDED IN SENATE JUNE 2, 2015  
AMENDED IN SENATE MAY 5, 2015  
AMENDED IN SENATE MARCH 25, 2015

**SENATE BILL**

**No. 19**

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**Introduced by Senator Wolk**  
**(Coauthors: Senators Hancock, Monning, and Vidak)**  
(Coauthors: Assembly Members Bonilla, Dababneh, and Eggman)

December 1, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 19, as amended, Wolk. Physician Orders for Life Sustaining Treatment form: 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 California Health and Human Services Agency to establish and operate a statewide registry system, to be known as the

California POLST Registry, for the purpose of collecting POLST forms received from a physician or ~~physician~~ *physician's* designee. *The bill would require the agency to implement these provisions only after it determines that sufficient nonstate finds have been received for development of the registry and any related startup costs.* A physician or ~~physician~~ *physician's* designee who completes a POLST form would be required to include the POLST form in the patient's medical record and would be required to submit the form to the registry, unless a patient or his or her health care decisionmaker chooses not to participate in the registry. The bill would require the agency to disseminate the information in the POLST form to an authorized user. ~~The bill defines~~ *would define* "authorized user" to include a health care provider. The bill would require the agency to adopt rules for, among other things, the operation of the registry, including the means by which POLST forms would be submitted electronically, revised, and revoked, the capability to check the POLST form for accuracy prior to it being made available, the appropriate and timely methods for dissemination of POLST form information, the procedures for verifying the identity of an authorized user, and rules for maintaining the confidentiality of a POLST form received by the registry. The bill would require that any disclosure of POLST form information in the registry be made in accordance with applicable state and federal privacy and security laws and regulations. The bill would provide immunity from criminal prosecution, civil liability, discipline for unprofessional conduct, and any other sanction for a health care provider who honors a patient's request regarding resuscitative measures obtained from the registry, as specified.

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 (2) "Authorized user" means a person authorized by the agency
- 8 to submit information to, or to receive information from, the

1 POLST registry, including health care providers and their  
2 designees.

3 (3) “Health care provider” has the meaning provided in Section  
4 4621.

5 (4) “POLST form” means a Physician Orders for Life Sustaining  
6 Treatment form that fulfills the requirements of Section 4780.

7 (5) “Registry” means the California POLST Registry established  
8 by the agency pursuant to this section.

9 (b) (1) The agency shall establish and operate a statewide  
10 registry system, to be known as the California POLST Registry,  
11 for the purpose of collecting a POLST form received from a  
12 physician or ~~physician~~ *physician’s* designee and disseminating the  
13 information in the form to an authorized user. ~~The~~

14 (2) *The agency shall implement this section only after*  
15 *determining that sufficient nonstate funds have been received to*  
16 *allow for the development of the registry and any related startup*  
17 *costs.*

18 (3) *The registry may be operated and maintained by a contractor*  
19 *of the agency. The agency shall adopt all rules necessary for the*  
20 *operation of the registry, which shall include, but not be limited*  
21 *to, the following:*

22 ~~(1)~~

23 (A) The means by which an initial or subsequent POLST form  
24 may be submitted to, or withdrawn from, the registry, which shall  
25 include a method for electronic delivery of this information and  
26 the use of legally sufficient electronic signatures.

27 ~~(2)~~

28 (B) Appropriate and timely methods by which the information  
29 in the registry may be disseminated to an authorized user.

30 ~~(3)~~

31 (C) Procedures for verifying the identity of an authorized user.

32 ~~(4)~~

33 (D) Procedures to ensure the accuracy of, and to appropriately  
34 protect the confidentiality of, POLST forms submitted to the  
35 registry.

36 ~~(5)~~

37 (E) The requirement that a patient, or, when appropriate, his or  
38 her legally recognized health care decisionmaker, receive a  
39 confirmation or a receipt that the patient’s POLST form has been  
40 received by the registry.

1     ~~(6)~~  
 2     (F) The ability of the physician who signed the POLST form,  
 3 or his or her designee, and of a patient, or, when appropriate, his  
 4 or her legally recognized health care decisionmaker, to review the  
 5 information in the patient’s POLST form after it has been entered  
 6 into the registry, and to confirm that it is accurate, prior to the  
 7 information being available to an authorized user.

8     ~~(7)~~  
 9     (G) The ability of a patient, or, when appropriate, his or her  
 10 legally recognized health care decisionmaker, to withdraw a  
 11 POLST form from the registry.

12     (c) The operation of the registry shall comply with state and  
 13 federal privacy and security laws and regulations, including, but  
 14 not limited to, compliance with the Confidentiality of Medical  
 15 Information Act (Part 2.6 (commencing with Section 56) of  
 16 Division 1 of the Civil Code) and the regulations promulgated  
 17 pursuant to the federal Health Insurance Portability and  
 18 Accountability Act of 1996 (Public Law 104-191), found at Parts  
 19 160 and 164 of Title 45 of the Code of Federal Regulations.

20     (d) A physician or ~~physician~~ *physician’s* designee who  
 21 completes a POLST form with a patient or his or her legally  
 22 recognized health care decisionmaker shall include the POLST  
 23 form in the patient’s official medical record. The physician or  
 24 ~~physician~~ *physician’s* designee shall submit a copy of the POLST  
 25 form to the registry unless the patient or the legally recognized  
 26 health care decisionmaker chooses not to participate in the registry.

27     (e) A health care provider who honors a patient’s request  
 28 regarding resuscitative measures obtained from the registry shall  
 29 not be subject to criminal prosecution, civil liability, discipline for  
 30 unprofessional conduct, administrative sanction, or any other  
 31 sanction as set forth in Section 4782 of the Probate Code.

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