

SENATE BILL NO. 2237

Introduced by

Senators Fiebiger, Mathern

Representatives Gruchalla, Klemin

1 A BILL for an Act to create and enact a new section to title 23 of the North Dakota Century
2 Code, relating to a health care record registry.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to title 23 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Health care record registry - Fees.**

7 1. As used in this section:

8 a. "Health care record" means a health care directive or a revocation of a health
9 care directive executed in accordance with chapter 23-06.5.

10 b. "Registration form" means a form prescribed by the secretary of state to
11 facilitate the filing of a health care record.

12 2. a. The secretary of state shall establish and maintain a health care record
13 registry, through which a health care record may be filed. The registry must
14 be accessible through a website maintained by the secretary of state.

15 b. An individual who is the subject of a health care record, or that individual's
16 agent, may submit to the secretary of state for registration, using a registration
17 form, a health care record executed in accordance with chapter 23-06.5.

18 3. Failure to register a health care record with the secretary of state under this section
19 does not affect the validity of the health care record. Failure to notify the secretary
20 of state of the revocation of a health care record filed under this section does not
21 affect the validity of a revocation that otherwise meets the statutory requirements
22 for revocation.

23 4. a. Upon receipt of a health care record and completed registration form, the
24 secretary of state shall create a digital reproduction of the health care record,

- 1 enter the reproduced health care record into the health care record registry
2 database, and assign each registration a unique file number. The secretary of
3 state is not required to review a health care record to ensure the health care
4 record complies with any particular statutory requirements that may apply to
5 the health care record.
- 6 b. The secretary of state shall delete a health care record filed with the registry
7 under this section upon receipt of a revocation of the health care record along
8 with that document's file number.
- 9 c. The entry of a health care record under this section does not affect or
10 otherwise create a presumption regarding the validity of the health care record
11 or the accuracy of the information contained in the health care record.
- 12 5. a. The registry must be accessible by entering the file number and password on
13 the internet website. Registration forms, file numbers, and other information
14 maintained by the secretary of state under this section are confidential and
15 the state may not disclose this information to any person other than the
16 subject of the document, or the subject's agent. The secretary of state may
17 not use information contained in the registry except as provided under this
18 chapter.
- 19 b. At the request of the subject of the health care record, or the subject's agent,
20 the secretary of state may transmit the information received regarding the
21 health care record to the registry system of another jurisdiction as identified by
22 the requester.
- 23 c. This section does not require a health care provider to seek to access registry
24 information about whether a patient has executed a health care record that
25 may be registered under this section. A health care provider who makes
26 good-faith health care decisions in reliance on the provisions of an apparently
27 genuine health care record received from the registry is immune from criminal
28 and civil liability to the same extent and under the same conditions as
29 prescribed in section 23-06.5-12. This section does not affect the duty of a
30 health care provider to provide information to a patient regarding health care
31 directives as may be required under federal law.

- 1 6. The secretary of state may accept a gift, grant, donation, bequest, or other form of
2 voluntary contribution to support, promote, and maintain the registry. The
3 secretary of state shall charge and collect for:
4 a. Filing a health care record, ten dollars; and
5 b. Filing a revocation of a health care record, ten dollars.