

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

NAC 449.900 – Registry of Advance Directives for Health Care

The definitions of terms contained in these regulations are the same those contained in AB 158, section 3 inclusive. If any statutory definition is amended, the amended definitions shall be definitions of the terms contained in these regulations.

(a) “The Registry of Advance Directives for Health Care” has the meaning ascribed to it in NRS 449.915 and may also be referred to as the Registry located at www.nvlockbox.com.

The Registry is a secure, web-based database where an individual may submit an Advance Directive or an Advance Directive Locator and other documents which amend, suspend or revoke an Advanced Directive or Advance Directive Locator or provide information regarding a Registrant’s health-care preferences.

“File” shall contain any information and/or documents submitted to the Registry by a Registrant and shall be accessible to the Registrant, authorized persons and entities. The File shall include an Advance Directive, or an Advance Directive Locator. The File shall include the registration information, any amendments, suspension or revocation, any other document regarding health care treatment which the Registrant submits and other documents the legislature authorizes to be submitted to the Registry.

A Registrant may choose to file an Advance Directive Locator.

“Advance Directive” means an advance directive for health care. The term includes:

(1) A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449.535 to 449.690, inclusive; (2) A durable power of attorney for health care decisions as set forth in NRS 449.800 to 449.860, inclusive; and (3) A do-not-resuscitate order as defined in NRS 450B.420.

“Advance Directive Locator” means a document on a form prescribed by the Secretary of State indicating the physical location of an individual’s Advance Directive.

“Healthcare Provider” has the meaning ascribed to it in NRS 629.031.

“Authorized Provider” means a Healthcare Provider who has been approved by the Secretary of State for access to the Registry upon completion of a Provider Access Application and Provider Access Agreement.

“Registrant” means an individual who completes a Registration Agreement and voluntarily files an Advance Directive with the Registry.

“Registry” means the Registry of Advance Directives for Health Care pursuant to NRS 449.915.

“Registration Agreement” means a form prescribed by the Secretary of State in which a Registrant authorizes the Secretary of State to scan and store electronically an Advance Directive in the Registry for retrieval in accordance with Nevada state law.

Forms to be prescribed by the Secretary of State include the following:

*Registration Agreement
Advance Directive Locator
Authorization to Change
Provider Access Application
Provider Access Agreement*

The Secretary of State may prescribe additional documents as necessary or required by law. A Registrant may execute any or all parts of the Advance Directive, or may designate an Agent acting on the Registrant’s behalf. A Registration Agreement submitted by an Agent must include a declaration that he is legally authorized to represent or act on behalf of another person and authorized to make decisions concerning the health care of the other person.

“Agent” has the meaning ascribed to it in NRS 132.045 and 451.512(1).

The Registry is a voluntary database. Registrants who voluntarily choose to submit an Advance Directive with the Registry must keep their File current.

The information obtained from the Registry is presumed to be current and accurate.

In order for an Advance Directive to be filed with the Registry, a properly executed Registration Agreement must accompany the Advance Directive or Advance Directive Locator. If a Registration Agreement is not signed by the Registrant or Agent of the Registrant, or is incomplete, the Secretary of State will reject the filing and will notify the Registrant in writing of the rejection.

A copy of an individual’s Advance Directive or Advance Directive Locator may be submitted via mail or facsimile and must be accompanied by a properly executed Registration Agreement.

The Secretary of State shall scan into the Registry the Advance Directive Locator form or the Advance Directive if properly executed.

The Registrant shall receive by mail, a letter confirming receipt of the Advance Directive or Advance Directive Locator, a unique identification number for access to the Registry, and any other materials deemed necessary by the Registry or the Secretary of State.

The Registry or Secretary of State may, on an annual basis, send a notice to all Registrants asking them to review and confirm that the information contained in their File is accurate and current.

Any amendment, suspension or revocation of a filed Advance Directive shall require execution of an Authorization to Change form, prescribed by the Secretary of State. The Authorization to Change form must be filed by the Registrant and must contain the Registrant's unique identification number or other sufficient information to insure proper identification of Registrant.

Upon receiving the Authorization to Change form or notification of an amendment, suspension, or revocation resulting from the annual mailing, the document shall be scanned into the Registrant's File so that when accessed, the Authorization to Change or notification of an amendment, suspension or revocation will take precedence over previously submitted documents.

If a Registrant or Agent does not notify the Registry or Secretary of State of a properly executed amendment, suspension or revocation of an Advance Directive or Advance Directive Locator, the properly executed amendment, suspension or revocation shall be deemed valid.

A Registrant may request a duplicate registration card or other access to the Registrant's unique identification number and password if a registration card is lost, stolen, destroyed or otherwise unavailable. The Registrant must provide the Registry or the Secretary of State with sufficient information or a notarized statement to identify the Registrant on a Request for Registration Access form as prescribed by the Secretary of State. An Authorized Provider may also access the Registrant's file upon the individual's request only in the course of medical care.

A Registrant or Agent may delete or remove, a File in the Registry by:

(1) Submitting an Authorization to Change form as prescribed by the Secretary of State; or (2) submitting a clear statement that has been notarized; that the Registrant authorizes the deletion or removal of an existing File to the Secretary of State. An Authorization to Change form submitted by an Agent must include a declaration that he is legally authorized to represent or act on behalf of another person and authorized to make decisions concerning the health care of the other person.

A Registrant or his Agent may replace an existing File in the Registry by submitting a newly and properly executed Advance Directive accompanied by an Authorization to Change form as prescribed by the Secretary of State. An Authorization to Change form submitted by an Agent must include a declaration that he is legally authorized to represent or act on behalf of another person and authorized to make decisions concerning the health care of the other person.

No person shall access the Registry or information contained within a File for any purpose unrelated to health care decision-making or disposition of remains of the Registrant, except

that the Secretary of State may authorize specific persons to access the information under a court order or for statistical or analytical purposes as long as the registrants' identifying information remain confidential and that no privacy laws are violated.

Healthcare Providers may access the Registry by using the Registrant's unique identification number and password, by calling the Registry's toll-free number to request a copy of a File, or by becoming an Authorized Provider.

To become an Authorized Provider, a completed Provider Access Application and Provider Access Agreement as prescribed by the Secretary of State must be submitted to the Registry, and the Secretary of State's office. Once the Provider Access Application is approved, the Registry or the Secretary of State will issue a provider identification number and access code to the Authorized Provider.

The Registry and Secretary of State shall have the right to audit an Authorized Provider's use of the Registry for statistical, analytical and compliance usage purposes.

Authorized Providers who are issued Registry access shall agree to protect the identification number issued to the Authorized Provider and to establish internal controls limiting access to the Authorized Provider's identification number to their employees who have authorization to access the Registry.

Authorized Providers shall train their employees on the proper use of the Registry and the Registrant's File and must report any unauthorized access or misuse of Registry information to the Secretary of State.

The Registry will maintain a record by name of Registrant, date of access and the identification number of the person or organization accessing the File of the Registrant whenever the File is accessed through means other than the Registrant's unique identification number and password. If the Registrant's unique identification number and password are used, the record will only indicate the date and time the File was accessed.