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**HOUSE BILL NO. 188**

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Education and Health  
on February 15, 2024)

(Patron Prior to Substitute—Delegate Hope)

*A BILL to amend and reenact §§ 54.1-2994 and 54.1-2995 of the Code of Virginia, relating to Advance Health Care Planning Registry; amendment of regulations.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-2994 and 54.1-2995 of the Code of Virginia are amended and reenacted as follows:**  
**§ 54.1-2994. Advance Health Care Planning Registry established.**

The Department of Health shall make available a secure online central registry for advance health care ~~directives~~ *planning*.

**§ 54.1-2995. Filing of documents with the registry; regulations; fees.**

A. A person may submit any of the following documents and the revocations of these documents to the Department of Health for filing in the Advance Health Care ~~Directive Planning~~ Registry established pursuant to this article:

1. A health care power of attorney.

2. An advance directive created pursuant to Article 8 (§ 54.1-2981 et seq.) or a subsequent act of the General Assembly.

3. A declaration of an anatomical gift made pursuant to the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

4. *Any other document that supports advance health care planning, including Durable Do Not Resuscitate Order or portable medical order forms.*

B. The document may be submitted for filing only by the person who executed the document or his legal representative or designee and shall be accompanied by any fee required by the Department of Health.

C. All data and information contained in the registry shall remain confidential and shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

D. The Board of Health shall promulgate regulations to carry out the provisions of this article, which shall include, but not be limited to (i) a determination of who may access the registry, including physicians, other licensed health care providers, the declarant, and his legal representative or designee; (ii) a means of annually reminding registry users of which documents they have registered; and (iii) fees for filing a document with the registry. Such fees shall not exceed the direct costs associated with development and maintenance of the registry and with the education of the public about the availability of the registry, and shall be exempt from statewide indirect costs charged and collected by the Department of Accounts. No fee shall be charged for the filing of a document revoking any document previously filed with the registry.

**2. That the Department of Health shall amend the Advance Health Care Planning Registry regulations to include advance health care planning documentation in the list of documents that may be submitted to the registry pursuant to § 54.1-2995 of the Code of Virginia, as amended by this act.**

**3. That the Department of Health shall amend the Advance Health Care Planning Registry regulations to allow licensed health care providers licensed in the Commonwealth access to the registry for the purpose of collecting advance health care planning information on patients with whom who they have a treatment relationship.**