

ENGROSSED HOUSE
BILL NO. 2389

BY: LARASON, SULLIVAN and
GREENWOOD of the HOUSE

and

BROWN of the SENATE

(CRIMES AND PUNISHMENTS - PROHIBITING CERTAIN
REMUNERATIONS -

EFFECTIVE DATE)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1193.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. A licensed, certified, or registered health or mental health care professional or a licensed or certified health care provider commits an offense if the professional or provider intentionally or knowingly offers to pay or agrees to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm association of persons, partnership, or corporation for securing or soliciting patients or patronage.

Remuneration paid to an employee, agent, or family member, within the third degree of consanguinity of a person shall be considered remuneration to the provider or professional.

B. This section shall not be construed to prohibit advertising except that which is false, misleading, or deceptive or that which advertises professional superiority or the performance of a

professional service in a superior manner and that is not readily subject to verification.

C. 1. Except as otherwise provided by this subsection, an offense pursuant to the provisions of this section, upon conviction, is a misdemeanor.

2. If it is shown in the trial of a violation of this section that the person has previously been convicted of a violation of this section, upon conviction, the professional or provider shall be punished for a felony.

3. In addition to any other penalties or remedies provided by law, a violation of this section shall be grounds for disciplinary action by the state agency licensing, certifying, or registering such professional or provider.

D. The state agency licensing, certifying, or registering such professional or provider may institute an action to enjoin a violation or potential violation of this section. The action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law.

E. This section shall not apply to licensed insurers, including but not limited to, group hospital service corporations, or health maintenance organizations which reimburse, provide, offer to provide, or administer hospital, medical, dental, or other health-related benefits under a health benefits plan for which it is the payor when it is providing those services under a health benefits plan.

F. For purposes of this section:

1. "Health or mental health care professional" means any person who offers or provides health or mental health care under a license,

certification or registration issued pursuant to Title 59 of the Oklahoma Statutes; and

2. "Health care provider" means any hospital or related institution offering or providing outpatient or inpatient psychiatric care licensed pursuant to Section 1-702 of Title 63 of the Oklahoma Statutes or private facility offering inpatient or outpatient psychiatric care licensed or certified by Title 43A of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 725.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

Any health or mental health care professional or health care provider who refers patients or clients to a testing center or laboratory shall disclose to such patient or client or the guardian of such patient or client any financial interest of the professional or provider in the center or laboratory.

SECTION 3. This act shall become effective September 1, 1992.

Passed the House of Representatives the 4th day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate