

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2694

By: Voskuhl

AS INTRODUCED

An Act relating to public health and safety; amending Section 5, Chapter 332, O.S.L. 1993, as last amended by Section 7, Chapter 204, O.S.L. 1995 (63 O.S. Supp. 1997, Section 5007), which relates to the Oklahoma Health Care Authority Board; amending Section 4, Chapter 327, O.S.L. 1997 (63 O.S. Supp. 1997, Section 3131.4), which relates to the Oklahoma Do-Not Resuscitate Act; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 5, Chapter 332, O.S.L. 1993, as last amended by Section 7, Chapter 204, O.S.L. 1995 (63 O.S. Supp. 1997, Section 5007), is amended to read as follows:

Section 5007. A. There is hereby created the Oklahoma Health Care Authority Board. On and after ~~the effective date of this act~~ July 1, 1994, as the terms of the initially appointed members expire, the Board shall be composed of seven appointed members who shall serve for terms of four (4) years and shall be appointed as follows:

1. Two members shall be appointed by the President Pro Tempore of the Senate;

2. Two members shall be appointed by the Speaker of the House of Representatives; and

3. Three members shall be appointed by the Governor. One of the members appointed by the Governor shall be a consumer who shall have no financial or professional interest in medical care, health care services, health care delivery, health care finance, health insurance or managed health care.

B. Members appointed pursuant to this paragraph, with the exception of the consumer member, shall include persons having experience in medical care, health care services, health care delivery, health care finance, health insurance and managed health care. In making the appointments, the appointing authority shall also give consideration to urban, rural, gender and minority representation.

C. As the terms of office of members appointed before July 1, 1995, expire, appointments made on or after July 1, 1995, shall be subject to the following requirements:

1. One member appointed by the Governor shall be a resident of the First Congressional District;

2. One member appointed by the President Pro Tempore of the Senate shall be a resident of the Second Congressional District;

3. One member appointed by the President Pro Tempore of the Senate shall be a resident of the Third Congressional District;

4. One member appointed by the Speaker of the House of Representatives shall be a resident of the Fourth Congressional District;

5. One member appointed by the Speaker of the House of Representatives shall be a resident of the Fifth Congressional District;

6. One member appointed by the Governor shall be a resident of the Sixth Congressional District; and

7. The consumer member appointed by the Governor shall be appointed at large.

D. On and after the effective date of this act, any subsequently appointed administrator of the Authority shall be appointed by the Board. The administrator shall have the training and experience necessary for the administration of the Authority, as determined by the Board, including, but not limited to, prior experience in the administration of managed health care. The administrator shall serve at the pleasure of the Board.

E. The Board shall have the power and duty to:

1. Establish the policies of the Oklahoma Health Care Authority;

2. Appoint the Administrator of the Authority;

3. Adopt and promulgate rules as necessary and appropriate to ~~carry out~~ implement the duties and responsibilities of the Authority. The Board shall be the rulemaking body for the Authority; and

4. Adopt, publish and submit by January 1 of each year to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives appropriate administrative policies and the business plan for that year. All actions governed by ~~said~~ the administrative policies and annual business plan shall be examined annually in an independent audit.

F. 1. A vacancy in a position shall be filled in the same manner as provided in subsection A of this section.

2. A majority of the members of the Board shall constitute a quorum for the transaction of business and for taking any official action. Official action of the Board must have a favorable vote by a majority of the members present.

3. Members appointed pursuant to subsection A of this section shall serve without compensation but shall be reimbursed for

expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

G. The Board and the Authority shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act and the Administrative Procedures Act.

SECTION 2. AMENDATORY Section 4, Chapter 327, O.S.L. 1997 (63 O.S. Supp. 1997, Section 3131.4), is amended to read as follows:

Section 3131.4 A. Every person shall be presumed to consent to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest, unless one or more of the following conditions, of which the health care provider has actual knowledge, apply:

1. The person has notified such person's attending physician that such person does not consent to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest and such notification has been entered in the patient's medical records; ~~or~~

2. An incapacitated person's representative has notified the incapacitated person's attending physician that the representative, based on the known wishes of the incapacitated person, does not consent to the administration of cardiopulmonary resuscitation in the event of the incapacitated person's cardiac or respiratory arrest and such notification has been entered in the patient's medical records; ~~or~~

3. An attending physician of an incapacitated person without a representative knows by clear and convincing evidence that the incapacitated person, when competent, decided on the basis of information sufficient to constitute informed consent that such person would not have consented to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest. Clear and convincing evidence for this purpose shall

include oral, written, or other acts of communication between the patient, when competent, and family members, health care providers, or others close to the patient with knowledge of the patient's personal desires; ~~or~~

4. A do-not-resuscitate consent form in accordance with the provisions of the Oklahoma Do-Not-Resuscitate Act has been executed for that person; or

5. An executed advance directive for health care, or other document recognized by the Oklahoma Rights of the Terminally Ill or Persistently Unconscious Act, directing that life-sustaining treatment not be performed in the event of cardiac or respiratory arrest, is in effect for that person, pursuant to the provisions of paragraph 1 of Section 3101.3 or Section 3101.14 of ~~Title 63 of the Oklahoma Statutes~~ this title.

B. Nothing in the Oklahoma Do-Not-Resuscitate Act shall require a health care agency to institute or maintain the ability to provide cardiopulmonary resuscitation or to expand its existing equipment, facilities, or personnel to provide cardiopulmonary resuscitation; provided, if such health care agency does not provide cardiopulmonary resuscitation, this policy shall be communicated in writing to the person or representative prior to the person coming under the care of the health care agency.

SECTION 3. This act shall become effective November 1, 1998.

46-2-8060

KSM