

SHORT TITLE: Public health and safety; creating the Immunological
Therapy Act. Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1407

By: Williams

AS INTRODUCED

An Act relating to public health and safety; creating the Immunological Therapy Act; providing short title; defining terms; prohibiting restrictions on use; limiting liability of certain entities; prohibiting disciplinary action against certain physicians; permitting use of MTH-68/N Immunological Therapy; providing for written informed request; providing for codification; and providing an 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 2190.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Immunological Therapy Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2190.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Immunological Therapy Act:

1. "Board" means the State Board of Health;
2. "Immunological therapy" means therapy which is a treatment for any malignancy, disease, illness or physical condition which involves a complex balancing of immunological agents designed to restore the body's natural immunity to a disease;

3. "MTH-68/N" means a weakened preparation of a veterinary virus which is harmless to humans but which stimulates the human immune system; and

4. "Physician" means a person who has complied with all of the requirements of the laws of this state regulating the practice of such person's respective school of medicine, and who is duly licensed by such law to practice medicine or surgery or both.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2190.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

No hospital or related institution in this state may restrict or prohibit the use of MTH-68/N Immunological Therapy, as an adjunct to recognized, customary or accepted modes of therapy or by itself in the treatment of any malignancy, disease, illness or physical condition when it is prescribed or administered by a physician licensed to practice medicine in this state and the patient has signed a "written informed request" pursuant to the provisions of Section 6 of this act. A hospital or related institution shall not be held liable for permitting the use of MTH-68/N Immunological Therapy by a patient when the provisions of this act have been met, unless the hospital or related institution acted negligently in the care and treatment of the patient.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2190.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A physician licensed to practice medicine in this state shall not be subject to disciplinary action by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners for prescribing or administering MTH-68/N Immunological Therapy to a patient under such physician's care as an adjunct to recognized, customary or accepted modes of therapy, or by itself in the treatment of any malignancy, disease, illness or physical

condition, if and when the patient has given informed consent and has signed the "written informed request" pursuant to the provisions of Section 6 of this act, unless such physician acted negligently concerning diagnosis, care and treatment of the patient.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2190.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

A physician may prescribe or administer MTH-68/N Immunological Therapy as an adjunct to recognized, customary or accepted modes of therapy, or by itself in the treatment of any malignancy, disease, illness or physical condition to a patient who has signed the "written informed request" pursuant to the provisions of Section 6 of this act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2190.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Board of Health shall develop and distribute a "written informed request" form which shall be subject to the Board's continuing jurisdiction and control concerning any changes in such form pursuant to law. The form shall be signed by the patient and attending physician, and shall be worded as follows:

"WRITTEN INFORMED REQUEST FOR IMMUNOLOGICAL THERAPY OR PRESCRIPTION OF IMMUNOLOGICAL THERAPY FOR MEDICAL TREATMENT"

Patient's Name: _____

Address: _____

Age: _____ Date of Birth: _____ Sex: _____

Name and address of prescribing physician:

Malignancy, disease, illness or physical condition
diagnosed for medical treatment by Immunological Therapy

Signature

SECTION 7. This act shall become effective November 1, 1998.

46-2-2572 CJ