

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. _____

By: Henry

AS INTRODUCED

An Act relating to public health and safety; amending Section 4, Chapter 327, O.S.L. 1997, as amended by Section 2, Chapter 164, O.S.L. 1998 (63 O.S. Supp 1998, Section 3131.4), which relates to the Oklahoma Do-Not-Resuscitate Act; determining priority of persons eligible to provide certain information to an attending physician; construing statute to require that physician or health care provider comply with reasonable medical standards; and declaring an emergency.

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

SECTION 497. AMENDATORY Section 4, Chapter 327, O.S.L. 1997, as amended by Section 2, Chapter 164, O.S.L. 1998 (63 O.S. Supp. 1998, 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~~ patient has notified ~~such person's~~ his or her attending physician that ~~the person~~ he or she does not consent to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest and that notification has been entered in the patient's medical records; ~~or~~

2. The parent or guardian of a minor child, after consultation with the minor child's attending physician, has notified the minor child's attending physician that the parent or guardian does not consent to the administration of cardiopulmonary resuscitation in

the event of the minor child's cardiac or respiratory arrest, and that the minor child, if capable of doing so and possessing sufficient understanding and ~~appreciation of~~ appreciating the nature and consequences of the treatment decision despite the minor child's chronological age, has not objected to this decision of the parent or guardian, and ~~such~~ the notification has been entered in the minor child's medical records; provided, medically indicated treatment may not be withheld from a disabled infant with life-threatening conditions to the extent that ~~such~~ medically indicated treatment is required by federal law or regulations as a condition for the receipt of federally funded grants to this state for child abuse and neglect prevention and treatment programs-;

3. 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 that notification has been entered in the ~~patient's~~ incapacitated person's medical records; ~~or~~

4. 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 the 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~~. When an attending physician considers communication between the patient and family members or others close to the patient, the physician shall consider those persons with

knowledge of the patient's personal desires in the following order of priority:

- a. the spouse, unless the patient has no spouse, or is separated, or the spouse is physically or mentally incapable of giving consent, or the spouse's location is unknown, or the spouse is overseas or otherwise not available,
- b. an adult son or daughter,
- c. either parent,
- d. an adult brother or sister,
- e. a relative by blood or marriage, or
- f. persons with a close personal relationship;

5. 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

6. 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 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~~ a 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.

C. Nothing in the Oklahoma Do-Not-Resuscitate Act shall require any physician or health care provider to take any action contrary to reasonable medical standards.

SECTION 1. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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