

ENROLLED SENATE  
BILL NO. 983

By: Cain of the Senate

and

Cox of the House

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 1-231, 1-232 and 1-233, which relate to the Maternal and Infant Care Act; modifying name of act; deleting obsolete dates; providing for establishment of certain statewide program; updating reference; stating purposes; amending 63 O.S. 2001, Section 3102A, which relates to experimental treatments, tests and drugs; expanding conditions for experimental treatments, tests or drugs; repealing 63 O.S. 2001, Sections 1-230 and 1-234, which relate to the Healthy Futures Steering Committee; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-231, is amended to read as follows:

Section 1-231. ~~Section 1 through Section 5 of this~~ This act shall be known and may be cited as the "Maternal and Infant Care Improvement Act" which shall have as its purpose, the coordination, development and enhancement of a system of maternal and infant health services in the state in order to decrease infant mortality by providing prenatal care to pregnant women.

SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-232, is amended to read as follows:

Section 1-232. The State Department of Health shall establish a statewide ~~public awareness~~ program directed toward the health needs of pregnant women and infants. This program shall promote the importance of prenatal and postnatal maternal and infant health care and shall provide free information regarding the types, location and availability of maternal and infant health care services.

SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-233, is amended to read as follows:

Section 1-233. A. ~~From September 1, 1991, through June 30, 1996, persons~~ Persons licensed to practice medicine and surgery or who are licensed osteopathic physicians and surgeons or who are certified nurse-midwives, advanced nurse practitioners and who

provide prenatal, delivery ~~and~~, infant care services and other child or adult health services to State Department of Health clients pursuant to and in strict compliance with all terms of a contract with the State Department of Health authorized by paragraph ~~(3)~~ 3 of subsection ~~(b)~~ B of Section 1-106 of ~~Title 63 of the Oklahoma Statutes~~ this title, shall be considered employees of the state for purposes of ~~the~~ The Governmental Tort Claims Act only, but only insofar as actions within the employee's scope of employment as specified by the terms of the contract.

B. Such contracts shall provide that any prenatal, delivery and infant care services rendered by the provider shall fully comply with the Standards for Ambulatory Obstetrical Care of the American College of Obstetrics and Gynecology and the Perinatal Care Guidelines of the American College of Obstetrics and Gynecology and the American Academy of Pediatrics as adopted and incorporated into the Standards and Guidelines for Public Providers of Maternity Services of the State Department of Health in order to entitle the provider to the limited liability provided by subsection A of this section.

C. Any contract executed pursuant to this section shall state with specificity, the exact services to be provided and the particular services which shall entitle the provider to the limited liability provided by subsection A of this section.

D. Any services provided or contracts entered into pursuant to this act shall include only those activities designed to promote the healthiest possible outcomes for mother and child. The prenatal and postnatal services provided with these funds shall be used solely to provide health care services for pregnant women, decrease infant mortality and facilitate the birth of a live child. For purposes of this act, "health care services" does not include abortion, abortion referral, or abortion counseling. This subsection shall be inseverable from this section.

SECTION 4. AMENDATORY 63 O.S. 2001, Section 3102A, is amended to read as follows:

Section 3102A. A. When an adult person, because of a medical condition, is treated by a licensed medical doctor or doctor of osteopathy holding a faculty appointment at a medical school accredited by the Liaison Committee on Medical Education or American Osteopathic Association, or holding clinical privileges at a healthcare institution that conducts human subject research approved by local institutional review board, and such person is incapable of giving informed consent for a local-institutional-review-board-approved experimental treatment, test or drug, then such treatment, test or drug may proceed upon obtaining informed consent of a legal guardian, attorney-in-fact with health care decision authority, or a family member in the following order of priority:

1. 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 the spouse is otherwise not available;

2. An adult son or daughter;
3. Either parent;
4. An adult brother or sister; or
5. A relative by blood or marriage.

B. Nothing in this section shall authorize such legal guardian, attorney-in-fact or family member to consent to treatment in contravention to such incapacitated person's expressed permission or prohibition regarding such treatment.

SECTION 5. REPEALER 63 O.S. 2001, Sections 1-230 and 1-234, are hereby repealed.

SECTION 6. This act shall become effective November 1, 2005.

Passed the Senate the 16th day of May, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2005.

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Presiding Officer of the House  
of Representatives

