

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR

5 HOUSE BILL NO. 1658

6 By: Dorman

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to torts; providing limited  
9 malpractice protection for certain health care  
10 providers; defining terms; limiting application to  
11 actions filed after a certain date; providing for  
12 codification; and providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 33 of Title 76, unless there is  
16 created a duplication in numbering, reads as follows:

17 A. Any physician or health care provider providing medical  
18 services at a secondary school athletic event in this state who  
19 renders or attempts to render emergency care to an injured  
20 participant who is in need of immediate medical aid shall not be  
21 liable for damages as a result of any acts or omissions except for  
22 committing gross negligence or willful or wanton negligence in  
23 rendering the emergency care.

24 B. As used in this section:

1        1. "Health care provider" means any person or other entity who  
2 is licensed, certified or otherwise authorized by the provisions of  
3 Title 59 or Title 63 of the Oklahoma Statutes to render health care  
4 services in the practice of a profession or in the ordinary course  
5 of business;

6        2. "Health care services" means any services provided by a  
7 health care provider, or by an individual working for or under the  
8 supervision of a health care provider, that relate to the diagnosis,  
9 assessment, prevention, treatment or care of any human illness,  
10 disease, injury or condition; and

11        3. "Physician" means any person who is a physician licensed,  
12 certified or otherwise authorized to render health care services in  
13 this state.

14        C. This section shall apply to all civil actions filed on or  
15 after January 1, 2010.

16        SECTION 2. This act shall become effective January 1, 2010.

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18        52-1-6911        CJB        02/17/09

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