

1 ENGROSSED HOUSE
2 BILL NO. 1658

By: Dorman and Kern of the
House

3 and

4 Barrington of the Senate
5
6

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

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 32.1 of Title 76, unless there
14 is created a duplication in numbering, reads as follows:

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

22 B. As used in this section:

23 1. "Health care provider" means any person or other entity who
24 is licensed, certified or otherwise authorized by the provisions of

1 Title 59 or Title 63 of the Oklahoma Statutes to render health care
2 services in the practice of a profession or in the ordinary course
3 of business;

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

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

12 C. This section shall apply to all civil actions filed on or
13 after January 1, 2011.

14 SECTION 2. This act shall become effective January 1, 2011.

15 Passed the House of Representatives the 3rd day of March, 2010.

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19 Presiding Officer of the House of
Representatives

20 Passed the Senate the ____ day of _____, 2010.

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24 Presiding Officer of the Senate