

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3367

By: Jett

4
5
6 AS INTRODUCED

7 An Act relating to torts; creating the Quality of
8 Life Act; prohibiting patient from bringing suit
9 against physician if patient declined procedure;
defining terms; providing for codification; and
providing an effective date.

10
11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 49 of Title 76, unless there is
15 created a duplication in numbering, reads as follows:

16 A. This section may be cited and shall be known as the "Quality
17 of Life Act".

18 B. If a physician advises a patient that performing certain
19 tests or procedures would be frivolous, wasteful, or harmful to the
20 patient's quality of life, the patient may choose to decline to have
21 the tests or procedures be performed. If the patient declines the
22 tests, the patient or patient's family members or personal
23 representative shall not later bring a lawsuit against the physician

1 for failure to perform any tests or procedures that the patient
2 declined to have performed.

3 C. As used in this section:

4 1. "Physician" means a person holding a valid license to
5 practice medicine and surgery, osteopathic medicine, podiatric
6 medicine, dentistry, chiropractic, or optometry, pursuant to the
7 state licensing provisions of Title 59 of the Oklahoma Statutes; and

8 2. "Personal representative" means any executor, administrator,
9 conservator, guardian, or other person including any successor who
10 performs substantially the same function under the laws governing
11 probate procedure in Title 58 of the Oklahoma Statutes.

12 SECTION 2. This act shall become effective November 1, 2010.

13

14 52-2-9257 EK 01/12/10

15

16

17

18

19

20

21

22

23

24