

1 **SENATE FLOOR VERSION**

2 February 28, 2012

3 SENATE BILL NO. 1695

By: Sykes of the Senate

4 and

5 Johnson of the House

6
7
8 An Act relating to health care; creating the
9 Nondiscrimination in Treatment Act; providing short
10 title; defining terms; prohibiting the denial of
11 life-preserving health care services in certain
12 circumstances; permitting a cause of action for
13 injunctive relief in certain circumstances; providing
14 for codification; and providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3090.1 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the
20 "Nondiscrimination in Treatment Act".

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3090.2 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

24 As used in the Nondiscrimination in Treatment Act:

1 1. "Health care provider" means a person who is licensed,
2 certified, or otherwise authorized by the laws of this state to
3 administer health care in the ordinary course of business or
4 practice of a profession;

5 2. "Health care service" means any phase of patient medical
6 care, treatment or procedure, including, but not limited to,
7 therapy, testing, diagnosis or prognosis, prescribing, dispensing or
8 administering any device, drug, or medication, surgery, or any other
9 care or treatment rendered by health care providers; and

10 3. "Life preserving health care service" means a health care
11 service the denial of which, in reasonable medical judgment, will
12 result in or hasten the death of the patient.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3090.3 of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 A health care provider shall not deny to a patient a life-
17 preserving health care service the provider provides to other
18 patients, the provision of which is directed by the patient or a
19 person authorized to make health care decisions for the patient:

20 1. On the basis of a view that treats extending the life of an
21 elderly, disabled, or terminally ill individual as of lower value
22 than extending the life of an individual who is younger,
23 nondisabled, or not terminally ill; or

24

1 2. On the basis of disagreement with how the patient or person
2 authorized to make health care decisions for the patient values the
3 tradeoff between extending the length of the patient's life and the
4 risk of disability.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 3090.4 of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A cause of action for injunctive relief may be maintained
9 against any health care provider who is reasonably believed to be
10 about to violate, who is in the course of violating, or who has
11 violated the Nondiscrimination in Treatment Act by an affected
12 patient or a person authorized to make health care decisions for the
13 patient.

14 SECTION 5. This act shall become effective November 1, 2012.

15 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
16 2-27-12 - DO PASS, As Coauthored.

17
18
19
20
21
22
23
24