

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2617

By: Johnson

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6 AS INTRODUCED

7 An Act relating to public health and safety; creating
8 the Nondiscrimination in Treatment Act; defining
9 terms; providing for nondiscrimination in the
10 provision of life-preserving health care services;
11 providing for injunctive relief; 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 3090.1 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

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

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

22 As used in the Nondiscrimination in Treatment Act:

23 1. "Health care provider" means a person who is licensed,
24 certified, or otherwise authorized by the laws of this state to

1 administer health care in the ordinary course of business or
2 practice of a profession;

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

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

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

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

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

22 2. On the basis of disagreement with how the patient or person
23 authorized to make health care decisions for the patient values the
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1 trade-off between extending the length of the patient's life and the
2 risk of disability.

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

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

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

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