STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE BILL 1695 By: Sykes

AS INTRODUCED

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

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

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

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

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

As used in the Nondiscrimination in Treatment Act:

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

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

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

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

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

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

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

2. On the basis of disagreement with how the patient or person authorized to make health care decisions for the patient values the

tradeoff between extending the length of the patient's life and the risk of disability.

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

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

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

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