

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1702 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Doug Cox _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 PROPOSED
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1702

By: Newberry of the Senate

and

Hamilton of the House

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10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to public health; creating the
12 Medical Treatment Laws Information Act; defining
13 certain terms; requiring State Department of Health
14 to prepare certain brochure; specifying contents of
15 brochure; requiring Department to prepare certain
16 online training presentation; requiring Department to
17 create a verification process and to provide certain
18 certification; requiring Department to make certain
19 brochure and online presentation available on certain
20 website and to inform certain entities of certain
21 information; requiring certain entities to provide
22 copy of brochure to certain individuals and requiring
23 that such individuals sign certain certificate;
24 requiring annual training; requiring certain
providers to observe certain online presentation;
providing that such observation shall be counted as
continuing education; requiring provision of certain
certification; requiring maintenance of certain
copies on file for certain time period; providing
that such copies shall be subject to inspection;
requiring Department to prepare certain disclosure
statement; requiring certain entities to provide
disclosure statement to patients; providing certain
date in which brochure and disclosure statement are
to be prepared; providing for codification; providing
for noncodification; and providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 3160 of Title 63, unless there
4 is created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Medical
6 Treatment Laws Information Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3161 of Title 63, unless there
9 is created a duplication in numbering, reads as follows:

10 As used in the Medical Treatment Laws Information Act:

11 1. "Associated with the inpatient health care services entity"
12 means, with regard to a particular inpatient health care services
13 entity, that the health care provider is an employee or agent of the
14 entity, that the health care provider has privileges to provide
15 health care services to patients in the entity, or that the health
16 care provider in fact provides health care services to patients in
17 the entity. For purposes of this definition, provision of health
18 care services to patients in the entity shall be deemed to include
19 provision of health care services to patients in an emergency room
20 operated by the entity, regardless of whether those patients are
21 admitted as inpatients;

22 2. "Health care provider" means a person who is licensed,
23 certified, or otherwise authorized by the laws of this state as a
24 physician, physician assistant, certified nurse practitioner,

1 advanced practice registered nurse (including one with a certified
2 specialty), registered nurse or licensed practical nurse, but does
3 not include a nurse midwife;

4 3. "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;

9 4. "Inpatient health care services entities" means those
10 hospitals defined in paragraphs 2, 3 and 5 of Section 1-701 of Title
11 63 of the Oklahoma Statutes, a nursing facility as defined in
12 paragraph 10 of Section 1-1902 of Title 63 of the Oklahoma Statutes,
13 a specialized facility as defined in paragraph 11 of Section 1-1902
14 of Title 63 of the Oklahoma Statutes, and those long-term care
15 facilities described in subparagraphs e and f of paragraph 1 of
16 Section 1-1945 of Title 63 of the Oklahoma Statutes; and

17 5. "Other defined officials" means, with regard to a particular
18 health care services entity, to the extent such officials exist, the
19 members of the board of directors, the administrator or chief
20 executive officer, and the general counsel, by whatever titles those
21 serving these functions may be called.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3162 of Title 63, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The State Department of Health shall prepare, and from time
2 to time amend, a brochure to inform health care providers of their
3 responsibilities and rights under the specified sections of the
4 Hydration and Nutrition for Incompetent Patients Act, Sections
5 3080.2 through 3080.5 of Title 63 of the Oklahoma Statutes, the
6 Nondiscrimination in Treatment Act, Sections 3090.2 through 3090.3
7 of Title 63 of the Oklahoma Statutes, the Oklahoma Advance Directive
8 Act, Section 3101.9 of Title 63 of the Oklahoma Statutes, the
9 Oklahoma Do-Not-Resuscitate Act, 3131.4 of Title 63 of the Oklahoma
10 Statutes and the Assisted Suicide Prevention Act, Sections 3141.3
11 through 3141.4 of Title 63 of the Oklahoma Statutes. The brochure
12 shall include contact information for officials to whom alleged
13 violations of those provisions may be reported. The Department
14 shall prepare, from time to time revise, and make available on the
15 Department's website an online presentation which shall be a minimum
16 of one hour in length, consisting of training on the
17 responsibilities and rights of health care providers covered by the
18 current brochure. The Department shall provide for means to verify
19 that a viewer indeed observed the full online presentation, such as
20 a quiz on its content to be answered at the end of the presentation
21 or other methods commonly employed in association with continuing
22 medical education. The Department shall provide to each viewer who
23 complies with such verification a dated certification that the
24 viewer completed the online training. The Department shall make the

1 current brochure and online presentation available on the
2 Department's website and shall inform all Oklahoma inpatient health
3 care services entities of their availability and how to access them
4 online on the Department's website.

5 B. Inpatient health care services entities shall ensure that
6 all health care providers and other defined officials associated
7 with the inpatient health care services entity are provided with a
8 copy of the current brochure and sign a certification that they have
9 read the brochure and are familiar with their responsibilities and
10 rights as set forth therein:

11 1. Within fourteen (14) days of beginning employment with, of
12 beginning service on the board of directors of or of beginning to
13 provide services to patients at the entity; and

14 2. At least once during each calendar year.

15 C. At least once during each consecutive two-calendar-year
16 period all health care providers and other defined officials
17 associated with an inpatient health care services entity shall
18 observe the online presentation described in subsection A of this
19 section. The time required for observation of this presentation
20 shall count as part of, rather than being in addition to, continuing
21 education otherwise required for licensed health care providers.
22 Inpatient health care services entities shall ensure that all health
23 care providers and other defined officials associated with the
24 inpatient health care services entity provide the entity with a copy

1 of each dated certification by the Department verifying that the
2 provider or official observed the online presentation described in
3 subsection A of this section in compliance with this requirement,
4 and shall maintain such copies on file for a minimum of four (4)
5 calendar years following the calendar year to which they apply. The
6 files of such copies shall be subject to inspection under Sections
7 1-705(B), 1-829, and 1-1911 of Title 63 of the Oklahoma Statutes.

8 D. The provisions of subsection B of this section shall be
9 effective at the beginning of the second calendar month after the
10 month in which the Department publishes the initial brochure
11 required by this section on its website. The provisions of
12 subsection C of this section shall be effective beginning with
13 calendar year 2015.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3163 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The State Department of Health shall prepare, and from time
18 to time amend, a disclosure statement designed to inform patients
19 and patients' families of their rights under the specified sections
20 of the Hydration and Nutrition for Incompetent Patients Act,
21 Sections 3080.2 through 3080.5 of Title 63 of the Oklahoma Statutes,
22 the Nondiscrimination in Treatment Act, Sections 3090.2 through
23 3090.3 of Title 63 of the Oklahoma Statutes, the Oklahoma Advance
24 Directive Act, Section 3101.9 of Title 63 of the Oklahoma Statutes

1 and the Oklahoma Do-Not-Resuscitate Act, Section 3131.4 of Title 63
2 of the Oklahoma Statutes. The disclosure statement shall include
3 contact information for officials to whom alleged violations of
4 those provisions may be reported. The Department shall make the
5 current disclosure statement available on the Department's website
6 and shall inform the entities specified in subsection B of this
7 section of the availability of the disclosure statement and how to
8 obtain the disclosure statement.

9 B. Any entity to which the requirements of the federal Patient
10 Self-Determination Act under 42 U.S.C., Section 1395cc(f) or 42
11 U.S.C., Section 1396a(w) apply shall, at the time of providing the
12 written information required by 42 U.S.C., Section
13 1395cc(f) (1) (A) (i) or 42 U.S.C., Section 1396a(w) (1) (A) (i), include
14 a copy of the disclosure statement described in subsection A of this
15 section.

16 C. The provisions of subsection B of this section shall be
17 effective thirty (30) days after the date on which the Department
18 publishes the initial disclosure statement required by this section.

19 SECTION 5. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 The State Department of Health shall prepare the initial
22 brochure and initial online presentation required by Section 3 of
23 this act and the initial disclosure statement required by Section 4
24 of this act within sixty (60) days of the act's effective date. The

1 Department shall publish the initial disclosure statement, making it
2 available on the Department's website and making copies of it
3 available to the entities specified in subsection B of section 4 of
4 this act, within sixty (60) days of the act's effective date.

5 SECTION 6. This act shall become effective November 1, 2014.

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