

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1403

By: Johnson and Ritze of the
House

and

Sykes of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to public health and safety; creating
12 the Nondiscrimination in Treatment Act; defining
13 terms; providing for nondiscrimination in the
14 provision of life-preserving health care services;
15 providing for injunctive relief; providing for
16 codification; and providing an effective date.

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

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

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

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

4 As used in the Nondiscrimination in Treatment Act:

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

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

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

17 4. "Person legally authorized to make health care decisions"
18 means, in the case of an adult patient, or of a minor patient who
19 may consent to have services provided by health professionals under
20 Section 2602 of Title 63 of the Oklahoma Statutes, the person or
21 persons designated to make health care decisions:

22 a. a general guardian of the person appointed pursuant to
23 subsection A of Section 3-112 of Title 30 of the
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1 Oklahoma Statutes, or a limited guardian of the person
2 appointed pursuant to subsection B of Section 3-112 of
3 Title 30 of the Oklahoma Statutes with authority to
4 make personal medical decisions as determined under
5 paragraph 5 of subsection B of Section 3-113 of Title
6 30 of the Oklahoma Statutes,

7 b. a health care proxy (or alternate health care proxy)
8 authorized to act pursuant to the Oklahoma Advance
9 Directive Act, Sections 3101.1 through 3101.16 of
10 Title 63 of the Oklahoma Statutes, as defined in
11 paragraph 6 of Section 3101.3 of Title 63 of the
12 Oklahoma Statutes,

13 c. an attorney-in-fact authorized to act pursuant to the
14 Uniform Durable Power of Attorney Act, Sections 1071
15 through 1077 of Title 58 of the Oklahoma Statutes with
16 authority to act regarding the patient's health and
17 medical care decisions, subject to the limitations
18 under paragraph 1 of subsection B of Section 1072.1 of
19 Title 58 of the Oklahoma Statutes, or

20 d. another person with such authority under common law.

21 In the case of any other minor, it means the minor's custodial
22 parent or guardian.
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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3090.3 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

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

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

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

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

20 A cause of action for injunctive relief may be maintained
21 against any health care provider who is reasonably believed to be
22 about to violate, who is in the course of violating, or who has
23 violated the Nondiscrimination in Treatment Act by an affected
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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 patient or a person legally authorized to make health care decisions
2 for the patient.

3 SECTION 5. This act shall become effective November 1, 2013.
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5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/25/2013 -
6 DO PASS, As Amended and Coauthored.
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