

1 **SENATE FLOOR VERSION**

2 February 25, 2013

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 915

By: Sykes of the Senate

and

Johnson of the House

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8  
9 An Act relating to public health and safety; creating  
10 the Nondiscrimination in Treatment Act; defining  
11 terms; providing for nondiscrimination in the  
12 provision of life-preserving health care services;  
13 providing for injunctive relief; providing for  
14 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;

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; and

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

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

3 b. a health care proxy, or alternate health care proxy,  
4 authorized to act pursuant to the Oklahoma Advance  
5 Directive Act, Sections 3101.1 through 3101.16 of  
6 Title 63 of the Oklahoma Statutes, as defined in  
7 paragraph 6 of Section 3101.3 of Title 63 of the  
8 Oklahoma Statutes,

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

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

17 In the case of any other minor, it means the minor's custodial  
18 parent or guardian.

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

22 A health care provider shall not deny to a patient a life-  
23 preserving health care service the provider provides to other  
24 patients, and the provision of which is directed by the patient or a

1 person legally authorized to make health care decisions for the  
2 patient:

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

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

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

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

20 SECTION 5. This act shall become effective November 1, 2013.

21 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
22 February 25, 2013 - DO PASS AS AMENDED

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