

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1590

By: Hamilton

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5  
6 AS INTRODUCED

7 An Act relating to torts; requiring physician who  
8 compensates patient to undergo unnecessary medical  
9 procedure to provide certain care if complications  
10 arise; setting time limit on providing care; defining  
11 term; providing for cause of action; prohibiting  
12 limitation of damages; setting time limit on when  
13 suit can be filed; requiring revocation of medical  
14 license if certain patient dies; providing for  
15 codification; and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 41 of Title 76, unless there is  
19 created a duplication in numbering, reads as follows:

20 A. Any physician who compensates a patient to undergo an  
21 unnecessary medical procedure shall provide the patient with  
22 coverage for treatment and care of any complications that arise as a  
23 result of the unnecessary medical procedure up to ten (10) years  
24 after the unnecessary medical procedure is performed. As used in  
this section, "unnecessary medical procedure" means a medical  
procedure which is not necessary to the health of the patient.

1 B. If a patient is compensated to undergo an unnecessary  
2 medical procedure which results in the loss or diminishment of any  
3 of the patient's bodily functions, the patient shall have grounds to  
4 file a personal injury cause of action and damages in the suit shall  
5 not be subject to any financial limitations. The patient shall file  
6 the suit no later than ten (10) years after the date of the  
7 unnecessary medical procedure.

8 C. If a patient is compensated to undergo an unnecessary  
9 medical procedure and dies as a result of the procedure, the medical  
10 license of the physician who performed the procedure shall be  
11 permanently revoked.

12 SECTION 2. This act shall become effective November 1, 2013.

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14 54-1-6125 EK 01/06/13

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