

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2603

By: Hamilton

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6 AS INTRODUCED

7 An Act relating to public health and safety; creating
8 the Medical Treatment Laws Information Act; defining
9 certain terms; requiring Board of Medical Licensure
10 and Supervision to prepare certain brochure;
11 requiring certain entities to provide copy of
12 brochure to certain individuals and requiring that
13 such individuals sign certain certificate; requiring
14 certain annual training; requiring State Department
15 of Health to prepare certain disclosure statement;
16 requiring certain entities to provide disclosure
17 statement to patients; providing certain date in
18 which brochure and disclosure statement are to be
19 prepared; providing for codification; and providing
20 an effective date.

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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 3160 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 "Medical
Treatment Laws Information Act".

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

1 As used in the Medical Treatment Laws Information Act:

2 1. "Associated with the inpatient health care services entity"

3 means, with regard to a particular inpatient health care services
4 entity, that the health care provider is an employee or agent of the
5 entity, that the health care provider has privileges to provide
6 health care services to patients in the entity, or that the health
7 care provider in fact provides health care services to patients in
8 the entity. For purposes of this definition, provision of health
9 care services to patients in the entity shall be deemed to include
10 provision of health care services to patients in an emergency room
11 operated by the entity, regardless of whether those patients are
12 admitted as inpatients;

13 2. "Health care provider" means a person who is licensed,

14 certified, or otherwise authorized by the laws of this state as a
15 physician, physician assistant, certified nurse practitioner,
16 advanced practice registered nurse (including one with a certified
17 specialty), registered nurse, or licensed practical nurse, but does
18 not include a nurse midwife;

19 3. "Health care services" means any services provided by a

20 health care provider, or by an individual working for or under the
21 supervision of a health care provider, that relate to the diagnosis,
22 assessment, prevention, treatment or care of any human illness,
23 disease, injury or condition;

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

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

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

17 A. The Board of Medical Licensure and Supervision shall
18 prepare, and from time to time amend, a brochure to inform health
19 care providers of their responsibilities and rights under the
20 specified sections of the Hydration and Nutrition for Incompetent
21 Patients Act (Sections 3080.2 through 3080.5 of Title 63 of the
22 Oklahoma Statutes), the Nondiscrimination in Treatment Act (Sections
23 3090.2 and 3090.3 of Title 63 of the Oklahoma Statutes), the
24 Oklahoma Advance Directive Act (Section 3101.9 of Title 63 of the

1 Oklahoma Statutes), the Oklahoma Do-Not-Resuscitate Act (Section
2 3131.4 of Title 63 of the Oklahoma Statutes), and the Assisted
3 Suicide Prevention Act (Sections 3141.3 and 3141.4 of Title 63 of
4 the Oklahoma Statutes). The brochure shall include contact
5 information for officials to whom alleged violations of those
6 provisions may be reported. The Board shall make the current
7 brochure available on the Board's website and shall inform all
8 Oklahoma inpatient health care services entities of the availability
9 of the current brochure and how to obtain it.

10 B. Inpatient health care services entities shall ensure that
11 all health care providers and other defined officials associated
12 with the inpatient health care services entity are provided with a
13 copy of the current brochure and sign a certification that they have
14 read the brochure and are familiar with their responsibilities and
15 rights as set forth in it:

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

19 2. At least once during each calendar year.

20 C. Inpatient health care services entities shall ensure that
21 all health care providers and other defined officials associated
22 with the inpatient health care services entity are annually provided
23 a minimum of one hour in-service training on the responsibilities
24 and rights of health care providers covered by the current brochure.

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

4 A. The State Department of Health shall prepare, and from time
5 to time amend, a disclosure statement designed to inform patients of
6 their rights under the specified sections of the Hydration and
7 Nutrition for Incompetent Patients Act (Sections 3080.2 through
8 3080.5 of Title 63 of the Oklahoma Statutes), the Nondiscrimination
9 in Treatment Act (Sections 3090.2 and 3090.3 of Title 63 of the
10 Oklahoma Statutes), the Oklahoma Advance Directive Act (Section
11 3101.9 of Title 63 of the Oklahoma Statutes), and the Oklahoma Do-
12 Not-Resuscitate Act (Section 3131.4 of Title 63 of the Oklahoma
13 Statutes). The disclosure statement shall include contact
14 information for officials to whom alleged violations of those
15 provisions may be reported. The Department shall make the current
16 disclosure statement available on the Department's website and shall
17 inform the entities specified in subsection B of this section of the
18 availability of the disclosure statement and how to obtain the
19 disclosure statement.

20 B. Any entity to which the requirements of the federal Patient
21 Self-Determination Act under 42 U.S.C., Section 1395cc(f) or of 42
22 U.S.C., Section 1396a(w) apply shall, at the time of providing the
23 written information required by 42 U.S.C., Section
24 1395cc(f) (1) (A) (i) or 42 U.S.C., Section 1396a(w) (1) (A) (i), include

1 a copy of the disclosure statement described in subsection A of this
2 section.

3 SECTION 5. The Board of Medical Licensure and Supervision shall
4 prepare the initial brochure required by Section 3 of this act
5 within thirty (30) days of the act's effective date. The State
6 Department of Health shall prepare the initial disclosure statement
7 required by Section 4 of this act within thirty (30) days of the
8 act's effective date.

9 SECTION 6. This act shall become effective November 1, 2014,
10 except that subsections B and C of Section 3 of this act shall take
11 effect thirty (30) days after the date on which the Board of Medical
12 Licensure and Supervision publishes the initial brochure required by
13 Section 3 of this act on its website, and subsection B of Section 4
14 of this act shall take effect thirty (30) days after the date on
15 which the State Department of Health publishes the initial
16 disclosure statement required by Section 4 of this act on its
17 website.

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