

1 ENGROSSED SENATE  
2 BILL NO. 1403

By: Sykes of the Senate

3 and

4 Calvey of the House

5  
6 An Act relating to healthcare; creating the Physician  
7 Orders for Life-Sustaining Treatment Act; providing  
8 short title; providing definitions; directing State  
9 Board of Medical Licensure and Supervision to  
10 establish format for certain form; requiring certain  
11 orders to conform to certain requirements; requiring  
12 certain information to be provided to patient or  
13 patient representative; requiring physicians to  
14 discuss certain treatments under certain  
15 circumstances; prohibiting validity of certain forms  
16 under certain circumstances; prescribing contents,  
17 phrasing, and format of certain form; providing  
18 immunity from certain liability; providing liability  
19 for certain persons; permitting court enjoinder  
20 under certain circumstances; requiring certain orders  
21 under certain circumstances; amending 58 O.S. 2011,  
22 Section 1072.1, which relates to durable powers of  
23 attorney; providing certain exception; clarifying  
24 language; directing State Board of Medical Licensure  
and Supervision to establish and publish certain  
format; directing State Board of Medical Licensure  
and Supervision to develop certain presentation;  
providing certain means of verification; requiring  
certain presentations be posted online; specifying  
contents of presentation; requiring certain entities  
to verify certain compliance; specifying guidelines  
for compliance; providing effective dates for certain  
provisions; providing for noncodification; providing  
for codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3105.1 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Physician  
5 Orders for Life-Sustaining Treatment Act".

6 SECTION 2. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 3105.2 of Title 63, unless there  
8 is created a duplication in numbering, reads as follows:

9 As used in the Physician Orders for Life-Sustaining Treatment  
10 Act:

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

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

24

1           3. "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           4. "Health care proxy" means a health care proxy (or alternate  
6 health care proxy) authorized to act pursuant to the Oklahoma  
7 Advance Directive Act, Sections 3101.1 through 3101.16 of Title 63  
8 of the Oklahoma Statutes, as defined in paragraph 6 of Section  
9 3101.3 of Title 63 of the Oklahoma Statutes; and

10          5. "Other legally authorized person" means a person, other than  
11 a minor's custodial parent or guardian, the patient, or the  
12 patient's attorney-in-fact, guardian or health care proxy, who has  
13 authority to make health care decisions for the patient under common  
14 law.

15          SECTION 3.        NEW LAW        A new section of law to be codified  
16 in the Oklahoma Statutes as Section 3105.3 of Title 63, unless there  
17 is created a duplication in numbering, reads as follows:

18          A. The State Board of Medical Licensure and Supervision shall  
19 establish the standardized format for a form in accordance with the  
20 provisions of Section 4 of this act, adhering to the directions,  
21 sequence and wording in those provisions.

22          B. An Oklahoma physician orders for life-sustaining treatment  
23 shall be executed, implemented, reviewed, and revoked in accordance  
24 with the instructions on the form required by this section. Subject

1 to subsection C of Section 8 of this act, before reviewing and  
2 preparing any Oklahoma physician orders for life-sustaining  
3 treatment in consultation with a patient or the patient's legally  
4 authorized representative, the attending physician or health care  
5 professional preparing the form shall have viewed the online  
6 presentation described by Section 8 of this act at least once during  
7 either the calendar month in which the order is executed or during  
8 the immediately preceding twenty-three (23) months. At the  
9 beginning of reviewing and preparing it in consultation with the  
10 patient or the patient's legally authorized representative, the  
11 attending physician or the health care professional preparing the  
12 form or an agent of either shall give that person a copy of the  
13 disclosure statement described in subsection A of Section 8 of this  
14 act. When a patient with a valid POLST experiences a change in  
15 medical condition that creates a situation in which, in reasonable  
16 medical judgment, withholding specific health care rejected by the  
17 POLST will cause or hasten the patient's death, if the patient is  
18 then capable of making decisions affecting health care the attending  
19 physician shall discuss the situation and treatment with the patient  
20 and determine whether, on the basis of information sufficient for  
21 informed consent, the patient still wishes the direction in the  
22 POLST to control or instead wishes to receive the treatment.

23 C. A physician orders for life-sustaining treatment (POLST),  
24 physician orders for scope of treatment (POST), medical orders for

1 life-sustaining treatment (MOLST), medical orders for scope of  
2 treatment (MOST), transportable physician orders for patient  
3 preferences (TPOPP), or similar document that does not comply with  
4 the standardized format for an Oklahoma physician orders for life-  
5 sustaining treatment established by regulations promulgated in  
6 accordance with this section:

7       a. that was executed in this state prior to the effective  
8       date of the standardized format established in  
9       accordance with this section shall have no validity  
10      after forty-five (45) days following that effective  
11      date or after ten (10) days following the admission of  
12      the patient to an Oklahoma medical care facility,  
13      whichever is later; provided, that a standardized  
14      format Oklahoma physician orders for life-sustaining  
15      treatment executed subsequent to such document's  
16      execution shall immediately supersede it, or

17      b. that was executed outside this state in compliance  
18      with the laws of the jurisdiction of execution shall  
19      have no validity after ten (10) days following the  
20      admission of the patient to an Oklahoma medical care  
21      facility; provided, that a standardized format  
22      Oklahoma physician orders for life-sustaining  
23      treatment executed subsequent to such document's  
24      execution shall immediately supersede it.

1           SECTION 4.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3105.4 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4           1. At the top of the first page of the standardized format  
5 Oklahoma physician orders for life-sustaining treatment the  
6 following wording in all capitals shall appear against a contrasting  
7 color background: "FORM SHALL ACCOMPANY PERSON WHEN TRANSFERRED OR  
8 DISCHARGED"; at the bottom of the first page the following wording  
9 in all capitals shall appear against a contrasting color background:  
10 "HIPAA PERMITS DISCLOSURE TO HEALTH CARE PROFESSIONALS AND PROXY  
11 DECISION MAKERS AS NECESSARY FOR TREATMENT".

12           2. There shall be an introductory section, the left block of  
13 which shall contain the name "Oklahoma Physician Orders for Life-  
14 Sustaining Treatment (POLST)" followed by the words, "This Physician  
15 Order set is based on the patient's current medical condition and  
16 wishes and is to be reviewed for potential replacement in the case  
17 of a substantial change in either, as well as in other cases listed  
18 under F. Any section not completed indicates full treatment for  
19 that section. Photocopy or fax copy of this form is legal and  
20 valid." and the right block of which shall contain lines for the  
21 patient's name, the patient's date of birth, and the effective date  
22 of the form followed by the statement "Form must be reviewed at  
23 least annually."

24

1           3. In Section A of the form, the left block shall contain, in  
2 bold font, "A. Check One", and the right block shall be headed in  
3 bold font, "Cardiopulmonary Resuscitation (CPR): Person has no  
4 pulse and is not breathing." below which there shall be a checkbox  
5 followed by "Attempt Resuscitation (CPR)", then a checkbox followed  
6 by "Do Not Attempt Resuscitation (DNR/ no CPR)", and below which  
7 shall be the words, "When not in cardiopulmonary arrest, follow  
8 orders in B, C and D below."

9           4. In Section B of the form, the left block shall contain, in  
10 bold, "B. Check One", and the right block shall be headed in bold  
11 "Medical Interventions: Person has pulse and/or is breathing."  
12 Below this there shall be a checkbox followed by, in bold, "Full  
13 Treatment" followed by, "Includes the use of intubation, advanced  
14 airway interventions, mechanical ventilation, defibrillation or  
15 cardio version as indicated, medical treatment, intravenous fluids,  
16 and cardiac monitor as indicated. Transfer to hospital if  
17 indicated. Include intensive care. Includes treatment listed under  
18 "Limited Interventions" and "Comfort Measures", followed by, in  
19 bold, "Treatment Goal: Attempt to preserve life by all medically  
20 effective means."

21           Below this there shall be a checkbox followed by, in bold,  
22 "Limited Interventions" followed by, "Includes the use of medical  
23 treatment, oral and intravenous medications, intravenous fluids,  
24 cardiac monitoring as indicated, noninvasive bi-level positive

1 airway pressure, a bag valve mask, or other advanced airway  
2 interventions. Includes treatment listed under "Comfort Measures",  
3 followed by "Do not use intubation or mechanical ventilation.  
4 Transfer to hospital if indicated. Avoid intensive care." followed  
5 by, in bold, "Treatment Goal: Attempt to preserve life by basic  
6 medical treatments."

7 Below this there shall be a checkbox followed by, in bold,  
8 "Comfort Measures only" followed by, "Includes keeping the patient  
9 clean, warm, and dry; use of medication by any route; positioning,  
10 wound care, and other measures to relieve pain and suffering. Use  
11 oxygen, suction, and manual treatment of airway obstruction as  
12 needed for comfort. Transfer from current location to intermediate  
13 facility only if needed and adequate to meet comfort needs and to  
14 hospital only if comfort needs cannot otherwise be met in the  
15 patient's current location (e.g., hip fracture; if intravenous route  
16 of comfort measures is required)."

17 Below this there shall be, in italics, "Additional Orders:"  
18 followed by an underlined space for other instructions.

19 5. In Section C of the form, the left block shall contain, in  
20 bold, "C. Check One", and the right block shall be headed in bold  
21 "Antibiotics".

22 Below this there shall be a checkbox followed by, in bold, "Use  
23 Antibiotics to preserve life."  
24

1 Below this there shall be a checkbox followed by, in bold,  
2 "Trial period of antibiotics if and when infection occurs." After  
3 this there shall be, in italics, "\*Include goals below in E."

4 Below this there shall be a checkbox followed by, in bold,  
5 "Initially, use antibiotics only to relieve pain and discomfort."  
6 After this there shall be, in italics, "+Contact patient or  
7 patient's representative for further direction."

8 Below this there shall be, in italics, "Additional Orders:"  
9 followed by an underlined space for other instructions.

10 6. In Section D of the form, the left block shall contain, in  
11 bold, "D. Check One in Each Column", and the right block shall be  
12 headed in bold "Assisted Nutrition and Hydration", below which shall  
13 be "Administer oral fluids and nutrition, if necessary by spoon  
14 feeding, if physically possible." Below these the right block shall  
15 be divided into three columns.

16 The leftmost column shall be headed, "TPN (Total Parenteral  
17 Nutrition-provision of nutrition into blood vessels)." Below this  
18 there shall be a checkbox followed by, in bold, "TPN long-term"  
19 followed by "if needed". Below this there shall be a checkbox  
20 followed by, in bold, "TPN for a trial period\*". Below this there  
21 shall be a checkbox followed by, in bold, "Initially, no TPN+".

22 The middle column shall be headed "Tube Feeding". Below this  
23 there shall be a checkbox followed by, in bold, "Long-term feeding  
24 tube" followed by "if needed". Below this there shall be a checkbox

1 followed by, in bold, "Feeding tube for a trial period\*". Below  
2 this there shall be a checkbox followed by, in bold, "Initially, no  
3 feeding tube".

4 The rightmost column shall be headed, "Intravenous (IV) Fluids  
5 for Hydration". Below this there shall be a checkbox followed by,  
6 in bold, "Long-term IV fluids" followed by "if needed". Below this  
7 there shall be a checkbox followed by, in bold, "IV fluids for a  
8 trial period\*". Below this there shall be a checkbox followed by,  
9 in bold, "Initially, no IV fluids+".

10 Running below all the columns there shall be, in italics,  
11 "Additional Orders:" followed by an underlined space for other  
12 instructions, followed by, in italics, "\*Include goals below in E.  
13 +Contact patient or patient's representative for further direction."

14 7. In Section E of the form, the left block shall contain, in  
15 bold, "E. Check all that apply" and the right block shall be  
16 headed, in bold, "Patient Preferences as a Basis for this POLST  
17 Form" shall include the following:

18 a. below the heading there shall be a box including the  
19 words, in bold, "Patient Goals/Medical Condition:"  
20 followed by an adequate space for such information,

21 b. below this there shall be a checkbox followed by, "The  
22 patient has an advance directive for health care in  
23 accordance with Sections 3101.4 or 3101.14 of Title 63  
24 of the Oklahoma Statutes." Below that there shall be

1 a checkbox followed by, "The patient has a durable  
2 power of attorney for health care decisions in  
3 accordance with paragraph 1 of subsection B of Section  
4 1072.1 of Title 58 of the Oklahoma Statutes." Below  
5 that shall be the indented words "Date of execution"  
6 followed by an underlined space. Below that shall be  
7 the words, "If POLST not being executed by patient: We  
8 certify that this POLST is in accordance with the  
9 patient's advance directive." Below this there shall  
10 be an underlined space underneath which shall be  
11 positioned the words "Name and Position (print)  
12 Signature" and "Signature of Physician",

13 c. below these shall be the words, "Directions given by:"  
14 and below that a checkbox followed by "Patient", a  
15 checkbox followed by "Minor's custodial parent or  
16 guardian", a checkbox followed by "Attorney-in-fact",  
17 a checkbox followed by "Health care proxy", and a  
18 checkbox followed by "Other legally authorized  
19 person:" followed by an underlined space. Beneath or  
20 beside the checkbox and "Other legally authorized  
21 person:" and the underlined space shall be the words  
22 "Basis of Authority:" followed by an underlined space,  
23 and  
24

1           d.    below these shall be a four-column table with four  
2                    rows.  In the top row the first column shall be blank;  
3                    the second column shall have the words, "Printed  
4                    Name"; the third column shall have the word,  
5                    "Signature", and the fourth column shall have the  
6                    word, "Date".  In the remaining rows the second  
7                    through fourth columns shall be blank.  In the first  
8                    column of these rows, in the second row shall be the  
9                    words "Attending physician"; in the third row shall be  
10                   the words "Patient or other individual checked above  
11                   (patient's representative)"; and in the fourth row  
12                   shall be the words, "Health care professional  
13                   preparing form (besides doctor)."

14           8.  Section F of the form, which shall have the heading, in  
15   bold, "Information for Patient or Representative of Patient Named on  
16   this Form", shall include the following language, appearing in bold  
17   on the form:

18           "The POLST form is always voluntary and is usually for persons  
19   with advanced illness.  Before providing information for or signing  
20   it, carefully read "Information for Patients and Their Families -  
21   Your Medical Treatment Rights Under Oklahoma Law", which the health  
22   care provider must give you.  It is especially important to read the  
23   sections on CPR and food and fluids, which have summaries of  
24   Oklahoma laws that may control the directions you may give.  POLST

1 records your wishes for medical treatment in your current state of  
2 health. Once initial medical treatment is begun and the risks and  
3 benefits of further therapy are clear, your treatment wishes may  
4 change. Your medical care and this form can be changed to reflect  
5 your new wishes at any time. However, no form can address all the  
6 medical treatment decisions that may need to be made. An advance  
7 health care directive is recommended, regardless of your health  
8 status. An advance directive allows you to document in detail your  
9 future health care instructions and/or name a health care agent to  
10 speak for you if you are unable to speak for yourself.

11 The State of Oklahoma affirms that the lives of all are of equal  
12 dignity regardless of age or disability and emphasizes that no one  
13 should ever feel pressured to agree to forego life-preserving  
14 medical treatment because of age, disability, or fear of being  
15 regarded as a burden.

16 If this form is for a minor for whom you are authorized to make  
17 health care decisions, you may not direct denial of medical  
18 treatment in a manner that would violate the child abuse and neglect  
19 laws of Oklahoma. In particular, you may not direct the withholding  
20 of medically indicated treatment from a disabled infant with life-  
21 threatening conditions, as those terms are defined in 42 U.S.C.,  
22 Section 5106g, or regulations implementing it and 42 U.S.C., Section  
23 5106a."

24

1           9. Section G of the form, which shall have the heading, in  
2 bold, "Directions for Completing and Implementing Form", shall  
3 include the following four (4) subdivisions:

4           a. the first subdivision, entitled "COMPLETING POLST",  
5 shall have the following language with the words "The  
6 signature of the patient or the patient's  
7 representative is required" appearing in bold on the  
8 form:

9 POLST must be reviewed and prepared in consultation  
10 with the patient or the patient's representative after  
11 that person has been given a copy of "Information for  
12 Patients and Their Families - Your Medical Treatment  
13 Rights Under Oklahoma Law. POLST must be reviewed and  
14 signed by a physician to be valid. Be sure to  
15 document the basis for concluding the patient had or  
16 lacked capacity at the time of execution of the form  
17 in the patient's medical record. If the patient lacks  
18 capacity, any current advance directive form must be  
19 reviewed and the patient's representative and  
20 physician must both certify that POLST complies with  
21 it. The signature of the patient or the patient's  
22 representative is required; however, if the patient's  
23 representative is not reasonably available to sign the  
24 original form, a copy of the completed form with the

1 signature of the patient's representative must be  
2 placed in the medical record as soon as practicable  
3 and "on file" must be written on the appropriate  
4 signature line on this form.

- 5 b. the second subdivision, entitled "IMPLEMENTING POLST",  
6 shall have the following language:

7 "If a minor protests a directive to deny the minor  
8 life-preserving medical treatment, the denial of  
9 treatment may not be implemented pending issuance of a  
10 judicial order resolving the conflict. A health care  
11 provider unwilling to comply with POLST must comply  
12 with the transfer and treatment pending transfer  
13 requirements of Section 3101.9 of Title 63 of the  
14 Oklahoma Statutes as well as those of the  
15 Nondiscrimination in Treatment Act, Sections 3090.2  
16 and 3090.3 of Title 63 of the Oklahoma Statutes", and

- 17 c. the third subdivision, entitled "REVIEWING POLST",  
18 shall have the following language:

19 "This POLST must be reviewed at least annually or  
20 earlier if:

21 The patient is admitted to or discharged from a  
22 medical care facility; there is substantial change in  
23 the patient's health status; or the treatment  
24

1 preferences of the patient or patient's representative  
2 change."

3 The same requirements for participation of the patient or  
4 patient's representative, and signature by both a physician and the  
5 patient or the patient's representative, that are described under  
6 "COMPLETING POLST" shall also apply when POLST is reviewed, and must  
7 be documented in Section I.

8 10. Section G of the form, which shall have the heading, in  
9 bold, "REVOCAATION OF POLST", shall have the following language, with  
10 the words specified below appearing in bold on the form:

11 "If POLST is revised or becomes invalid, write in bold the word  
12 "VOID" in large letters on the front of the form. After voiding the  
13 form a new form may be completed. A patient with capacity or the  
14 individual or individuals authorized to sign on behalf of the  
15 patient in Section E of this form may void this form. If no new  
16 form is completed, full treatment and resuscitation is to be  
17 provided."

18 11. Section H of the form, which shall have the heading, in  
19 bold, "REVIEW SECTION", followed by: "Periodic review confirms  
20 current form or may require completion of new form," shall include  
21 the following columns and a number of rows determined by the State  
22 Board of Medical Licensure and Supervision:

- 23 a. Date of Review,
- 24 b. Location of Review,

- 1 c. Patient or Representative Signature,
- 2 d. Physician Signature, and
- 3 e. Outcome of Review.

4 Each row in column (5) shall include a checkbox followed by  
5 "FORM CONFIRMED - No Change", below which there shall be a checkbox  
6 followed by "FORM VOIDED, see updated form.", below which there  
7 shall be a checkbox followed by, "FORM VOIDED, no new form."

8 A final section of the form, which shall have the heading, in  
9 bold, "Contact Information:", shall include two rows of four  
10 columns. In the first column, the first row shall include  
11 "Patient/Representative" followed by an adequate space for such  
12 information, and the second column shall include "Health Care  
13 Professional Preparing Form" followed by an adequate space for such  
14 information. In the second column both rows shall include  
15 "Relationship" followed by an adequate space for such information;  
16 in the third column both rows shall include "Phone Number" followed  
17 by an adequate space for such information; and in the fourth column  
18 both rows shall include "Email Address" followed by an adequate  
19 space for such information.

20 SECTION 5. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 3105.5 of Title 63, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. A physician or other health care provider acting in good  
24 faith and in accordance with reasonable medical standards applicable

1 to the physician or other health care provider is not subject to  
2 civil or criminal liability or to discipline for unprofessional  
3 conduct for:

4 1. Executing an Oklahoma standardized format physician orders  
5 for life-sustaining treatment form in compliance with a health care  
6 decision of a person apparently having authority to make a health  
7 care decision for a patient, including a decision to provide,  
8 withhold or withdraw health care;

9 2. Declining to execute a physician orders for life-sustaining  
10 treatment form in compliance with a health care decision of a person  
11 based on a reasonable belief that the person then lacked authority;  
12 or

13 3. Complying with an apparently valid Oklahoma standardized  
14 format physician orders for life-sustaining treatment form on the  
15 assumption that the order was valid when made and has not been  
16 revoked or terminated.

17 B. A person who intentionally falsifies, forges, conceals,  
18 defaces, or obliterates an individual's physician orders for life-  
19 sustaining treatment form without the individual's consent, or who  
20 coerces or fraudulently induces an individual to give, revoke, or  
21 not to give a physician orders for life-sustaining treatment form,  
22 is subject to liability to that individual for damages of Two  
23 Hundred Thousand Dollars (\$200,000.00) or actual damages resulting  
24

1 from the action, whichever is greater, plus reasonable attorney  
2 fees.

3 C. On petition of a health care provider or facility involved  
4 with the patient's care, the patient or the patient's custodial  
5 parent or guardian, attorney-in-fact, guardian or health care proxy,  
6 or other person who has authority to make health care decisions for  
7 the patient under common law, any court of competent jurisdiction  
8 may enjoin or direct a health care decision related to a physician  
9 orders for life-sustaining treatment form, or order other  
10 appropriate equitable relief. The court shall issue such temporary  
11 orders as necessary to preserve the life of the patient pending a  
12 final judgment in such litigation, including any appeals.

13 SECTION 6. AMENDATORY 58 O.S. 2011, Section 1072.1, is  
14 amended to read as follows:

15 Section 1072.1. A. The durable power of attorney may show or  
16 state:

17 1. The fact of execution under the provisions of the Uniform  
18 Durable Power of Attorney Act;

19 2. The time and conditions under which the power is to become  
20 effective;

21 3. The extent and scope of the powers conferred; and

22 4. Who is to exercise the power, including any successor  
23 attorney-in-fact if a prior appointed attorney-in-fact dies, ceases  
24 to act, refuses or is unable to serve, or resigns.

1 B. The power may grant complete or limited authority with  
2 respect to the principal's:

3 1. Person, including, but not limited to, health and medical  
4 care decisions and a do-not-resuscitate consent on the principal's  
5 behalf, but excluding:

6 a. the execution, on behalf of the principal, of a  
7 Directive to Physicians, an Advance Directive for  
8 Health Care, Living Will, or other document, except an  
9 Oklahoma standardized form physician orders for life-  
10 sustaining treatment in accordance with the provisions  
11 of this act, purporting to authorize life-sustaining  
12 treatment decisions, and

13 b. the making of life-sustaining treatment decisions  
14 unless the power complies with the requirements for a  
15 health care proxy under the Oklahoma ~~Rights of the~~  
16 ~~Terminally Ill or Persistently Unconscious~~ Advance  
17 Directive Act or the Oklahoma Do-Not-Resuscitate Act;  
18 and

19 2. Property, including homestead property, whether real,  
20 personal, intangible or mixed.

21 SECTION 7. NEW LAW A new section of law not to be  
22 codified in the Oklahoma Statutes reads as follows:

23 The State Board of Medical Licensure and Supervision shall  
24 establish the standardized format for physician orders for life-

1 sustaining treatment in accordance with Sections 3 and 4 of this act  
2 within sixty (60) days of the act's effective date and publish it on  
3 its website.

4 SECTION 8. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 3164 of Title 63, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. The State Board of Medical Licensure and Supervision shall  
8 prepare, from time to time revise, and make available on the Board's  
9 website an online presentation, which shall be a minimum of one (1)  
10 hour in length, consisting of training on the responsibilities of  
11 health care providers concerning physician orders for life-  
12 sustaining treatment (POLST). The Board shall provide for means to  
13 verify that a viewer indeed observed the full online presentation,  
14 such as a quiz on its content to be answered at the end of the  
15 presentation or other methods commonly employed in association with  
16 continuing medical education. The Board shall provide to each  
17 viewer who complies with such verification a dated certification  
18 that the viewer completed the online training. The time required  
19 for observation of this presentation shall count as part of, rather  
20 than being in addition to, continuing education otherwise required  
21 for licensed health care providers. The Board shall make the  
22 current online presentation available on the Board's website and  
23 shall inform all Oklahoma inpatient health care services entities of  
24

1 its availability and how to access it online on the Board's website.

2 The online presentation shall include:

3 1. That prior to requesting the signature of the patient or the  
4 patient's representative on the Oklahoma physician orders for life-  
5 sustaining treatment, the attending physician or health care  
6 professional preparing the form has an obligation to discuss with  
7 the patient or the patient's representative the patient's personal  
8 goals for care and treatment and the benefits and risks of various  
9 methods for documenting the patient's wishes for treatment,  
10 including advance directives and immediately-effective physician  
11 orders for life-sustaining treatment;

12 2. Methods for presenting treatment choices that elicit  
13 information concerning patients' preferences and respect those  
14 preferences without directing or nudging patients toward rejecting  
15 treatment;

16 3. Awareness of factors that may affect the use of advance  
17 directives and physician orders for life-sustaining treatment  
18 including race, ethnicity, age, gender, socioeconomic position,  
19 immigrant status, language barriers, disability, homelessness and  
20 mental illness;

21 4. Procedures for properly completing, implementing, reviewing  
22 and revoking an Oklahoma physician orders for life-sustaining  
23 treatment; and

24

1           5. That the patient or patient's representative must be given a  
2 copy of any physician orders for life-sustaining treatment  
3 immediately after signing it.

4           B. Inpatient health care services entities shall ensure that  
5 before reviewing and preparing any Oklahoma physician orders for  
6 life-sustaining treatment in consultation with a patient in the  
7 entity or the patient's legally authorized representative, any  
8 attending physician or other health care provider preparing the form  
9 who is associated with the inpatient health care services entity  
10 shall have viewed the online presentation described in subsection A  
11 of this section at least once during either the calendar month in  
12 which the order is executed or during the immediately preceding  
13 twenty-three months. Inpatient health care services entities shall  
14 ensure that such health care providers provide the entity with a  
15 copy of each dated certification by the Board verifying that the  
16 provider observed the online presentation in compliance with this  
17 requirement, and shall maintain such copies on file for a minimum of  
18 four (4) calendar years following the calendar year in which they  
19 were issued. The files of such copies shall be subject to  
20 inspection under subsection B of Section 1-705, and Sections 1-829  
21 and 1-1911 of Title 63 of the Oklahoma statutes.

22           C. The provisions of subsection B of this section and of the  
23 second sentence of subsection B of Section 3 of this act shall be  
24 effective at the beginning of the second calendar month after the

1 month in which the State Board of Medical Licensure and Supervision  
2 publishes the initial online presentation described in subsection A  
3 of this section.

4 SECTION 9. This act shall become effective in accordance with  
5 the provisions of Section 58 of Article V of the Oklahoma  
6 Constitution.

7 Passed the Senate the 8th day of March, 2016.

8  
9 \_\_\_\_\_  
10 Presiding Officer of the Senate

11 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
12 2016.

13  
14 \_\_\_\_\_  
15 Presiding Officer of the House  
16 of Representatives

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