

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

COMMITTEE AMENDMENT

\_\_\_\_\_

(Date)

Mr./Madame President:

I move to amend House Bill No. 3017, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Sykes

Sykes-AM-FS-Req#3359  
4/19/2016 4:38 PM

(Floor Amendments Only) Date and Time Filed: \_\_\_\_\_

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 FLOOR SUBSTITUTE  
4 FOR ENGROSSED

5 HOUSE BILL NO. 3017

By: Calvey of the House

and

Sykes and Crain of the  
Senate

8  
9 FLOOR SUBSTITUTE

10 An Act relating to healthcare; creating the Physician  
11 Orders for Life-Sustaining Treatment Act; providing  
12 short title; providing definitions; directing Office  
13 of the Attorney General to establish format for  
14 certain form; requiring certain orders to conform to  
15 certain requirements; requiring certain information  
16 to be provided to patient or patient representative;  
17 requiring physicians to discuss certain treatments  
18 under certain circumstances; prohibiting validity of  
19 certain forms under certain circumstances;  
20 prescribing contents, phrasing and format of certain  
21 form; providing immunity from certain liability;  
22 providing liability for certain persons; permitting  
23 court enjoinder under certain circumstances;  
24 requiring certain orders under certain circumstances;  
amending 58 O.S. 2011, Section 1072.1, which relates  
to durable powers of attorney; providing certain  
exception; clarifying language; directing Office of  
the Attorney General to establish and publish certain  
format; directing Office of the Attorney General 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.

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

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

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

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

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

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

18 2. "Guardian" means a general guardian of the person appointed  
19 pursuant to subsection A of Section 3-112 of Title 30 of the  
20 Oklahoma Statutes or a limited guardian of the person appointed  
21 pursuant to subsection B of Section 3-112 of Title 30 of the  
22 Oklahoma Statutes with the authority to make personal medical  
23 decisions as determined under paragraph 5 of subsection B of Section  
24 3-113 of Title 30 of the Oklahoma Statutes;

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 patient's  
12 attorney-in-fact, guardian or health care proxy, who has authority  
13 to make health care decisions for the patient under common law.

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

17          A. The Office of the Attorney General shall establish the  
18 standardized format for a form in accordance with the provisions of  
19 Section 4 of this act, adhering to the directions, sequence and  
20 wording in those provisions.

21          B. An Oklahoma physician orders for life-sustaining treatment  
22 shall be executed, implemented, reviewed and revoked in accordance  
23 with the instructions on the form required by this section. Subject  
24 to subsection C of Section 8 of this act, before reviewing and

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

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

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

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

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

24

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 needed  
12 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  
14 and 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, except as otherwise authorized by Oklahoma law."

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 Office  
22 of the Attorney General:

- 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 not  
21 to give a physician orders for life-sustaining treatment form, is  
22 subject to liability to that individual for damages of Two Hundred  
23 Thousand Dollars (\$200,000.00) or actual damages resulting from the  
24 action, whichever is greater, plus reasonable attorney fees.

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

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

13 Section 1072.1. A. The durable power of attorney may show or  
14 state:

15 1. The fact of execution under the provisions of the Uniform  
16 Durable Power of Attorney Act;

17 2. The time and conditions under which the power is to become  
18 effective;

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

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

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

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

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

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

17 2. Property, including homestead property, whether real,  
18 personal, intangible or mixed.

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

21 The Office of the Attorney General shall establish the  
22 standardized format for physician orders for life-sustaining  
23 treatment in accordance with Sections 3 and 4 of this act within  
24

1 sixty (60) days of the act's effective date and publish it on its  
2 website.

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

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

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

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

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

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

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

1        B. Inpatient health care services entities shall ensure that  
2 before reviewing and preparing any Oklahoma physician orders for  
3 life-sustaining treatment in consultation with a patient in the  
4 entity or the patient's legally authorized representative, any  
5 attending physician or other health care provider preparing the form  
6 who is associated with the inpatient health care services entity  
7 shall have viewed the online presentation described in subsection A  
8 of this section at least once during either the calendar month in  
9 which the order is executed or during the immediately preceding  
10 twenty-three (23) months. Inpatient health care services entities  
11 shall ensure that such health care providers provide the entity with  
12 a copy of each dated certification by the Office of the Attorney  
13 General verifying that the provider observed the online presentation  
14 in compliance with this requirement, and shall maintain such copies  
15 on file for a minimum of four (4) calendar years following the  
16 calendar year in which they were issued. The files of such copies  
17 shall be subject to inspection under subsection B of Section 1-705,  
18 and Sections 1-829 and 1-1911 of Title 63 of the Oklahoma Statutes.

19        C. The provisions of subsection B of this section and of the  
20 second sentence of subsection B of Section 3 of this act shall be  
21 effective at the beginning of the second calendar month after the  
22 month in which the Office of the Attorney General publishes the  
23 initial online presentation described in subsection A of this  
24 section.



1       SECTION 9. This act shall become effective in accordance with  
2 the provisions of Section 58 of Article V of the Oklahoma  
3 Constitution.

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