

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 3107

By: Caldwell

AS INTRODUCED

An Act relating to public health and safety; amending Section 2, Chapter 160, O.S.L. 2013 (63 O.S. Supp. 2015, Section 3090.2), which relates to the Nondiscrimination in Treatment Act; modifying certain definition; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 160, O.S.L. 2013 (63 O.S. Supp. 2015, Section 3090.2), is amended to read as follows:

Section 3090.2 As used in the Nondiscrimination in Treatment Act:

1. "Health care provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state to practice a health care or healing arts profession or who administers health care in the ordinary course of business;

2. "Health care service" means any phase of patient medical care, treatment or procedure, including, but not limited to, therapy, testing, diagnosis or prognosis, prescribing, dispensing or

1 administering any device, drug or medication, surgery, or any other
2 care or treatment rendered by health care providers;

3 3. "Life-preserving health care service" means a health care
4 service, the denial of which, in reasonable medical judgment, will
5 result in or hasten the death of the patient; and

6 4. "Person legally authorized to make health care decisions"
7 means, in the case of an adult patient, or of a minor patient who
8 may consent to have services provided by health professionals under
9 Section 2602 of Title 63 of the Oklahoma Statutes, the person or
10 persons designated to make health care decisions:

11 a. a general guardian of the person appointed pursuant to
12 subsection A of Section 3-112 of Title 30 of the
13 Oklahoma Statutes, or a limited guardian of the person
14 appointed pursuant to subsection B of Section 3-112 of
15 Title 30 of the Oklahoma Statutes with authority to
16 make personal medical decisions as determined under
17 paragraph 5 of subsection B of Section 3-113 of Title
18 30 of the Oklahoma Statutes,

19 b. a health care proxy (or alternate health care proxy)
20 authorized to act pursuant to the Oklahoma Advance
21 Directive Act, Sections 3101.1 through 3101.16 of
22 ~~Title 63 of the Oklahoma Statutes~~ this title, as
23 defined in paragraph 6 of Section 3101.3 of ~~Title 63~~
24 ~~of the Oklahoma Statutes~~ this title,

1 c. an attorney-in-fact authorized to act pursuant to the
2 Uniform Durable Power of Attorney Act, Sections 1071
3 through 1077 of Title 58 of the Oklahoma Statutes with
4 authority to act regarding the patient's health and
5 medical care decisions, subject to the limitations
6 under paragraph 1 of subsection B of Section 1072.1 of
7 Title 58 of the Oklahoma Statutes, or

8 d. ~~another person with such authority under common law~~ a
9 person listed from the following, in the specified
10 order of priority:

11 (1) the patient's spouse except where a divorce
12 action has been filed, and the divorce is not
13 final,

14 (2) an adult child of the patient,

15 (3) a parent of the patient, or

16 (4) an adult brother or sister of the patient.

17 If two or more of the persons listed in divisions 2
18 through 4 of this subparagraph with equal decision-
19 making priority inform a health care provider that
20 they disagree as to a particular treatment decision,
21 the health care provider may rely on the authorization
22 of a majority of the reasonably available members of
23 that class.

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

3 SECTION 2. This act shall become effective November 1, 2016.

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