

1 ENGROSSED SENATE
2 BILL NO. 762

By: Sykes of the Senate

3 and

4 Ritze of the House

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6 An Act relating to professional negligence; defining
7 terms; establishing statute of repose for certain
8 actions; repealing 76 O.S. 2011, Section 18, which
relates to limitation of actions; providing for
codification; and providing an effective date.

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 18.1 of Title 76, unless there
14 is created a duplication in numbering, reads as follows:

15 A. As used in this section:

16 1. "Continuous treatment" shall not include examinations
17 undertaken at the request of the patient for the sole purpose of
18 ascertaining the state of the patient's condition;

19 2. "Health care provider" means any physician or hospital
20 licensed by this state to provide health care services or an
21 officer, employee or agent thereof acting in the course and scope of
22 employment; and
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1 3. "Health care services" means acts of diagnosis, treatment,
2 medical evaluation or advice or such other acts as may be
3 permissible under the health care licensing statutes of this state.

4 B. An action based on tort, breach of contract or otherwise,
5 for damages for injury against a health care provider for alleged
6 professional negligence, for the performance of health care services
7 without consent, or for error or omission in the practice of the
8 health care provider's profession, which occurs on or after the
9 effective date of this act, shall be commenced within ten (10) years
10 of the act, omission or failure complained of or of the last
11 treatment where there was continuous treatment for the same illness,
12 injury or condition which gave rise to the act, omission or failure.

13 SECTION 2. REPEALER 76 O.S. 2011, Section 18, is hereby
14 repealed.

15 SECTION 3. This act shall become effective November 1, 2017.
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1 Passed the Senate the 21st day of March, 2017.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2017.

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9 Presiding Officer of the House
10 of Representatives