

SENATE FLOOR VERSION

February 6, 2018

SENATE BILL NO. 1447

By: Sykes

An Act relating to Oklahoma Advance Directive Act; amending Section 3, Chapter 144, O.S.L. 2017 (63 O.S. Supp. 2017, Section 3102.5), which relates to persons not authorized to make health care decisions; stating that a health care provider shall not be held liable under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY Section 3, Chapter 144, O.S.L. 2017 (63 O.S. Supp. 2017, Section 3102.5), is amended to read as follows:

Section 3102.5. No person shall be authorized under Section 2 of this act to make health care decisions for a patient if that person:

1. Has been convicted of, pled guilty to, or pled no contest to any violation of Section 843.1, 843.2, 843.4 or 843.5 of Title 21 of the Oklahoma Statutes;

2. Has been found to have committed abuse, verbal abuse or exploitation, as these terms are defined in Section 10-103 of Title 43A of the Oklahoma Statutes, by a final State Department of Health

1 investigative finding or by an administrative law judge finding,
2 unless that finding has been overturned through judicial review; or

3 3. Has been criminally charged as described in subsection B of
4 Section 10-110.1 of Title 43A of the Oklahoma Statutes, unless the
5 person has been acquitted or those charges have been finally
6 dismissed.

7 Provided, a health care provider acting in good faith shall not
8 be held liable, criminally or civilly, for making health care
9 decisions that are consistent with best practices of his or her
10 profession and the laws and regulations governing his or her
11 practice.

12 SECTION 2. This act shall become effective November 1, 2018.

13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
14 February 6, 2018 - DO PASS
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