

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1447

By: Sykes

6 AS INTRODUCED

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

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

14 SECTION 1. AMENDATORY Section 3, Chapter 144, O.S.L.  
15 2017 (63 O.S. Supp. 2017, Section 3102.5), is amended to read as  
16 follows:

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

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

23 2. Has been found to have committed abuse, verbal abuse or  
24 exploitation, as these terms are defined in Section 10-103 of Title

1 43A of the Oklahoma Statutes, by a final State Department of Health  
2 investigative finding or by an administrative law judge finding,  
3 unless that finding has been overturned through judicial review; or

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

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

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

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