

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1951

By: Jordan

AS INTRODUCED

An Act relating to medical liability actions;
providing immunity from liability for physicians
performing invasive procedures if certain conditions
are met; defining terms; providing for codification;
and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-1708.1H-1 of Title 63, unless
there is created a duplication in numbering, reads as follows:

A. In any medical liability action, as defined by Section 1-
1708.1C of Title 63 of the Oklahoma Statutes, against a physician
claiming malpractice based on medical care during or due to an
invasive procedure, the physician shall be immune from liability if:

1. The physician has given the patient written notice of the
risks involved in the procedure;

2. The patient or the patient's agent, parent or legal
guardian, if the patient is unconscious or otherwise incapacitated
to an extent that the patient is unable to give consent or is a

1 minor, has signed a waiver stating that the patient, agent, parent
2 or legal guardian has reviewed the written notice, understands the
3 written notice and understands that signing the waiver releases the
4 physician from liability for injuries occurring during or due to an
5 invasive procedure; and

6 3. The injury is not the result of willful or gross negligence
7 on the part of the physician.

8 B. As used in this section:

9 1. "Invasive procedure" means a medical procedure that invades
10 the body by cutting or puncturing the skin or by inserting
11 instruments into the body; and

12 2. "Physician" means an individual licensed pursuant to the
13 Oklahoma Allopathic Medical and Surgical Licensure and Supervision
14 Act or pursuant to the Oklahoma Osteopathic Medicine Act.

15 SECTION 2. This act shall become effective November 1, 2017.

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