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February 12, 2019

AS AMENDED

SENATE BILL NO. 333

By: Standridge

[Oklahoma Advance Directive Act - health care
decisions - abuse or exploitation by certain person -
liability of health care provider or entity -
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. 2018, Section 3102.5), is amended to read as
follows:

Section 3102.5. A. No person shall be authorized under Section ~~2~~ 3102.4 of this ~~act~~ title 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 or Department of Human Services investigative finding or by an

1 administrative law judge finding, unless that finding has been
2 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 B. No health care provider or health care entity shall be
8 liable for following in good faith the instructions of a person
9 otherwise authorized to make health care decisions for a patient
10 pursuant to Section 3102.4 of this title, but whom the health care
11 provider or health care entity does not know or have reason to know
12 is disqualified from exercising such authority by subsection A of
13 this section.

14 SECTION 2. This act shall become effective November 1, 2019.

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
16 February 12, 2019 - DO PASS AS AMENDED
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