

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1896

By: Roberts (Sean)

AS INTRODUCED

An Act relating to public health; creating the Brain Death Standards Act; directing the Board of Medical Licensure to promulgate certain rules; requiring the Board to consider certain standards; requiring the Board to amend rules when certain standards change; prohibiting declaration of brain death by certain persons; allowing continuing medical education related to certain standards; 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 3124 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Brain Death Standards Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3125 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Board of Medical Licensure and Supervision shall promulgate rules setting forth currently accepted medical standards,

1 including criteria, tests, and procedures and requiring detailed
2 documentation of their fulfillment in a patient's medical record
3 when death is declared pursuant to paragraph 2 of Section 3122 of
4 Title 63 of the Oklahoma Statutes.

5 B. In assessing currently accepted medical standards, the Board
6 shall consider standards and guidelines issued by the American
7 Academy of Neurology and the American Academy of Pediatrics, as well
8 as by other widely recognized medical organizations or sources, and
9 it shall formally consider amending its rules promptly after any
10 changes in such standards or guidelines. The rules promulgated by
11 the Board may incorporate such standards or guidelines, or parts
12 thereof, by reference.

13 C. The rules shall ensure that if the individual to be declared
14 dead pursuant to Section 3122 of Title 63 of the Oklahoma Statutes
15 is or may be an organ donor, the physician who makes the declaration
16 that death has occurred shall not be the organ transplant surgeon,
17 the attending physician of the organ recipient, or an individual
18 otherwise subject to a potentially significant conflict of interest
19 relating to procedures for organ procurement.

20 D. The rules may provide for testing or completion of
21 continuing medical education regarding the required standards
22 governing determination of death for physicians authorized to make
23 such determinations.

SECTION 3. This act shall become effective November 1, 2021.

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