

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 4206

By: Echols

AS INTRODUCED

An Act relating to public health and safety; creating the State Medical Patient Complaint Ombudsman; delegating certain powers; creating certain requirements; creating certain duties; 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 2220 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created within the State Department of Health the Office of the State Medical Patient Complaint Ombudsman. The Office, under the auspices and general direction of the State Medical Patient Ombudsman, shall carry out a Medical Patient Complaint Ombudsman Program in accordance with state and federal laws and regulations.

B. The State Medical Patient Complaint Ombudsman shall, personally or through representatives of the Office:

1. Identify, investigate, and resolve complaints that:

- a. are made by, or on behalf of, patients, and
- b. relate to action, inaction, or decisions, of:
  - (1) providers, or representatives of providers, of medical services,
  - (2) public agencies, or
  - (3) health and social service agencies, that may adversely affect the health, safety, welfare, or rights of the patients;

2. Provide services to assist the patients in protecting their health, safety, welfare, and rights;

3. Inform patients about means of obtaining services offered by providers or agencies;

4. Ensure that the patients have regular and timely access to the services provided through the Office;

5. Ensure that the patients and complainant receive timely responses from the Office and representatives of the Office regarding complaints;

6. Represent the interests of patients before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the patients;

7. Provide administrative and technical assistance to area or local ombudsman entities to assist the entities in participating in the State Medical Patient Complaint Ombudsman Program;

1        8. Analyze, comment on, and monitor the development and  
2 implementation of federal, state, and local laws, rules and other  
3 government policies and actions that pertain to the health, safety,  
4 welfare, and rights of patients, with respect to the adequacy of  
5 medical facilities and services in this state;

6        9. Recommend any changes in such laws, rules, policies, and  
7 actions as the Office determines to be appropriate, and facilitate  
8 public comment on the laws, rules, policies, and actions;

9        10. Provide for training representatives of the Office, promote  
10 the development of citizen organizations, to participate in the  
11 State Medical Patient Complaint Ombudsman Program, and provide  
12 technical support for the development of resident and family  
13 councils to protect the well-being and rights of patients; and

14        11. Carry out such other activities as appropriate.

15        C. In carrying out the duties of the Office, the State Medical  
16 Patient Complaint Ombudsman may designate an entity as an area or  
17 local Ombudsman entity, and may designate an employee or volunteer  
18 to represent the entity.

19        1. An individual so designated shall, in accordance with the  
20 policies and procedures established by the State Department of  
21 Health, carry out such duties and activities as required by the  
22 State Medical Patient Complaint Ombudsman pursuant to the authority  
23 granted by this act and rules promulgated by the Department thereto.

1        2. Entities eligible to be designated as area or local  
2 Ombudsman entities, and individuals eligible to be designated as  
3 representatives of such entities, shall:

- 4            a. have demonstrated capability to carry out the  
5                responsibilities of the Office,
- 6            b. be free of conflicts of interest,
- 7            c. in the case of the entities, be public or nonprofit  
8                private entities, and
- 9            d. meet such additional requirements as the Ombudsman may  
10               specify.

11        D. The State Medical Patient Complaint Ombudsman and  
12 representatives of the Office shall have:

- 13            1. Access to medical facilities and residents;
- 14            2. Access to review the medical and social records of a  
15 resident, if:
  - 16                a. the representative of the Office has the permission of  
17                    the resident, or the legal representative of the  
18                    resident, or
  - 19                b. the resident is unable to consent to the review and  
20                    has no legal representative and the representative of  
21                    the Office obtains the approval of the State Medical  
22                    Patient Complaint Ombudsman;
- 23            3. Access to the records as is necessary to investigate a  
24 complaint if:

1           a.    a legal guardian of the resident refuses to give the  
2                permission,

3           b.    a representative of the Office has reasonable cause to  
4                believe that the guardian is not acting in the best  
5                interests of the resident, and

6           c.    the representative obtains the approval of the State  
7                Medical Patient Complaint Ombudsman;

8           4.    Access to the administrative records, policies, and  
9 documents, to which the patients have, or the general public has  
10 access, of medical facilities; and

11           5.    Access to copies of all licensing and certification records  
12 maintained by the Department or any other agency of this state with  
13 respect to medical facilities.

14           E.    For purposes of this act, the term "Representative of the  
15 Office" shall not include any unpaid or volunteer state, area, or  
16 local ombudsman.

17           SECTION 2. This act shall become effective November 1, 2022.

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