

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3099

By: Stark and Crosswhite Hader

AS INTRODUCED

An Act relating to crimes and punishments; making certain acts unlawful; providing exceptions; providing penalties; 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 650.12 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for a health care provider, in the course of participating in or overseeing a professional instruction or clinical training program, or a student undertaking a course of instruction or participating in a clinical training or residency program for a profession, to perform a breast, pelvic, urogenital, prostate, or rectal examination on a patient who is anesthetized or unconscious, unless one of the following conditions is met:

1. The patient or authorized representative of the patient has provided prior written informed consent to the examination, and the

1 examination is necessary for preventative, diagnostic, or treatment  
2 purposes;

3 2. The patient or authorized representative of the patient has  
4 provided prior written informed consent to a surgical procedure or  
5 diagnostic examination to be performed on the patient, and the  
6 performance of the examination is within the scope of care ordered  
7 for that surgical procedure or diagnostic examination;

8 3. An emergency exists, it is impracticable to obtain written  
9 informed consent, and the examination is necessary for diagnostic or  
10 treatment purposes; or

11 4. A court has ordered the performance of the examination for  
12 the purpose of the collection of evidence.

13 A health care provider or student who violates the provisions of  
14 this section shall, upon conviction, be guilty of a felony  
15 punishable by imprisonment in the custody of the Department of  
16 Corrections for a term of not more than five (5) years, or a fine of  
17 not less than Twenty Thousand Dollars (\$20,000.00), or by both such  
18 fine and imprisonment. In addition to the penalties provided for in  
19 this subsection, the person shall be subject to penalties  
20 established pursuant to law by the licensing board which has  
21 authority to regulate the health care provider or student.

22 B. As used in this section:

23 1. "Authorized representative" means an individual who is  
24 authorized to make health care decisions for or exercise rights on  
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1 behalf of the patient including, for a patient who is under eighteen  
2 (18) years of age, the parent or legal guardian of the patient;

3 2. "Health care provider" means a person who is licensed,  
4 certified, or otherwise authorized by the laws of this state to  
5 administer health care in the ordinary course of business or  
6 practice of a profession;

7 3. "Patient" means an individual under the care of a health  
8 care provider or authorized representative;

9 4. "Student" means an individual currently enrolled in an  
10 approved medical college, education program, or training program;  
11 and

12 5. "Written informed consent" means the written consent of a  
13 patient to the performance of an examination after the patient has  
14 received a description of the examination, the purpose for providing  
15 the examination, and any risks or alternatives to the examination so  
16 that a reasonably prudent patient may make an informed decision as  
17 to the examination.

18 SECTION 2. This act shall become effective November 1, 2024.

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