

1 2. "Agency" means any board, commission, committee, department
2 or other instrumentality or entity designated to act in behalf of
3 the state or a political subdivision;

4 3. "Charitable health care provider" means a person who is
5 licensed, certified, or otherwise authorized by the laws of this
6 state to administer health care in the ordinary course of business
7 or the practice of a profession and who provides care to a medically
8 indigent person, as defined in paragraph 9 of this section, with no
9 expectation of or acceptance of compensation of any kind;

10 4. "Claim" means any written demand presented by a claimant or
11 the claimant's authorized representative in accordance with The
12 Governmental Tort Claims Act to recover money from the state or
13 political subdivision as compensation for an act or omission of a
14 political subdivision or the state or an employee;

15 5. "Claimant" means the person or the person's authorized
16 representative who files notice of a claim in accordance with The
17 Governmental Tort Claims Act. Only the following persons and no
18 others may be claimants:

19 a. any person holding an interest in real or personal
20 property which suffers a loss, provided that the claim
21 of the person shall be aggregated with claims of all
22 other persons holding an interest in the property and
23 the claims of all other persons which are derivative
24

1 of the loss, and that multiple claimants shall be
2 considered a single claimant,

- 3 b. the individual actually involved in the accident or
4 occurrence who suffers a loss, provided that the
5 individual shall aggregate in the claim the losses of
6 all other persons which are derivative of the loss, or
7 c. in the case of death, an administrator, special
8 administrator or a personal representative who shall
9 aggregate in the claim all losses of all persons which
10 are derivative of the death;

11 6. "Community health care provider" means:

- 12 a. a health care provider who volunteers services at a
13 community health center that has been deemed by the
14 U.S. Department of Health and Human Services as a
15 federally qualified health center as defined by 42
16 U.S.C., Section 1396d(1)(2)(B),
17 b. a health provider who provides services to an
18 organization that has been deemed a federally
19 qualified look-alike community health center, and
20 c. a health care provider who provides services to a
21 community health center that has made application to
22 the U.S. Department of Health and Human Services for
23 approval and deeming as a federally qualified look-
24 alike community health center in compliance with

1 federal application guidance, and has received
2 comments from the U.S. Department of Health and Human
3 Services as to the status of such application with the
4 established intent of resubmitting a modified
5 application, or, if denied, a new application, no
6 later than six (6) months from the date of the
7 official notification from the U.S. Department of
8 Health and Human Services requiring resubmission of a
9 new application;

10 7. "Employee" means any person who is authorized to act in
11 behalf of a political subdivision or the state whether that person
12 is acting on a permanent or temporary basis, with or without being
13 compensated or on a full-time or part-time basis.

14 a. Employee also includes:

15 (1) all elected or appointed officers, members of
16 governing bodies and other persons designated to
17 act for an agency or political subdivision, but
18 the term does not mean a person or other legal
19 entity while acting in the capacity of an
20 independent contractor or an employee of an
21 independent contractor,

22 (2) from September 1, 1991, through June 30, 1996,
23 licensed physicians, licensed osteopathic
24 physicians and Certified Nurse-Midwives providing

1 prenatal, delivery or infant care services to
2 State Department of Health clients pursuant to a
3 contract entered into with the State Department
4 of Health in accordance with paragraph 3 of
5 subsection C of Section 1-106 of Title 63 of the
6 Oklahoma Statutes but only insofar as services
7 authorized by and in conformity with the terms of
8 the contract and the requirements of Section 1-
9 233 of Title 63 of the Oklahoma Statutes, and

10 (3) any volunteer, full-time or part-time firefighter
11 when performing duties for a fire department
12 provided for in subparagraph j of paragraph 12 of
13 this section.

14 b. For the purposes of The Governmental Tort Claims Act,
15 the following are employees of this state, regardless
16 of the place in this state where duties as employees
17 are performed:

- 18 (1) physicians acting in an administrative capacity,
19 (2) resident physicians and resident interns
20 participating in a graduate medical education
21 program of the University of Oklahoma Health
22 Sciences Center, the Oklahoma State University
23 College of Osteopathic Medicine, a public trust
24 created pursuant to Section 3224 of Title 63 of

1 the Oklahoma Statutes and any sole member not-
2 for-profit corporation of the public trust and
3 any sole member not-for-profit subsidiary of such
4 corporation, or the Department of Mental Health
5 and Substance Abuse Services,

6 (3) faculty members and staff of the University of
7 Oklahoma Health Sciences Center, the Oklahoma
8 State University College of Osteopathic Medicine,
9 or a public trust created pursuant to Section
10 3224 of Title 63 of the Oklahoma Statutes and any
11 sole member not-for-profit corporation of the
12 public trust and any sole member not-for-profit
13 subsidiary of such corporation, while engaged in
14 teaching duties,

15 (4) physicians who practice medicine or act in an
16 administrative capacity as an employee of an
17 agency of this state,

18 (5) physicians who provide medical care to inmates
19 pursuant to a contract with the Department of
20 Corrections,

21 (6) any person who is licensed to practice medicine
22 pursuant to Title 59 of the Oklahoma Statutes,
23 who is under an administrative professional
24 services contract with the Oklahoma Health Care

1 Authority under the auspices of the Oklahoma
2 Health Care Authority Chief Medical Officer, and
3 who is limited to performing administrative
4 duties such as professional guidance for medical
5 reviews, reimbursement rates, service
6 utilization, health care delivery and benefit
7 design for the Oklahoma Health Care Authority,
8 only while acting within the scope of such
9 contract,

10 (7) licensed medical professionals under contract
11 with city, county, or state entities who provide
12 medical care to inmates or detainees in the
13 custody or control of law enforcement agencies,

14 (8) licensed mental health professionals as defined
15 in Sections 1-103 and 5-502 of Title 43A of the
16 Oklahoma Statutes, who are conducting initial
17 examinations of individuals for the purpose of
18 determining whether an individual meets the
19 criteria for emergency detention as part of a
20 contract with the Department of Mental Health and
21 Substance Abuse Services, and

22 (9) licensed mental health professionals as defined
23 in Sections 1-103 and 5-502 of Title 43A of the
24 Oklahoma Statutes, who are providing mental

1 health or substance abuse treatment services
2 under a professional services contract with the
3 Department of Mental Health and Substance Abuse
4 Services and are providing such treatment
5 services at a state-operated facility.

6 Physician faculty members and physician staff of the
7 University of Oklahoma Health Sciences Center, the
8 Oklahoma State University College of Osteopathic
9 Medicine, or a public trust created pursuant to
10 Section 3224 of Title 63 of the Oklahoma Statutes and
11 any sole member not-for-profit corporation of the
12 public trust and any sole member not-for-profit
13 subsidiary of such corporation not acting in an
14 administrative capacity or engaged in teaching duties
15 are not employees or agents of the state.

16 c. For the purposes of The Governmental Tort Claims Act,
17 employee shall include independent contractors and
18 employees of independent contractors while actively
19 engaged in the transport of individuals in need of
20 initial assessment, emergency detention, or protective
21 custody as authorized by Section 1-110 of Title 43A of
22 the Oklahoma Statutes.

23 d. Except as provided in subparagraph b of this
24 paragraph, in no event shall the state be held liable

1 for the tortious conduct of any physician, resident
2 physician or intern while practicing medicine or
3 providing medical treatment to patients.

4 e. For purposes of The Governmental Tort Claims Act,
5 members of the state military forces on state active
6 duty orders or on Title 32 active duty orders are
7 employees of this state, regardless of the place,
8 within or outside this state, where their duties as
9 employees are performed;

10 8. "Loss" means death or injury to the body or rights of a
11 person or damage to real or personal property or rights therein;

12 9. "Medically indigent" means a person requiring medically
13 necessary hospital or other health care services for the person or
14 the dependents of the person who has no public or private third-
15 party coverage, and whose personal resources are insufficient to
16 provide for needed health care;

17 10. "Municipality" means any incorporated city or town, and all
18 institutions, agencies or instrumentalities of a municipality;

19 11. "Occurrence" means a loss arising out of an accident or
20 event or a continuous or repeated exposure to substantially the same
21 general harmful conditions. All losses arising out of an accident
22 or event or a continuous or repeated exposure to substantially the
23 same general harmful conditions shall be deemed to have arisen out
24 of one occurrence;

1 12. "Political subdivision" means:

2 a. a municipality,

3 b. a school district, including, but not limited to, a
4 technology center school district established pursuant
5 to Section 4410, 4411, 4420 or 4420.1 of Title 70 of
6 the Oklahoma Statutes, or a public library as defined
7 pursuant to Section 1-104 of Title 65 of the Oklahoma
8 Statutes,

9 c. a county,

10 d. a public trust where the sole beneficiary or
11 beneficiaries are a city, town, school district or
12 county. For purposes of The Governmental Tort Claims
13 Act, a public trust shall include:

14 (1) a municipal hospital created pursuant to Sections
15 30-101 through 30-109 of Title 11 of the Oklahoma
16 Statutes, a county hospital created pursuant to
17 Sections 781 through 796 of Title 19 of the
18 Oklahoma Statutes, or is created pursuant to a
19 joint agreement between such governing
20 authorities, that is operated for the public
21 benefit by a public trust created pursuant to
22 Sections 176 through 180.4 of Title 60 of the
23 Oklahoma Statutes and managed by a governing
24 board appointed or elected by the municipality,

1 county, or both, who exercises control of the
2 hospital, subject to the approval of the
3 governing body of the municipality, county, or
4 both,

5 (2) a public trust created pursuant to Sections 176
6 through 180.4 of Title 60 of the Oklahoma
7 Statutes after January 1, 2009, the primary
8 purpose of which is to own, manage, or operate a
9 public acute care hospital in this state that
10 serves as a teaching hospital for a medical
11 residency program provided by a college of
12 osteopathic medicine and provides care to
13 indigent persons, ~~and~~

14 (3) a corporation in which all of the capital stock
15 is owned, or a limited liability company in which
16 all of the member interest is owned, by a public
17 trust, and

18 (4) a public trust created pursuant to Section 3224
19 of Title 63 of the Oklahoma Statutes and any sole
20 member not-for-profit corporation of the public
21 trust and any sole member not-for-profit
22 subsidiary of such corporation,

- 1 e. for the purposes of The Governmental Tort Claims Act
2 only, a housing authority created pursuant to the
3 provisions of the Oklahoma Housing Authorities Act,
- 4 f. for the purposes of The Governmental Tort Claims Act
5 only, corporations organized not for profit pursuant
6 to the provisions of the Oklahoma General Corporation
7 Act for the primary purpose of developing and
8 providing rural water supply and sewage disposal
9 facilities to serve rural residents,
- 10 g. for the purposes of The Governmental Tort Claims Act
11 only, districts formed pursuant to the Rural Water,
12 Sewer, Gas and Solid Waste Management Districts Act,
- 13 h. for the purposes of The Governmental Tort Claims Act
14 only, master conservancy districts formed pursuant to
15 the Conservancy Act of Oklahoma,
- 16 i. for the purposes of The Governmental Tort Claims Act
17 only, a fire protection district created pursuant to
18 the provisions of Section 901.1 et seq. of Title 19 of
19 the Oklahoma Statutes,
- 20 j. for the purposes of The Governmental Tort Claims Act
21 only, a benevolent or charitable corporate volunteer
22 or full-time fire department for an unincorporated
23 area created pursuant to the provisions of Section 592
24 et seq. of Title 18 of the Oklahoma Statutes,

- 1 k. for purposes of The Governmental Tort Claims Act only,
2 an emergency services provider rendering services
3 pursuant to an existing contract between the emergency
4 services provider and the State Department of Health.
5 Provided, however, that the acquisition of commercial
6 liability insurance covering the activities of such
7 emergency services provider performed within this
8 state shall not operate as a waiver of any of the
9 limitations, immunities or defenses provided for
10 political subdivisions pursuant to the terms of The
11 Governmental Tort Claims Act,
- 12 l. for purposes of The Governmental Tort Claims Act only,
13 a conservation district created pursuant to the
14 provisions of the Conservation District Act,
- 15 m. for purposes of The Governmental Tort Claims Act,
16 districts formed pursuant to the Oklahoma Irrigation
17 District Act,
- 18 n. for purposes of The Governmental Tort Claims Act only,
19 any community action agency established pursuant to
20 Sections 5035 through 5040.1 of Title 74 of the
21 Oklahoma Statutes,
- 22 o. for purposes of The Governmental Tort Claims Act only,
23 any organization that is designated as a youth
24

1 services agency, pursuant to Section 2-7-306 of Title
2 10A of the Oklahoma Statutes,

3 p. for purposes of The Governmental Tort Claims Act only,
4 any judge presiding over a drug court, as defined by
5 Section 471.1 of Title 22 of the Oklahoma Statutes,

6 q. for purposes of The Governmental Tort Claims Act only,
7 any child-placing agency licensed by this state to
8 place children in foster family homes,

9 r. for purposes of The Governmental Tort Claims Act only,
10 a circuit engineering district created pursuant to
11 Section 687.1 of Title 69 of the Oklahoma Statutes,

12 s. for purposes of The Governmental Tort Claims Act only,
13 a substate planning district, regional council of
14 government or other entity created pursuant to Section
15 1001 et seq. of Title 74 of the Oklahoma Statutes, and

16 t. for purposes of The Governmental Tort Claims Act only,
17 a regional transportation authority created pursuant
18 to Section 1370.7 of Title 68 of the Oklahoma Statutes
19 including its contract operator and any railroad
20 operating in interstate commerce that sells a property
21 interest or provides services to a regional
22 transportation authority or allows the authority to
23 use the property or tracks of the railroad for the
24 provision of public passenger rail service to the

1 extent claims against the contract operator or
2 railroad arise out of or are related to or in
3 connection with such property interest, services or
4 operation of the public passenger rail service.
5 Provided, the acquisition of commercial liability
6 insurance to cover the activities of the regional
7 transportation authority, contract operator or
8 railroad shall not operate as a waiver of any
9 liabilities, immunities or defenses provided pursuant
10 to the provisions of The Governmental Tort Claims Act,
11 and all their institutions, instrumentalities or agencies;

12 13. "Scope of employment" means performance by an employee
13 acting in good faith within the duties of the employee's office or
14 employment or of tasks lawfully assigned by a competent authority
15 including the operation or use of an agency vehicle or equipment
16 with actual or implied consent of the supervisor of the employee,
17 but shall not include corruption or fraud;

18 14. "State" means the State of Oklahoma or any office,
19 department, agency, authority, commission, board, institution,
20 hospital, college, university, public trust created pursuant to
21 Title 60 of the Oklahoma Statutes of which the State of Oklahoma is
22 the beneficiary, or other instrumentality thereof;

23 15. "State active duty" shall be defined in accordance with
24 Section 801 of Title 44 of the Oklahoma Statutes;

1 16. "State military forces" shall be defined in accordance with
2 Section 801 of Title 44 of the Oklahoma Statutes;

3 17. "Title 32 active duty" shall be defined in accordance with
4 Section 801 of Title 44 of the Oklahoma Statutes; and

5 18. "Tort" means a legal wrong, independent of contract,
6 involving violation of a duty imposed by general law, statute, the
7 Oklahoma Constitution, or otherwise, resulting in a loss to any
8 person, association or corporation as the proximate result of an act
9 or omission of a political subdivision or the state or an employee
10 acting within the scope of employment; provided, however, a tort
11 shall not include a claim for inverse condemnation.

12 SECTION 2. This act shall become effective November 1, 2026.

13
14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
15 OVERSIGHT, dated 02/26/2026 - DO PASS, As Coauthored.

16
17
18
19
20
21
22
23
24