

1 **SENATE FLOOR VERSION**

2 February 6, 2018

3 SENATE BILL NO. 1447

By: Sykes

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5
6 An Act relating to Oklahoma Advance Directive Act;
7 amending Section 3, Chapter 144, O.S.L. 2017 (63 O.S.
8 Supp. 2017, Section 3102.5), which relates to persons
9 not authorized to make health care decisions; stating
10 that a health care provider shall not be held liable
11 under certain circumstances; and providing an
12 effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY Section 3, Chapter 144, O.S.L.
15 2017 (63 O.S. Supp. 2017, Section 3102.5), is amended to read as
16 follows:

17 Section 3102.5. No person shall be authorized under Section 2
18 of this act to make health care decisions for a patient if that
19 person:

20 1. Has been convicted of, pled guilty to, or pled no contest to
21 any violation of Section 843.1, 843.2, 843.4 or 843.5 of Title 21 of
22 the Oklahoma Statutes;

23 2. Has been found to have committed abuse, verbal abuse or
24 exploitation, as these terms are defined in Section 10-103 of Title
43A of the Oklahoma Statutes, by a final State Department of Health

1 | investigative finding or by an administrative law judge finding,
2 | unless that finding has been 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 | Provided, a health care provider acting in good faith shall not
8 | be held liable, criminally or civilly, for making health care
9 | decisions that are consistent with best practices of his or her
10 | profession and the laws and regulations governing his or her
11 | practice.

12 | SECTION 2. This act shall become effective November 1, 2018.

13 | COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
14 | February 6, 2018 - DO PASS

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