

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2512

By: Pittman

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5
6 AS INTRODUCED

7 An Act relating to public health and safety; defining
8 terms; providing screening for chronic kidney disease
9 for certain individuals; providing for exceptions;
10 creating rules for health care providers if diagnoses
11 is positive; providing for codification; and
12 providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-2603.10 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 The following words and phrases, when used in this section,
18 shall have the meanings unless the context clearly indicates
19 otherwise:

20 1. "Chronic kidney disease" means an estimated glomerular
21 filtration rate (eGFR) < 60 ml/min/1.73m² and/or markers of kidney
22 damage for at least three months;

23 2. "Department" means the Oklahoma State Department of Health;

24 3. "Health care facility" means any nonfederal institution,
building, or agency or portion thereof, whether public or private or

1 for profit or nonprofit, that is used, operated, or designed to
2 provide health services, medical treatment, or nursing,
3 rehabilitative, or preventive care to any person or persons. This
4 includes, but is not limited to: ambulatory surgical facilities,
5 hospitals, infirmaries, intermediate care facilities, kidney
6 dialysis centers, long-term care facilities, mental health centers,
7 outpatient facilities, public health centers, rehabilitation
8 facilities, residential treatments facilities, skilled nursing
9 facilities, special care facilities, medical laboratories, and adult
10 day-care centers. This also includes, but is not limited to, the
11 following related property when used for or in connection with the
12 foregoing: laboratories; research facilities; pharmacies; laundry
13 facilities; health personnel training and lodging facilities;
14 patient, guest, and health personnel food service facilities; and
15 offices and office buildings for persons engaged in health care
16 professions or services;

17 4. "Health care practitioner" means a physician, nurse
18 practitioner, or physician assistant who has prescriptive authority
19 and is licensed to practice in the State of Oklahoma;

20 5. "Health care provider" means any person or entity who
21 provides health care services including, but not limited to,
22 physicians, pharmacists, dentists, physician assistants, nurse
23 practitioners, registered and other nurses, paramedics, emergency
24

1 medical or laboratory technicians, and ambulance and emergency
2 medical workers;

3 6. "Hospital" means any institution, place, building or agency,
4 public or private, whether organized for profit or not, primarily
5 engaged in the maintenance and operation of facilities for the
6 diagnosis, treatment or care of patients admitted for overnight stay
7 or longer in order to obtain medical care, surgical care,
8 obstetrical care, or nursing care for illness, disease, injury,
9 infirmity, or deformity;

10 7. "Physician" means a physician licensed by and in good
11 standing with the State Board of Medical Licensure and Supervision,
12 the State Board of Osteopathic Examiners or the Board of Podiatric
13 Medical Examiners; and

14 8. "Screening test for chronic kidney disease" means any
15 laboratory test that detects glomerular filtration rate estimated
16 from the serum creatinine concentration (eGFR) using the CKD-EPI
17 (CKD Epidemiology Collaboration) equation and albuminuria from the
18 urinary albumin-creatinine ratio.

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1-2603.11 of Title 63, unless
21 there is created a duplication in numbering, reads as follows:

22 A. Each individual who, in the reasonable judgment of a
23 treating health care practitioner, is at risk for chronic kidney
24 disease, including individuals with diabetes, hypertension,

1 cardiovascular disease, acute kidney injury, family history of
2 kidney disease or who are older than sixty (60) years of age, who
3 receives health services as an inpatient in a hospital or who
4 receives primary care services in an outpatient department of a
5 hospital, health care facility or physician's office, shall be
6 offered a screening test for chronic kidney disease unless the
7 health care practitioner reasonably believes at least one of the
8 following:

9 1. The individual is being treated for a life-threatening
10 emergency;

11 2. The individual has previously been offered or has been the
12 subject of a screening test for chronic kidney disease within the
13 past year; or

14 3. The individual lacks capacity to consent to a screening test
15 for chronic kidney disease.

16 B. If an individual accepts the offer of a screening test for
17 chronic kidney disease and is diagnosed with chronic kidney disease,
18 the health care provider shall:

19 1. Either offer the individual follow-up health care or refer
20 the individual to a health care provider who can provide follow-up
21 health care for individuals diagnosed with chronic kidney disease;
22 and

23 2. Provide the individual with information about chronic kidney
24 disease, either verbally or in writing or by any other means at the

1 discretion of the health care provider, including without limitation
2 information about the availability of genetic testing for the
3 apolipoprotein L1 gene risk variant, and the meaning of the results
4 of such test for individuals diagnosed with chronic kidney disease.

5 3. The offering of chronic kidney disease screening tests under
6 these sections shall be culturally and linguistically appropriate in
7 accordance with regulations promulgated by the Department.

8 4. This section shall not affect the scope of practice of any
9 health care practitioner or diminish any authority or legal or
10 professional obligation of any health care practitioner to offer a
11 screening test for chronic kidney disease or to provide services or
12 care for the subject of such a screening test.

13 5. A health care provider or health care practitioner that
14 fails to comply with the requirements of this section shall not be
15 subject to any disciplinary actions related to their licensure or
16 certification, or to any civil or criminal liability.

17 SECTION 3. This act shall become effective November 1, 2023.

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