

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 463

By: Quinn

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Advance Directive
8 Act; amending Section 3, Chapter 144, O.S.L. 2017 (63
9 O.S. Supp. 2018, Section 3102.5), which relates to
10 persons not authorized to make health care decisions;
11 adding finding by Department of Human Services to
show abuse or exploitation by certain person;
12 limiting liability of health care provider or entity
13 under certain circumstances; updating statutory
14 reference; and providing an effective date.

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

16 SECTION 1. AMENDATORY Section 3, Chapter 144, O.S.L.
17 2017 (63 O.S. Supp. 2018, Section 3102.5), is amended to read as
18 follows:

19 Section 3102.5. A. No person shall be authorized under Section
20 ~~2~~ 3102.4 of this ~~act~~ title to make health care decisions for a
patient if that person:

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

1 2. Has been found to have committed abuse, verbal abuse or
2 exploitation, as these terms are defined in Section 10-103 of Title
3 43A of the Oklahoma Statutes, by a final State Department of Health
4 or Department of Human Services investigative finding or by an
5 administrative law judge finding, unless that finding has been
6 overturned through judicial review; or

7 3. Has been criminally charged as described in subsection B of
8 Section 10-110.1 of Title 43A of the Oklahoma Statutes, unless the
9 person has been acquitted or those charges have been finally
10 dismissed.

11 B. No health care provider or health care entity shall be
12 liable for following in good faith the instructions of a person
13 otherwise authorized to make health care decisions for a patient
14 pursuant to Section 3102.4 of this title, but whom the health care
15 provider or health care entity does not know or have reason to know
16 is disqualified from exercising such authority by subsection A of
17 this section.

18 SECTION 2. This act shall become effective November 1, 2019.

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