

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 998

By: Brown

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5  
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. 2017, Section 3102.5), which relates to  
10 persons not authorized to make health care decisions;  
11 providing certain construction; updating statutory  
12 references; and declaring an emergency.

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. A. No person shall be authorized under Section  
18 ~~2 of this act~~ 3102.4 of this title to make health care decisions for  
19 a patient if that 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 |       B. The provisions in this section shall not impose on a health  
8 | care provider a legal duty nor liability to verify the attestation  
9 | of compliance with this section by a person authorized to make  
10 | health care decisions for another.

11 |       SECTION 2. It being immediately necessary for the preservation  
12 | of the public peace, health or safety, an emergency is hereby  
13 | declared to exist, by reason whereof this act shall take effect and  
14 | be in full force from and after its passage and approval.

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