An Act

ENROLLED HOUSE
BILL NO. 2603

By: Hamilton, Biggs, Christian and Ritze of the House

and

Newberry of the Senate

An Act relating to public health and safety; creating the Medical Treatment Laws Information Act; defining certain terms; requiring Board of Medical Licensure and Supervision to prepare certain brochure and online presentation; requiring Board to provide means for certain verification; requiring Board to provide certification; requiring certain entities to provide copy of brochure to certain individuals and requiring that such individuals sign certain certificate; requiring certain initial and annual training; requiring certain individuals to observe online presentation once each two-calendar-year period; requiring Board to prepare certain disclosure statement; requiring publication by the State Department of Health; requiring certain entities to provide disclosure statement to patients; providing certain date in which brochure, online presentation, and disclosure statement are to be prepared; requiring certain publication by the State Department of Health and providing methodology therefor; providing for codification; providing for noncodification; and providing an effective date.

SUBJECT: Medical Treatment Laws Information Act

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3160 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Medical Treatment Laws Information Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3161 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Medical Treatment Laws Information Act:

1. "Associated with the inpatient health care services entity" means, with regard to a particular inpatient health care services entity, that the health care provider is an employee or agent of the entity, that the health care provider has privileges to provide health care services to patients in the entity, or that the health care provider in fact provides health care services to patients in the entity. For purposes of this definition, provision of health care services to patients in the entity shall be deemed to include provision of health care services to patients in an emergency room operated by the entity, regardless of whether those patients are admitted as inpatients;

2. "Health care provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state as a physician, physician assistant, certified nurse practitioner, advanced practice registered nurse (including one with a certified specialty), registered nurse, or licensed practical nurse, but does not include a nurse midwife;

3. "Health care services" means any services provided by a health care provider, or by an individual working for or under the supervision of a health care provider, that relate to the diagnosis, assessment, prevention, treatment or care of any human illness, disease, injury or condition;

4. "Inpatient health care services entities" means those hospitals defined in paragraphs 2, 3 and 5 of Section 1-701 of Title 63 of the Oklahoma Statutes, a nursing facility as defined in paragraph 10 of Section 1-1902 of Title 63 of the Oklahoma Statutes, a specialized facility as defined in paragraph 11 of Section 1-1902 of Title 63 of the Oklahoma Statutes, and those long-term care

facilities described in subparagraphs e and f of paragraph 1 of Section 1-1945 of Title 63 of the Oklahoma Statutes; and

5. "Other defined officials" means, with regard to a particular health care services entity, to the extent such officials exist, the members of the board of directors, the administrator or chief executive officer, and the general counsel, by whatever titles those serving these functions may be called.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3162 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Medical Licensure and Supervision shall prepare, and from time to time amend, a brochure to inform health care providers of their responsibilities and rights under the specified sections of the Hydration and Nutrition for Incompetent Patients Act (Sections 3080.2 through 3080.5 of Title 63 of the Oklahoma Statutes), the Nondiscrimination in Treatment Act (Sections 3090.2 and 3090.3 of Title 63 of the Oklahoma Statutes), the Oklahoma Advance Directive Act (Section 3101.9 of Title 63 of the Oklahoma Statutes), the Oklahoma Do-Not-Resuscitate Act (Section 3131.4 of Title 63 of the Oklahoma Statutes) and the Assisted Suicide Prevention Act (Sections 3141.3 and 3141.4 of Title 63 of the Oklahoma Statutes). The brochure shall include contact information for officials to whom alleged violations of those provisions may be reported. The Board shall prepare, from time to time revise, and make available on the Board's website an online presentation, which shall be a minimum of one (1) hour in length, consisting of training on the responsibilities and rights of health care providers covered by the current brochure. The Board shall provide for means to verify that a viewer indeed observed the full online presentation, such as a quiz on its content to be answered at the end of the presentation or other methods commonly employed in association with continuing medical education. The Board shall provide to each viewer who complies with such verification a dated certification that the viewer completed the online training. The Board shall make the current brochure and online presentation available on the Board's website and shall inform all Oklahoma inpatient health care services entities of their availability and how to access them online on the Board's website.

B. Inpatient health care services entities shall ensure that all health care providers and other defined officials associated with the inpatient health care services entity are provided with a

copy of the current brochure and sign a certification that they have read the brochure and are familiar with their responsibilities and rights as set forth therein:

1. Within fourteen (14) days of beginning employment with, of beginning service on the board of directors of, or of beginning to provide services to patients at the entity; and

2. At least once during each calendar year.

C. At least once during each consecutive two-calendar-year period all health care providers and other defined officials associated with an inpatient health care services entity shall observe the online presentation described in subsection A of this section. The time required for observation of this presentation shall count as part of, rather than being in addition to, continuing education otherwise required for licensed health care providers. Inpatient health care services entities shall ensure that all health care providers and other defined officials associated with the inpatient health care services entity provide the entity with a copy of each dated certification by the Board verifying that the provider or official observed the online presentation described in subsection A of this section in compliance with this requirement, and shall maintain such copies on file for a minimum of four (4) calendar years following the calendar year to which they apply. The files of such copies shall be subject to inspection under subsection B of Section 1-705, and Sections 1-829 and 1-1911 of Title 63 of the Oklahoma Statutes.

D. The provisions of subsection B of this section shall be effective at the beginning of the second calendar month after the month in which the State Board of Medical Licensure and Supervision publishes the initial brochure required by this section on its website. The provisions of subsection C of this section shall be effective beginning with calendar year 2015.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3163 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Medical Licensure and Supervision shall prepare, and from time to time amend, a disclosure statement designed to inform patients and patients' families of their rights under the specified sections of the Hydration and Nutrition for Incompetent Patients Act (Sections 3080.2 through 3080.5 of Title 63

of the Oklahoma Statutes), the Nondiscrimination in Treatment Act (Sections 3090.2 and 3090.3 of Title 63 of the Oklahoma Statutes), the Oklahoma Advance Directive Act (Section 3101.9 of Title 63 of the Oklahoma Statutes) and the Oklahoma Do-Not-Resuscitate Act (Section 3131.4 of Title 63 of the Oklahoma Statutes). The disclosure statement shall include contact information for officials to whom alleged violations of those provisions may be reported. The State Department of Health shall make the current disclosure statement available on the Department's website and shall inform the entities specified in subsection B of this section of the availability of the disclosure statement and how to obtain the disclosure statement.

B. Any entity to which the requirements of the federal Patient Self-Determination Act under 42 U.S.C., Section 1395cc(f) or 42 U.S.C., Section 1396a(w) apply shall, at the time of providing the written information required by 42 U.S.C., Section 1395cc(f)(1)(A)(i) or 42 U.S.C., Section 1396a(w)(1)(A)(i), include a copy of the disclosure statement described in subsection A of this section.

C. The provisions of subsection B of this section shall be effective thirty (30) days after the date on which the State Department of Health publishes the initial disclosure statement required by this section.

SECTION 5. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The State Board of Medical Licensure and Supervision shall prepare the initial brochure and initial online presentation required by Section 3 of this act and the initial disclosure statement required by Section 4 of this act within sixty (60) days of the act's effective date. The State Department of Health shall publish the initial disclosure statement, making it available on the Department's website and making copies of it available to the entities specified in subsection B of Section 4 of this act, within sixty (60) days of the date on which the initial disclosure statement is transmitted to the Department by the Board.

SECTION 6. This act shall become effective November 1, 2014.

Passed the House of Representatives the 10th day of March, 2014.

Presiding Officer of the House
of Representatives

Passed the Senate the 14th day of April, 2014.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th
day of April, 2014, at 2:30 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 21st
day of April, 2014, at 2:34 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st
day of April, 2014, at 5:40 o'clock P. M.
By: Chris Benge