

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1395

By: Adelson

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6 AS INTRODUCED

7 An Act relating to public health and safety; creating
8 the Empowering Patient Decision Act; providing short
9 title; defining terms; directing the State Department
10 of Health to establish certain protocols; requiring
11 certain protocols to be published and distributed
12 free of charge to specified entities; making certain
legislative declaration; requiring informed consent
in certain circumstances; requiring use of shared
decision making and patient decision aids in certain
circumstances; providing for codification; and
providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3161 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the "Empowering
20 Patient Decision Act".

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3162 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

24 As used in the Empowering Patient Decision Act:

1 1. "Health care provider" means a physician licensed in the
2 state by the State Board of Medical Licensure and Supervision or the
3 State Board of Osteopathic Examiners;

4 2. "Patient decision aid" means an educational tool, including,
5 but not limited to, the internet, a video, or a pamphlet, that helps
6 a patient or a patient's caregiver:

7 a. understand and communicate the patient's beliefs and
8 preferences related to the patient's treatment
9 options, and

10 b. decide, in consultation with the patient's health care
11 provider, which course of treatment is best for the
12 patient based on scientific evidence and the patient's
13 treatment options, beliefs, and preferences;

14 3. "Preference-sensitive care" means medical care for which
15 clinical evidence does not clearly support one treatment option such
16 that the appropriate course of treatment depends on the values of
17 the patient or the preferences of the patient regarding the
18 benefits, harms, and scientific evidence for each treatment option.
19 The use of such care shall depend on informed patient choice among
20 clinically appropriate treatment options and shall include medical
21 care for the conditions specified in Section 4 of this act; and

22 4. "Shared decision making" means a collaborative process
23 between the patient and health care provider that engages the
24 patient in decision making, provides the patient with information

1 about trade-offs among treatment options, and facilitates the
2 incorporation of patient preferences and values into the medical
3 plan.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3163 of Title 63, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The State Department of Health shall establish protocols for
8 patient decision aids in consultation with national organizations
9 whose mission is to help patients make informed medical decisions,
10 such as the Foundation for Informed Medical Decision Making, the
11 Center for Information Therapy, Healthwise, or the Institute of
12 Medicine.

13 B. Protocols established pursuant to subsection A of this
14 section shall be published and distributed free of charge to health
15 care providers.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3164 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Oklahoma Legislature declares that every human being of
20 adult years and sound mind and body has a natural right to determine
21 what shall be done with his or her own body and that the state has
22 an interest in protecting that right.

23 B. No medical intervention shall be delivered except upon the
24 informed consent of the patient. With regard to the following

1 conditions, informed consent shall be rendered by the use of shared
2 decision making and the provision of patient decision aids:

- 3 1. Arthritis of the hip and knee;
- 4 2. Chronic back pain;
- 5 3. Chest pain, or stable angina;
- 6 4. Enlarged prostate, or benign prostatic hypertrophy;
- 7 5. Early-stage prostate cancer;
- 8 6. Early-stage breast cancer;
- 9 7. Peripheral vascular disease;
- 10 8. Gall stones;
- 11 9. Threat of stroke from carotid artery disease;
- 12 10. Any condition identified by the State Department of Health
13 as preference-sensitive care.

14 SECTION 5. This act shall become effective January 1, 2011.

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