

BILL SUMMARY
2nd Session of the 58th Legislature

Bill No.:	HB3815
Version:	FULLPCS1
Request Number:	10635
Author:	Stinson
Date:	2/22/2022
Impact:	Please see previous summary of this measure

Research Analysis

The PCS to HB 3815 creates the Oklahoma Health Care Agent Act. It authorizes a person with capacity to give oral or written instruction regarding power of attorney. The PCS provides that a person with capacity may execute a power of attorney for health care. Such persons shall be empowered to make any health care decision the principal could have made while having capacity except the withholding of food or water, which may be authorized in compliance with the Oklahoma Advance Directive Act. No agent may be an owner, operator, or employee of a residential long-term health care institution unless the agent is directly related to the principal.

The authority of an agent becomes effective only upon a determination by the attending physician that the principal lacks capacity and agent authority cease upon a determination that the principal has recovered capacity. Agents are directed by the measure to make health care decisions based on the individual instructions of the principal and shall be effective without judicial approval. The PCS requires that a power of attorney for healthcare be signed by the principal and witnessed by two individuals who are at least eighteen years old and not legatees, devisees, or heirs at law of the principal. Principals may revoke the designation of an agent by a signed writing or by personally informing the supervising health care provider at any time and in any manner that communicates an intent to revoke. The measure establishes revocation of power of attorney for healthcare in certain situations. The PCS provides an example form to be used when designating an agent for healthcare power of attorney.

The PCS specifies the requirements for the attending physician or health care provider as it relates to healthcare power of attorney. A person authorized to make health care decisions for a patient has the same rights as the patient to request, receive, examine, copy, and consent to the disclosure of medical or any other health information. A health care provider or facility will not be subject to civil or criminal liability for certain actions. The measure specifies certain construing provisions. The PCS adds and modifies certain definitions.

Prepared By: Dan Brooks

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: Mark Tygret

Other Considerations

None.

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