

BILL SUMMARY
2nd Session of the 59th Legislature

Bill No.:	HB 3214
Version:	FA1
Request Number:	10702
Author:	Rep. West (Kevin)
Date:	3/11/2024
Impact:	\$0

Research Analysis

The floor substitute to House Bill 3214 establishes the right of medical practitioners, healthcare institutions, and healthcare payers to refuse participation in or payment for medical procedures that violate their conscience. It also establishes provisions for immunity from liability, requires written declarations of conscience objection, and safeguards against discrimination or retaliation. The immunity provisions of the measure do not apply to a health care institution or health care payor owned or operated by the state or a political subdivision of the state. Furthermore, it prohibits interference with exercising conscience rights and provides avenues for legal recourse in case of unlawful interference. The legislation also mandates the promulgation of rules by the Insurance Commissioner for its implementation.

CHANGES IN FLOOR SUBSTITUTE FROM THE COMMITTEE SUBSTITUTE:

The floor substitute removes "disclosure" and "medical procedure or service" from the list of defined terms and adds "healthcare institution," "healthcare service," and "person" to the list. It provides that the measure's immunity provisions do not apply to a healthcare institution or healthcare payor owned or operated by the state or a political subdivision of the state. The substitute modifies the administrative penalty the licensing board must pay the practitioner from \$500 per day to \$500 per week of noncompliance.

Prepared By: Matthew Brenchley

Fiscal Analysis

HB 3214 grants medical practitioners, health care institutions, and health care payors the right to not participate in medical procedures or pay for services that violate their conscience. Civil or criminal liability or discriminatory actions against those who exercise their right of conscience is prohibited, however, this measure does not override the requirement to provide emergency medical treatment to all patients. The state licensing board must provide a medical practitioner with any complaint received within fourteen (14) calendar days after receipt or the licensing board must pay the practitioner an administrative penalty of five hundred dollars (\$500) per week of noncompliance.

Health care payors who are subject to the Insurance Commissioner's jurisdiction must include a list of services in their policy they may decline to pay for on the basis of conscience. The Insurance Commissioner must promulgate necessary rules regarding the implementation to those insurers under its jurisdiction. The Oklahoma Insurance Department (OID) is a non-appropriated state agency, therefore, any related costs are assumed to be objective within the Department's existing budgetary resources.

In its current form, this measure is not anticipated to have a direct fiscal impact on the state budget or appropriation.

Prepared By: Alexandra Ladner, House Fiscal Staff

Other Considerations

None.

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